

Implications of Asset Structuring and Access on Land Tenure in Realizing Agrarian Reform

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ABSTRACT

Agrarian reform constitutes a strategic effort to reorganize the control, ownership, and utilization of land to achieve agrarian justice in Indonesia. This study aims to analyze government policies in asset structuring and access to land rights, along with their legal implications for realizing agrarian reform. Employing a normative juridical approach, the research utilizes qualitative analysis of laws and regulations, legal concepts, and case studies. The findings indicate that asset structuring is executed through the redistribution of Agrarian Reform Object Land (TORA) and legalization via the Complete Systematic Land Registration (PTSL) program. Concurrently, access structuring is managed through training, capital provision, infrastructure development, and partnerships. Coordinated implementation by the Agrarian Reform Task Force (GTRA) enhances cross-sectoral synergy. The legal foundation for these efforts includes Article 33 paragraph (3) of the 1945 Constitution, the Basic Agrarian Law of 1960, Presidential Regulation No. 86 of 2018, and Minister of ATR/BPN Regulation No. 12 of 2021. The legal implications encompass the reinforcement of legal certainty, protection of agrarian rights, conflict resolution, and a transformation in agrarian governance towards a more inclusive and socially just system.

KEYWORDS

Asset Structuring, Access Structuring, Agrarian Reform, Land Rights, Legal Implications



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INTRODUCTION

Land is one of the vital elements in human life, not only a place to live but also a source of life and space for social, economic, and cultural activities (Friedmann, 2018; Holden & Ghebru, 2016; Kovaliv, 2021). As part of the earth's surface, soil has a strategic function as a means of production, living space, and a guarantee of environmental sustainability, which makes it a crucial aspect in national development (Permadi, 2023). The significance of land extends beyond mere ownership to encompass fair management and distribution, which are essential for achieving public welfare as mandated by the constitution (Alban Singirankabo & Willem Ertsen, 2020; Chikaya-Banda & Chilonga, 2021; Mkodzongi & Lawrence, 2019).

Globally, agrarian problems have become a universal issue faced by various countries. According to a report by the Food and Agriculture Organization (FAO), inequality in land tenure occurs on almost all continents, where approximately 1% of the global population controls over 70% of agricultural land, while 80% of smallholders manage less than 10% of productive land (Misra, 2015). This inequality in the agrarian structure creates various socio-economic problems, ranging from rural poverty and forced migration to prolonged social conflicts.

The phenomenon of *land grabbing* or massive *land grabbing* is also an international concern, where multinational corporations and foreign investors acquire millions of hectares of land in developing countries for large-scale agribusiness interests, often ignoring the rights of local and indigenous peoples (Kahn, 2010). Such practices not only perpetuate social injustice but also threaten food sovereignty and local ecosystem sustainability (Yang & He, 2021).

In Indonesia, agrarian problems have special characteristics rooted in the history of colonialism and development policies biased toward the interests of big capital. Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that the earth, water, and natural resources contained therein are controlled by the state and used as much as possible for the prosperity of the people (Isnaeni, 2020). This principle is reinforced by Articles 1 and 2 of Law Number 5 of 1960 concerning the Basic Agrarian Law (*Undang-Undang Pokok Agraria*, UUPA), which affirm the state's supreme authority in regulating the control and utilization of agrarian resources.

However, in its implementation, significant inequality in land ownership and control persists. Data from the Central Statistics Agency (2023) shows that 0.2% of farmer households control more than 25% of national agricultural land, while 68.5% of farmers control less than 0.5 hectares of land (Nopiansah, 2021). Thus, productive land remains concentrated among a few entities, whereas small communities—particularly farmers and indigenous peoples—experience severely limited access to adequate land.

This condition is exacerbated by rapid population growth. Based on Worldometer data as of January 9, 2024, Indonesia's population has reached 278,720,192 people. This population increase certainly has direct implications for the growing need for land, both for housing, economic activities, and infrastructure development. On the other hand, issues such as land conversion, overlapping permits, and agrarian conflicts further complicate land governance in Indonesia (Ayu & Heriawanto, 2018).

