

# Reconstruction of Agrarian Reform Policy Based on Presidential Regulation No. 62 of 2023: A Juridical Study on State Responsibility in Guaranteeing Citizens' Constitutional Rights to Land

Original Article

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**Received : 28 March - 2026**

**Accepted : 26 April - 2026**

**Published online : 28 April - 2026**

## Abstract

Land inequality remains a persistent issue in Indonesia, often leading to agrarian conflicts and limiting access for marginalized groups. Presidential Regulation No. 62 of 2023 was introduced to strengthen agrarian reform and uphold citizens' constitutional rights to land. This study aims to examine Presidential Regulation No. 62 of 2023 as a key policy aimed at addressing inequality in land ownership in Indonesia, with a focus on how this regulation facilitates agrarian reform and resolves agrarian conflicts. The objective of this research is to evaluate the effectiveness of the policy in distributing land to marginalized communities and ensuring citizens' constitutional rights to land. The method employed is a normative juridical approach, using library research as the technique for collecting legal materials. Data were gathered from primary sources, such as the regulation itself, and secondary sources, including books, journals, and previous studies on agrarian reform. The findings indicate that although this policy has the potential to reduce land inequality, its implementation faces significant challenges due to bureaucratic obstacles, political influence, and resistance from large landowners. This study concludes that the success of implementation largely depends on government commitment, effective oversight, and community involvement to ensure equitable land distribution and the resolution of agrarian conflicts.

**Keywords:** Agrarian, Constitutional, Presidential.

## 1. Introduction

Inequality in land ownership in Indonesia has become a prolonged issue, affecting social, economic, and political aspects of society. A large portion of land in Indonesia remains controlled by a small number of individuals and large corporations, while most farmers and indigenous communities are forced to depend on increasingly limited and shrinking land (McCarthy et al., 2022). Data from the 2023 Agricultural Census show that out of 27,802,434 land-using farmers, 17,251,432 are smallholder farmers who control less than 0.5 hectares of land. Over the past decade, the number of smallholder farmers has increased by 2.63 million people, or approximately 263,000 annually, while agricultural land has decreased by 2.63 million hectares due to conversion for industry, plantations, mining, and infrastructure (KPA, 2025).

This unequal distribution of land control has led to structural poverty, hindered economic growth in rural areas, and exacerbated social inequality (Wei & Ewing, 2018). Moreover, the expansion of large-scale plantations, extractive industries, and infrastructure



projects has intensified this disparity, worsening long-standing agrarian conflicts. In response, the Indonesian government issued Presidential Regulation No. 62 of 2023, which is expected to provide a solution to these problems. This regulation plays an important role in structuring agrarian reform policies aimed at addressing land inequality; however, the extent to which it can effectively resolve these issues remains a significant question (Khairunia et al., 2024).

Several agrarian policies have been implemented, including the Basic Agrarian Law (UUPA) enacted in 1960 and various agrarian reform initiatives, yet not all have succeeded in addressing land inequality. Many previous policies focused primarily on legal and technical aspects without adequately considering the social and political factors that significantly influence land distribution. This contradicts the constitutional mandate outlined in Article 33 paragraph (3) of the 1945 Constitution, which states that land, water, and natural resources are controlled by the state for the greatest prosperity of the people. In line with this, Article 6 of Law No. 5 of 1960 on Basic Agrarian Principles emphasizes that all land rights have a social function, meaning that land use cannot be justified if it solely serves private interests to the detriment of society (Harsono, 2008).

In practice, however, land policies have tended to prioritize investment and development interests, often neglecting the land rights of local communities (Silaban, 2025). This is reinforced by findings from the Agrarian Reform Consortium, which indicate that agrarian reform programs have focused more on land asset legalization rather than land redistribution to small farmers, thus failing to effectively address inequality and achieve agrarian justice (Suara Pembaruan Agraria, 2024).

