



Agrarian Law Reform Based on Good Land Governance in Indonesia: A Normative Legal Analysis

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Abstract: Agrarian law reform in Indonesia is an urgent necessity amid increasing land ownership inequality, weak legal certainty, and widespread agrarian conflicts. The Constitutional Court's Decision Number 185/PUU-XXII/2024 regarding the term of Building Use Rights (HGB) and Business Use Rights (HGU) in the Capital City of Nusantara (IKN) reinforces the urgency of national agrarian law reform. This article aims to examine the direction of agrarian law reform based on Good Land Governance (GLG). Through an analysis of positive legal norms, doctrines, and good governance principles, this study emphasizes that agrarian law reform must integrate the principles of transparency, accountability, participation, justice, and sustainability. These findings reinforce the idea that Indonesian agrarian law must transform from a paradigm of control to a paradigm of equitable management.

Keywords: Agrarian Law; Legal Reform; Good Land Governance; Social Justice; Indonesia.

1. Introduction

Since the enactment of the Basic Agrarian Law No. 5 of 1960 (UUPA), the direction of Indonesian agrarian law has been geared towards creating social justice and equitable access to land (Suyanto, 2022). However, seven decades later, various structural problems still persist: land conflicts, legal dualism, and weak transparency. According to research from (Suyanto, 2021) The root of agrarian problems in Indonesia does not lie solely in a lack of regulation, but in the absence of land management based on the principles of good governance. The state often positions itself as the dominant actor in land control and allocation, while mechanisms for public control, transparency, and accountability have not been optimally implemented. This condition has resulted in the neglect of distributive justice, where access to land tends to be concentrated in certain groups, as well as the neglect of environmental sustainability due to an exploitative development orientation.

The complexity of these agrarian issues has become even more prominent with the issuance of Constitutional Court Decision Number 185/PUU-XXII/2024, which revokes the provision extending the term of Building Use Rights (HGB) and Cultivation Use Rights (HGU) in the Capital City of Nusantara (IKN) to 190 years (Maisari & Ansharullah, 2023). This ruling has constitutional significance because it affirms that land ownership by the state or private parties cannot be separated from the social function of land, as mandated in Article 33 of the 1945 Constitution of the Republic of Indonesia. Thus, land should not be treated solely as a long-term economic commodity, but as a strategic resource that must be managed for the greatest prosperity of the people.

Constitutional Court Decision No. 185/PUU-XXII/2024 has significant implications for the direction of national agrarian law reform in Indonesia, such as: 1) It reinforces state control of land for the greatest public benefit (Article 33(3) UUD 1945); 2) It limits legal provisions that create excessive, long-term land rights without accountability; 3) It aligns special land regimes (like IKN) with core agrarian norms; 4) It emphasizes legal certainty and public welfare in agrarian policymaking; 5) It strengthens the role of constitutional law and judicial review in shaping agrarian reform. Together, these effects situate agrarian law reform within a constitutional framework that prioritizes equitable

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land governance, balancing development needs with constitutional mandates on land use and public welfare.

In a broader context, global developments show that Good Land Governance (GLG) has become the main paradigm in agrarian law reform in various countries (Deininger & Feeder, 2022; Pham et al., 2024). GLG emphasizes the importance of information disclosure, legal certainty, protection of community rights, and state responsibility for environmental sustainability. This paradigm positions the state not as the absolute owner of land, but as a trustee that must ensure a balance between development interests, social justice, and environmental preservation. Therefore, the integration of GLG principles into national land governance is crucial in order to address structural agrarian issues and strengthen the implementation of constitutional values in Indonesian agrarian law.