Differences in interests between parties often lead to overlapping efforts to achieve each other's goals. One common case is land conversion, where land originally intended for forestry and agriculture is diverted to other uses to meet certain interests (Afriliyeni et al., 2021). This impacts the optimization of land use as a means of improving the welfare of the people in Indonesia.

The urgency of this research is based on several critical factors. First, the complexity of agrarian problems in Indonesia requires a comprehensive legal approach to understand the dynamics of *asset structuring* and *access* within the framework of agrarian reform. Second, the implementation of Presidential Regulation No. 86 of 2018 concerning Agrarian Reform still faces various technical and juridical challenges that require in-depth analysis to optimize its effectiveness (Nurlinda, 2018). Third, persistent high inequality in agrarian structure threatens social stability and sustainable development goals, warranting an evaluation of existing policies and legal mechanisms. Fourth, a scarcity of research specifically examining the legal implications of *asset structuring* and *access* within agrarian reform renders this study both relevant and necessary for the development of Indonesian agrarian law.

Several previous studies have examined certain aspects of agrarian reform in Indonesia. Fajar et al. (2022) analyzed the policy strategy of agrarian reform in realizing the welfare of a socially just society based on the constitution but did not specifically examine the legal implications of *asset structuring* and *access*. Putrisasmita (2023) examines the position of the Complete Systematic Land Registration Program (*Program Pendaftaran Tanah Sistematis Lengkap*, PTSL) in the framework of agrarian reform to realize land law certainty, but the focus of the research is limited to the aspect of asset legalization only.

Ichwana and Wahyuni (2024) examined the effectiveness of the redistribution program of former plantation land within the framework of national agrarian reform, while Jumali

(2024) analyzed the implementation of the redistribution of Agrarian Reform Object Land (*Tanah Objek Reforma Agraria*, TORA) in the context of sustainable natural resource development. These studies make important contributions but have not yet integrated comprehensive analysis of simultaneous *asset structuring* and *access* and their legal implications. Ramadhan (2023) conducted an analysis of the resolution of agrarian conflicts and natural resources in Aceh, which provides a regional perspective on the resolution of agrarian conflicts. Meanwhile, Widiyaningsih and Purwanti (2025) examined the legal protection of customary lands of customary law communities in Sanggau Regency, focusing on aspects of customary rights protection in the context of agrarian reform.

The novelty of this research lies in an integrative approach that analyzes *asset structuring* and *access structuring* as a systemic unit in agrarian reform, rather than as separate components. This study also uses a normative-juridical perspective to comprehensively examine the legal implications of the implementation of these two aspects, which have not been done in previous studies. In addition, this study integrates an analysis of the role of the Agrarian Reform Task Force (*Gugus Tugas Reforma Agraria*, GTRA) as a cross-sectoral coordination mechanism in policy implementation, as well as examines the harmonization between national positive law and customary law in the context of agrarian reform. A methodological approach that combines the statute approach, the conceptual approach, and the case approach provides a depth of analysis that has not been applied in previous studies.

This research aims to: (1) analyze government policies in the implementation of *asset structuring* and land rights *access structuring* within the framework of agrarian reform; and (2) analyze the legal implications of *asset structuring* and land rights *access structuring* in realizing agrarian reform in Indonesia. Theoretically, this research is expected to contribute to the development of legal science, especially in the field of land law related to *asset structuring* and *access* to land rights as an effort to support the implementation of agrarian reform. These findings can enrich legal studies and provide benefits for law enforcement and legal practitioners in implementing equitable land policies.

Practically, this research provides benefits for researchers to develop skills, expand insights, and increase understanding of *asset structuring* and *access structuring* in land rights control as part of efforts to realize agrarian reform. For the Notary Study Program, University of Islam Malang, this research is expected to provide a reference source in the learning process related to *asset structuring* and *access arrangement* in the management of land rights to support the achievement of agrarian reform.

