JURNAL AKTA
Volume 12 No. 4, December 2025
SINTA 2,
Decree No. 164/E/KPT/2021

The Normative Antinomy in the Paradox of Customary Rights Protection in the Vortex of Investment and Structural Agrarian Conflict

Mustika Mega Wijaya[1)] & Megawati Barthos[2)]
[1)]Universitas Pakuan Bogor, Indonesia, E-mail: mustikamega@unpak.ac.id
[2)] Universitas Borobudur Jakarta, Indonesia, E-mail: megawati_barthos@borobudur.ac.id

Abstract. *The urgency of this research lies in the pressing need to rectify the antinomy of norms between the protection of customary land rights (hak ulayat) and the neoliberal investment regime following the enactment of the Job Creation Law, which has triggered structural agrarian conflicts. This study aims to deconstruct the distorted interpretation of the State Right of Control (Hak Menguasai Negara), which currently legitimizes state-facilitated land grabbing practices through the Land Bank instrument and licensing bureaucracy. Through critical analysis, this study seeks to formulate legal corrections to realign the direction of agrarian politics with the constitutional mandate of social justice. This research employs a normative legal research method focused on examining the antinomy of norms and dogmatic conflicts between the protection regime for customary law communities and the investment acceleration regime within the national agrarian legal system. The study finds that post-Job Creation Law, the agrarian legal paradigm has shifted drastically toward neoliberalism, distorting the state's function into a commercial agent through the Land Bank. Its implementing regulations operate as a legal ecosystem that facilitates the systematic dispossession of people's land and nullifies public participation for the sake of investment. This reduces the philosophy of land to merely a capital asset, perpetuates structural conflicts, and manifestly betrays the constitutional mandate.*

Keywords: *Antinomy; Customary; Land; Norm.*

1. INTRODUCTION

Indonesia is currently in a critical phase in its agrarian legal history, a period marked by intense tension between the constitutional mandate to protect the unity of customary law communities and the state's ambition to accelerate economic growth through global investment (Safitri & Moeliono, 2010). The background of this research is rooted in the phenomenon of a shift in the national land law paradigm, which is moving further away from the spirit of populism contained in Law No. 5 of 1960 concerning Basic Agrarian Principles (UUPA). Instead, current legal policy tends to adopt a neoliberal character that treats land solely as a capital asset, rather than as a factor of social production or a living space (lebensraum) for indigenous peoples. The urgency of this issue is evident in the

emergence of a sharp antinomy between the human rights protection legal regime and the investment legal regime, which in turn creates a protection paradox: the more regulations are issued, the more vulnerable customary rights become in the face of capital power (Tambunan et al., 2025).

This phenomenon does not occur in a vacuum, but is a consequence of legal policies that prioritize investment as the driving force of development (Sirait, 2019). In this context, the existence of customary law communities with their customary rights is often seen as an investment barrier or bottleneck in land acquisition. As a result, the state has engaged in legal engineering through the formulation of new legislation, particularly Law No. 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law No. 2 of 2022 concerning Job Creation into Law (Job Creation Law), which systematically reduces, limits, even eliminates traditional rights that were previously recognized by the constitution and court decisions. This situation creates what is known as structural agrarian conflict, namely conflict caused by policies and decisions of public officials who prioritize corporate interests over the interests of the people, which are supported by formal legality but are flawed in terms of substantive justice.

This inconsistency or antinomy is clearly evident when we compare Article 18B paragraph (2) of the 1945 Constitution, which recognizes and respects the unity of customary law communities and their traditional rights, with the operational reality of its derivative regulations. Although the constitution provides guarantees, the conditions for recognition set out in the implementing regulations are highly bureaucratic, costly, and political, creating a "barrier" for indigenous peoples to obtain legal recognition (Sudrajat, 2022). On the other hand, the red carpet is rolled out for investors through an integrated electronic licensing mechanism known as the Online Single Submission Risk-Based Approach (OSS-RBA), which allows licenses to be issued over customary territories without adequate field verification. This is the essence of the paradox that is the focus of this study: the state acts as a facilitator of land grabbing through legally valid instruments.

At the philosophical and constitutional level, Article 33 paragraph (3) of the 1945 Constitution mandates that the earth, water, and natural resources are controlled by the state and used for the greatest prosperity of the people. The interpretation of "prosperity of the people" in previous Constitutional Court decisions has always emphasized social justice and protection of vulnerable groups, including indigenous peoples. However, the Job Creation Law and its derivative regulations radically reinterpret the concept of State Control Rights (HMN). Under the Job Creation Law regime, HMN is interpreted as the state's authority to facilitate investment through the provision of fast and cheap land. This can be seen in the provisions of Articles 125 to 135 of the Job Creation Law, which establish the Land Bank, a sui generis agency given extraordinary authority to manage state land for the sake of investment. The antinomy arises because the social function of land mandated by the constitution is replaced by the commercial function of land mandated by law. Communal and magical-religious customary rights are forced to submit to the individualistic and capitalistic logic of the land market.

The most striking antinomy occurs between Constitutional Court Decision Number 35/PUU-X/2012 and the implementation of forestry regulations. The Constitutional Court decision explicitly states that Customary Forests are no longer State Forests, but rather forests located in the territory of customary law communities. This decision should be a

milestone in the restoration of indigenous peoples' rights to their forest territories. However, the legal reality created by the government through Government Regulation No. 23 of 2021 concerning Forestry Management (a derivative of the Job Creation Law) has actually complicated the situation. Although the status of Customary Forests is recognized declaratively, the process of determining them is hampered by convoluted bureaucracy or hyper-regulation. The Ministry of Environment and Forestry (KLHK) requires the establishment of Indigenous Peoples (MHA) through Regional Regulations (Perda) or Regional Head Decrees before Indigenous Forests can be designated. This requirement creates a practical antinomy: on the one hand, the state recognizes that customary rights do not originate from the state (declaratory), but on the other hand, the state requires administrative procedures that are constitutive (granting) in nature (Setyowati, 2023). As long as the decree has not been issued, the customary area will continue to be treated as State Forest or State Land that can be subject to concession permits. This administrative gap is being exploited to issue mining and oil palm permits over customary areas, creating a legal fait accompli in which indigenous peoples lose their territories de facto even though they have constitutional rights.

The presence of the Land Bank Agency through Government Regulation No. 64 of 2021 concerning the Land Bank Agency adds a new and very serious layer of threat to the existence of customary land. The Land Bank is designed as an institution that functions to guarantee the availability of land for public interests, social interests, national development interests, economic equality, land consolidation, and agrarian reform (Arnowo, 2022). However, upon closer examination, there is significant potential for conflict of norms regarding the source of land for the Land Bank. Article 7 of Government Regulation No. 64 of 2021 stipulates that the source of land for the Land Bank comes from Government-Designated Land and Other Parties' Land. Government-designated land includes State Land, including former rights land, released forest areas, abandoned land, and land with released rights. Legal issues arise because the definition of "State Land" in Indonesian agrarian law often negates unregistered customary land (Sukirno, 2018). Many customary lands managed under a rotation system (shifting cultivation) are categorized by the state as "abandoned land" or "free state land." With the Land Bank's authority to take over abandoned land and state land, uncertified customary lands automatically become the main target of the Land Bank's acquisitions.

