

Original Article

Unprotected Land Ownership Rights in Corporate Land Acquisition

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Abstract

Land ownership conflicts in Indonesia frequently emerge in plantation regions when local communities cultivate land in fact while corporations assert formal legal control over the same land. This situation generates agrarian disputes that expose structural tensions between the formal land certification regime and long-established patterns of community land use. This study examines the philosophical orientation underlying judicial reasoning in adjudicating disputes concerning Land Use Rights held by PT Perkebunan Nusantara Persero and evaluates the degree of legal protection granted to communities that cultivate land without formal certificates. The research applies a normative legal method through statutory and case approaches. The study relies on primary and secondary legal materials gathered through systematic literature review and analyzes them using deductive reasoning and interpretative analysis. The findings demonstrate that judicial panels in five cases placed primary emphasis on formal legal certainty by prioritizing documentary evidence of title and by disregarding factual realities related to community cultivation. This approach directs adjudication toward procedural compliance and limits consideration of substantive justice and social utility. The analysis further shows that the legal system has not provided adequate protection for affected communities. Effective preventive protection requires clearer regulatory arrangements governing land control by communities and state-owned enterprises. Effective repressive protection requires judges to assess both formal documentation and material evidence in a balanced manner. The study concludes that current judicial practice has not achieved equitable legal protection for communities engaged in cultivated land use.

Keywords: Acquisition; Corporate; Land; Ownership; Protection;

Introduction

Land plays a fundamental role in human life because individuals, social groups, legal entities, and government institutions rely upon land as the primary basis for carrying out social, economic, and administrative activities. The development of science and technology has intensified human interaction with land and has consequently required the state to establish more comprehensive regulatory arrangements concerning control, allocation, utilization, availability, and maintenance of land resources. Indonesian land governance derives its juridical foundation from Law Number 5 of 1960 concerning Basic Agrarian Principles, which implements Article 33 paragraph 3 of the Constitution of 1945 and mandates that the state control land, water, and natural resources to achieve the greatest prosperity of the people. This constitutional mandate authorizes the state to regulate land tenure and management while ensuring that such authority serves public welfare rather than institutional interests.¹

The agrarian law framework defines land as the surface of the earth and regulates land control through juridical and physical dimensions. Juridical control arises from legally recognized rights that grant authority to use and manage land, while physical control reflects actual possession or occupation, which does not always coincide with juridical ownership.

¹ Ward Berenschot and others, 'Anti-Corporate Activism and Collusion: The Contentious Politics of Palm Oil Expansion in Indonesia', *Geoforum*, 131 (2022), 39–49
<<https://doi.org/https://doi.org/10.1016/j.geoforum.2022.03.002>>.



The law recognizes various land rights and permits their transfer, thereby requiring land registration to guarantee legal certainty, protection of rights holders, and orderly land administration.² Although land registration aims to prevent disputes and provide reliable information, practical implementation has not eliminated conflicts such as unlawful occupation, overlapping certificates, unauthorized transfers, land conversion, and concentration of ownership. Limited land availability combined with increasing demand continues to intensify disputes, particularly in cases involving occupation without lawful entitlement. The legal system therefore requires valid proof of rights, including certificates or credible evidence of control exercised in good faith, to ensure certainty and justice in land administration.³

Land title certification constitutes an essential component of the legal system of land tenure because it functions as formal evidence of rights and provides legal certainty over a specific parcel of land. The legal order therefore requires every person or entity that controls or uses land for any purpose to base such control on valid proof of rights. Despite this requirement, unlawful land control and utilization continue to occur in practice. In Indonesia, disputes concerning land occupation without lawful entitlement frequently arise in plantation areas, particularly where large scale plantation enterprises operated by state owned enterprises or private corporations confront local cultivating communities residing around the plantation sites.⁴ Reports from the Agrarian Reform Team of the Presidential Staff Office record hundreds of land cases involving PT Perkebunan Nusantara that have been submitted as public complaints. The Consortium for Agrarian Reform further identifies the expansion of plantation investment and monoculture business practices as significant drivers of agrarian conflict, especially when such practices result in land dispossession and forced displacement of local communities. In several instances, authorities have issued cultivation rights over land that overlaps with established settlements and customary territories. These conditions demonstrate persistent structural tensions between formal corporate land control and community-based land occupation, thereby highlighting ongoing challenges in ensuring equitable land governance and effective legal protection.

Table 1
Provinces with the highest number of agrarian conflicts involving the Nusantara Plantation Limited Liability Company:

Region	Number of Conflicts
Sumatera Utara	22 conflict
Jawa Barat	25 conflict
Kalimantan Barat	13 conflict
Jawa Timur	13 conflict
Sulawesi Selatan	12 conflict

Source: Processed by the Author

The available data show that five provinces record the highest incidence of agrarian conflicts, namely North Sumatra with twenty-two cases, West Java with twenty-five cases,

² Allen Pranata Putra and others, 'A Critical Review of Land Transport Management in Indonesia: Does It Support CO2 Emission Reduction?', *Social Sciences & Humanities Open*, 12 (2025), 101972 <<https://doi.org/https://doi.org/10.1016/j.ssaho.2025.101972>>.

³ Berenschot and others.

⁴ Arditya Wicaksono and others, 'Actor Collaboration in the Implementation of Business Licensing Integrated with the Land Use Framework: Indonesian Case Study', *Urban Governance*, 2025 <<https://doi.org/https://doi.org/10.1016/j.ugj.2025.10.003>>.



West Kalimantan with thirteen cases, East Java with thirteen cases, and South Sulawesi with twelve cases. These statistics confirm that disputes involving PT Perkebunan Nusantara persist at a considerable level in several regions. The continuing pattern of conflict indicates that the corporation has not yet achieved an effective resolution of disputes, particularly those concerning land cultivated by local communities.⁵

The geographic concentration of these conflicts reflects structural deficiencies in plantation land governance and demonstrates sustained tension between corporate control and community-based land use. This situation requires a rigorous legal examination of the extent to which the legal system protects communities that cultivate land without formal certificates. A systematic assessment of prevailing statutory provisions and judicial practices must determine whether the existing framework ensures equitable protection for community land holders in disputes with PT Perkebunan Nusantara. By conducting such an evaluation, legal scholars and policymakers can identify regulatory gaps and weaknesses in dispute settlement mechanisms. Strengthening the legal protection afforded to community cultivators will advance substantive justice and enhance legal certainty, while simultaneously reducing the probability of recurring agrarian conflicts involving PT Perkebunan Nusantara.