The implications of this research include several important aspects. First, theoretical implications in the form of contributions to the development of agrarian law theory, especially in understanding the dynamics of the relationship between *asset structuring* and *access* in creating agrarian justice. Second, practical implications in the form of policy recommendations for optimizing the implementation of agrarian reform in Indonesia, including improving coordination mechanisms between institutions and strengthening legal protection for vulnerable communities. Third, methodological implications in the form of developing an integrative analysis framework that can be applied in similar studies in the future. Fourth, social implications in the form of contributions to efforts to create agrarian justice and alleviate structural poverty through improving the legal system and land policy in Indonesia.

METHOD

This research employed a normative juridical approach, conceptualizing law as a system of norms encompassing legal principles, legislation, court decisions, and doctrinal literature (Fajar & Yulianto, 2010). The approaches applied included a statute approach, a conceptual approach, and a case approach to comprehensively analyze legal issues. The sources of legal materials consisted of primary legal materials in the form of the 1945 Constitution, the 1960 Law, Presidential Regulation No. 86 of 2018, and Presidential Regulation No. 62 of 2023; secondary legal materials in the form of law books, scientific journals, and relevant articles; as well as tertiary legal materials in the form of legal dictionaries and encyclopedias.

The data collection technique was carried out through literature studies by utilizing digital technology to access legal sources effectively. Data analysis used descriptive, comparative, and evaluative techniques with the application of systematic interpretation that viewed law. This approach allowed for a thorough evaluation of the alignment of the agrarian legal system in the context of agrarian reform.

RESULT AND DISCUSSION

Government Policy in Asset Management and Access to Land Rights

Legal Basis and Policy Framework of Agrarian Reform in Indonesia

The implementation of agrarian reform in Indonesia is an integral part of efforts to realize social justice and sustainable development, as mandated in the 1945 Constitution of the Republic of Indonesia, especially Article 33 paragraph (3) which states that "The earth, water, and natural resources contained therein are controlled by the state and used to the maximum extent of the prosperity of the people" (Sulistyaningsih, 2019). This provision is the main philosophical foundation in implementing agrarian reform policies in Indonesia.

Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA) is the main legal basis for the implementation of agrarian reform in Indonesia. This law emphasizes that the use of land must be aimed at the greatest possible prosperity of the people. The UUPA contains a number of main principles, including: first, land is under state control, where the state has the authority to regulate the control and utilization of land for the welfare of the people; second, recognition of land rights, which include property rights, business use rights (HGU), building use rights (HGB), use rights, and customary rights of customary law communities; and third, the prohibition of land ownership which is contrary to the principles of social justice, which leads to efforts to equalize land ownership and excessive restrictions on land ownership.

In addition, there are several other policies that support the implementation of agrarian reform. Presidential Regulation Number 86 of 2018 concerning Agrarian Reform regulates the implementation of land redistribution and access arrangements. This regulation strengthens the implementation of agrarian reform in Indonesia, including: (1) the establishment of Agrarian Reform Task Forces (GTRA) at the central and regional levels to ensure cross-sectoral synergy in the implementation of agrarian reform; (2) The determination of Agrarian Reform Object Land (TORA) includes various types of land, such as dormant (abandoned) land, state land, land from forest area release, and land from agrarian dispute settlement (Warman, 2010).

Regulation of the Minister of ATR/BPN Number 9 of 2015 concerning Management Rights and Land Rights regulates the mechanism for implementing land redistribution and asset legalization through the land certification program, one of which is through the Complete Systematic Land Registration (PTSL) scheme. Government Regulation Number 24 of 1997 concerning Land Registration provides guidelines for legalizing assets through land certification to create legal certainty.