For example, Law No. 5 of 1960 on Basic Agrarian Principles (UUPA), which was designed to distribute land to farmers and indigenous communities, has often been hindered by political and economic interests that favor large groups, as well as issues related to unclear land boundaries eligible for redistribution. As a result, the original objectives of agrarian reform have not been optimally achieved.

Agrarian conflicts involving indigenous communities and large corporations, particularly in the palm oil plantation and mining sectors, provide clear evidence that existing policies have failed to resolve land inequality (Sinaga, 2020). The Agrarian Reform Consortium recorded 3,234 agrarian conflicts across Indonesia between 2015 and 2024, covering an area of 7.4 million hectares, with plantation and forestry sectors being the primary sources of conflict (KPA, 2025).

This condition demonstrates that policy approaches that are sectoral and investment-oriented have not been able to meet the demands for agrarian justice for indigenous communities, as mandated in Article 18B paragraph (2) of the 1945 Constitution and Article 3 of Law No. 5 of 1960 (Barora, 2020).

Presidential Regulation No. 62 of 2023, which focuses on restructuring land control and granting land rights to indigenous communities and farmers, is considered a new effort to address these issues. However, significant challenges remain regarding its implementation and oversight (Haykal, 2026). This study has two main objectives. First, to analyze the regulation of agrarian reform under Presidential Regulation No. 62 of 2023 and its relevance in addressing land ownership inequality in Indonesia. Second, to examine the state's responsibility in resolving agrarian conflicts and ensuring citizens' constitutional rights to land based on this regulation and related legislation.

The hypothesis proposed in this study is that Presidential Regulation No. 62 of 2023 has the potential to reduce land inequality; however, its success largely depends on effective implementation, the state's commitment to law enforcement, and active community participation. Although the policy focuses on land redistribution and granting land rights to

marginalized groups such as indigenous peoples and small farmers, key challenges include bureaucratic inefficiencies, unclear land rights regulations, and the dominance of large interest groups in agrarian political processes (Aziz, 2024). Research by Aziz (2024) shows that the implementation of this regulation still faces bureaucratic constraints and a lack of public outreach. Meanwhile, Khairunia et al. (2024) argue that optimizing agrarian reform requires strengthening the national land law framework to ensure equitable benefits. Furthermore, Yudhistira et al. (2025) found that the main obstacle in implementing agrarian reform lies in weak coordination among government institutions.

Based on these studies, previous research has tended to focus on technical and institutional aspects of agrarian reform implementation. In contrast, this study specifically analyzes Presidential Regulation No. 62 of 2023 as a legal instrument to address structural land inequality while also examining the constitutional responsibility of the state in resolving agrarian conflicts.

The Sustainable Development Goals (SDGs) represent a global development agenda agreed upon by 193 United Nations member states in 2015, consisting of 17 goals. Indonesia, as a member state, is committed to implementing the SDGs through various national policies. In this context, SDG 1 aims to end poverty in all its forms, while SDG 10 focuses on reducing inequality within and among countries.

In Indonesia, the implementation of these SDG goals—particularly poverty alleviation and inequality reduction—is reflected, among others, in agrarian reform policies. Agrarian reform is viewed as a strategic instrument to improve land distribution and enhance public access to agrarian resources. One concrete example of such policy is Presidential Regulation No. 62 of 2023, which regulates land control arrangements within forest areas as part of efforts to accelerate agrarian reform.

Thus, agrarian reform is not only a national policy to address land inequality but also part of Indonesia's commitment to achieving global sustainable development goals (Bujangga & Purwanto, 2022; Rafie et al., 2024). Therefore, analyzing Presidential Regulation No. 62 of 2023 is relevant to assess the extent to which this policy contributes to achieving the SDGs, particularly in reducing social and economic inequality in Indonesia.

The importance of this research lies not only in analyzing Presidential Regulation No. 62 of 2023 but also in providing a deeper understanding of how agrarian reform policies can contribute to achieving sustainable development goals, particularly in reducing social and economic inequality. This study helps evaluate the extent to which agrarian reform policies can improve social conditions and the welfare of marginalized communities. Such understanding also opens opportunities for policy improvement and adjustment to better address the challenges of land inequality in Indonesia (Yudhistira et al., 2025).