Good Land Governance (GLG) occupies a corrective, integrative, and normative position in response to the failure of sectoral and partial agrarian reform. It emerges not as an additional policy layer, but as a paradigm shift that addresses the structural weaknesses of fragmented, sector-based land regulation and redistribution. Good Land Governance is not an alternative to agrarian reform, but its necessary foundation. It transforms agrarian reform from fragmented redistribution into integrated land governance, constitutionally accountable land control, and equitable and sustainable land management. In this sense, GLG represents the structural completion of agrarian reform, addressing not just who gets land, but how land is governed, protected, and sustained.

This study presents conceptual and empirical innovations in the study of Indonesian agrarian law by placing the implementation of the Basic Agrarian Law No. 5 of 1960 (UUPA) in the perspective of a cross-temporal structural evaluation after more than seven decades of its enactment. Unlike previous studies, which generally focused on normative aspects or partial case studies of agrarian conflicts (Suyanto, 2023a, 2024) This study offers an integrative approach that simultaneously examines three crucial issues that have been analyzed separately, namely: land conflicts, agrarian law dualism, and transparency in land governance.

The novelty of this research lies in the development of a new analytical framework that links the social justice objectives of the UUPA with the contemporary reality of land governance based on the principles of good governance (transparency, accountability, and public participation). The use of empirical data and current policies to assess the gap between agrarian law norms and their implementation in the field, particularly in the context of agrarian reform and the digitization of land services.

The formulation of an evidence-based policy recommendation model that not only highlights structural weaknesses but also offers strategies for legal harmonization and strengthening transparency as instruments for preventing ongoing agrarian conflicts. Thus, this research not only enriches the scientific knowledge of agrarian law but also provides practical and policy contributions in promoting agrarian law reform that is more responsive to social, economic, and governance challenges in the modern era.

2. Materials and Methods

This study uses a normative legal approach by placing law as a norm that is analyzed systematically through in-depth examination of legislation, court decisions that have legal force, and relevant national and international academic literature, in order to examine the consistency, rationality, and development of legal doctrine in addressing the issues under study. The analysis method is descriptive-analytical to interpret legal rules based on the principles of justice, clarity of norms, and good land governance.

Legal materials used in this study: (a) Primary: 1945 Constitution, 1960 Basic Agrarian Law, Law Number 3 of 2022 concerning IKN, and Constitutional Court Decision No. 185/PUU-XXII/2024. (b) Secondary: National agrarian law journals, scientific works by Suyanto (2021, 2023, 2024), and Scopus-indexed articles on land governance. (c) Tertiary: Reports by the Corruption Eradication Commission (KPK, 2023) and the Food and Agriculture Organization (World Bank, 2023) on the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT).

The process of agrarian law reform based on Good Land Governance in Indonesia through normative legal analysis (Herlambang et al., 2023; Suyanto, 2023b) involves the following stages:

a. Identification of Basic Norms and Constitutional Foundations

The initial stage of agrarian law reform is carried out by tracing the basic norms (ground norms) that form the foundation of land regulation in Indonesia. Normatively, this is based on Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that the earth, water, and natural resources are controlled by the state and used for the greatest prosperity of the people. This constitutional norm is the main parameter in assessing whether agrarian policies and regulations are in line with the principles of the social function of land, social justice, and sustainability.

b. Analysis of the Synchronization and Harmonization of Legislation

The next process is to review the vertical and horizontal synchronization of laws and regulations in the agrarian sector, starting from Law No. 5 of 1960, sectoral laws, and their implementing regulations. Normative legal analysis is used to identify overlapping norms, legal dualism, and conflicts of authority that have the potential to hinder the application of the principles of Good Land Governance. At this stage, legal reform is directed at harmonizing regulations to create legal certainty, transparency, and distributive justice in land ownership and utilization.

c. Review of Court Decisions as a Source of Legal Reform

Court decisions, particularly those of the Constitutional Court, are analyzed as a source of law and a corrective instrument for agrarian policy. Through a case approach, normative legal research examines the ratio decidendi of decisions that reaffirm the social function of land, restrictions on land rights, and the state's obligation to protect the rights of the community. These decisions play an important role in promoting agrarian legal reform that is more oriented towards GLG principles.