Agrarian Reform in the Framework of the 2020-2024 RPJMN

Agrarian reform in the 2020-2024 National Medium-Term Development Plan (RPJMN) is positioned as one of the strategic national priority programs in realizing economic equity and social justice. The government targets the implementation of agrarian reform not only limited to land redistribution, but also includes structuring access and community empowerment based on agrarian resources. In the official document of the RPJMN, it is stipulated that as many as 9 million hectares of land are targeted for agrarian reform, consisting of 4.5 million hectares of land redistribution and 4.5 million hectares of asset legalization. This target is directed at the poor, garem farmers, and other vulnerable groups who have not had access to productive land so far.

The development approach in the 2020-2024 RPJMN also pays attention to environmental sustainability, by encouraging sustainable and conservation-based land use. Agrarian reform is also focused on supporting social forestry areas, empowering indigenous peoples, and developing economic institutions for farmers and cooperatives (Nurahmani, 2023). The implementation of this policy is concrete evidence of the state's commitment to reducing inequality in the agrarian structure and strengthening the foundations of the people's economy, in accordance with the mandate of the 1945 Constitution and the vision of Advanced Indonesia 2045 (Salim, 2020; Sumardjono, 2012; Surya et al., 2024).

Determination of Agrarian Reform Object Land (TORA)

The determination of Agrarian Reform Object Land (TORA) is a fundamental component in the implementation of agrarian reform in Indonesia, especially in order to realize agrarian justice and resolve land conflicts that have long been rooted in various regions. This policy serves to determine the types of land that are feasible and legally valid to be redistributed to the community, especially farmer groups, customary law communities, and the poor who do not own land (Amini et al., 2023).

The government stipulates that the lands included in the TORA category include: (1) free state land, namely land that is not controlled by any party and is under the direct control of the state; (2) abandoned land, namely land that has been given rights to it but is not used or abandoned by the right holder according to its designation; (3) former Right to Use Business (HGU) that is not extended, namely land that was previously controlled by the corporation for a certain period of time and is no longer extended so that it becomes state land again; and (4) land resulting from the release of forest areas, namely land that was previously a forest area but was later released or changed in status by the government so that it can be used for the benefit of agrarian reform (Jumali, 2024). This land determination is carried out through an inventory, verification, and legalization process, which involves cross-ministries/agencies, such as the Ministry of ATR/BPN and the Ministry of Environment and Forestry (KLHK), as well as the active participation of local governments. This process aims not only to ensure the legitimacy of land objects, but also to ensure that land redistribution truly reaches people who are entitled and able to manage land productively.

Asset Structuring through Agrarian Reform

Asset management is an aspect of agrarian reform that includes initial land registration and maintenance of land data. The subject of the asset legalization process is the individual, namely the head of the family and his family members. The object of asset ratification includes transmigration land that has not been licensed and land that has been controlled by the community. This legalization process is carried out by issuing land certificates to agrarian reform subjects.

1. Land Redistribution through TORA

Land redistribution is one of the main pillars in the implementation of agrarian reform in Indonesia. This program aims to reduce land tenure inequality, improve community welfare, and promote social justice, especially for groups that have been marginalized in the agrarian system, such as smallholders, the rural poor, and customary law communities.

The implementation of land redistribution is carried out through the Agrarian Reform Object Land (TORA) scheme, which is land that is targeted in agrarian reform policies. The types of land targeted by TORA include: state land that has not been optimally utilized, abandoned land that has been given rights to individuals or legal entities but is not used according to its designation, and land resulting from the release of forest areas that have been converted into non-forest areas (non-forests). By 2024, the government through the Ministry of Agrarian and Spatial Planning/National Land Agency (ATR/BPN), in collaboration with the Agrarian Reform Task Force (GTRA), has succeeded in distributing millions of hectares of land to the community. Priority is given to smallholders, farm workers, and indigenous peoples who have not owned or only control land informally (Ministry of ATR/BPN, 2023).

2. Asset Legalization through PTSL

The Complete Systematic Land Registration Program (PTSL) is an important part of the asset restructuring strategy within the framework of agrarian reform (Misra, 2015). The main objectives of the program are to provide legal certainty over land ownership, prevent and reduce land disputes, and strengthen legal protections for landowners, especially small and vulnerable communities.