By adopting an approach that focuses more on empowering local communities and ensuring fairer distribution, Presidential Regulation No. 62 of 2023 has the potential to create significant changes in the management of agrarian resources in Indonesia. This policy is expected to reduce community dependence on land controlled by large corporations and mitigate conflicts that frequently arise between local communities and land rights holders, as illustrated in the case of the Lore indigenous community in Poso, which is in dispute with a company holding cultivation rights over 2,000 hectares (Sari & Wahanisa, 2025). The long-term impacts of this policy include improved community welfare, sustainable natural resource management, and the resolution of agrarian conflicts that have long been structural barriers to rural development. This research contributes by offering a critical analysis of the extent to which Presidential Regulation No. 62 of 2023 can effectively address these structural issues in practice.

Several previous studies have examined agrarian reform issues. Aziz (2024) concluded that the implementation of Presidential Regulation No. 62 of 2023 in Sumberwuluh Village, Lumajang Regency, is still hindered by bureaucratic constraints and a lack of public outreach. Khairunia et al. (2024) emphasized that optimizing agrarian reform must be supported by a strong national land law framework to ensure equitable benefits across society. Yudhistira, et al. (2025) found that in Mojo Subdistrict, Pasar Kliwon District, the main obstacle to agrarian reform lies in coordination among government institutions. This study differs from previous research by focusing specifically on the dimension of state responsibility and the guarantee of citizens' constitutional rights to land based on Presidential Regulation No. 62 of 2023, while also examining mechanisms for resolving agrarian conflicts from a normative juridical perspective.

To achieve the objectives of Presidential Regulation No. 62 of 2023, various supporting and inhibiting factors must be considered. Previous studies have examined similar issues from different perspectives. Alvian and Mujiburohman (2022) found that agrarian reform implementation during the Jokowi era was limited to asset legalization and land redistribution, without fully addressing the core issue of land inequality, with key obstacles including weak leadership, institutional capacity, and the availability of redistribution objects. Meanwhile, Novanto et al. (2025) concluded that legal uncertainty for land redistribution beneficiaries and weak inter-agency coordination are the main factors slowing implementation, preventing the full realization of social justice objectives.

Unlike these studies, this research not only evaluates technical and institutional factors but also specifically analyzes Presidential Regulation No. 62 of 2023 in relation to the constitutional responsibility of the state—particularly how the state fulfills its obligation to guarantee citizens' land rights as mandated by Article 33 paragraph (3) of the 1945 Constitution—while promoting a more inclusive and participatory approach as a solution to long-standing structural agrarian inequality. Based on the above discussion, this study formulates two main research questions: (1) How is agrarian reform regulated under Presidential Regulation No. 62 of 2023 in addressing land ownership inequality in Indonesia? (2) How does the state fulfill its responsibility in resolving agrarian conflicts and guaranteeing citizens' constitutional rights to land under Presidential Regulation No. 62 of 2023?

## 2. Literature Review

### 2.1. Conceptual Foundations of Agrarian Reform and Constitutional Mandate

Agrarian reform in Indonesia is fundamentally rooted in the constitutional mandate of Article 33 paragraph (3) of the 1945 Constitution, which stipulates that land, water, and natural resources are controlled by the state for the greatest prosperity of the people. This principle is further elaborated in the Basic Agrarian Law (Law No. 5 of 1960), which emphasizes the social function of land and prohibits excessive concentration of land ownership.

Scholars such as Bachriadi and Wiradi argue that agrarian reform is not merely a technical process of land redistribution but a structural transformation aimed at addressing historical and systemic inequality. This perspective positions agrarian reform as a tool of social justice, aligning with John Rawls' theory that emphasizes fair distribution of resources and equal opportunity.