The antinomy is even more acute because the Land Bank is granted Management Rights (HPL) over the land it controls. Under the Land Bank's HPL, Cultivation Rights (HGU), Building Rights (HGB), and Use Rights can be issued for the benefit of investors for very long periods of time. This creates a paradox in which an institution mandated to carry out agrarian reform has the potential to become a giant landlord that monopolizes control of state land and marginalizes the access of indigenous peoples. The lawsuit filed by civil society organizations against PP 64/2021 shows the extent of public resistance to a norm that is considered to legalize land grabbing.

Government Regulation No. 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration strengthens the position of Management Rights (HPL) as an instrument of state control. Articles 4 to 6 of PP 18/2021 state that HPL can originate from State Land and Customary Land. However, an absolute requirement for customary land to become HPL is the "release of rights" from the customary law community to the state. This norm is highly problematic because it forces indigenous peoples to relinquish their eternal and religious relationship with their ancestral land in

order to obtain formal legal status. Once relinquished and converted into HPL (e.g., HPL BP Batam or HPL Bank Tanah), the customary community's legal relationship is completely severed, and they are only placed as recipients of compensation. This contradicts the principle of inalienable customary rights. This mechanism is clearly evident in PSN cases, where communities are forced to accept relocation and title deeds in new locations in exchange for the loss of their customary land, a process that is essentially the destruction of cultural entities for the sake of development administration.

Structural agrarian conflicts also occur on a massive scale in coastal areas and small islands, particularly in eastern Indonesia, which is rich in nickel (Soetarto et al., n.d.). Law No. 27 of 2007 in conjunction with Law No. 1 of 2014 concerning Coastal Zone and Small Islands Management (PWP3K Law) essentially prohibits mining activities on islands with an area of less than 2,000 km² due to their ecological vulnerability. However, this protection norm conflicts with Law No. 3 of 2020 concerning Mineral and Coal Mining (Minerba Law), which is highly centralistic and pro-extraction. Practices in the field, such as those occurring on Wawonii Island (Southeast Sulawesi) and Halmahera Island (North Maluku), show that Mining Business Permits (IUP) continue to be issued on small islands in the name of nickel's strategic importance as a raw material for global electric vehicle batteries. The Constitutional Court has indeed rejected the judicial review filed by corporations to legalize mining on small islands, but legal loopholes continue to be exploited through discretionary licensing and the definition of "technology utilization" that is considered environmentally friendly. As a result, indigenous communities in coastal areas are experiencing a double impact: loss of agricultural land due to mining concessions, and loss of fishing grounds due to tailings pollution in the sea. The destruction of the Sagea River and the karst ecosystem in Halmahera is clear evidence of how the ambition to downstream nickel is destroying the living space of local communities without adequate legal protection (Wibisono, 2024).

Based on the above explanation, the urgency of this research is very clear and pressing. Indonesia is facing an agrarian crisis caused by legal designs that deliberately marginalize customary rights for the sake of investment interests. Normative antinomy is not merely a drafting error in legislation, but a reflection of the ideological battle between agrarian populism and neoliberalism, which has been won by market forces through state instruments. The conflict data presented, ranging from millions of hectares of land grabbing to hundreds of criminalizations of citizens, are hard facts that cannot be denied. The presence of new institutions such as the Land Bank and the strengthening of HPL through the Job Creation Law and its implementing regulations (PP 18/2021, PP 19/2021, PP 64/2021) have created a highly unequal political and legal structure. This study will delve deeper to uncover the legal rationality behind these regulations, analyze how the doctrine of "public interest" is manipulated for private interests, and how this antinomy of norms works operationally in the field to legalize land grabbing. Without a comprehensive and critical analysis of this paradox, efforts to protect customary rights will only remain constitutional rhetoric, while in practice, the existence of customary law communities is slowly but surely being eroded by the rapid flow of investment facilitated by the state's own laws.

2. RESEARCH METHODS

This research is normative legal research (doctrinal legal research) focused on examining the antinomy of norms and dogmatic conflicts between the regime of protecting the

rights of customary law communities and the regime of accelerating investment in the national agrarian legal system. Through a statute approach and a conceptual approach, this study dissects the hierarchical tension between the constitutional mandate of Article 18B paragraph (2) and Article 33 paragraph (3) of the 1945 Constitution and the ratio decidendi of Constitutional Court Decision Number 35/PUU-X/ 2012, in relation to the operational legal construction in Law No. 6 of 2023 (Job Creation Law), Government Regulation No. 64 of 2021 concerning the Land Bank Agency, and Government Regulation No. 18 of 2021. The data sources are based on primary and secondary legal materials that are analyzed qualitatively using legal interpretation (hermeneutics) and deductive logic to reveal shifts in the interpretation of State Control Rights (HMN) and diagnose the legal implications of institutionalizing state-facilitated land grabbing, in order to formulate legal prescriptions that can return the direction of agrarian legal policy to the corridor of constitutionalism with social justice.

3. RESULTS AND DISCUSSION

3.1. The Deconstruction of Agrarian Constitutionalism: Neoliberal Hegemony and the Antinomy of Interpreting State Control Rights (HMN) after the Job Creation Law

The heart of the national agrarian conflict lies in the battle over the interpretation of State Control Rights (HMN). The Constitutional Court (MK), through its legendary Decision Number 001-021-022/PUU-I/2003, has laid down clear demarcations regarding the limits of HMN. The MK interpreted that "controlled by the state" is not synonymous with "owned by the state" (state ownership). The constitutional mandate gives the state authority in four main functions: (1) regulating (regelendaad), (2) administering (bestuursdaad), (3) managing (beheersdaad), and (4) supervising (toezichthoudensdaad). In this construction, the state acts as a public entity that maintains balance and fairness in the distribution of resources, not as a private entity that owns land assets like a feudal landlord or property corporation. The state is strictly prohibited from acting as an owner that can negate the rights of the people that already existed on the land.

However, the presence of the Land Bank (Land Bank Agency) introduced by the Job Creation Law and further regulated in Government Regulation No. 64 of 2021 blatantly violates the Constitutional Court's interpretation. The Land Bank is designed as a sui generis legal entity granted Management Rights (HPL) over state-owned land and abandoned land. An antinomy arises when the Land Bank is given the authority to ensure the availability of land for investment and economic interests (Rojiun et al., 2022). In practice, the Land Bank accumulates land (land banking) and distributes it to investors by granting derivative rights such as Cultivation Rights (HGU) or Building Rights (HGB) on its HPL. This mechanism effectively changes the state's position from regulator to largest land speculator. The state, through the Land Bank, now has a direct business interest in land.