Table 2. Provinces with the largest areas of agrarian conflict involving PT. Perkebunan Nusantara:

Region	Number of Conflicts
Sumatera Utara	215.404 hectares
Jambi	79.334 hectares
Kalimantan Barat	161.262 hectares
Kalimantan Timur	128.249 hectares
Sulawesi Tengah	108.125 hectares

Source: Processed by the Author

The data demonstrate that the provinces with the largest areas of agrarian conflict include North Sumatra with 215404 hectares, West Kalimantan with 161262 hectares, East Kalimantan with 128249 hectares, Central Sulawesi with 108125 hectares, and Jambi with 79334 hectares. The extensive scale of these conflicts indicates that land disputes involving PT Perkebunan Nusantara remain widespread and unresolved. This condition has generated injustice for local communities, particularly farmers whose cultivated land has been controlled without lawful entitlement by the corporation. The magnitude of disputed land therefore requires a comprehensive legal analysis of the forms of protection available to community cultivators in order to establish a more equitable framework and to reduce recurring land control conflicts. National land law does not formally recognize cultivated land as a distinct category of land rights because the Basic Agrarian Law does not regulate cultivation rights as proprietary rights. Cultivated land does not constitute a legally defined land right within the national land regime. However, land reform regulations historically acknowledged cultivation permits, including provisions that allowed farmers who possessed cultivation permits to obtain ownership rights after fulfilling specific conditions.

These regulatory measures aimed to resolve agricultural land control through administrative legalization. Agrarian conflicts fundamentally arise from the tension between factual control and formal legal recognition. In the context of customary land, factual recognition refers to continuous traditional occupation and management by indigenous

⁵ Takashi Kurosaki, Saumik Paul and Firman Witoelar, 'In Pursuit of Power: Land Tenancy Contracts and Local Political Business Cycles in Indonesia', *Journal of Economic Behavior & Organization*, 227 (2024), 106764 <<https://doi.org/https://doi.org/10.1016/j.jebo.2024.106764>>.



communities, whereas formal recognition requires conformity with national interests and higher legal norms. The divergence between factual possession and juridical entitlement has produced structural inequality in land control. In plantation areas, corporate actors frequently justify land claims by invoking the protection of state assets, thereby compelling communities to relinquish land in the absence of formal documentation. This dynamic has intensified social resistance and reflects unresolved imbalances in agrarian governance.⁶

Several cases demonstrate how disputes over community cultivated land involving PT Perkebunan Nusantara have progressed to judicial adjudication. In the first case, decided under Supreme Court Decision Number 2425 K Pdt 2022 in Deli Serdang Regency, the claimant, acting as director of a private company, asserted ownership of 125 hectares based on deeds of release of control with compensation issued by the local government. PT Perkebunan Nusantara II argued that the disputed land overlapped with its registered cultivation right and subsequently transferred part of the land to the regional police authority. The court rejected the claim and affirmed that the land formed part of the corporation's cultivation right, reasoning that the original acquisition conflicted with statutory provisions and therefore could not serve as a valid basis for transfer of title. In the second case, reflected in Supreme Court Decision Number 380 PK Pdt 2019 in Binjai, a private corporation and intervening farmers challenged the continued control of land whose cultivation right had expired. The court granted the corporate claimant's action after confirming that the cultivation right had lapsed, yet it rejected the farmers' intervention on the ground that they no longer physically controlled the land and that the administrative decree underlying their certificates had been revoked. In the third and fourth cases, adjudicated in South Sulawesi and Central Lombok, individual claimants alleged unlawful occupation of certified or inherited land by plantation subsidiaries operating under cultivation rights. The courts dismissed these claims for procedural deficiencies and for lack of lawful acquisition, thereby reinforcing the dominance of formally registered cultivation rights over community-based claims. Collectively, these decisions illustrate a judicial pattern that prioritizes formal legality in resolving plantation land disputes.⁷

The examined cases demonstrate that conflicts between plantation corporations and surrounding communities over cultivated land continue to occur with considerable frequency, and judicial decisions often place community claimants at a disadvantage because courts regard their underlying titles as legally invalid. Indonesian law assigns jurisdiction over land ownership disputes to the general courts and over administrative validity of land certificates to the administrative courts, thereby positioning judges as central actors in the enforcement of agrarian law. In practice, judges in both judicial forums rely predominantly on formal evidentiary standards, which reflect a positivist orientation that equates law with statutory text and prioritizes legal certainty through a strict legalistic approach. This orientation frequently marginalizes substantive justice and social utility, even though social imbalance in land ownership and control has generated persistent agrarian unrest.⁸

A balanced judicial approach should integrate legal certainty, justice, and social benefit, and judges should interpret statutory provisions in light of living legal values within society rather than apply procedural norms mechanically. Historical nationalization policies and the subsequent expansion of plantation cultivation rights have intensified structural tensions,

⁶ Jieming Zhu and Hendricus Andy Simarmata, 'Formal Land Rights versus Informal Land Rights: Governance for Sustainable Urbanization in the Jakarta Metropolitan Region, Indonesia', *Land Use Policy*, 43 (2015), 63–73 <<https://doi.org/https://doi.org/10.1016/j.landusepol.2014.10.016>>.

⁷ Kurniatun Hairiah and others, 'Soil Health Indicators, Farmer Concepts and Carbon Market Standards in Agroforestation of Underutilized Lands in West Sumatra (Indonesia)', *Soil Advances*, 3 (2025), 100051 <<https://doi.org/https://doi.org/10.1016/j.soilad.2025.100051>>.