Through PTSL, the government collects data, measures, and issues certificates comprehensively on land plots that have not been registered. This program is implemented massively and systematically throughout Indonesia, with a comprehensive approach of one village or one sub-district completely, not based on individual requests. This approach speeds up the certification process and expands the scope of land legalization nationwide.

The main benefits of land legality and certification through PTSL are: reducing agrarian disputes and conflicts by providing valid legal evidence of the ownership or control of a plot of land; increasing access to financial resources because land certificates are legal assets that can be used as collateral to obtain people's business credit (KUR); and encouraging orderly land administration as an important step in realizing a land system that is transparent, orderly, and legally and administratively accountable (Putrisasmita, 2023).

3. Abandoned Land Management

Soil is one of the basic human needs. Every individual naturally wants land, despite the fact that not everyone can afford it. The land plays a crucial role in human life, as it is where a person is born, grows and develops, builds a life, makes a living, and ultimately becomes his final resting place. As Indonesia's population grows, the need for land also increases, which in turn leads to more and more land being controlled (Sembiring, 2017). Abandoned land is a piece of land that has been given land rights, both to individuals and legal entities, but is not used or used according to its designation for a certain period of time. This condition often causes various problems, such as inequality in land tenure, stagnation of land productivity, and the emergence of agrarian conflicts due to the absence of active management. As part of the Agrarian Reform strategy, the government took a firm step by stipulating that abandoned lands can be designated as Agrarian Reform Object Land (TORA) and allocated to the community through the land redistribution process. Asset management in this context refers to providing legal certainty for land ownership through the land rights certification process.

Arrangement of Access for Agrarian Reform Beneficiaries

In practice, access arrangement is an effort to provide opportunities for agrarian reform subjects to get access to financing and various other forms of allowances to improve welfare through land use. This step is also known as a form of community empowerment. In its

implementation, the government implements a community-based land empowerment model as part of the access arrangement strategy.

The community land empowerment model is a strategic approach in the form of interventions based on the results of analysis, such as social mapping, problem identification, regional potential, current situation, and the direction of needs that are the focus in the implementation of access arrangements. Various models have been applied in access management, such as cross-sectoral collaboration linking local governments or Regional Apparatus Organizations (OPDs), civil society organizations (CSOs), and community-based business actors. In addition, there is an integrated MSME development model through the Integrated Business Service Center (PLUT) (Tenrisau, 2023).

1. Access to Capital

One of the crucial aspects of increasing access is access to capital. Many beneficiaries of agrarian reform, especially smallholder farmers, have difficulty obtaining sufficient capital to develop their agricultural ventures. Therefore, the government provides access to banks and microfinance institutions to provide low-interest credit or loans to farmers who have received land.

The People's Business Credit Program (KUR) and the Unsecured Credit (KTA) scheme are some examples of programs that aim to provide access to capital for farmers and communities benefiting from agrarian reform. In addition, through economic empowerment programs, beneficiaries can also obtain capital assistance for the development of small businesses, such as cooperatives or agriculture-based MSMEs (Bank Indonesia, 2021).

2. Access to Training and Education

Access arrangements also include the provision of training and education for beneficiaries of agrarian reform. The purpose of this training is to improve the ability in land management and agribusiness to be more efficient and productive. The training materials include environmentally friendly agricultural techniques, sustainable natural resource management, and the application of technology in the agricultural sector. This training activity is generally carried out in collaboration with universities, civil society organizations, and government agencies such as the Ministry of Agriculture (Ministry of Villages, 2023).

3. Market Access and Infrastructure

One of the main challenges farmers face is access to markets to sell their agricultural produce. In arranging access to agrarian reform, one of the focuses is to ensure that the products produced by the beneficiaries are accepted in the market at a favorable price. Governments and related agencies often support beneficiaries in accessing wider markets, including export markets.

