



The Lack of Norms in the Settlement of Land Disputes between Indigenous Communities and Land Use Rights Holders within the Framework of National Agrarian Law Reform

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ABSTRACT

The purpose of this study is to examine the disparity in standards for settling land disputes between communities governed by customary law and those who possess Land Use Rights (HGU) and to develop a fair and legally sound reform strategy for national agrarian law. The Republic of Indonesia's 1945 Constitution, Law Number 5 of 1960 Governing Basic Agrarian Principles, and other relevant regulations are studied using normative juridical research with a legislative methodology and a conceptual approach. The study's findings show that while customary law communities and customary rights are acknowledged, there is no explicit normative framework for governing interactions and resolving conflicts with HGU holders. The gap in norms is reflected in the absence of standard procedures for recognizing customary territories before granting HGU, disharmony of cross-sectoral regulations, and the absence of a specific dispute resolution mechanism that accommodates the characteristics of customary law. This condition results in legal uncertainty and structural injustice for customary law communities. Therefore, it is necessary to reconstruct agrarian law through regulatory harmonization, strengthening the recognition of customary rights, and establishing a dispute resolution mechanism that is more inclusive and responsive to legal pluralism in Indonesia.

INTRODUCTION

Land holds a fundamental position in human life because it serves not only as a source of livelihood but also as the basis of social and cultural identity and a highly valuable economic asset. (Hastarini, 2022) According to Article 33, paragraph (3) of the Republic of Indonesia's 1945 Constitution, which states that the state controls the land, water, and natural resources therein and uses them for the greatest prosperity of the people, land is a strategic tool in the state's implementation of national development. (Masturi, 2018) Law Number 5 of 1960 Governing Basic Agrarian Regulations (UUPA), particularly Article 2, which gives the state the authority to control the distribution, use, and legal relationships of land, expands on this clause. (Sari, 2021) However, the increasing need for land along with population growth and development expansion is often not matched by adequate land availability, giving rise to the potential for complex and multi-layered agrarian conflicts.

In social reality, the existence of customary law communities and their customary rights is a truth that cannot be overlooked in the national agrarian law system. Article 18B paragraph (2) of the 1945 Constitution, which states that the state recognizes and respects customary law community units and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, affirms the recognition of customary law communities. (Kristiani, 2020) In addition, Article 3 of the UUPA recognizes the implementation of customary rights as long as they actually still exist. Customary rights have communal characteristics, are hereditary, and are often not formally documented in the state land administration system. (Chandra, 2020) As a result, sociologically, these rights are recognized and live in society, but juridically and administratively, they often do not have adequate evidentiary power in the positive legal system, thus placing customary law communities in a vulnerable position. (Setyowati, 2023)

On the other hand, the state, through agrarian law, grants various land rights to support economic development, The Right to Cultivate (HGU) is one of them. Article 28 of the UUPA grants HGU the authority to cultivate state-controlled property for a predetermined amount of time for the benefit of livestock, fishing, or agricultural businesses. (Arifin, 2023) Government Regulation Number 40 of 1996, which was subsequently amended by Government Regulation Number 18 of 2021, contains additional rules pertaining to HGU. HGU is an important instrument in attracting investment and increasing productivity in the agrarian sector. (Rizaldi, 2023) However, in practice, HGU is often granted over areas that are *de facto* customary lands of indigenous communities, without adequate identification and recognition of these rights, giving rise to conflicts of interest between the state, corporations, and indigenous communities. (Parihah, 2022)

Conflicts between indigenous communities and HGU holders are among the most complex forms of agrarian disputes in Indonesia. These conflicts generally involve overlapping land claims, unilateral control by HGU holders, evictions of indigenous communities from their territories, and even the

criminalization of community members who defend their rights. (Urasana, 2023) The impacts of these conflicts are not only legal but also social and economic, such as loss of livelihoods, social disintegration, and increased distrust of state institutions. (Krismanika, 2020) Empirical data reveal that agrarian conflicts involving indigenous communities and HGU-holding companies tend to be protracted due to the lack of effective and equitable resolution mechanisms, thus demonstrating structural problems within the national agrarian legal system. (Widarbo, 2019)

These weaknesses are increasingly apparent in the available dispute resolution mechanisms, both through litigation and non-litigation. Normatively, land disputes can be resolved through general courts, state administrative courts, or through alternative dispute resolution mechanisms as stipulated in Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution. (Nurlani, 2022) However, in practice, litigation mechanisms often fail to accommodate the unwritten and customary-law-based nature of customary rights, making proving their case in court extremely difficult for indigenous communities. Furthermore, non-litigation mechanisms such as mediation do not yet have sufficient binding force to completely resolve conflicts. (Sari, 2024) This situation is exacerbated by the unequal position between corporations holding HGU (Cultural Land Rights) rights, which have access to legal and political resources, and indigenous communities, which tend to be marginalized.