Sharp criticism from legal academics and agrarian activists highlights that the concept of the Land Bank is a manifestation of State Capitalism in the agrarian sector. The land claimed as assets of the Land Bank often overlaps with community-managed areas or customary land that has not been administered (Abd Kadir et al., 2024). When the Land Bank places an HPL on the land, legally the land becomes a separate state asset, and

the rights of the people on it are considered non-existent or must be cleared. The Constitutional Court's decision confirms that HMN is used for the greatest prosperity of the people, but the executive interpretation in the Job Creation Law diverts it to HMN for the greatest ease of investment. This antinomy creates radical legal uncertainty: the constitution guarantees the rights of the people, but operational laws facilitate the state to seize those rights in order to fill the Land Bank's asset portfolio (Putranto & Triadi, 2025).

One of the most dangerous legal instruments for the survival of customary rights after the Job Creation Law is hidden in the technical details of Government Regulation No. 18 of 2021. An in-depth analysis of Article 6 of this regulation reveals a very subtle but deadly mechanism for legalizing land grabbing. This article stipulates that Management Rights (HPL) can originate from State Land or Customary Land. However, the explanatory paragraph and the implementation mechanism require that in order to establish HPL over Customary Land, it must be preceded by a process of "release of rights" by the customary law community to the state. This is the point where the logic of customary law is destroyed by the logic of state law. In customary cosmology, the relationship between the community and its customary land is eternal, religious, and inalienable. Asking indigenous peoples to "release" their customary rights is tantamount to asking them to commit cultural suicide.

The concept of "release of rights" contains a fatal legal fallacy. If customary rights are recognized by the constitution (Article 18B paragraph 2 of the 1945 Constitution), then the state should only carry out administrative registration or recognition (declaratory), not request a release in order to then grant new rights (constitutive) on behalf of the state. Under the mechanism of Article 6 of Government Regulation 18/2021, customary land that is relinquished immediately changes status to become State Land. Once it becomes State Land, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency or the Land Bank then issues a Management Rights Certificate (HPL). It is on top of this HPL that HGU or HGB is then issued to investors. Indigenous communities that relinquish their rights may receive one-time compensation, but they lose sovereignty over their living space forever. Land that was once social capital and a guarantee of life across generations is transformed into corporate capital assets that are closed to community access.

The explanation of PP 18/2021 and its derivative regulations creates a very expansive definition of "State Land." State Land is defined negatively as land that is not subject to land rights, is not waqf land, is not customary land, and is not state assets. The problem is that the burden of proof that a piece of land is "Customary Land" is placed on indigenous peoples with very heavy and rigid administrative requirements (Marcella Santoso & others, 2024). If indigenous communities fail to prove the existence of their customary rights according to state bureaucratic standards, which often require maps, written history, and formal institutional legality, then the land is automatically claimed as State Land. This is a very detrimental default mechanism: "State Land until proven otherwise," when in fact sociological reality shows that "People's Land until the state seizes it." PP 18/2021 thus does not serve to protect customary rights, but rather provides a legal corridor ("red carpet") to clear customary claims so that the land becomes "clean and clear" for investors.

The forestry sector presents the most blatant drama of normative antinomy. In 2012, the Constitutional Court, through Decision Number 35/PUU-X/2012, corrected the historical error of the 1999 Forestry Law by stating: "Customary forests are forests located within the territory of customary law communities, and are no longer state forests." This ruling was welcomed as a major victory for the indigenous peoples' movement, a constitutional promise that the state could no longer claim customary forests as its property. However, the reality after the Job Creation Law, which was operationalized through Government Regulation No. 23 of 2021 concerning Forestry Management, shows bureaucratic disobedience to the ruling. Instead of facilitating the recognition of customary forests as property rights (ownership rights), PP 23/2021 actually includes Customary Forests in the Social Forestry regime, which has the nuance of "access granting" or management permits.

The antinomy lies in the legal construction established by PP 23/2021 and the technical regulations of the Ministry of Environment and Forestry. Customary forests are placed on an equal footing with other social forestry schemes such as village forests or community forests, which are based on permits on state land. In fact, customary forests are ontologically the private/communal property of indigenous peoples, not state land that is leased. The requirements for establishing Customary Forests in PP 23/2021 are highly bureaucratic and political. Indigenous peoples must first obtain recognition of the existence of Indigenous Peoples (MHA) through Regional Regulations (Perda) or regional head decisions. The political process at the regional legislative level is highly susceptible to political transactions and the intervention of plantation or mining corporations, which often dominate the local political economy. If the local government is reluctant to issue a Perda recognizing the MHA, then the status of Customary Forests will never be established by the central government.

As a result, there has been severe congestion in the designation of customary forests. Millions of hectares of customary areas are still classified as state forest areas and burdened with corporate concession permits. PP 23/2021 also gives the government the authority to carry out "boundary adjustments" of forest areas, which are often done unilaterally using satellite technology without meaningful participation from the communities in the field. Tenure conflicts have erupted because indigenous peoples are defending territories that are de facto and constitutionally (post-MK 35) theirs, but are still considered state forest areas for forestry administration purposes (based on PP 23). Law enforcement officials often use the formal legality of PP 23/2021 as a pretext to criminalize indigenous farmers on charges of encroaching on state forests, ignoring the fact that these forests are indigenous forests. This is a form of structural violence in which legislation becomes a tool of legitimization to oppress the rightful owners of natural resources (Rafiqi, 2021).

The above normative analysis finds its validation in the alarming empirical data on agrarian conflicts. Recent reports from the Agrarian Reform Consortium (KPA) and the Indigenous Peoples Alliance of the Archipelago (AMAN) for the period 2023-2024 paint a grim picture of the state's failure to protect its citizens. KPA data shows that agrarian conflicts continue to increase, with the plantation and forestry sectors, the two sectors most affected by the Job Creation Law, contributing to the largest number of conflicts. Hundreds of thousands of hectares of land are the subject of disputes, involving thousands of farming families and indigenous peoples who are pitted against giant corporations backed by the authorities. Specifically, AMAN notes that in 2024 alone,

approximately 2.8 million hectares of indigenous territories were seized (Agung S, 2025). This figure is not merely a statistic, but represents the loss of livelihoods, sacred sites, and cultural identity for hundreds of indigenous communities. The modus operandi of this seizure is closely linked to the regulations discussed earlier: the establishment of National Strategic Projects (PSN), the expansion of oil palm plantations through easy business licensing, and the operations of the Land Bank. Indigenous peoples who refuse to relinquish their land are often faced with repression by the authorities. Criminalization is a powerful weapon; indigenous elders and activists are arrested on charges of occupying land without permission or obstructing investment, a legal irony in which landowners are imprisoned on their own land by the state that is supposed to protect them.