In this context, the state bears a constitutional obligation not only to regulate land but also to ensure equitable access and prevent structural inequality. Thus, agrarian reform becomes an essential instrument for realizing citizens' constitutional rights to land.

## 3.2. Evolution of Agrarian Reform Policy in Indonesia

The evolution of agrarian reform policy in Indonesia demonstrates a shift from normative legal frameworks to more integrated and implementation-oriented approaches. Earlier policies, including Law No. 5 of 1960 and Presidential Regulation No. 86 of 2018, aimed to address land inequality but were often criticized for focusing heavily on legal formalization rather than substantive redistribution.

The issuance of Presidential Regulation No. 62 of 2023 represents a significant development in this trajectory. This regulation consolidates previous frameworks and introduces a more comprehensive strategy for accelerating agrarian reform through:

- 1) land redistribution,
- 2) asset legalization,
- 3) economic empowerment,
- 4) institutional strengthening, and
- 5) community participation.

This integrated approach reflects an effort to align agrarian reform with broader socio-economic objectives, including poverty reduction and equitable development.

## 3.3. Presidential Regulation No. 62 of 2023 as a Legal Instrument

Recent studies highlight that Presidential Regulation No. 62 of 2023 functions as a regulatory integration mechanism aimed at accelerating agrarian reform implementation. According to Prasetya et al. (2024), the regulation attempts to harmonize various agrarian policies into a more operational framework.

However, the same study notes that despite its integrative nature, the regulation still faces challenges, particularly in determining land sources for agrarian reform—especially land originating from forest areas. From a juridical perspective, this regulation reinforces the role of the state as both a regulator and guarantor of land rights. It introduces mechanisms for identifying, verifying, and redistributing land (TORA), thereby strengthening the legal basis for recognizing factual land control by communities, including indigenous peoples.

## 3. Methods

### 3.1. Research Type and Data Sources

This study employs a library research or literature review approach, focusing on the analysis of relevant literature, both theoretical and practical. As stated by Mamudji and Soekanto (2001), data collection in normative legal research is conducted through library research using secondary data by examining regulations and literature related to the research problem; therefore, this method is commonly referred to as legal library research.

The primary type of data used in this study consists of primary legal materials derived from official regulations and policies, namely Presidential Regulation No. 62 of 2023, as well as other official documents related to agrarian reform policies. In addition, this research also utilizes secondary data, including books, journals, articles, scientific studies, and reports relevant to land ownership inequality, agrarian conflicts, and agrarian reform policies in Indonesia. These secondary sources are used to deepen the understanding of the social,

political, and economic context underlying Presidential Regulation No. 62 of 2023, as well as to identify its strengths and weaknesses in addressing land inequality issues in Indonesia.

### 3.2. Theoretical Framework

This study applies several foundational theories relevant to understanding and analyzing the issues raised. One of the main theories used is the Agrarian Reform Theory proposed by Bachriadi and Wiradi (2011), which emphasizes that agrarian reform is not merely about land redistribution but also involves broader structural changes in social and economic systems, including the elimination of historically and systemically rooted land inequality. According to Bachriadi and Wiradi (2011), equitable land distribution is a fundamental prerequisite for achieving the social and economic welfare of farmers and indigenous communities. This theory is particularly relevant in the Indonesian context, where land inequality is deeply rooted in a long history of agrarian injustice, from the colonial era to the post-reform period.

In addition, this research refers to the Social Justice Theory introduced by Rawls (2017), which emphasizes the importance of fair resource distribution and equal opportunities for all members of society. This theory is used to evaluate the extent to which Presidential Regulation No. 62 of 2023 can promote social justice in land ownership in Indonesia, particularly for marginalized communities.

### 3.3. Research Process and Data Collection Techniques

The research process involves collecting secondary data through the review of literature and documents relevant to the research topic, including books, academic journals, articles, and reports on agrarian reform, agrarian conflicts, and Indonesian government policies, particularly Presidential Regulation No. 62 of 2023. The researcher gathers data from various sources that examine agrarian policies and their impacts on society.