This problem ultimately leads to a legal vacuum in the regulation of disputes between indigenous communities and HGU holders. This legal vacuum is reflected in the absence of clear standards regarding the recognition and determination of customary land prior to the granting of HGU, the lack of synchronization of various laws and regulations in the agrarian, forestry, and investment sectors, and the lack of a specific mechanism to comprehensively regulate conflict resolution between these two legal entities. (Dirkareshza, 2024) Furthermore, there is a lack of clarity regarding the hierarchy or priority between constitutionally recognized customary rights and state-granted land rights, such as HGU. As a result, there is legal uncertainty and structural injustice, which is contrary to the principles of the rule of law as stated in Article 1, paragraph (3) of the 1945 Constitution. (Putra, 2023) Therefore, it is necessary to update the national agrarian law, which is not only normative in nature but is also able to harmonize various sectoral regulations and accommodate the existence and rights of indigenous legal communities substantively.

LITERATURE REVIEW

Land disputes involving indigenous communities and holders of Land Use Rights (Hak Guna Usaha/HGU) have become one of the most persistent agrarian problems in Indonesia. Land constitutes not only an economic asset but also a cultural, social, and spiritual foundation for indigenous communities whose existence and traditional rights are constitutionally recognized. The Indonesian legal system acknowledges customary law communities through Article 18B paragraph (2) of the 1945 Constitution and recognizes customary

rights through Article 3 of Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA). At the same time, the state grants HGU as a legal instrument to support agricultural investment, economic development, and land utilization. The coexistence of these two legal regimes frequently generates conflicts when HGU is granted over territories that indigenous communities consider customary land. Consequently, disputes arise concerning ownership, control, utilization, and legal recognition of land rights.

The complexity of these disputes is closely associated with the concept of legal pluralism, where state law and customary law coexist within the same legal system. In principle, Indonesian agrarian law seeks to balance development interests with the protection of indigenous rights. However, the implementation of this balance often encounters significant challenges. While customary rights are recognized normatively, their legal position remains vulnerable due to limited administrative recognition and the absence of comprehensive procedures for identifying and protecting customary territories. Conversely, HGU holders enjoy stronger legal certainty through formal registration and statutory protection. This imbalance frequently places indigenous communities in a disadvantaged position when disputes occur.

Previous studies have extensively examined the legal status and protection of indigenous communities within the national agrarian framework. Kristiani (2020) argues that the recognition of customary rights represents an essential manifestation of substantive justice in Indonesian agrarian law. Similarly, Hasan (2020) explains that customary rights remain an important legal institution within indigenous communities despite their limited integration into the formal land administration system. Setyowati (2023) further emphasizes that state recognition of indigenous communities remains inconsistent due to administrative and regulatory obstacles. These studies demonstrate that indigenous rights possess strong constitutional and sociological foundations. Nevertheless, their analyses primarily focus on recognition and protection issues without comprehensively examining dispute resolution mechanisms involving HGU holders.

Scholarly attention has also focused on the legal characteristics and implementation of Land Use Rights within the national development agenda. Arifin (2023) explains that HGU serves as a strategic instrument for agricultural development and land redistribution policies. Sharfinda (2023) similarly highlights the importance of legal certainty for HGU holders in supporting investment and economic activities. Rizaldi (2023) further discusses conflicts arising from overlapping claims between HGU and other forms of land rights, emphasizing the necessity of effective dispute resolution mechanisms. Although these studies provide valuable insights into the legal framework governing HGU, they predominantly examine the rights of HGU holders and investment interests rather than the relationship between HGU and customary rights.