Table 1. Statistics on Agrarian Conflicts and Customary Land Status (Estimated Data for 2023-2024)

Indicators	Data / Estimates (Source: KPA, AMAN)	Regulatory Information & Implications
Agrarian Conflict	>241 Incidents (2023)	The dominance of the plantation sector due to the ease of obtaining HGU (Right to Cultivate Land) after the UUCK (Law on Agrarian Reform).
Affected Areas	Hundreds of Thousands - Millions of Acres	Overlap between HMN/HPL claims and customary rights.
Seizure of Customary Territory	Approximately 2.8 million hectares (2024)	Acceleration of PSN and investments that disregard FPIC.
Victims of Criminalization	Hundreds of people (killed, injured, arrested)	The consequences of a security-based approach to land dispute resolution.
Realization of Customary Forests	Very Low (<20% of potential)	Bureaucratic obstacles in PP 23/2021 (difficult local regulations/decrees).

This data confirms that the government's promised agrarian reform has been misguided. Instead of redistributing land to address inequality (land reform), current agrarian policies have actually exacerbated the concentration of land in the hands of a handful of business entities. The much-touted acceleration of land certification (PTSL) is more oriented towards formalizing the land market than restoring rights. The certificates that are distributed are often only certificates for small plots of land, while vast areas of agricultural land and customary territories remain under the control of corporate concessions. This is clear evidence that the law has failed to fulfill its social function and is completely subservient to the logic of capital accumulation (Unger, 2019). The culmination of this deconstruction is a radical philosophical transformation regarding the meaning of land itself. In the cosmology of indigenous peoples and the spirit of the original 1960 Basic Agrarian Law, land is viewed as "Land as Life Space." Land has a transcendental dimension; it is the mother who feeds, the place where ancestors reside, and a legacy for future generations. The relationship between humans and land cannot be measured solely in monetary terms. Article 33 of the 1945 Constitution adopts this spirit by prohibiting the use of land for the exploitation of humans by humans (l'exploitation de l'homme par l'homme).

On the contrary, the Job Creation Law regime and its derivative regulations (Government Regulation No. 18/2021, Government Regulation No. 64/2021) carry the philosophy of "Land as Capital Asset." In this neoliberal paradigm, land is seen solely as a factor of

production that must be made efficient. Land that is communally controlled by indigenous peoples without certificates is considered dead capital because it cannot be used as collateral at banks and cannot be traded on the formal market. Therefore, the mission of the law is to "revive" this dead capital through a process of formalization: land registration, release of customary rights, and issuance of HPL/HGU/HGB. The goal is the financialization of land, bringing it into the global financial circuit.

This shift in philosophy explains why normative antinomies occur and why conflicts continue unabated. Agrarian conflicts in Indonesia are essentially a clash of civilizations between the logic of "living space" and the logic of "capital assets." When the government offers monetary compensation to indigenous communities displaced by dam or mining projects, and the communities refuse, the government often accuses them of being anti-development. In fact, this rejection is based on the inability to convert the spiritual value of land into monetary value. Current regulations, with all their technical devices, are designed to enforce this conversion. The hegemony of neoliberalism has succeeded in reifying land, transforming something social and sacred into a mere commodity, and using state law as a sledgehammer to destroy the last defenses of indigenous peoples.

Indonesian agrarian law has suffered a serious constitutional setback (Tandori & Supriyanto, 2025). The antinomy of norms in the protection of customary rights is not a residual of legislative negligence, but rather the result of deliberate legal design to facilitate neoliberal hegemony. The hijacking of the populist constitution occurs systematically: the rhetoric of "people's prosperity" in Article 33 of the 1945 Constitution is maintained as an ideological cover, while the operational regulatory machinery (Government Regulations 18/2021, 23/2021, Land Bank) actively works to transfer land ownership from the people to capital owners. The interpretation of State Control Rights (HMN) has been distorted from a public function (regulating/managing) to a private function (owning/speculating), placing the state in a position of conflict of interest that violates the principles of the rule of law. In the land sector, the "release of rights" mechanism in PP 18/2021 has become an instrument for legalizing the seizure of customary land, transforming customary land into market-ready HPL. In the forestry sector, bureaucratic defiance of Constitutional Court Decision 35/2012 through Government Regulation 23/2021 has trapped customary forests in a complex licensing regime, perpetuating state domination over customary territories. All of this has led to a shift in the philosophy of land from a sacred living space to a profane capital asset, triggering an explosion of agrarian conflicts and a massive humanitarian crisis. Without a paradigmatic correction that returns agrarian law to its authentic constitutional basis, which places the sovereignty of the people above the sovereignty of the market, the protection of customary rights will remain an illusion amid the onslaught of investment (Hiplunudin, 2019).

3.2. Institutionalization of State-Facilitated Land Grabbing: The Paradox of Land Banks and Licensing Regimes in Perpetuating Structural Agrarian Conflict

The evolution of agrarian law in Indonesia is currently undergoing a fundamental and unprecedented tectonic shift in the history of the republic, marking a radical transition from the agrarian populism paradigm mandated by the constitution to a legal regime characterized by legalistic neoliberalism (Arisaputra, 2021). This phenomenon is not

merely a routine administrative regulatory adjustment, but rather a structural transformation that drastically alters the ontological and juridical relationship between the state, land, and the people. In contemporary critical legal discourse, this shift can be read as the institutionalization of what David Harvey conceptualizes as accumulation by dispossession, in which the mechanisms of law and state bureaucracy are systematically utilized as key instruments to facilitate the transfer of public and communal assets, particularly the customary lands of indigenous peoples, into the circuit of private capital accumulation.

The legal problems arising from this situation are not merely technical inconsistencies between laws and regulations or partial discrepancies, but rather a paradigmatic and fundamental antinomy of norms. This antinomy is clearly and blatantly evident when the higher legal norm, namely Article 33 paragraph of the 1945 Constitution, which affirms state control over land, water, and natural resources for "the greatest prosperity of the people," is deconstructed and manipulated by implementing regulations below it into state control to facilitate investment and corporate capital accumulation. In this context, the law no longer functions as social engineering to achieve social justice as envisioned by the founders of the nation, but has mutated into an instrument of market creation that subjugates the subjective rights of the community, especially communal and religious-magical customary rights, under the logic of market efficiency, financial risk calculation, and investment certainty (Azharie, 2023).