The technique for collecting legal materials is conducted through systematic literature review, including academic databases, official portals of state institutions such as the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), the State Secretariat, and the Agrarian Reform Consortium (KPA), as well as policy documents issued by relevant institutions. Furthermore, this study also includes an examination of agrarian dispute cases occurring in practice, obtained from media reports, previous studies, and NGO reports related to land rights and agrarian conflicts in Indonesia. By collecting these various types of data, this study aims to provide a comprehensive overview of the implementation of agrarian reform policies based on Presidential Regulation No. 62 of 2023.

### 3.4. Data Analysis Technique

The data analysis technique used in this study is content analysis, which aims to identify and process data from written sources in order to discover patterns, relationships, and information relevant to the research objectives (Krippendorff, 2018). In this analysis, the researcher examines policy texts, including Presidential Regulation No. 62 of 2023 and related documents, and compares them with previous agrarian literature to assess land control arrangements, inequality management, and the resolution of agrarian conflicts. The collected data are analyzed qualitatively, with a focus on understanding the relationship between state policies and the fulfillment of citizens' constitutional rights to land.

## 4. Results and Discussion

### 4.1. Regulation of Agrarian Reform under Presidential Regulation No. 62 of 2023 in Addressing Land Ownership Inequality in Indonesia

Presidential Regulation No. 62 of 2023 regulates the restructuring of land control within forest areas as part of agrarian reform policy aimed at providing legal certainty and reducing inequality in land ownership in Indonesia. To achieve this objective, the provisions in this regulation can be systematically identified based on relevant articles.

First, Articles 2 and 3 regulate the objectives and scope of land control restructuring. These provisions emphasize that such restructuring is intended to resolve land tenure issues within forest areas and provide legal certainty to communities. This regulation is important in the context of inequality, as it positions the state as an active actor in reorganizing land control structures that previously lacked legal certainty, thereby opening opportunities for a more equitable distribution of land control.

Second, Articles 4 to 7 regulate the subjects and objects of land control restructuring. The subjects include communities that have controlled and utilized land within forest areas, while the objects are lands within forest areas that have been factually occupied. This provision directly contributes to addressing land inequality by granting legal recognition to the factual control exercised by communities, which was previously unrecognized in the formal legal system. Thus, there is a shift from a purely formal legal approach toward recognition of the social reality of land control.

Third, Articles 8 to 12 regulate the mechanism for land control restructuring, including stages of identification, verification, and determination. These provisions demonstrate that the restructuring process follows a structured and phased procedure. Compared to previous policies that lacked detailed and systematic procedures, this regulation provides clearer procedural guidance on how land can be designated as an object of agrarian reform. Such clarity plays a crucial role in reducing inequality by minimizing legal uncertainty and limiting unilateral land control.

Fourth, Presidential Regulation No. 62 of 2023 also regulates inter-agency coordination in the implementation of land control restructuring. This provision aims to ensure that the process is conducted in an integrated and non-overlapping manner. In the context of land inequality, such coordination is essential to maintain policy consistency in determining the subjects and objects of agrarian reform, thereby enabling more targeted land distribution.

Based on the above explanation, it can be concluded that Articles 2 to 12 of Presidential Regulation No. 62 of 2023 normatively contain instruments with the potential to address land ownership inequality through: (1) affirming the objective of agrarian justice, (2) recognizing factual land control by communities, and (3) establishing a more systematic and structured mechanism for land restructuring. Thus, the regulation focuses on reorganizing land control structures through a more comprehensive legal approach.

### 4.2. Agrarian Conflicts and Their Resolution under Presidential Regulation No. 62 of 2023

It serves as a policy instrument aimed at accelerating agrarian reform to address land ownership inequality in Indonesia. Within the framework of national agrarian law, this policy is closely linked to the fundamental principles outlined in the Basic Agrarian Law, particularly Article 2, which grants the state authority to regulate land control; Article 6, which emphasizes the social function of land; and Article 7, which prohibits the concentration of land ownership. Accordingly, the state not only holds authority but also bears responsibility to ensure that land control is conducted fairly and does not result in structural inequality.