The issue of agrarian disputes between indigenous communities and HGU holders has also received considerable scholarly attention. Krismanika (2020) identifies the granting of HGU over communal land as one of the primary

sources of agrarian conflicts in Indonesia. Parihah (2022) similarly analyzes disputes involving neglected land and HGU, demonstrating how overlapping claims often create prolonged legal conflicts. Widarbo (2019) further argues that the granting of HGU over customary territories reflects structural weaknesses within the agrarian legal system. These studies reveal the existence of recurring conflicts arising from the interaction between customary rights and state-issued land rights. However, they mainly concentrate on specific conflict cases and practical implications rather than examining the normative deficiencies underlying such disputes.

Research has additionally explored mechanisms for resolving agrarian disputes through litigation and alternative dispute resolution. Nurlani (2022) argues that alternative dispute resolution offers a potentially effective method for managing land conflicts outside formal judicial institutions. Sari (2024) similarly highlights the importance of mediation in achieving consensual dispute settlement and reducing adversarial legal processes. Putra (2023) further examines customary-law-based dispute resolution mechanisms in indigenous communities, emphasizing their cultural legitimacy and social effectiveness. Despite these contributions, existing studies generally address dispute resolution from procedural perspectives and provide limited discussion regarding the absence of specific legal norms governing disputes between indigenous communities and HGU holders.

More recent scholarship increasingly recognizes that legal uncertainty in agrarian disputes stems from fragmented regulations and insufficient harmonization among sectoral laws. Bayo (2023) notes that legislative recognition of indigenous communities remains dispersed across multiple legal instruments, creating interpretative inconsistencies. Dirkareshza (2024) similarly argues that the absence of integrated legal standards contributes significantly to unresolved disputes involving customary communities. Urasana (2023) further emphasizes that the expiration or continuation of HGU frequently creates legal uncertainty regarding the restoration and protection of indigenous land rights. These studies indicate that legal conflicts are not solely caused by competing claims but also by deficiencies within the regulatory framework itself. Nevertheless, they do not specifically conceptualize these deficiencies as a normative vacuum requiring comprehensive legal reconstruction.

Although previous studies have examined indigenous rights recognition, HGU implementation, agrarian conflicts, dispute resolution mechanisms, and regulatory fragmentation, most of them address these issues separately and from fragmented perspectives. Existing scholarship generally focuses on either customary rights protection, land administration, investment interests, or dispute settlement procedures. Limited attention has been devoted to analyzing the normative vacuum governing disputes between indigenous communities and HGU holders as a distinct legal problem within the national agrarian system. Furthermore, there remains a lack of integrated analysis connecting constitutional recognition of indigenous peoples, customary rights, HGU

regulation, legal pluralism, and dispute resolution mechanisms within a unified framework of agrarian law reform.

Accordingly, a significant research gap exists regarding the reconstruction of agrarian law to address the normative vacuum in resolving disputes between indigenous communities and HGU holders. This study seeks to fill that gap by examining the legal deficiencies underlying current dispute settlement mechanisms, analyzing their implications for legal certainty and substantive justice, and proposing a comprehensive reform model integrating indigenous rights recognition, land administration, legal pluralism, and institutional dispute resolution mechanisms. The novelty of this research lies in its effort to conceptualize agrarian disputes not merely as conflicts over land ownership but as manifestations of normative inadequacies within the national legal system, thereby requiring comprehensive legal reconstruction to achieve justice, legal certainty, and balanced protection for indigenous communities and HGU holders.

METHODOLOGY

This research employs a normative juridical method, focusing on the analysis of legal norms contained in legislation and relevant legal doctrines. It uses both statutory and conceptual approaches to examine the issue under study. The 1945 Constitution of the Republic of Indonesia, Law Number 5 of 1960 covering Basic Agrarian Principles, and other rules pertaining to agrarian law are examined using the statutory approach, particularly those that control the customary rights of indigenous peoples and the Right to Cultivate, and other implementing regulations to identify any disharmony, unclear norms, or legal vacuums. Meanwhile, the conceptual approach examines legal concepts developed in the literature, such as the concept of customary rights, state land control, agrarian justice, and the theory of legal vacuums, to build scientific arguments in formulating more comprehensive legal reforms. The legal materials used include primary, secondary and tertiary legal materials which are analyzed qualitatively using legal interpretation methods, so that a systematic and prescriptive conclusion is obtained in answering the research problem.