⁸ Elsi Kartika Sari and Ahmad Sabirin, 'Ownership Dualism of Condominiums: Between Unitary Ownership of Flats and Jointland Rights', *Journal of Property, Planning and Environmental Law*, 18.1 (2025), 41–53 <<https://doi.org/https://doi.org/10.1108/JPEL-07-2025-0048>>.



particularly where corporate actors justify land control by invoking protection of state assets.⁹ Such practices have produced allegations of unlawful occupation, civil liability, and potential criminal conduct, while also raising concerns regarding state financial governance and compliance with plantation regulations. The failure to recognize and protect community land control has broader human rights implications because land constitutes a primary source of livelihood and social identity. The absence of comprehensive and equitable dispute resolution mechanisms has perpetuated recurring conflicts, weakened public trust in legal institutions, and generated economic, psychological, and social harm for affected communities. A reorientation of judicial reasoning toward substantive justice therefore remains essential to ensure equitable legal protection in plantation land disputes.¹⁰

Research on land tenure insecurity and corporate driven land acquisition identifies structural weaknesses in the legal recognition and protection of local land rights, particularly where communities rely on informal or weak documentation. Empirical findings by Merah Ali, indicate that plantation companies frequently utilize regulatory gaps to expand concessions over land controlled under informal arrangements, including land status letters known. Because these forms of tenure lack strong statutory protection, corporations can more easily challenge or disregard community claims, thereby increasing the risk of displacement and economic marginalization.¹¹ Comparative studies conducted across Africa, Asia, and Latin America further demonstrate that land formalization systems often privilege corporate acquisition processes over community registration procedures. Governments typically design concession licensing mechanisms with clearer administrative pathways and stronger institutional support than those available to customary landholders.¹² This imbalance produces unequal outcomes, as companies secure formal recognition more efficiently while communities encounter procedural barriers and evidentiary burdens when defending their rights.¹³ Normative analyses of agrarian governance also reveal accountability deficits in state land administration. Scholars argue that insufficient enforcement of statutory safeguards and limited integration of customary tenure principles weaken legal certainty for local communities. These studies recommend strengthening institutional oversight and harmonizing land policy with social realities to reduce dispossession risks and ensure equitable protection of land ownership rights.

This research aims to analyze the legal vulnerabilities surrounding unprotected land ownership rights in corporate land acquisition. It examines how statutory regulations, administrative practices, and judicial interpretations affect communities that hold land under informal or customary tenure. The study seeks to identify structural imbalances that favor corporate concession holders over local cultivators in land registration and dispute resolution processes. It also evaluates whether existing legal frameworks ensure justice, legal certainty, and social welfare. Ultimately, the research intends to propose reforms that strengthen community land protection and promote equitable governance in corporate land acquisition

⁹ Hariati Sinaga, 'Intersectional Perspectives on Land Relations of Oil Palm Plantations: A Decolonial Feminist Approach on Indonesia's Bioeconomy', *Forest Policy and Economics*, 159 (2024), 103124 <<https://doi.org/https://doi.org/10.1016/j.forpol.2023.103124>>.

¹⁰ Ira Safitri Darwin, Haryo Winarso and Denny Zulkaidi, 'The Role of Customary Land Ownership in Land-Use Conversion in the Peri-Urban of Bukittinggi, Indonesia', *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia*, 175.4 (2019), 533–55 <<https://doi.org/https://doi.org/10.1163/22134379-17504002>>.

¹¹ Merah Ali Ammar and others, 'Building a Sustainable Future for Indonesia's New Capital, the Nusantara Capital City (IKN)', *Sustainable Futures*, 11 (2026), 101718 <<https://doi.org/https://doi.org/10.1016/j.sfr.2026.101718>>.

¹² Trisia Megawati Kusuma Dewi and others, 'Evaluating Fear Appeals in Community-Based Forest Fire Prevention to Support Indonesia's Climate Goals', *Trees, Forests and People*, 22 (2025), 101062 <<https://doi.org/https://doi.org/10.1016/j.tfp.2025.101062>>.

¹³ Mairizal and others, 'Modeling the Causal Relationships among Barriers to Geothermal Power Plant Investment in Indonesia: A Fuzzy Delphi and DEMATEL Approach', *Unconventional Resources*, 11 (2026), 100327 <<https://doi.org/https://doi.org/10.1016/j.unres.2026.100327>>.



practices.

Method

This research adopts a descriptive normative legal research design to examine judicial reasoning in disputes concerning cultivation rights exercised by PT Perkebunan Nusantara over community cultivated land. The study employs a normative approach because it analyzes legal norms, statutory frameworks, and doctrinal principles that regulate agrarian relations and judicial authority.¹⁴ The research positions law as a structured system of binding rules and principles that guide judicial interpretation and determine the legitimacy of land control. By focusing on written regulations and established legal doctrines, the study evaluates how judges construct legal arguments and determine the scope of protection afforded to community landholders. The research integrates three analytical approaches, namely statutory, conceptual, and case based approaches. The statutory approach systematically reviews legislation governing agrarian law, land registration, plantation management, state owned enterprises, civil liability, and judicial power.¹⁵ The conceptual approach examines theories of justice, legal certainty, and legal protection to develop a normative framework for assessing the fairness of judicial decisions. The case-based approach analyzes selected Supreme Court judgments to identify patterns of interpretation and application of legal norms in concrete disputes. The study relies on primary legal materials that include constitutional provisions, statutes, implementing regulations, and judicial decisions. It also utilizes secondary materials such as scholarly books and peer reviewed journal articles to strengthen doctrinal analysis. The research collects all materials through comprehensive library research. The study applies deductive reasoning as its method of analysis. It formulates general legal norms as major premises and aligns them with specific legal facts derived from court decisions as minor premises. Through systematic interpretation and logical reasoning, the research evaluates judicial orientation and formulates conclusions concerning equitable legal protection for community landholders.¹⁶

Results and Discussions

Unprotected Land Ownership Rights in Indonesian Corporate Land Acquisition

Indonesia possesses abundant natural resources and complex social diversity, which together create significant challenges in land governance. Rapid population growth and accelerating urban expansion intensify demand for land for housing, agriculture, and infrastructure development. This increasing demand frequently collides with the rights of indigenous peoples and local communities who have traditionally controlled and cultivated land. Agrarian conflicts therefore arise not only from competing economic interests but also from structural inequalities embedded within legal and administrative systems.¹⁷ Vulnerable groups such as farmers, fishers, and indigenous communities experience the most severe consequences of land disputes because they depend directly on land and natural resources for their livelihoods. Many of these groups face displacement, marginalization, and loss of access to productive land due to corporate expansion or state supported development projects. Small scale and landless farmers often confront transfers of land rights that provide inadequate compensation or no compensation at all. Powerful actors may employ legal

¹⁴ Taoufiq El Moussaoui and Chakir Loqman, 'From Text to Knowledge Graph: Enhancing Arabic Legal Research with FaCitaGraphAR and AraBERT-Driven Citation Recognition', *Knowledge-Based Systems*, 335 (2026), 115098 <<https://doi.org/https://doi.org/10.1016/j.knosys.2025.115098>>.