In practice, agrarian conflicts reveal a gap between factual land control by communities and formal legal ownership held by corporations. One illustrative case is the conflict between the Suku Anak Dalam (SAD) community in Jambi Province and PT Asiatic Persada. This long-standing conflict stems from corporate land control through concession schemes, while the SAD community has traditionally managed the area. The core issue lies in the lack of legal recognition of the community's factual land control, leaving them without equal legal standing to defend their rights.

From an agrarian law perspective, this situation contradicts the principle of the social function of land (Article 6 of the Basic Agrarian Law) and the prohibition of land concentration (Article 7). Under Presidential Regulation No. 62 of 2023, land that has been factually controlled and utilized by communities should be identified as an object of land control restructuring (Articles 4–7) and verified through the mechanisms outlined in Articles 8–12. However, in practice, these processes have not been effectively implemented, resulting in the exclusion of such lands from agrarian reform schemes. This indicates that the state has not fully fulfilled its responsibility to bridge the gap between factual control and legal recognition.

Another example is the conflict between the Dayak Hibun indigenous community and PT Mitra Austral Sejahtera (PT MAS) in Sanggau Regency, West Kalimantan. This conflict involves a Cultivation Right (HGU) of approximately 8,741 hectares granted to the company since 1995. In this case, the indigenous community was not informed of the HGU, and the company is considered to have violated prior customary agreements. This reflects inequality in access to information and decision-making processes regarding land control.

Legally, the granting of large-scale HGU without considering indigenous communities contradicts the principles of social function (Article 6) and the prohibition of land concentration (Article 7) under the Basic Agrarian Law. Within the framework of Presidential Regulation No. 62 of 2023, such issues should be addressed through land control restructuring mechanisms, particularly identification and verification. However, overlapping authority between land and forestry sectors, as well as weak inter-agency coordination, has hindered effective implementation. As a result, agrarian conflicts remain unresolved, and communities continue to be in a vulnerable position.

These cases demonstrate a recurring pattern in agrarian conflicts in Indonesia: a disparity between factual land control by communities and legal recognition granted to other parties, particularly corporations. Although Presidential Regulation No. 62 of 2023 provides a systematic mechanism, its implementation faces administrative, institutional, and political challenges. Consequently, the state has not fully carried out its responsibility as mandated under Article 2 of the Basic Agrarian Law to regulate land for the greatest benefit of the people.

Thus, resolving agrarian conflicts requires not only a clear regulatory framework but also strong state commitment to ensuring effective implementation. Without genuine alignment with community interests, agrarian reform risks becoming merely an administrative instrument without addressing substantive land inequality.

### **4.3. Evaluation of Presidential Regulation No. 62 of 2023 in Addressing Land Ownership Inequality**

This evaluation aims to assess the extent to which the land control restructuring framework under Presidential Regulation No. 62 of 2023 can be effectively implemented to address land ownership inequality in Indonesia. The focus is not only on its normative strength but also on the challenges faced during implementation.

Normatively, the regulation provides a systematic framework, particularly through provisions on subjects and objects (Articles 4–7) and mechanisms of identification, verification, and determination (Articles 8–12). However, its effectiveness in practice remains

constrained by several challenges. Based on the analysis, implementation obstacles can be classified into three main categories.

First, administrative and juridical constraints, related to unclear land status and overlapping claims among communities, the state, and corporations. Despite the existence of identification and verification mechanisms, weak land administration systems and unintegrated data across institutions create legal uncertainty.

Second, institutional constraints, stemming from weak coordination among government agencies. Differences in authority and regulatory interpretation—particularly between land and forestry sectors—result in unsynchronized implementation.

Third, structural and capacity constraints, including the dominance of economic interests in land control and limited resources at the regional level. These factors hinder land redistribution and reduce the effectiveness of policy implementation on the ground.