RESULT AND DISCUSSION

Normative Construction of Customary Rights and Cultivation Rights in the National Agrarian Legal System

The normative construction of national agrarian law is rooted in the principle of state control of land, is confirmed by Article 33, paragraph (3) of the Republic of Indonesia's 1945 Constitution, which declares that the state controls the land, water, and natural resources therein and uses them for the people's maximum prosperity. This concept is expanded upon in Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), Article 2, paragraph (1), which gives the state authority over all residents to control and manage the distribution, use, supply, and upkeep of land, water, and airspace. In this framework, the state is viewed as a sovereign with a public function to control the legal relationship between legal subjects and land objects, including the

granting of land rights like cultivation rights, rather than as a landowner. (Supriadi, 2023)

However, as part of the social reality that existed before to the establishment of the state, the national agrarian legal system also acknowledges the existence of customary law communities and their customary rights. Article 18B paragraph (2) of the 1945 Constitution, which declares that the state recognizes and respects customary law communities and their traditional rights as long as they remain viable and in line with societal developments and the principles of the Unitary State of the Republic of Indonesia, affirms this recognition. Article 3 of the UUPA, which stipulates that the application of customary rights and comparable rights of customary law communities, as long as they exist in reality, must be such that they align with national and state interests and do not conflict with higher-level laws and regulations, reinforces this recognition. Customary rights are therefore normatively acknowledged, but their applicability is constrained by a number of circumstances that provide opportunity for interpretation. (Bayo, 2023)

Customary rights, as communal rights, have distinct characteristics from land rights under positive law, which are individual and registered. Customary land rights are not always documented in writing, and their existence is based more on social recognition and inherited practices within indigenous communities. In this context, A number of sectoral regulations, including Law Number 41 of 1999 concerning Forestry, which recognizes customary forests in Article 67, and Constitutional Court Decision Number 35/PUU-X/2012, which affirms that customary forests are no longer state forests, also recognize customary land rights. However, this normative recognition has not been fully followed by clear administrative mechanisms within the national land registration system, resulting in customary land rights often being in a weak position when confronted with the formal legal regime. (Hasan, 2020)

Meanwhile, The national agrarian system provides a solid legal foundation for the Right to Cultivate, a type of state-granted land right. According to Article 28, paragraph (1) of the Basic Agrarian Law, the Right to Cultivate refers to the right for agricultural, fishing, or animal enterprises to cultivate land directly under governmental control for a predetermined amount of time. Government Regulation Number 18 of 2021 covering Management Rights, Land Rights, Apartment Units, and Land Registration further regulates these requirements., which regulates the duration, extension, and rights and obligations of HGU holders. HGU is a crucial instrument in supporting investment and national economic development; therefore, the state has an interest in providing legal certainty for these rights holders through the land registration mechanism as stipulated in Article 19 of the UUPA. (Sharfinda, 2023)

However, within the existing normative construction, there is a potential conflict between the recognition of customary rights and the granting of Cultivation Rights (Hak Guna Usaha) by the state. It is due to the assumption in Article 2 of the UUPA that land not encumbered with specific rights is under state control. However, from the perspective of customary law communities,

customary land is an area collectively owned and controlled under customary law. This inconsistency is often exacerbated by the absence of a clear normative obligation to first identify and acknowledge the existence of customary rights before granting HGU. As a result, the state can grant HGU on land that is de facto customary territory, thus giving rise to overlapping claims that lead to disputes.

The construction of the relationship between customary rights and HGU within the national agrarian legal system demonstrates a tendency to subordinate customary rights to state and development interests. It is evident from the phrase in Article 3 of the UUPA, which states that the implementation of customary rights must be in accordance with the national interest, which in practice is often interpreted as legitimizing the exclusion of indigenous peoples' rights for the sake of investment. On the other hand, there are no norms that explicitly regulate the hierarchy or priority between customary rights and land rights, such as HGU, thus giving rise to a vagueness of norms. This condition indicates that the existing normative construction has not been able to harmoniously integrate the recognition of indigenous peoples with the needs of economic development, thus becoming one of the main sources of agrarian conflict and demonstrating the need for more responsive and equitable agrarian law reform.