This market access also includes the formation of farmer groups or farmer cooperatives that function to improve the bargaining position of the farming community in the market, as well as facilitate the distribution of agricultural products. Adequate infrastructure, such as roads, irrigation systems, and agricultural product processing facilities, is essential to support the smooth management of land allocated to beneficiaries of agrarian reform (Ministry of Agriculture, 2022).

The Role of the Agrarian Reform Task Force (GTRA)

The Agrarian Reform Task Force (GTRA) is a cross-sectoral cooperation forum established to accelerate the implementation of the National Strategic Agrarian Reform Program in Indonesia. The establishment of GTRA is regulated in Presidential Regulation No. 86 of 2018 concerning Agrarian Reform, which regulates the organizational structure and work procedures of GTRA at the central and regional levels.

The Agrarian Reform Task Force (STG) consists of two levels: the Central STG and the Regional STG, which includes the provincial and district/city levels. At the national level, the

Minister of Agrarian and Spatial Planning/Head of the National Land Agency leads the STG, and consists of various relevant ministries and institutions. At the regional level, STG is led by the Governor or regent/mayor, with members from local government agencies and other related parties.

The roles and functions of GTRA include: **Coordination of TORA Provision**, where GTRA coordinates the provision of Agrarian Reform Object Land (TORA) through the process of identifying land that can be distributed, such as unowned state land, former HGU land that is not extended, and other eligible lands; **Facilitation of Access Arrangements**, where GTRA acts as a facilitator who bridges the community with banking institutions, agriculture offices, cooperatives, MSMEs, and other related agencies; **Agrarian Conflict Resolution**, where GTRA has a strategic function in mediating and resolving land disputes; and **Monitoring and Evaluation** of the implementation of agrarian reform in its work area (Putra et al., 2021).

Recognition of Customary Land Rights

The recognition of the rights of indigenous peoples is a crucial element in the implementation of agrarian reform. Since the issuance of the Constitutional Court Decision No. 35/PUU-X in 2012, the government has intensified efforts to identify, recognize, and establish customary territories as part of the agrarian reform agenda. By 2024, more than two million hectares of land have been designated as customary territories through collaboration between the government, indigenous peoples, and civil society organizations (AMAN, 2024).

Indigenous peoples in Indonesia have a deep attachment to the land they inhabit. These relationships are not solely physical, but also include social, cultural, and spiritual aspects. For indigenous peoples, land is not only considered an economic resource, but also an essential part of their cultural identity as well as a symbol of their sovereignty.

In sustainable natural resource management, indigenous peoples have developed local value systems and knowledge that have been passed down from generation to generation to maintain a harmonious relationship between humans and nature. One clear example of this practice is agroforestry, which is a forest-based agricultural system that is commonly applied by indigenous peoples in various regions in Indonesia (Sahureka et al., 2024).

The Basic Agrarian Law (UUPA) No. 5 of 1960 legitimizes the existence of customary rights or rights to customary land. The UUPA emphasizes that land controlled by customary law communities must be recognized, although this is not always proven through formal land certificates. Although this recognition is normatively regulated, its implementation often faces various obstacles, both legal and bureaucratic, that hinder the recognition of customary land rights in real terms. Law Number 6 of 2014 concerning Villages further strengthens the recognition of customary land rights in Indonesia. This law not only regulates village government in general, but also provides legal space for the recognition and protection of indigenous peoples, including their rights to customary territories. Through this regulation, indigenous peoples can apply for recognition of customary land through the village government and the next process is continued with a mechanism set by the local government (Widiyaningsih & Purwanti, 2025).

Legal Implications of Asset Management and Access in Realizing Agrarian Reform Asset Structuring: Legal Consequences of Land Tenure and Redistribution

Asset management in the context of agrarian reform is an important process that not only concerns socio-economic aspects, but also has a significant impact on legal aspects. The primary objective of asset structuring is to ensure the equitable distribution of land to groups of communities that have historically been marginalized from land ownership or access, such as smallholders, farm labourers, and indigenous peoples.