Additionally, social and economic factors also influence policy effectiveness, particularly regarding the capacity of communities to utilize redistributed land productively. Limited access to financing, technology, and assistance remains a significant barrier to improving welfare through agrarian reform.

In conclusion, although Presidential Regulation No. 62 of 2023 provides a systematic regulatory framework, its implementation continues to face administrative, institutional, and structural challenges. Therefore, the success of this policy in addressing land ownership inequality largely depends on the state’s ability to consistently overcome these barriers. To clarify the relationship between normative provisions and implementation challenges, these classifications are summarized in the following table:

**Table 1. Evaluation of the Implementation of Presidential Regulation No. 62 of 2023**

Type Obstacle	Basic Settings	Implementation Challenges	Impact	Recommendation
Administrative and Legal	Articles 8–12	Unclear land status and overlapping claims due to weak administration and non-integrated data	Legal uncertainty and potential agrarian conflict	Integration and synchronization of land data between institutions through an integrated national database system is required to avoid overlapping claims and accelerate the identification and verification process as regulated in Articles 8 to 12 of Presidential Decree No. 62 of 2023.
Institutional	Cross-sector coordination	Overlapping authority between institutions, especially ATR/BPN and KLHK	Unsynchronized policy implementation	It is necessary to strengthen coordination between institutions, particularly between the Ministry of ATR/BPN and the Ministry of Environment and Forestry, through policy harmonization and affirmation of authority, so that the

Type Obstacle	Basic Settings	Implementation Challenges	Impact	Recommendation
				implementation of land tenure arrangements can run synchronously.
Structural and Political	Articles 2–3	Dominance of corporate interests and local political intervention	Land redistribution hampered	A strong political commitment and strengthening of oversight mechanisms for land ownership by corporations are needed to ensure that agrarian reform policies truly favor the people and are not distorted by economic and political interests.
Technical and Capacity	Regional implementation	Limited human resources, budget, and monitoring systems	Policy implementation is not optimal	The government needs to increase institutional capacity at the regional level by providing adequate budgets, human resource training, and strengthening the monitoring system in implementing land redistribution programs.
Social and Economic	Policy implementation	Redistribution is not optimal so that welfare has not increased significantly.	Data integration and national defense	In addition to land redistribution, supporting policies are needed in the form of community empowerment through access to financing, technology, and ongoing assistance, so that the distributed land can be used productively.

Source: Processed by the author based on Presidential Decree No. 62 of 2023, Khairunia et al. (2024), Aziz (2024), and Haykal (2026).

Based on the above description, it can be concluded that Presidential Regulation No. 62 of 2023 provides a fairly comprehensive regulatory framework for land tenure management. However, its effectiveness in addressing land tenure inequality remains suboptimal due to interrelated administrative, institutional, structural, and technical barriers.

Thus, the problem of inequality in land ownership cannot only be resolved through a regulatory approach alone, but also requires strengthening policy implementation through improvements to the land administration system, increased coordination between institutions, and a strong political commitment to ensure support for communities who have experienced inequality in land ownership.

#### **4.4. The State's Responsibility in Resolving Agrarian Conflicts and Guaranteeing Citizens' Constitutional Rights to Land Based on Presidential Decree No. 62 of 2023**

Presidential Regulation Number 62 of 2023 has basically provided a fairly comprehensive normative framework in the implementation of agrarian reform, particularly through the regulation of the objectives of accelerating agrarian reform as stipulated in Articles 2 and 3, as well as the mechanism for arranging land ownership through the stages of identification, verification, and determination in Articles 8 to 12. However, when linked to the reality of agrarian conflicts as seen in the case of the Suku Anak Dalam (SAD) community in Jambi and the Dayak Hibun indigenous community in West Kalimantan, the implementation of this policy has not been running optimally.