The role of Constitutional Court decision analysis as a source of law in agrarian reform based on Good Land Governance is to: 1) constitutionalize land governance principles, 2) translate constitutional norms into governance standards, 3) correct over-marketized land policies, 4) provide binding benchmarks for legislators, and 5) anchor agrarian reform in justice, accountability, and public welfare. MK decision analysis transforms Good Land Governance from a policy ideal into a constitutional mandate, making agrarian law reform not only desirable, but constitutionally necessary.

d. Integration of Good Land Governance Principles into Legal Norms

The next stage is to examine how the principles of Good Land Governance—including transparency, accountability, public participation, legal certainty, protection of rights, and environmental sustainability—can be normatively integrated into the national agrarian legal system. This analysis is conducted by comparing Indonesia's positive legal norms with legal doctrines and international standards related to land governance, so that legal reform is not only national in nature but also contextual to global developments.

e. Reconstruction of Norms and Formulation of Legal Reform Concepts

Based on the results of a normative analysis of regulations, court decisions, and literature, agrarian legal norms were reconstructed. This reconstruction aims to strengthen the position of the state as a trustee, rather than the absolute owner of land, and to ensure fair and sustainable land distribution. At this stage, agrarian law reform is directed at formulating legal concepts that are responsive to agrarian conflicts and capable of preventing excessive land ownership practices.

f. Formulation of Agrarian Law Policy Recommendations

The final stage of the GLG-based agrarian law reform process is the preparation of normative-prescriptive legal policy recommendations. These recommendations include regulatory reform, strengthening land institutions, and affirming the principles of transparency and accountability in agrarian decision-making. Thus, the results of normative legal analysis are not only descriptive but also provide direction for agrarian law reform in line with constitutional values and the principles of Good Land Governance.

3. Results and Discussion

3.1 *The Good Land Governance Paradigm in Agrarian Reform*

The concept of Good Land Governance (GLG) is the application of good governance principles in the land system. This principle emphasizes transparency (openness of land data and policies), accountability (the responsibility of public officials in every decision), participation (community involvement in land planning and distribution), justice (fulfillment of economic and social rights for all parties), and sustainability (preserving the ecological function of land).

According to (Suyanto, 2024) GLG-based agrarian law reform means treating land not only as an economic asset, but also as a public trust for the common good. This is in line with the views of (Cotula, 2020) and (Hall et al., 2021), who argue that the legitimacy of land ownership must be based on social interests, not merely economic efficiency.

3.2 *Problems with National Agrarian Law*

Agrarian problems in Indonesia can be classified into three main aspects:

a. Overlapping sectoral regulations

The lack of synchronization between the UUPA, the Forestry Law, and the Mining Law creates legal uncertainty. As stated by (Nguyen, 2023). Weak land governance often stems from institutional fragmentation. The impact of overlapping sectoral regulations is fundamentally corrosive to both legal certainty and fair land distribution. Contradictory norms, unstable tenure, and institutional conflict weaken legal certainty. Structural advantages for powerful actors and the exclusion of vulnerable landholders distort fair distribution. Ultimately, overlapping sectoral regulation transforms land governance from a rule-based system into a negotiation-based system, where access to power, not law, determines outcomes.

b. Inequality in land ownership

Data from the Agrarian Reform Consortium (Budiono et al., 2020) shows that 1% of the population controls more than 55% of productive land. According to (Borras, 2023) This situation is similar to other agrarian countries in Southeast Asia, where agrarian policies have failed to balance investment and social justice.

c. Weak transparency of land data

Digitization through electronic certificates (Permen ATR/BPN No. 1 of 2021) is still hampered by data integrity and cybersecurity issues (Rahman & Pingali, 2024). Without digital accountability, land reform has the potential to widen inequality.