Normative Void in Dispute Resolution between Indigenous Communities and Land Use Rights (HGU) Holders

The normative void in dispute resolution between indigenous communities and Land Use Rights (HGU) holders is a fundamental problem in the national agrarian legal system, rooted in imperfect legal regulations. While Article 3 of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) recognizes customary rights as long as they exist in reality, Article 18B paragraph (2) of the Republic of Indonesia's 1945 Constitution formally acknowledges the existence of indigenous communities and their traditional rights, there are no norms explicitly regulating the dispute resolution mechanism when these customary rights conflict with state-granted land rights, such as HGU. Furthermore, Article 28 of the UUPA, which regulates HGU, focuses only on the granting, duration, and utilization aspects, without specifically addressing potential conflicts with customary rights, thus creating a legal vacuum.

This lack of a legal framework is increasingly apparent in the pre-HGU granting phase, where there is no explicit legal obligation for the state to first identify, verify, and recognize the existence of indigenous communities and their customary land rights. Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 18 of 2019 concerning Procedures for the Administration of Customary Land is one example of a sectoral regulation, these regulations have not been firmly integrated into the land rights granting regime, particularly HGU. As a result, HGU grants are often made on land that is de facto customary territory, without any mechanism for consultation or consent from indigenous communities, creating structural conflicts that are difficult to resolve.

In terms of dispute resolution, the existing legal system also does not provide a mechanism specifically designed to address conflicts between indigenous communities and HGU holders. Dispute resolution is generally pursued through litigation in general courts or state administrative courts, as stipulated in Law Number 48 of 2009 concerning Judicial Power and Law Number 5 of 1986 concerning State Administrative Courts and its amendments. However, these mechanisms are general in nature and do not take into account the specific characteristics of customary rights, which are based on customary law and do not always require written evidence. As a result, customary communities often experience difficulties in proving their claims in courts that prioritize formal evidence.

Furthermore, the lack of norms is reflected in the absence of clear provisions regarding the status or priority of customary rights and HGU (UUPA) in the event of conflict. The UUPA does not clarify whether customary rights have equal, superior, or subordinate status to land rights granted by the state. This ambiguity opens up a wide scope for interpretation and often harms customary communities, as in practice, the state tends to prioritize the development and investment interests represented by HGU holders. Thus, not only is there a normative vacuum, but also a normative ambiguity that exacerbates legal uncertainty.

The absence of effective alternative dispute resolution mechanisms also demonstrates a significant normative vacuum. Although Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution provides space for out-of-court dispute resolution, there are no specific provisions that accommodate customary law-based dispute resolution or that involve customary law communities on an equal basis. In practice, mediation or negotiation is often ineffective due to the imbalance of power between indigenous communities and corporations holding HGU (Cultural Land Use Rights), as well as the lack of guarantees of legal protection for the agreements reached. It indicates that the existing legal framework is unable to provide fair and balanced dispute resolution instruments.

The implications of this normative vacuum are legal uncertainty and structural injustice in the resolution of agrarian disputes. Indigenous communities often lose access to their land, while HGU holders receive stronger legal protection through the formal land administration system. This condition is contrary to the principle of the rule of law as stipulated in Article 1, Paragraph (3) of the 1945 Constitution and the purpose of law to realize justice, certainty, and benefit. Therefore, the lack of norms in resolving disputes between customary law communities and HGU holders is not only a technical legal issue, but also reflects the failure of the legal system to accommodate the legal pluralism that exists in Indonesian society.

Reconstruction and Reform of Agrarian Law in Resolving Disputes between Indigenous Communities and Land Use Rights (HGU) Holders

Reconstruction and reform of agrarian law in resolving disputes between indigenous communities and Land Use Rights (HGU) holders is a necessity in order to realize a legal system that is just, certain, and responsive to social

realities. Its normative foundation remains based on Article 33 paragraph (3) and Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which mandates the control of natural resources for the prosperity of the people and the recognition of indigenous communities. However, to address the gaps and ambiguities in existing norms, legal reconstruction measures are needed that are not only conceptual but also operational through the reformulation of agrarian laws and regulations, particularly the renewal of Law Number 5 of 1960 concerning Basic Agrarian Principles to make it more adaptive to legal developments and community needs.

One concrete action that needs to be taken is to establish a national, integrated, and legally binding system for recognizing and determining customary law communities' territories. It can be achieved through the creation of a specific law on customary law communities or strengthening existing regulations by establishing standard procedures for the identification, verification, and determination of customary rights involving local governments, customary institutions, and relevant ministries. Integrating this data into the national land registration system, as mandated by Article 19 of the Basic Agrarian Law and further regulated in Government Regulation Number 18 of 2021, is a strategic step to prevent overlapping claims. Therefore, before granting a HGU (Cultural Land Use Rights), the state is obliged to ensure that the land to be granted is not within a recognized customary land use right.