¹⁵ Cezary Kowalczyk and others, 'How Does Government Legal Intervention Affect the Process of Transformation of State-Owned Agricultural Land? The Research Methods and Their Practical Application', *Land Use Policy*, 111 (2021), 105769 <<https://doi.org/https://doi.org/10.1016/j.landusepol.2021.105769>>.

¹⁶ Sari and Sabirin.

¹⁷ Vijesh V Krishna and others, 'Land Markets, Property Rights, and Deforestation: Insights from Indonesia', *World Development*, 99 (2017), 335–49 <<https://doi.org/https://doi.org/10.1016/j.worlddev.2017.05.018>>.



instruments, bureaucratic influence, political authority, or coercive force to legitimize land control, thereby reinforcing unequal power relations.¹⁸

Unclear legal status of cultivated land constitutes a primary factor that enables unauthorized control. Large areas remain unregistered or lack formal certification, creating legal uncertainty that facilitates overlapping claims. Limited legal literacy among rural communities further weakens their capacity to defend their rights. Land disputes in plantation areas illustrate this structural problem, particularly in conflicts involving PT Perkebunan Nusantara. One significant case emerged in Deli Serdang Regency and culminated in Supreme Court Decision Number 2425 K Pdt 2022. PT Sianjur Resort claimed ownership of 125 hectares based on deeds of release and compensation obtained from Joyo Sudarto, who previously controlled 454 hectares under ministerial and gubernatorial decrees issued in the early 1950s. PT Perkebunan Nusantara II asserted that the disputed land overlapped with its registered cultivation right and subsequently transferred seven hectares to the Regional Police of North Sumatra. The court rejected the claim of PT Sianjur Resort and affirmed the validity of the cultivation right held by PT Perkebunan Nusantara, reasoning that Joyo Sudarto's ownership exceeded statutory landholding limits and therefore could not constitute a lawful basis for subsequent transfers. The historical evidence indicated that Joyo Sudarto had previously prevailed in civil litigation confirming his ownership, and local authorities had granted development permits and building licenses to PT Sianjur Resort. Administrative courts later ruled in favor of PT Sianjur Resort regarding the issuance of building use rights, yet land authorities did not implement those decisions. Consequently, institutional inconsistency and overlapping administrative actions have perpetuated uncertainty and sustained competing claims over the disputed land.^{19v}

Based on the foregoing analysis, the author argues that the Plaintiff, PT Sianjur Resort, qualifies as a good faith purchaser within the meaning of Article 1338 of the Civil Code because Tonggam Gultom, acting on behalf of the company, acquired the disputed land through a lawful transfer conducted before a competent public official. The transfer occurred before a notary who executed the deed of release and transfer of land rights, thereby fulfilling formal legal requirements. The transferor, Joyo Sudarto, possessed documentary evidence of ownership derived from official land distribution and allocation decrees issued by the competent governmental authorities in the early 1950s. These documents established a juridical basis for his control over 454 hectares of land, from which 125 hectares were subsequently transferred to the Plaintiff. Consequently, the Plaintiff acquired the land through a procedurally valid transaction grounded in existing legal documentation and therefore merits legal protection as a good faith acquirer.²⁰

The panel of judges based its reasoning primarily on the statutory limitation on agricultural land ownership set forth in Law Number 56 of 1960, which restricts individual ownership to a maximum of 20 hectares. However, the court did not comprehensively examine the historical basis of Joyo Sudarto's title, which predated the issuance of the cultivation right granted to PT Perkebunan Nusantara in 1985. The land distribution decrees

¹⁸ Christoph Kubitzka and others, 'Land Property Rights, Agricultural Intensification, and Deforestation in Indonesia', *Ecological Economics*, 147 (2018), 312–21 <<https://doi.org/https://doi.org/10.1016/j.ecolecon.2018.01.021>>.

¹⁹ Mariaflavia Harari and Maisy Wong, 'Colonial Legacy and Land Market Formality', *Journal of Urban Economics*, 149 (2025), 103789 <<https://doi.org/https://doi.org/10.1016/j.jue.2025.103789>>.

²⁰ Yescha Nuradisa Ekarachmi Danandjojo and others, 'Stakeholder Relations in Land Value Capture (LVC) within a Government-Led Decentralized Governance System: The Case of Transport Infrastructure Development', *Transportation Research Interdisciplinary Perspectives*, 36 (2026), 101903 <<https://doi.org/https://doi.org/10.1016/j.trip.2026.101903>>.



that formed the foundation of Sudarto's ownership emerged decades earlier and therefore required careful juridical evaluation in relation to subsequent administrative grants.²¹

Furthermore, a prior civil judgment under Decision Number 173 Pdt G 2000 PN LP declared Joyo Sudarto the lawful owner of the disputed land, and that judgment acquired final and binding legal force because no appeal followed. The court in the present dispute should have considered the *res judicata* effect of that decision as conclusive confirmation of Sudarto's ownership status. In addition, Sudarto continuously cultivated and controlled the land until he transferred it to the Plaintiff, and he never abandoned possession. Agrarian doctrine recognizes continuous physical control and cultivation undertaken in good faith as a legitimate basis for ownership acquisition. The record also indicates that PT Perkebunan Nusantara did not provide compensation when it obtained its cultivation right in 1985. Therefore, the judicial decision failed to balance formal statutory interpretation with substantive justice and did not adequately protect the legitimate interests of the original landholder and the subsequent good faith purchaser.²²