3.3 *Implementation of GLG Principles in Indonesia*

a. Transparency

The land information system must be based on open data with public audits. The experiences of Kenya and Rwanda show that open land data can reduce ownership conflicts (Mwangi et al., 2023).

b. Accountability

Suyanto (2023) proposes the establishment of an Agrarian Ombudsman to ensure transparency in permit management and land redistribution.

c. Community Participation

The principle of participation requires community-based land management. A study by (Pham et al., 2024) In Vietnam shows that active community participation increases the legitimacy of agrarian law.

d. Justice and Sustainability

GLG is oriented towards distributive justice, not just formal justice. According to (Lavers & Boamah, 2023) Agrarian justice is a key pillar of economic and social stability in developing countries.

3.4 International Practices and Lessons for Indonesia

Kenya (2022): The National Land Commission Act regulates the rights of local communities in the public land licensing process. Vietnam (2023): Reforms to the land lease system have successfully reduced disputes through digital data transparency. South Korea (2022): Integrates social value scoring into land licensing to ensure equitable access. The Netherlands (2024): Implements adaptive land governance based on sustainability and ecological spatial planning (De Vries et al., 2024). These models show that good land governance requires the integration of legal norms, technology, and social values.

Effective land governance, characterized by secure land tenure, is fundamental for the sustainable utilization and protection of land and its associated natural resources globally (Mwangi et al., 2012). This introductory section examines land governance models from diverse national contexts, including Kenya, Vietnam, South Korea, and The Netherlands, to distill critical components of successful land administration. These case studies collectively demonstrate that robust land administration systems are intricate institutional frameworks shaped by cultural, political, and judicial factors, alongside technological advancements (Balas et al., 2021). Specifically, governments implement these systems to formally recognize and safeguard property rights, limitations, and obligations (Durrani et al., 2014). Such systems necessitate a comprehensive set of jurisdiction-specific policies, laws, and procedures to ensure the recording and protection of these rights (Burns et al., 2023). These frameworks encompass not only the legal and administrative structures but also the broader societal values and technological integrations that underpin responsible land management (Spiridonov, 2024). Good governance in land administration is further contingent upon appropriate resource allocation, cultural sensitivity, equity, and a steadfast commitment to quality (Gobena, 2020; Grover et al., 2007). The varying approaches adopted by these nations underscore the absence of a universal standard for land administration reform, necessitating tailored strategies that reflect each country's unique socio-economic and environmental landscape (Balas et al., 2021; Burns et al., 2023). Despite this, common challenges such as land conflicts, underinvestment, and hindered economic development persist in many less developed countries due to fragmented and legacy land administration approaches (Kinsey, 2004; Lawry et al., 2023). However, advancements in fit-for-purpose land administration and frameworks for effective land administration offer promising pathways to address these issues by prioritizing context-dependent, cost-effective, and efficient solutions.

4.5 Direction of Agrarian Law Reform in Indonesia

Suyanto (2024) identifies five strategic steps for agrarian law reform based on GLG: 1. Harmonization of sectoral laws between agrarian, forestry, and mining; 2. Digitalization of land services with blockchain registry and public audit; 3. Reformulation of state control rights into management rights for the welfare of the people; 4. Recognition of customary law and customary rights through collective legalization mechanisms; 5. Strengthening the role of civil society in land policy oversight. These steps are in line with the recommendations of the (FAO, 2022) and the (World Bank, 2023) regarding inclusive land governance that is adaptive to social change.

The harmonization of sectoral laws on agriculture, forestry, and mining is an effort to organize the legal system with the aim of aligning norms, authorities, and cross-sectoral policies so that there is no overlap in regulations or conflicts over land use, thereby enabling the control and management of natural resources to be carried out in an integrated, equitable, and sustainable manner in accordance with the constitutional mandate.