Harmonization of cross-sectoral regulations is needed, which has historically been a source of normative conflict. Concrete actions that can be taken include synchronizing regulations in the agrarian, forestry, and investment sectors through revising or establishing integrative legislation. For example, strengthening the obligation of public consultation and the principle of free, prior, and informed consent in all business permits granted on land with the potential to become customary areas. Furthermore, it is necessary to emphasize the norm that the granting of HGU (Cultural Land Use Rights) must substantively consider the existence and rights of indigenous communities, not just formal administrative aspects.

In terms of dispute resolution, legal reconstruction must be directed at establishing a special mechanism capable of accommodating the characteristics of disputes between indigenous communities and HGU holders. Concrete actions taken include the establishment of a specialized agrarian judicial institution or a quasi-judicial body with the authority to resolve agrarian disputes quickly, simply, and cost-effectively. This institution must recognize and accommodate customary law as a legitimate source of law and provide more flexible evidentiary space for indigenous communities. Another alternative is strengthening the mandatory agrarian mediation mechanism before disputes are brought to court, with guaranteed legal force for the agreements reached.

Reconstruction must also include strengthening the position of indigenous communities in the formal legal system, particularly in terms of evidence and rights protection. Concrete actions that can occur include explicit recognition of customary law-based evidence in the judicial system, as well as providing

effective legal aid to indigenous communities, as stipulated in Law Number 16 of 2011 concerning Legal Aid. Furthermore, the state must be obligated to conduct audits and evaluations of granted HGUs, particularly those located in areas prone to conflict, and to open up the possibility of land redistribution or review of these rights if they are proven to violate the rights of indigenous communities.

Agrarian law reform must be directed at developing an inclusive and socially just legal system that places indigenous communities as equal legal subjects. Concrete actions that can occur include developing an agrarian reform roadmap based on the recognition of customary rights, increasing the capacity of government institutions to handle agrarian conflicts, and strengthening community participation in the policy formulation process. Thus, the reconstruction and reform of agrarian law should not stop at changing norms but also encompass changes to the legal structure and culture, thereby enabling fair, sustainable dispute resolution in accordance with the principles of the rule of law as stipulated in Article 1, paragraph (3) of the 1945 Constitution.

CONCLUSIONS AND RECOMMENDATIONS

The study finds that the construction of national agrarian law still holds fundamental weaknesses in regulating the relationship between customary law communities and holders of Land Use Rights (HGU), which has resulted in a normative vacuum in dispute resolution. Although normative recognition of customary law communities has been affirmed in Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia and Article 3 of Law Number 5 of 1960 concerning Basic Agrarian Regulations, these regulations have not been accompanied by clear and comprehensive operational mechanisms. On the other hand, the regulations regarding HGU in Article 28 of the UUPA and its implementing regulations actually provide more legal certainty for rights holders, thus giving rise to inequality in legal protection. The normative vacuum is evident in the absence of standard procedures for recognizing customary rights before granting HGU, the absence of a special dispute resolution mechanism that accommodates the characteristics of customary law, and the existence of disharmony in cross-sectoral regulations. This condition has an impact on legal uncertainty and structural injustice for customary law communities, while indicating that the national agrarian legal system has not been fully able to integrate the legal pluralism that exists in society.

Based on these conclusions, it is recommended that comprehensive agrarian law reform be implemented through concrete normative and institutional measures. First, Law Number 5 of 1960 needs to be revised to include more stringent regulations regarding the recognition, protection, and determination of customary land rights, including the obligation to identify customary territories prior to granting HGU (Cultural Land Rights). Second, harmonization of cross-sectoral laws and regulations, particularly in the agrarian, forestry, and investment sectors, is needed to avoid overlapping and conflicting norms. Third, a special mechanism for resolving agrarian disputes, either through specialized courts or quasi-judicial institutions, is needed to accommodate customary law and provide equal access to justice for customary

communities. Fourth, strengthening the land registration system, integrated with customary territory data, and recognizing customary law-based evidence are crucial steps to increase legal certainty. Thus, agrarian law reform is expected to create a more just and effective dispute resolution system oriented toward protecting the rights of customary communities without neglecting the interests of national development.

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