In the second case, the dispute over cultivated land occurred in Binjai City and culminated in Supreme Court Decision Number 380 PK Pdt 2019. PT Binjai Duraman Indah Lestari filed the principal claim, while eighty-eight individual farmers submitted an intervention claim, and PT Perkebunan Nusantara II acted as the defendant. The principal claimant argued that the disputed land formed part of a former cultivation right covering 798.52 hectares that had expired and had not received a recommendation for extension. On that basis, the claimant asserted that the defendant no longer possessed legal rights over the land and subsequently obtained principle-approval from the Governor of North Sumatra through the Mayor of Binjai to develop a commercial, residential, and agro estate area. The claimant alleged that the defendant unlawfully continued to control the land without a valid legal basis and therefore committed an unlawful act. The panel of judges granted the principal claim after establishing that the cultivation right had expired and that no extension had been approved. However, the court rejected the intervention claim submitted by the farmers. The judges reasoned that the farmers no longer physically controlled or cultivated the land and that the gubernatorial decrees forming the basis of their ownership had been invalidated under Ministerial Regulation Number 11 of 1997 concerning land redistribution objects of land reform. The regulation stipulated that redistribution decisions would automatically lapse if beneficiaries failed to fulfill their obligations within fifteen years.²³

The judicial reasoning regarding the expiration of the cultivation right but identifies unresolved issues concerning several land certificates registered under the names of certain farmers. These certificates, including numbers 75, 107, 125, 127, and 151 in Nangka Village, originated from gubernatorial decrees granting ownership over former plantation land. The court should have carefully examined the validity of these certificates and determined whether PT Perkebunan Nusantara had provided compensation before asserting control. A more comprehensive evaluation of certified ownership and potential compensation

²¹ Sugeng Budiharta and Karen D Holl, 'Harnessing Opportunities to Upscale Forest Landscape Restoration in Indonesia', *Trees, Forests and People*, 21 (2025), 100917 <<https://doi.org/https://doi.org/10.1016/j.tfp.2025.100917>>.

²² Heiner von Lüpke and others, 'Does International Climate Finance Contribute to the Adoption of Zero Deforestation Policies? Insights from Brazil and Indonesia', *Forest Policy and Economics*, 174 (2025), 103480 <<https://doi.org/https://doi.org/10.1016/j.forpol.2025.103480>>.

²³ Vanya Slavchevska and others, 'From Law to Practice: A Cross-Country Assessment of Gender Inequalities in Rights to Land', *Global Food Security*, 45 (2025), 100852 <<https://doi.org/https://doi.org/10.1016/j.gfs.2025.100852>>.



obligations would have strengthened the equitable dimension of the judgment and enhanced protection for affected farmers.²⁴

In the third case, which culminated in Supreme Court Decision Number 458 K Pdt 2021, Bahri instituted a civil action against PT Perkebunan Nusantara XIV concerning the alleged unlawful control of six cultivated land parcels located in Mantadulu Village, Angkona District, East Luwu Regency, South Sulawesi. Bahri asserted that he lawfully acquired these parcels, each measuring approximately 10,000 square meters, from previous transmigrant landholders of the former Angkona I SP 2 settlement area. Although the certificates issued in 1982 remained registered under the names of the original owners, Bahri substantiated his acquisition through deeds of sale and purchase, private receipts, and bank transfer slips evidencing payment to the respective prior holders. He argued that the defendant incorporated the disputed land into its core oil palm plantation in the Malili Unit without his knowledge or consent and planted hundreds of oil palm trees on the land.²⁵

The Court rejected Bahri's cassation petition on the procedural ground of incomplete parties, reasoning that the land formed part of the defendant's plantation area pursuant to decrees issued by the Regent of Luwu, while Bahri failed to include the Regent and the local Land Office as defendants. This formalistic approach, however, overlooked the substantive issue of whether Bahri qualified as a good faith purchaser who completed payment and possessed documentary evidence of transfer. A comprehensive judicial assessment should have examined the validity of his acquisition and the legal consequences of his good faith status rather than limiting analysis to the defendant's administrative permits. In the fourth case, decided under Supreme Court Decision Number 271 PK Pdt 2020, Suryo challenged the control and utilization of approximately 76,150 hectares of land in Central Lombok Regency by the Provincial Government of West Nusa Tenggara, PT Perkebunan Nusantara XII, and PT Sadhana Arifnusa. Suryo based his claim on inheritance derived from his father, who received the land through a grant originating from Adji Pramono, whose predecessor, John Van Leeuwen, purchased the land in March 1962 through formally executed sale statements before competent local officials and witnesses. Despite this documented chain of title and a subsequent deed of grant executed before a notary in 1993, the Court dismissed the claim, holding that the initial acquisition conflicted with prior governmental land release for sugar factory development.²⁶

A more balanced evaluation should have scrutinized whether the plantation company lawfully extinguished prior private rights before obtaining cultivation rights certificates in 1973. By concentrating primarily on the existence of cultivation right certificates, the Court insufficiently addressed the earlier documented transfers and the potential absence of lawful compensation, thereby raising concerns regarding equitable protection of private ownership rights. An examination of the four adjudicated cases demonstrates that the judicial panels did not fully realize substantive justice for the disputing parties, particularly for local cultivators whose legal position remained structurally weaker than that of PT Perkebunan Nusantara. In each case, the courts relied predominantly on the existence of Cultivation Right Certificates held by the company and treated these documents as decisive proof of entitlement. The judges prioritized formal administrative legality and did not adequately assess the evidentiary materials presented by community members who asserted prior

²⁴ Ida Aju Pradnja Resosudarmo and others, 'Indonesia's Land Reform: Implications for Local Livelihoods and Climate Change', *Forest Policy and Economics*, 108 (2019), 101903 <<https://doi.org/https://doi.org/10.1016/j.forpol.2019.04.007>>.

²⁵ Riska Tiasmalom and others, 'The Sustainability Status of Cut Rose Farming in Batu City: Uncovering Data and Facts from Indonesia's Largest Cut Rose Producing City', *Environmental and Sustainability Indicators*, 28 (2025), 100899 <<https://doi.org/https://doi.org/10.1016/j.indic.2025.100899>>.