Normatively, Articles 2 and 3 of Presidential Decree No. 62 of 2023 affirm that agrarian reform aims to reduce inequality in land ownership and improve public welfare by structuring land ownership, use, and utilization. However, in practice, these goals have not been effectively achieved. This is evident in the continued dominance of land ownership by large-scale corporations, while communities who actually control the land do not receive legal recognition. This situation indicates a gap between the policy's normative objectives and its implementation on the ground.

Furthermore, the identification and verification mechanisms stipulated in Articles 8 to 12 of Presidential Decree No. 62 of 2023 should be the primary instrument for determining the objects of agrarian reform. However, in the cases of the Indigenous Peoples (SAD) and Dayak Hibun, these mechanisms were not effective. Land that was actually controlled by the community was not successfully identified and verified as objects of agrarian reform, and therefore could not be designated in the land tenure arrangement scheme. This indicates that the failure of implementation lies not in the absence of regulations, but rather in the weak implementation of the established mechanisms.

This failure is also inextricably linked to the various obstacles outlined above, such as the unclear legal status of land, overlapping authority between agencies, and the dominance of economic interests in land ownership. These obstacles prevent the provisions of Articles 8 through 12 from being optimally implemented, thus preventing the achievement of the objectives of agrarian reform as stipulated in Articles 2 and 3.

From the perspective of national agrarian law, this condition also shows that the state has not fully carried out its responsibilities as mandated in Article 2 of the Basic Agrarian Law, which emphasizes that the state has the authority to regulate land ownership for the greatest prosperity of the people. In addition, the less than optimal implementation of agrarian reform also shows that the principle of the social function of land in Article 6 of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) and the prohibition on the concentration of land ownership in Article 7 of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) have not been realized in practice.

Therefore, the state's responsibility in implementing Presidential Decree No. 62 of 2023 is not only limited to policy formulation, but also includes the obligation to ensure that land identification, verification, and determination mechanisms are truly effective. In this regard, the state has a concrete responsibility to: (i) ensure that the identification and verification processes are conducted objectively and based on the community's factual control; (ii) determine that community-controlled land is the object of agrarian reform; and (iii) provide legal certainty by legalizing community land rights.

Furthermore, the state must also address structural barriers hindering the implementation of agrarian reform, including through strengthening inter-agency

coordination and controlling the concentration of land ownership by corporations. Without these measures, Presidential Regulation No. 62 of 2023 has the potential to fail to achieve its stated objective as an instrument to reduce land ownership inequality.

Based on the previous explanation, it can be concluded that the effectiveness of Presidential Regulation No. 62 of 2023 in addressing land ownership inequality depends heavily on the state's ability to consistently carry out its responsibilities. Without robust implementation, agrarian reform has the potential to remain merely an administrative policy, unable to bring about substantive change in Indonesia's land ownership structure.

## 5. Conclusion

Presidential Regulation No. 62 of 2023 has significant potential to address land ownership inequality in Indonesia, particularly through more equitable land redistribution efforts for indigenous communities and smallholder farmers. This policy provides broader access for previously marginalized groups to legal certainty over the land they manage. However, the effectiveness of its implementation is largely determined by clear land administration, consistent oversight, and the government's political commitment to enforcing the policy fairly and impartially. Without firm law enforcement, imbalances in economic and political power have the potential to continue to hamper the realization of agrarian justice.

In this regard, resolving agrarian conflicts involving communities and corporations requires an inclusive, transparent, and justice-based approach. Although Presidential Regulation No. 62 of 2023 provides a mechanism for structuring land tenure, its implementation still faces serious challenges. In this regard, the state holds a central responsibility to ensure that citizens' constitutional rights to land are not only recognized normatively but also effectively protected through an effective legal system.

Ultimately, although Presidential Regulation No. 62 of 2023 provides an adequate regulatory framework, its success in realizing agrarian justice depends heavily on the state's ability to consistently address structural, institutional, and administrative barriers. Without strengthened implementation, agrarian reform risks failing to achieve the goals of social justice as mandated by Law No. 5 of 1960 concerning Basic Agrarian Regulations (UUPA) and the 1945 Constitution.

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