The existence of Law No. 11 of 2020 on Job Creation, which was later updated by Law No. 6 of 2023, has provided strong formal legitimacy for the state to take over the role of active facilitator in the process of state-facilitated land grabbing. This is done through the creation of new legal fictions and administrative procedures that allow land that is de facto controlled and utilized by indigenous peoples for generations to be declared de jure as state assets or abandoned land ready to be distributed to investors through the Land Bank mechanism and the OSS-RBA system. This phenomenon marks the resurgence of the colonial-era Domein Verklaring spirit in a more sophisticated and bureaucratic modern package (Pabottingi, 2023).

The concept of accumulation by dispossession proposed by David Harvey provides a very sharp and relevant analytical tool for dissecting this phenomenon. Harvey argues that capitalism, in its neoliberal phase, not only accumulates capital through the expansion of production and the exploitation of labor (classical primitive accumulation), but also, and increasingly dominantly, through the dispossession of public, communal, and non-capitalist assets to be incorporated into the logic of the market at the lowest possible cost. In the context of Indonesian agrarianism, Noer Fauzi Rachman, Nancy Peluso, and other critical agrarian scholars have adapted this concept to explain how the state, through its legal instruments and policies, actively creates the structural preconditions for corporations to acquire people's land. This process is not an abuse of power in the traditional sense, but rather is carried out through and by law. Laws and government regulations are designed in such a way as to change the "legal" status of land, from socially and culturally recognized customary territories to property commodities that can be traded, mortgaged, and pledged on the global financial market. This mechanism often involves administrative violence, in which the claims of indigenous peoples who do not have formal certificates are set aside, delegitimized, or criminalized in the name of national development, public interest, and strategic projects (Angela & Setyawati, 2022).

The implementation of this theory is evident in the shift in meaning and operationalization of "State Control Rights" (HMN). Initially, in the conception of the 1960 UUPA, which was influenced by the spirit of Indonesian socialism, HMN was a state instrument to prevent private monopoly over land and ensure land redistribution to tenant farmers (land reform) and protection of customary rights. However, in the contemporary legal regime following the UUCK, HMN has been reduced, twisted, and manipulated into the state's right to facilitate investment and capital accumulation. The state acts as if it were the absolute owner of the land (domein verklaring), with unlimited authority to determine land use, ignoring the concrete and historical legal relationships that have existed between indigenous peoples and their land for centuries. This phenomenon creates what is known as State-Facilitated Land Grabbing, where land grabbing is not carried out directly by private actors alone, but is facilitated, legitimized, and secured by state apparatus through the issuance of business licenses, the designation of forest areas, spatial planning revisions, and the establishment of new institutions such as the Land Bank. Formal legality is the main weapon used to destroy the social legitimacy of indigenous peoples. When indigenous peoples resist, they are not only confronted by corporations, but also directly confronted by "state law," which has been cleverly designed to justify evictions as legally valid actions..

The antinomy of norms in this context cannot be understood merely as a technical conflict between lex superior and lex inferior or lex specialis and lex generalis. This antinomy is substantive and ideological in nature. On the one hand, the Constitution (1945 Constitution) recognizes and respects the unity of customary law communities and their traditional rights (Article 18B paragraph 2) and mandates the management of natural resources for the prosperity of the people (Article 33 paragraph 3). On the other hand, implementing regulations at the level of laws (UUCK) and government regulations (PP 64/2021, PP 18/2021, PP 5/2021) actually create mechanisms that allow for the systematic elimination of these rights. For example, the requirements for recognition of indigenous peoples are made very complicated and bureaucratic in regional regulations, contrary to the spirit of declarative recognition in Constitutional Court Decision Number 35/PUU-X/2012, which states that customary forests are not state forests. This antinomy creates a wide legal loophole that is exploited by economic and political interests to expand their land holdings. The state uses this legal uncertainty, which ironically was created by regulations that claim to bring certainty, to delay the recognition of indigenous peoples' rights, while at the same time accelerating the granting of permits to corporations on the same land. This is the essence of the paradox of customary rights protection in the vortex of investment flows, where rhetoric of protection coexists with practices of legal dispossession.

The first and perhaps most significant pillar of the legal infrastructure for land acquisition in the UUCK era is the establishment of the Land Bank Agency as detailed in Government Regulation No. 64 of 2021 concerning the Land Bank Agency. Institutionally, the Land Bank is designed as a special (sui generis) agency with extraordinary powers covering the planning, acquisition, procurement, management, utilization, and distribution of land. The existence of this institution marks a shift in the role of the state from regulator to land market player (afira Anugrahyu & others, 2025a) . he most striking and dangerous antinomy of norms is found in Article 7 of PP 64/2021, which provides a definition and scope of "State Land" that is the object of the Land Bank's work. This regulation gives the Land Bank discretionary authority to take over land that is considered uncontrolled, abandoned land, and land resulting from the release of forest

areas. A fundamental problem arises because the definition of "abandoned land" or "free state land" in the perspective of the land bureaucracy often spatially overlaps with customary community land managed under a rotation system, customary reserve land, or customary conservation areas that may not appear "productive" from a modern capitalist economic perspective. By adopting a principle that is substantively similar to the colonial-era Domein Verklaring, which states that land whose ownership cannot be proven by formal certificates (such as eigendom in the past or current title deeds) belongs to the state, the Land Bank has a legal basis for acquiring customary areas that have not been formally administered by the National Land Agency (BPN).

The Land Bank, in its legal construction, is given a paradoxical dual mandate. On the one hand, it is tasked with supporting agrarian reform with the obligation to allocate at least 30% of its land assets for this purpose. However, on the other hand, and this is more dominant in practice and in its main mandate, it is required to ensure the availability of land for investment, infrastructure development, and public interests oriented towards economic growth. This antinomy creates an inherent conflict of interest within a single institution. In practice, its function as a land bank for investment is far more dominant and prioritized than its social function. This is clearly evident from the Land Bank's extensive authority to formulate a Master Plan that can convert land use, as well as its ability to provide business licensing facilities and approvals on the land it manages (afira Anugrahyu & others, 2025b).

Land that is included in the Land Bank's assets is given the status of Management Rights (HPL), which is a direct derivative of State Control Rights. With this HPL status, the Land Bank acts like a modern feudal landlord who can lease, establish cooperation agreements, and determine rates for the land to third parties (investors) for a very long period of time, even up to 90 years (including extension and renewal options granted in advance) as permitted in the derivative regulations of the UUCK. This mechanism effectively separates indigenous peoples from access to their ancestral lands, changing their status from sovereign communal owners to mere "passengers," tenants, or laborers on land that has been taken over by corporations through the legal intermediary of the Land Bank.