²⁶ Anang Pra Yogi and others, 'Land Use and Cover Change (LUCC) and Migration in Sukoharjo, Indonesia', *International Journal of Ethics and Systems*, 38.3 (2022), 465–83 <<https://doi.org/https://doi.org/10.1108/IJOES-01-2021-0005>>.



possession, continuous cultivation, and transactional acquisition of the disputed land. This pattern of reasoning narrowed the scope of judicial evaluation and confined it to documentary certification, while it neglected the broader factual and social context in which land control evolved.²⁷

The courts also failed to examine whether the company fulfilled its obligation to provide compensation to local cultivators before applying for cultivation rights over the contested land. By omitting this inquiry, the panels overlooked a central element of corrective justice, namely the duty to restore or compensate parties whose interests suffer impairment through administrative allocation of land to corporate entities. The judicial reasoning reflected an assumption that uncertified possession contradicts statutory land law, even though many rural communities derive their claims from customary tenure systems that recognize communal authority and hereditary occupation. National agrarian law acknowledges the existence of customary rights and requires the state to respect living legal values within society. A balanced interpretation should therefore integrate formal statutory norms with the empirical realities of land control and the moral expectations embedded in local practice.²⁸

Judicial practice in these disputes reveals a strong adherence to legal positivism, which equates law with enacted rules and written documentation. Such an approach advances legal certainty but risks marginalizing material truth and social equity. The statutory framework on judicial authority mandates judges to explore and understand the legal values and sense of justice that live within society. This mandate requires active judicial engagement with both written and unwritten norms, as well as with the historical process through which parties acquired and utilized land. When courts confine themselves to administrative certificates without scrutinizing prior transfers, long term cultivation, or the absence of compensation, they reduce law to a technical instrument and diminish its role as a vehicle for social balance.²⁹

Philosophically, agrarian conflicts often arise from divergent conceptions of land rights. Customary perspectives link entitlement to actual use and sustained cultivation, whereas formal positive law ties entitlement to registration and certification. A just adjudication should reconcile these conceptions by evaluating proportional fairness. Aristotelian theory distinguishes distributive justice, which concerns the allocation of benefits and burdens, from corrective justice, which addresses compensation for loss. When a corporation secures cultivation rights without resolving prior community claims, the court should consider whether distributive fairness and corrective compensation have occurred. Judicial decisions that disregard documented transactions, inherited claims, and continuous possession risk undermining proportional equality and perpetuating structural imbalance. Therefore, courts should adopt a holistic method that integrates documentary evidence, historical acquisition, customary norms, and the presence or absence of compensation. Judges must exercise independent reasoning, protect vulnerable parties, and ensure that legal certainty harmonizes with justice and social utility. Only through such an integrative approach can judicial decisions in agrarian disputes reflect both formal legality and substantive fairness.^{30v}

²⁷ Rahmat Aris Pratomo, Ary A Samsura and Erwin van der Krabben, 'Confronting Inequality: Linking the Impacts of Large-Scale Land Development to the Quality of Life of Local Communities in Peri-Urban Area', *Habitat International*, 162 (2025), 103429 <<https://doi.org/https://doi.org/10.1016/j.habitatint.2025.103429>>.

²⁸ Afrizal and Ward Berenschot, 'Resolving Land Conflicts in Indonesia', *Bijdragen Tot de Taal, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia*, 176.4 (2020), 561–74 <<https://doi.org/https://doi.org/10.1163/22134379-17604002>>.

²⁹ Barid Hardiyanto, 'Politics of Land Policies in Indonesia in the Era of President Susilo Bambang Yudhoyono', *Land Use Policy*, 101 (2021), 105134 <<https://doi.org/https://doi.org/10.1016/j.landusepol.2020.105134>>.

³⁰ Muhammad Alif K Sahide and Lukas Giessen, 'The Fragmented Land Use Administration in Indonesia – Analysing Bureaucratic Responsibilities Influencing Tropical Rainforest Transformation Systems', *Land Use Policy*, 43 (2015), 96–110 <<https://doi.org/https://doi.org/10.1016/j.landusepol.2014.11.005>>.



The Impact of Justice on Land Rights Protection Policy in Corporate Land Acquisitions

Cultivation Rights arises from a governmental determination grounded in Law Number 5 of 1960 concerning Basic Agrarian Principles. Article 28 of this statute defines cultivation rights as the right to cultivate land that remains under direct state control for a specific period in order to conduct agricultural, fisheries, or livestock enterprises. This provision affirms that the state retains primary authority over the land while delegating limited exploitation rights to qualified holders for productive purposes. Article 30 regulates the legal subjects eligible to obtain cultivation rights. The law authorizes Indonesian citizens and Indonesian legal entities to hold this right, provided that they possess legal capacity. An Indonesian citizen acquires legal capacity upon reaching twenty-one years of age or entering into marriage and must not remain under guardianship. An Indonesian legal entity qualifies as a subject when it has been established under Indonesian law and maintains its domicile within national territory. Although a legal entity acts through natural persons, the legal system recognizes it as an independent bearer of rights and obligations in agrarian relations.³¹

The object of cultivation rights consists of state land that remains free from other proprietary claims. Nevertheless, the law restricts certain categories of land from becoming objects of this right. Land that communities have permanently settled, land that local residents have continuously cultivated, and land allocated for governmental purposes do not automatically qualify for grant under cultivation rights. Article 28 paragraph 2 establishes that the minimum area for this right-amounts to five hectares and the general maximum area reaches twenty-five hectares. When an applicant seeks an area exceeding this maximum threshold, the applicant must demonstrate adequate capital investment and apply appropriate corporate management techniques consistent with contemporary standards. Article 29 determines the duration of cultivation rights. The law grants the right for a maximum initial term of twenty -five years and permits an extension up to thirty-five years for enterprises requiring a longer operational period. After expiration, the holder may request renewal in accordance with statutory procedures.³²

Ministerial Regulation Number 9 of 1999 prescribes the administrative procedure for granting and canceling land rights. The applicant must submit a formal request to the Minister through the regional office and notify the relevant Land Office. The authority examines the completeness of documentation and requires payment of statutory fees before processing the application. Article 34 further stipulates that cultivation rights terminates upon expiration, breach of conditions, voluntary relinquishment, revocation for public interest, abandonment, destruction of the land, or loss of eligibility by the holder. Agrarian disputes emerge when parties contest control, ownership, utilization, or administrative decisions concerning specific land parcels. These conflicts demand careful legal evaluation to safeguard legal certainty, fairness, and social order.³³