In practice, land redistribution has various legal consequences. First, there is a change in the legal status of land. Land that was previously state land or abandoned land will be changed to property rights or business use rights, use rights, or management rights, in accordance with the provisions of applicable agrarian law. The process of changing this status must go through a strict land administration mechanism, including location determination, subject and object verification, and issuance of land rights certificates by the National Land Agency (BPN).

Second, asset arrangement creates new legal obligations for land recipients. Communities who receive land through the agrarian reform program are obliged to use the land according to its designation and are not allowed to be traded for a certain period of time. This provision aims to prevent land speculation and ensure that the land is actually utilized for productive purposes and improves the welfare of the recipient.

Third, there is a potential for legal disputes that can arise from land redistribution, especially if it is not accompanied by accurate land data and recognition of the rights of indigenous peoples. Conflicts of ownership or claims to land by third parties often arise when the legal status of land is unclear, or when redistribution is carried out without consultation and participation of local communities (Ichwana & Wahyuni, 2024).

Legal Implications of Granting Access Rights to Land

The granting of land rights includes the granting of ownership, use rights, and lease rights over land that has been distributed or controlled by the community. Regulating land access has important legal consequences, as it allows communities to obtain the resources, they need for production and improve their well-being. Based on Law No. 11 of 2020 concerning Job Creation, the government is obliged to facilitate access to land and ensure a more equitable distribution.

However, if this access is not distributed evenly or discrimination occurs, this will create greater inequality in society. For example, agrarian reform programs can trigger conflicts between groups, such as women or indigenous peoples, who are often marginalized in land redistribution policies. In this regard, it is crucial for the state to guarantee fair access rights for all parties involved, including minority groups and communities that traditionally manage land (Lestari, 2023).

Legal Conflicts in Land Redistribution

Asset management and land access during agrarian reform often led to legal conflicts or land disputes. For example, land controlled by indigenous peoples often overlaps with state interests or third parties, such as companies that have claims to the land. These disputes can drag on and end up in court, requiring significant time and resources to resolve (National Agrarian Reform Team, 2015). Land redistribution often involves complicated legal processes because: (1) Overlapping claims, where indigenous peoples often do not get recognition of their rights to customary land; (2) Disputes with companies, where the control of ex-HGU land that has not been returned to the state often triggers conflicts.

Resolving these conflicts requires inclusive legal instruments, such as mediation and restorative justice approaches to unite the interests of all parties. Applicable approaches include: a court process that involves the court to resolve disputes based on positive law; mediation as a more inclusive alternative approach to align the interests of the parties; and restorative justice that prioritizes dialogue and restores relations between the parties to the dispute.

Land Receiver Limitations and Responsibilities

Governments often impose legal requirements on beneficiaries, such as a ban on selling land for a certain period of time to discourage speculation. Violation of these requirements may result in the revocation of land rights. These requirements include: (1) Prohibition of Transfer

of Functions, where the land distributed may not be converted for non-productive purposes; (2) Obligation of Utilization, where the beneficiary must make productive use of the land, and if this obligation is not fulfilled, the right to the land may be revoked and returned to the state.

Access Arrangement: Community Empowerment Through Resources

Land access management focuses on providing fair access rights to communities to manage land productively. This is important because even after the land is distributed, without adequate access to capital, technology, and markets, the recipients will not be able to make optimal use of it (Fathoni, 2018). Access arrangements in agrarian reform include the provision of capital, technology, training, and infrastructure to beneficiaries so that distributed land can be managed productively.

Rights to Resources

Beneficiaries get new rights to access resources, such as farm credits, technology training, and crop marketing. These rights are often governed by legal treaties that guarantee their continued use. They also get access to supporting facilities such as: business capital in the form of agricultural business loans from banking institutions, with land as collateral; training and technology in the form of transfer of modern agricultural technology to increase crop yields; infrastructure in the form of providing roads, irrigation, and logistics facilities to support agrarian activities (Setiyawan, 2017).