A critical analysis of Article 19 of PP 64/2021 further emphasizes the commercial orientation of this institution. The article states that the Land Bank guarantees and supports the availability of land for development in the context of "economic and investment improvement." This phrase is the key to systematic land market liberalization. Land is no longer seen as a social asset or an area of cultural sovereignty for communities, but purely as a factor of production that must be mobilized for capital growth. When the Land Bank designates a location as a land reserve for public interest or national strategic projects, the rights that exist on it, including customary rights that have not been fully certified, are in a very vulnerable position to be abolished or forced aside. The compensation offered, if any, is often inadequate and purely financial, without taking into account the profound immaterial losses such as the loss of sacred sites, the destruction of social cohesion, and the severing of spiritual ties with ancestors. The existence of the Land Bank also exacerbates the dualism of authority in land administration, creating a bypass for investors to acquire large tracts of land without having to deal directly with the complicated and potentially socially conflictual process of land acquisition, because the state (through the Land Bank) will first "clear" the land in the name of the law (Arnowo, 2021).

Furthermore, the mechanism for land acquisition by the Land Bank from "abandoned land" as stipulated in Government Regulation No. 20/2021 concerning the Control of Abandoned Areas and Land, is a double-edged sword. The definition of abandoned land, which is based on the absence of physical use or the absence of title certificates, is highly biased against the land tenure model of indigenous peoples, who often leave land fallow to restore its fertility or as a reserve for hunting. When these lands are identified as abandoned by the state and then designated as assets of the Land Bank, a process of legal dispossession occurs. Indigenous peoples lose their rights not because they sold their land, but because the state's legal definitions of "control" and "use" do not accommodate their local wisdom. The Land Bank, thus, functions as an asset laundering institution, which transforms land that is sociologically problematic or disputed into administratively clean and clear land assets to be presented to global investors (Arifin & Djaja, 2023).

The second pillar that works in tandem and complements the Land Bank is the revitalization and strengthening of the Management Rights (HPL) regime through Government Regulation No. 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration. This regulation is a vital and strategic technical instrument in the process of converting customary land into state land. Article 4 of PP 18/2021 explicitly and controversially states that Management Rights can originate from State Land or "Customary Land". The recognition that HPL can originate from Customary Land seems accommodating at first glance, but this phrase has enormous destructive potential when read systematically in conjunction with Article 6 of the same regulation. Article 6 regulates the mechanism for establishing Management Rights, which absolutely requires the "Release of Rights." This means that before an indigenous territory can be designated as Management Rights (whether for government agencies, state-owned enterprises/regional-owned enterprises, or the Land Bank Agency), the legal status of the land as customary land must first be released so that its status changes to State Land. This is a critical and fatal point where the legal identity of indigenous peoples over their land is legally amputated. This process of relinquishment of rights becomes a conditio sine qua non for investment in indigenous territories.

The legal consequences of the implementation of Article 6 of PP 18/2021 are fundamental to the continued existence of customary rights. Once customary land is released and its status changed to State Land, and Management Rights are issued over it, the civil and public legal relationship between indigenous peoples and their ancestral land is permanently severed. The State, or the holder of the Management Rights (such as the Land Bank, the IKN Authority, or state-owned enterprises), then has full authority to formulate plans for the allocation, use, and utilization of the land in accordance with their interests. They can issue Cultivation Rights (HGU), Building Rights (HGB), or Usage Rights on the HPL to third parties (private investors) for long periods of time. Ironically, PP 18/2021 gives HPL holders very broad authority to recommend the extension or renewal of rights over the land, which in practice gives quasi-perpetual control to these corporate entities or state agencies. Indigenous peoples who have "relinquished" their rights no longer have legal standing to demand the return of their land, even if the land is not used for its original purpose, transferred to another party, or neglected, because administratively the land has been legally registered as state assets under the control of HPL holders (Bahri, 2020).

This process of "rights relinquishment" often occurs in conditions of extreme power imbalance. Often, the relinquishment of rights is manipulated through the co-optation of traditional leaders or through bureaucratic pressure and intimidation by security forces, whereby the consent of a handful of traditional elders is considered to represent the entire community without going through a participatory, inclusive, and coercion-free customary consultation mechanism (Free, Prior, and Informed Consent - FPIC). In many cases, indigenous peoples do not fully understand the legal implications of the rights release documents they sign, which mean that they are surrendering their sovereignty over their land forever. This is a form of legalized structural fraud. Furthermore, the legal construction in Articles 137 to 142 of the UUCK, which is the legal umbrella for PP 18/2021, further strengthens the position of HPL as a right that has a certain degree of "immunity." For example, in the context of land acquisition for public interest development, land that already has HPL status is considered clear and clean, so that the land acquisition process often ignores residual claims from communities who still physically occupy the land. They are considered "squatters" on legitimate state land.

The provisions regarding HPL in PP 18/2021 also create a discriminatory hierarchy of rights. It places customary rights at the bottom of the hierarchy and makes them the most vulnerable to conversion or abolition, while Western-style and individualistic rights (such as HGU and HGB) issued above HPL are given strong legal protection, easy renewal, and state-protected investment certainty. This is diametrically opposed to the spirit of the 1960 UUPA, which recognizes the existence of customary rights "as long as they still exist." With the mechanism of "rights release" as an absolute condition for the issuance of HPL, the state implicitly and coercively forces indigenous peoples to commit "civil suicide" of their communal rights in order to enter the formalistic state land administration system. If they refuse to relinquish their rights, they will be left in legal uncertainty, without access to state services, and vulnerable to criminalization. This is a form of epistemic and legal violence that transforms the magical-religious relationship between humans and the land into a purely contractual-commercial relationship, erasing history and cultural identity for the sake of a single HPL certificate.

The third pillar that completes this land grabbing mechanism is the Online Single Submission Risk-Based Approach (OSS-RBA) system, which is regulated in Government Regulation No. 5 of 2021 concerning the Implementation of Risk-Based Business Licensing. The government touts OSS-RBA as a revolutionary breakthrough that will cut through red tape, prevent corruption and illegal levies, and accelerate investment flows through a nationally integrated digital system. However, behind this narrative of efficiency and transparency lies a technocratic paradox that is deadly for the existence of indigenous peoples. The OSS-RBA system works based on binary algorithm logic that automatically processes permits based on business risk levels (low, medium, high) and spatial planning compliance (KKPR - Spatial Utilization Activity Compliance). The fundamental and crucial problem is that the spatial database used by OSS-RBA, namely the Digital Spatial Plan Map and Zoning Plan, has not comprehensively integrated indigenous territory maps. The One Map Policy, which should be the sole accurate reference, still leaves a "black hole" in the form of millions of hectares of customary areas that have not been mapped, have not been formally recognized by the state, or have been deliberately ignored in the data integration process..