The digitization of land services through the application of a blockchain registry accompanied by a public audit mechanism is a concrete manifestation of the principle of Good Land Governance, as it promotes information disclosure, legal certainty, and state accountability in land data management, by ensuring the validity and traceability of land rights records in a transparent manner, preventing data manipulation, and strengthening public trust in a fair and sustainable land administration system.

The reformulation of the concept of state control rights into management rights for the welfare of the people is a step towards agrarian law reform in line with the principles of Good Land Governance, as it positions the state not as the absolute owner of land, but as a responsible manager (trustee) to ensure distributive justice, protection of community rights, transparency in decision-making, and environmental sustainability in the utilization of agrarian resources.

The recognition of customary law and customary rights through collective legalization mechanisms is an instrument of agrarian law reform that is integrated with the principles of Good Land Governance, as it ensures the protection of indigenous peoples' rights in a participatory and transparent manner, provides legal certainty over communal land tenure, and affirms the state's responsibility to respect social justice, environmental sustainability, and diversity of legal systems in land governance.

The role of civil society in correcting state-market power relations in land governance is to: 1) act as a constitutional conscience, 2) restore the social function of land, 3) rebalance power through accountability and participation, 4) empower communities legally and politically, and 5) prevent land governance from becoming a state-market oligarchy. In essence, civil society ensures that land governance remains a public, democratic, and justice-oriented process, rather than a closed negotiation between the state and the market.

Strengthening the role of civil society in monitoring land policies is a manifestation of the principle of Good Land Governance, as it encourages public participation, transparency, and state accountability in every stage of policy formulation and implementation, ensuring that land tenure and utilization are democratically controlled to guarantee social justice and the protection of community rights. Strengthening the role of civil society in monitoring land policy is carried out through several interrelated stages. First, opening access to public information related to planning, licensing, and land use, so that the community has an adequate knowledge base to carry out monitoring. Second, institutionalizing community participation through mechanisms of public consultation, hearings, and involvement in forums for decision-making on land policy. Third, increasing the capacity of civil society, including indigenous peoples' organizations, NGOs, and local communities, through agrarian law education and the use of information technology for monitoring land policy. Fourth, providing complaint channels and independent oversight that are responsive and legally binding, so that community findings can be followed up institutionally. Through this process, the principle of Good Land Governance is realized in the form of participatory oversight that strengthens the legitimacy of land policy and prevents abuse of state authority.

4. Conclusions

Good Land Governance-based agrarian law reform is a constitutional and moral necessity for Indonesia to ensure that land is managed for the welfare of the people. The principles of transparency, accountability, participation, justice, and sustainability must be the main pillars of any agrarian law reform. The results of this study provide a strong foundation that agrarian law should not only be an instrument of state control, but also a social management system that guarantees justice and the welfare of the people. By

adopting GLG practices and transparent digital regulatory support, Indonesia can move towards an adaptive, fair, and sustainable agrarian legal system.

Normatively, the reformulation of state control rights transforms land redistribution and control policies in five fundamental ways: 1) From power to responsibility; 2) From ownership logic to stewardship logic; 3) From permanence to conditionality; 4) From market dominance to social justice; 5) From administrative control to constitutional governance. In essence, land redistribution and control are no longer discretionary tools of the state, but constitutional instruments for correcting inequality, ensuring sustainability, and realizing social justice.

Further research must move beyond normative and doctrinal analysis toward empirical, interdisciplinary, and policy-evaluative agendas to test the effectiveness of Good Land Governance (GLG) in national land practices. The central objective is to determine whether GLG principles actually improve land outcomes, legal certainty, equity, sustainability, and accountability rather than merely exist as policy rhetoric. Future research should aim to answer three core questions: 1) Does Good Land Governance work?, 2) For whom does it work—and who is excluded?, 3) Under what institutional and political conditions does it succeed?. By shifting from normative endorsement to empirical testing, this research agenda will transform Good Land Governance from an aspirational framework into a verifiable, evidence-based model for national land policy reform.

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