The National Land Agency identifies several interrelated factors that contribute to the emergence of land disputes in Indonesia. Limited land availability contrasts sharply with the continuous growth of population and demand for land. Structural inequality in land control, ownership, development, and utilization intensifies social tension. The persistence of

³¹ M T Sirait, B White and U Pradhan, 'Chapter 9 - Land Rights and Land Reform Issues for Effective Natural Resources Management in Indonesia', in *Redefining Diversity & Dynamics of Natural Resources Management in Asia, Volume 1*, ed. by Ganesh P Shivakoti, Ujjwal Pradhan, and Helmi (Elsevier, 2017), pp. 141–55 <<https://doi.org/https://doi.org/10.1016/B978-0-12-805454-3.00009-8>>.

³² Aslan Noor and others, 'Digital Management of Legal Records: Analyzing User Acceptance of Digital Land Management', *Records Management Journal*, 35.3 (2025), 310–25 <<https://doi.org/https://doi.org/10.1108/RMJ-11-2024-0051>>.

³³ Tessa Toumbourou, 'Using a Delphi Approach to Identify the Most Efficacious Interventions to Improve Indonesia's Forest and Land Governance', *Land Use Policy*, 99 (2020), 102768 <<https://doi.org/https://doi.org/10.1016/j.landusepol.2017.05.017>>.



abandoned land, economic instability, the legacy of pluralistic colonial land law, weak public awareness of formal legal standards, inconsistent governmental policies, administrative negligence in land registration, deficiencies in the judicial system, and poor management of state assets further aggravate agrarian conflict. Legal uncertainty regarding land whose cultivation rights have expired also generates recurring disputes, both horizontally among community members and vertically between communities and corporate actors.³⁴

Phillipus M Hadjon conceptualizes legal protection as comprising preventive and repressive measures. Preventive protection requires governmental authorities to exercise prudence in decision making in order to avoid potential disputes. Repressive protection operates after a dispute arises and seeks to resolve it through judicial mechanisms. Lili Rasjidi and I B Wysa Putra emphasize that law must function not only adaptively and flexibly but also predictively and anticipatively in safeguarding societal interests. These perspectives derive their normative foundation from Pancasila and the principle of the rule of law, which require harmonious relations between government and citizens, proportional distribution of state power, deliberative dispute resolution, and balance between rights and obligations. In practice, courts tend to emphasize repressive protection by focusing on formal documentary evidence, particularly cultivation right certificates. Several judicial decisions concerning land controlled by PT Perkebunan Nusantara illustrate this tendency. Courts have prioritized the existence of cultivation rights held by the company and have rejected community claims that rely on prior possession, compensation agreements, or historical acquisition. This approach demonstrates a formalistic orientation that privileges administrative legality over substantive justice. A comprehensive model of legal protection should integrate statutory norms with factual control, equitable considerations, and recognition of community-based land relations in order to achieve fairness and legal certainty in agrarian governance.³⁵

The four judicial decisions reveal a consistent pattern in which courts prioritize formal cultivation rights held by state owned plantation corporations over the claims of community cultivators whose tenure rests on earlier possession, administrative decrees, or informal documentation. This pattern illustrates a structural imbalance in agrarian adjudication that places smallholders in a legally vulnerable position. In the first dispute, eighty-eight farmers intervened to defend their asserted ownership of land that later became subject to a corporate location permit. They argued that the permit was legally flawed because the land did not constitute former cultivation rights of PT Perkebunan Nusantara II. Instead, they maintained that the land originated from gubernatorial decrees issued in North Sumatra in 1968 and 1969, which formed the basis for registered ownership certificates in Nangka Village, Binjai. The court, however, rejected the intervention claim. The judges reasoned that the farmers no longer directly controlled the land and that the decrees underlying their certificates had been revoked for failing to align with land reform objectives. By emphasizing revocation and physical control, the court sidelined the historical and administrative foundation of the farmers' rights.³⁶

A similar judicial orientation appeared in the second case, resolved through Supreme Court Decision Number 458 K Pdt 2021. The claimant asserted ownership of six parcels of former transmigration land in Angkona, South Sulawesi, supported by certificates issued in 1982. The land had become part of the oil palm plantation managed by PT Perkebunan

³⁴ Devina Widya Putri and Sugie Lee, 'Urban Environmental Factors Influencing Commuter Line Ridership in the Jakarta Metropolitan Area, Indonesia', *Journal of Transport Geography*, 128 (2025), 104336 <<https://doi.org/https://doi.org/10.1016/j.jtrangeo.2025.104336>>.

³⁵ Fredrik Sokoy, 'Social Conflict between the Amungme and Kamoro Traditional Tribe and Freeport Indonesia Company on Environmental Impact', *Social Sciences & Humanities Open*, 13 (2026), 102432 <<https://doi.org/https://doi.org/10.1016/j.ssaho.2025.102432>>.

³⁶ Muhammad Alif K Sahide, Abdurrahman Abdullah and Moira Moeliono, 'Policy Forum: Indigenous Forest Rights at a Crossroads? A Critical Look at Indonesia's Planned Forestry Law Amendment', *Forest Policy and Economics*, 185 (2026), 103730 <<https://doi.org/https://doi.org/10.1016/j.forpol.2026.103730>>.