Legal Responsibilities of Beneficiaries

Access arrangements also create legal obligations for beneficiaries, such as: managing land in accordance with the goals of agrarian reform; and pay off credit loans on time. Access management is often exploited by certain parties for personal gain. An example is land speculation by third parties that exploit the weaknesses of beneficiaries.

New Legal Relationships

Access management involves many parties, such as the government, financial institutions, and agribusiness. The legal relationship that is formed must be governed through a contract that protects all parties, especially the beneficiaries, who are often in a vulnerable position. Access arrangements create legal relationships between beneficiaries and other parties, such as: financial institutions where beneficiaries contact banks or cooperatives to obtain business capital; and private companies through cooperation with agribusiness companies in crop marketing or technology management.

Risks of Abuse and Potential Conflict

Land disputes often arise as a result of agrarian reform policies implemented in asset management and land access. This dispute can arise between the land rights recipient community and the party that owns the land claim, such as the land management rights holding company. These land disputes often lead to legal conflicts involving lengthy court proceedings (S.S., 2020). Land disputes often start from unclear land ownership status, such as unregistered land or dual ownership of land. This can create legal uncertainty that benefits those with more political or economic power. Access arrangements can be abused by certain parties who exploit the beneficiaries' ignorance. Examples include cases where beneficiaries are used as third parties in land speculation or forced to sell their land at a low price.

Agrarian Governance Transformation

Agrarian reform transformed agrarian governance into a more inclusive system, with the state playing an active role in ensuring equitable distribution and access to land. This policy

encourages the decentralization of agrarian management and increases the role of local communities (Sitorus, 2012). The transformation of agrarian governance within the framework of agrarian reform marks an important shift from the previously centralistic and elitist system of land tenure and distribution, towards a more inclusive, participatory, and socially just pattern. In this new paradigm, the state not only acts as a regulator, but also actively intervenes in redistributive interventions to reduce land tenure inequality. Decentralization is an important part of this transformation, where the authority for agrarian management is partly delegated to local governments and involves local institutions, civil society organizations, and indigenous communities in the process of planning and implementing agrarian reform programs. This approach strengthens accountability and transparency, and provides space for communities to actively participate in determining the direction of land use (Fajar et al., 2022).

Agrarian Conflict Resolution

Agrarian reform plays an important role in resolving agrarian conflicts that have often protracted and involve various parties, such as local communities, companies, and governments. These conflicts often stem from overlapping land ownership claims, neglect of indigenous peoples' rights, and inequality in land distribution inherited from colonial times.

The resolution of agrarian conflicts within the framework of agrarian reform is carried out through a combination of various methods. First, the litigation approach is used in cases that require settlement through legal channels, for example to determine the validity of certificates or land ownership status. Second, the mediation approach is carried out through dialogue between the warring parties, which is mediated by institutions such as the Agrarian Reform Task Force (Agrarian Task Force) or the Agrarian Reform Task Force (GTRA). Third, the restorative justice approach is becoming increasingly important, where the settlement is focused on restoring social relations and fulfilling the rights of the affected communities (Ramadhan, 2023).

CONCLUSION

Government policies on asset management—through TORA redistribution and PTSL legalization—and access to land rights formed an integral strategy of agrarian reform in Indonesia, aiming to realize agrarian justice by providing legal certainty, ensuring productive land utilization via economic empowerment, and fostering cross-sector synergy through the participatory, decentralized coordination of the GTRA. These efforts yielded legal implications such as strengthened legal certainty, protection of agrarian rights, conflict resolution, and a transformation toward more inclusive agrarian governance, positioning reform not merely as redistribution but as structural transformation aligned with Article 33(3) of the 1945 Constitution and the 1960 Basic Agrarian Law. For future research, empirical studies could assess the on-the-ground impacts of Presidential Regulation No. 62 of 2023 on smallholder livelihoods and food sovereignty, particularly in regions with high agrarian conflicts, to evaluate long-term effectiveness amid ongoing land inequality challenges.

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