When an investor submits a business license application (e.g., for mining or oil palm plantations) through the OSS-RBA system, the system algorithm will automatically check

the coordinates of the proposed business location against the Regional Spatial Plan (RTRW) or Detailed Spatial Plan (RDTR) maps available in the system database (Rokhman et al., 2024). If the location is marked on the official map as "Production Forest Area," "Industrial Area," or "Other Use Area" even though it is actually a customary forest, communal land, traditional settlement, or sacred site, the system will read the location as "compliant." Thus, the "green light" for spatial planning compliance (KKPR) will automatically turn on, and the Business Identification Number (NIB) and other basic permits can be issued in a matter of minutes or hours without any factual verification in the field (ground-truthing) involving the affected communities. This digital legal fiction creates a situation where the legality of corporate permits becomes perfect and indisputable in the eyes of the state law, while the existence of indigenous peoples in the same location is considered non-existent, illegal, or merely a social disturbance that must be dealt with. The OSS-RBA system, in its architectural design, does not have a "pop-up" feature for social conflict warnings or a grievance mechanism that can be accessed in real-time by local communities before permits are issued. This eliminates the principle of contrarius actus and the precautionary principle in state administrative law, as well as closing the space for meaningful public participation, which is a fundamental right of citizens.

This situation is exacerbated by the legal implications of permits issued through the OSS. These permits carry a very strong presumption of legitimacy (vermoeden van rechtmatigheid). If indigenous peoples protest, block roads, or obstruct the operations of companies that hold permits via OSS, they can easily and quickly be criminalized using criminal law instruments, such as Article 162 of the Minerba Law, which threatens criminal penalties for anyone who obstructs or interferes with the mining activities of legitimate permit holders. In this context, OSS-RBA functions not only as an administrative tool, but also as a machine for whitewashing administrative sins and a tool for legitimizing repression. Data entry errors or the absence of customary land data in the OSS system are not considered substantial defects that invalidate permits, but rather merely technical administrative issues that do not revoke a corporation's right to operate. The state argues that the system is working according to procedure ("the system is correct, it's just that the data has not been entered yet"), placing the burden of blame on indigenous peoples for "not being registered" (Hidayatullah et al., 2025).

A highly relevant case study illustrating this systemic failure is the mining conflict on Wawonii Island, Southeast Sulawesi, and Halmahera Island, North Maluku. In these regions, mining permits (IUP) were issued through an integrated mechanism, often violating the provisions of Law No. 27 of 2007 in conjunction with Law 1/2014 on Coastal Zone and Small Islands Management (PWP3K Law), which explicitly prohibits mineral mining activities on small islands (under 2,000 km²) that could damage the ecosystem. Although hierarchically, the PWP3K Law is lex specialis for the protection of small islands, the OSS-RBA system and the Minerba licensing regime (Law 3/2020) often ignore these ecological restrictions in order to accelerate nickel investment for the electric battery industry. Permits continue to be issued, mining operations continue, and when the Wawonii community takes legal action (and even wins lawsuits in court), environmental damage has already occurred and the companies' legal position is very strong because it is protected by formal permits. The antinomy of norms is very clear here: environmental protection norms and the rights of coastal communities are defeated by business facilitation norms facilitated by the context-blind OSS-RBA algorithm.

The three elements described above—the Land Bank, HPL PP 18/2021, and OSS-RBA—do not work in isolation or separately, but rather form a legal ecosystem that interlocks and reinforces each other (interlocking directory of dispossession). They form an efficient and legal chain of land grabbing. The Land Bank plays a role on the supply side as a land provider, with the authority to acquire state land, abandoned land, and land released from forest areas, as well as using its sui generis authority to clear community claims that are deemed invalid. The HPL regime (PP 18/2021) provides a legal-administrative mechanism in the middle of the chain (processing unit) to convert customary land and community land into state assets through a coercive-administrative "rights release" scheme. This scheme provides legal immunity (HPL) for the control of the land, severing the community's historical connection to their land. Finally, OSS-RBA works on the downstream side (demand side/distribution channel) to distribute land that has been "cleared" and legally secured to global and national investors through a fast, automated licensing system that eliminates social verification and closes the space for community appeal. The convergence of these three instruments creates a barrier-free "highway" for investment built on the ruins of the constitutional rights of indigenous peoples.

The resulting normative antinomy is therefore not merely a legislative accident or an unintended consequence of the drafters of the law, but rather a deliberate legal design that serves the interests of capital accumulation. Article 33 paragraph (3) of the 1945 Constitution, which is socialist-religious in spirit, and Article 18B paragraph (2), which recognizes indigenous peoples, have been operationally and systematically defeated by implementing regulations that are capitalist-neoliberal in spirit. The protection of customary rights mandated by the constitution has become a great paradox: it is recognized declaratively and rhetorically in the text of the constitution, but it is killed, amputated, and nullified operationally through technical administrative procedures (complicated registration requirements, the obligation to relinquish rights to HPL, and exclusive digital map verification).

Structural agrarian conflicts that have erupted in various regions in Indonesia are therefore no longer merely an undesirable side effect of development, but rather a logical and inevitable consequence of the current legal system. The institutionalization of state-facilitated land grabbing places indigenous peoples in an impossible dilemma: if they do not register their land, it is considered state-owned land and can be taken at any time by the Land Bank or granted a permit via the OSS; but if they want to register their communal land, they are faced with a wall of complicated, expensive, and convoluted bureaucracy, or are forced to relinquish their customary rights to become HPL in order to "cooperate" with investors. This vicious cycle of policies confirms that without radical legal reform, the dissolution or total overhaul of the Land Bank, fundamental revisions to PP 18/2021 and PP 64/2021, and a return to the agrarian legal paradigm of constitutional populism and social justice, agrarian conflicts in Indonesia will continue to escalate. This will create deeper social injustice, trigger social disintegration, and ultimately undermine the legitimacy of the state itself amid the rapid flow of much-vaunted investment.

4. CONCLUSION

The deconstruction of post-Job Creation Law agrarian constitutionalism -Job Creation Law marks a paradigmatic shift in national agrarian law from constitutional populism to

legalistic neoliberalism, in which the interpretation of State Control Rights (HMN) has been radically distorted from a public function (regelendaad/bestuursdaad) to a private commercial function through the establishment of the Land Bank, which manifests State Capitalism. This phenomenon creates an institutionalized antinomy of norms through an interlocking regulatory ecosystem (interlocking directory of dispossession), namely the Land Bank as a land provider (PP 64/2021), a regime of Management Rights that coercively requires the "release of rights" to customary land (PP 18/2021), and an automatic OSS-RBA licensing system (PP 5/2021) that nullifies social participation, collectively functioning as instruments of State-Facilitated Land Grabbing or accumulation through dispossession. As a result, there has been a philosophical transformation that reduces land from a sacred "living space" to a profane "capital asset," in which the existence of customary law communities is positioned diametrically opposed to investment interests, thereby perpetuating structural agrarian conflicts not as a residue of development, but as a logical consequence of a legal design that betrays the mandate of Article 33 paragraph (3) of the 1945 Constitution and Constitutional Court Decision Number 35/PUU-X/2012 in order to serve the circuit of global capital accumulation.