Nusantara XIV. The Court ultimately dismissed the cassation petition, affirming that the disputed land formed part of the corporation's estate based on regent decrees and administrative recommendations. The decision relied heavily on procedural deficiencies and formal authorization documents rather than on substantive examination of the claimant's certified tenure. In the third dispute, reviewed in Decision Number 271 PK Pdt 2020, the Court rejected an inheritance-based ownership claim over land in Lombok Tengah that had been used for plantation purposes by PT Perkebunan Nusantara XII. The judges concluded that earlier state acquisition for sugar factory development rendered subsequent private-transfers invalid. This reasoning reinforced the precedence of state backed corporate control over individual claims derived from historical transactions.³⁷

These cases demonstrate that courts consistently treat cultivation right certificates as decisive evidence while discounting competing forms of proof held by community cultivators. This formalistic evidentiary hierarchy limits substantive justice, narrows judicial consideration of compensation and prior possession, and perpetuates unequal bargaining positions between rural communities and plantation corporations. A just and comprehensive model of legal protection for community cultivators in disputes involving plantation land controlled by state owned enterprises such as PT Perkebunan Nusantara requires the integration of preventive and repressive legal mechanisms within a coherent agrarian governance framework. The state must design this protection to ensure equality before the law and to reduce the structural imbalance between corporations that hold formal cultivation right certificates and communities that rely on physical possession and social recognition.³⁸

Preventive legal protection depends primarily on regulatory clarity. The existing agrarian framework does not explicitly regulate cultivated land as a distinct legal category under the Basic Agrarian Law. This normative silence weakens the position of cultivators who manage and depend upon land for their livelihood but do not possess formal land certificates. The legislature should therefore enact specific provisions that define the legal status of cultivated land and establish objective criteria for the recognition of cultivator rights. These criteria should include measurable standards concerning the duration of continuous possession, the existence of good faith cultivation, the absence of competing lawful claims, and the fulfillment of the social function of land. When cultivators can demonstrate long term, peaceful, and productive control that satisfies statutory benchmarks, the law should recognize their interest as a legally protected right even in the absence of formal registration. Preventive protection must also regulate the transfer or allocation of cultivated land to corporations. Administrative authorities should require transparent consultation with cultivators before granting cultivation rights to companies. The process must ensure prior informed consent and fair compensation where displacement occurs. If the state issues cultivation right certificates to corporations without resolving existing cultivator interests, it creates legal uncertainty and perpetuates social conflict. Clear procedural safeguards can prevent disputes by aligning formal licensing mechanisms with the factual realities of land control.³⁹

Repressive legal protection operates when disputes reach the courts. Judicial practice often emphasizes formal documentary evidence, particularly cultivation right certificates, while marginalizing material evidence presented by cultivators. A justice-oriented approach

³⁷ John F McCarthy and others, 'Land Reform Rationalities and Their Governance Effects in Indonesia: Provoking Land Politics or Addressing Adverse Formalisation?', *Geoforum*, 132 (2022), 92–102 <<https://doi.org/10.1016/j.geoforum.2022.04.008>>.

³⁸ Martin Roestamy and others, 'A Review of the Reliability of Land Bank Institution in Indonesia for Effective Land Management of Public Interest', *Land Use Policy*, 120 (2022), 106275 <<https://doi.org/https://doi.org/10.1016/j.landusepol.2022.106275>>.

³⁹ Rebecca Meckelburg and Agung Wardana, 'The Political Economy of Land Acquisition for Development in the Public Interest: The Case of Indonesia', *Land Use Policy*, 137 (2024), 107017 <<https://doi.org/https://doi.org/10.1016/j.landusepol.2023.107017>>.



requires judges to evaluate both formal legality and substantive facts. Courts should examine patterns of land occupation, historical transactions, compensation practices, and community recognition as relevant evidentiary elements.⁴⁰ This balanced assessment can prevent the automatic prioritization of corporate documentation over longstanding cultivator control. The theoretical foundation for this integrative approach finds support in the legal philosophy of Ronald Dworkin, who conceptualizes law as a system of principles and moral standards rather than merely a collection of rules. According to this perspective, judges must interpret legal norms in light of abstract rights such as equality, dignity, and fairness.⁴¹ In situations where positive law does not provide explicit guidance, judges should exercise principled interpretation to achieve coherence between statutory provisions and moral commitments embedded in the legal order. The function of the judiciary therefore extends beyond mechanical rule application. Judges must synthesize legal norms, factual realities, moral principles, and doctrinal reasoning to produce decisions that reflect both procedural validity and substantive justice. Only through this integrated framework can the legal system provide equitable protection for community cultivators while maintaining certainty and legitimacy in corporate land governance.⁴²

Conclusion

This study concludes that judicial consideration in the four examined cases demonstrates a consistent preference for formal documentary evidence in resolving disputes over cultivated land. The panels of judges grounded their reasoning primarily on the existence of cultivation right certificates held by PT Perkebunan Nusantara and treated these certificates as conclusive proof of lawful control. The courts did not give proportional weight to evidence presented by community cultivators, such as longstanding possession, historical acquisition, administrative decrees, or social recognition of land control. The judges interpreted the absence of formal land certificates as a legal deficiency that invalidated the cultivators' claims. This approach reflects a rigid legalistic method that emphasizes statutory certainty while neglecting substantive justice, social utility, and equitable balance. Consequently, the decisions have not fully realized the objectives of fairness and meaningful legal protection for cultivators who occupy structurally weaker positions in agrarian dispute. This study further determines that equitable legal protection for community cultivators requires comprehensive preventive and repressive measures. Preventive protection must include clear statutory regulation that defines the legal status of cultivated land and establishes objective criteria for recognizing rights based on duration of possession, good faith, and productive use. The regulatory framework must also govern the transfer of cultivated land to corporations through transparent procedures, mandatory consultation, and fair compensation mechanisms. Repressive protection requires judges to assess both formal and material evidence when adjudicating disputes. Courts should evaluate factual control, historical context, and equitable interests alongside documentary legality. Through this integrated framework, the legal system can strengthen certainty, promote balanced adjudication, and ensure that agrarian dispute resolution reflects both procedural validity and substantive justice.

⁴⁰ Kowalczyk and others.

⁴¹ Muhamad Amin Rifai and others, 'National and Voluntary Sustainability Standards: Convergence or Divergence? Insights from Indonesian Agri-Food Export Sectors', *Earth System Governance*, 27 (2026), 100311 <<https://doi.org/https://doi.org/10.1016/j.esg.2026.100311>>.

⁴² Aulia Malik Affif and Alan March, 'Exploring Informal Settlement Fires in Indonesia: A Study of Fire Risk Assessment and Fire Resilient Strategies in Medan', *Resilient Cities and Structures*, 4.4 (2025), 1–20 <<https://doi.org/https://doi.org/10.1016/j.rcns.2025.11.001>>.



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