5. REFERENCES

Abd Kadir, M., Alting, H., & Alaudin, R. (2024). Kedudukan Bank Tanah dalam Rangka Retribusi Tanah. *Amanna Gappa*, 1–11.

afira Anugrahyu, A. & others. (2025a). Bank Tanah Dalam Perspektif Hukum Agraria: Peran Strategis Dan Tantangan Kelembagaan Di Indonesia. *Jurnal Kompilasi Hukum*, *10*(1), 177–186.

afira Anugrahyu, A. & others. (2025b). Bank Tanah Dalam Perspektif Hukum Agraria: Peran Strategis Dan Tantangan Kelembagaan Di Indonesia. *Jurnal Kompilasi Hukum*, *10*(1), 177–186.

Agung S. (2025). AMAN: 2,8 Juta Hektare Wilayah Adat Terampas pada 2024. *Tempo Withnes*. https://witness.tempo.co/article/detail/9987/aman-2-8-juta-hektare-wilayah-adat-terampas-pada-2024.html

Angela, K., & Setyawati, A. (2022). Analisis Pelaksanaan Pengadaan Tanah di Atas Tanah Ulayat Masyarakat Hukum Adat dalam Rangka Proyek Strategi Nasional (PSN) Demi Kepentingan Umum. *Jurnal Hukum Lex Generalis*, *3*(3), 199–216.

Arifin, M., & Djaja, B. (2023). Kajian Hukum Terhadap Status Kepemilikan Tanah di Sulawesi Tenggara. *UNES Law Review*, *6*(2), 6105–6113.

Arisaputra, M. I. (2021). *Reforma agraria di Indonesia*. Sinar Grafika (Bumi Aksara).

Arnowo, H. (2021). Pengelolaan Aset Bank Tanah untuk Mewujudkan Ekonomi Berkeadilan. *Jurnal Pertanahan*, *11*(1).

Arnowo, H. (2022). Peran bank tanah dalam pengaturan penyediaan tanah. *Jurnal Inovasi Penelitian*, *2*(9), 3077–3088.

Azharie, A. (2023). Pemanfaatan Hukum sebagai Sarana untuk Mencapai Keadilan Sosial. *Lex Aeterna Law Journal*, *1*(2), 72–90.

Bahri, S. (2020). Pengembalian Hak Atas Tanah Bersertipikat Hak Guna Bangunan Yang Telah Musnah Karena Abrasi Untuk Kepentingan Pembangunan Oleh Badan Hukum Swasta. *Otentik's: Jurnal Hukum Kenotariatan*, *2*(1), 41–60.

Hidayatullah, B. T., Pratama, A. P., Fadhillah, M. A., Lumenta, S. J., & Andray, N. N. (2025). OSS RBA dan Problem Keadilan Agraria dalam Analisis Terhadap Sistem Perizinan Digital pada Pertambangan di Indonesia Review. *CENDEKIA: Jurnal Penelitian Dan Pengkajian Ilmiah*, *2*(6), 960–970.

Hiplunudin, A. (2019). *POLITIK AGRARIA Suatu Bahasan Penguasaan Tanah; Petani Vs Negara dan Neoliberalisme*. GUEPEDIA.

Marcella Santoso, S. & others. (2024). *Legalitas dan legitimasi surat keterangan tanah*. Yayasan Pustaka Obor Indonesia.

Pabottingi, M. (2023). *Nasionalisme dan egalitarianisme di Indonesia, 1908-1980: Menelaah masalah-masalah diskontinuitas dalam diskursus dan praktik politik*. Yayasan Pustaka Obor Indonesia.

Putranto, A. C., & Triadi, I. (2025). Konsep Hukum Pidana Adat Pasca Pemberlakuan Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana Perspektif Living Law. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, *3*(5), 7317–7338.

Rafiqi, I. D. (2021). Pembaruan Politik Hukum Pembentukan Perundang-Undangan di Bidang Pengelolaan Sumber Daya Alam Perspektif Hukum Progresif. *Bina Hukum Lingkungan*, *5*(2), 319–339.

Rojiun, M. A., Arba, A., & Muhaimin, M. (2022). Eksistensi Bank Tanah Dalam Undang-Undang Nomor 11 Tahun 2020 tentang Cipta Kerja Demi Pelaksanaan Pembangunan Kepentingan Umum. *Jurnal Education and Development*, *10*(2), 738–748.

Rokhman, B., Rokhman, A., Kurniasih, D., & others. (2024). Penyelenggaraan Perizinan Berusaha Berbasis Risiko Melalui Sistem Online Single Submission (OSS). *Journal of Social and Economics Research*, *6*(1), 1562–1580.

Safitri, M. A., & Moeliono, T. (2010). *Hukum Agraria dan Masyarakat di indonesia*. HuMa.

Setyowati, R. K. (2023). Pengakuan Negara Terhadap Masyarakat Hukum Adat. *Binamulia Hukum*, *12*(1), 131–142.

Sirait, A. (2019). Peranan Politik Hukum Investasi Dalam Pembangunan Ekonomi Indonesia: Politik Hukum, Investasi, Pembangunan Ekonomi. *Politea: Jurnal Politik Islam*, *2*(1), 59–76.

Soetarto, E., Maggang, E., Patty, F. N., Talupun, J. S., Tiwery, W. Y., Fadirsair, F., Warella, S. B., Maunary, F., Siahaya, K. M., Pattiruhu, F. J., & others. (n.d.). *Dinamika Agraria Dalam Perspektif Teologi, Sosial, Hukum Dan Budaya Pada Masyarakat Pesisir Dan Pulau-Pulau Kecil*. Penerbit Adab.

Sudrajat, T. (2022). *Hukum birokrasi pemerintah: Kewenangan dan jabatan*. Sinar Grafika.

Sukirno, S. (2018). *Politik hukum pengakuan hak ulayat*. Prenada Media.

Tambunan, S. A. E., Tarigan, G. A. M., & Manurung, A. D. B.-H. (2025). Hak Ulayat Versus Hak Milik: Dinamika, Konflik, dan Resolusi. *Neoclassical Legal Review: Journal of Law and Contemporary Issues*, *4*(1), 28–35.

Tandori, T., & Supriyanto, V. H. (2025). Kontradiksi Hak Komunal dan Hak Ulayat dalam Hukum Pertanahan Indonesia: Tinjauan Yurisprudensi dan Regulasi Indonesia. *Tunas Agraria*, *8*(3), 380–400.

Unger, R. M. (2019). *Teori Hukum Kritis: Posisi Hukum dalam Masyarakat Modern*. Nusamedia.

Wibisono, R. B. (2024). Keadilan iklim dan HAM di Indonesia: Mewujudkan pembangunan berkelanjutan melalui perlindungan lingkungan. *Jurnal Politik Pemerintahan Dharma Praja*, *17*(2), 95–125.