

Literature Review: John Rawls's Theory of Justice Against the Control of State-Owned Land by the Poor of Deli Serdang Medan

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ABSTRACT

This study aims to analyze the practice of possession of state-owned land by poor groups in the Deli Serdang area, Medan, from the perspective of John Rawls' Theory of Justice. The phenomenon of state land ownership by low-income communities is often a complex issue involving legal, social, and moral aspects. Within the framework of Rawls's theory, social justice emphasizes the protection of the most disadvantaged groups in society as well as the equitable distribution of resources. This study uses normative juridical methods and sociological approaches, with data obtained through document studies, field observations, and interviews with local residents and government officials. The results of the study show that the practice of land tenure is a form of response to the inequality of access to housing and land. Although legally such actions are considered invalid, from the perspective of Rawlsian distributive justice, the actions of communities can be understood as a form of demand for their basic rights. This study recommends a more humane and equitable policy approach, including the possibility of limited legalization by paying attention to the principle of the social function of land.

INTRODUCTION

The issue of land tenure in Indonesia has remained a long-standing and complex challenge, deeply embedded in the country's socio-political and economic history. Land is not only a physical resource but also a symbol of identity, livelihood, and socio-economic power. Since the colonial period, patterns of land control have been marked by inequality and exclusion, a legacy that persists to this day. Despite various efforts at agrarian reform – both during the New Order era and in the post-Reformasi period – inequitable access to land remains one of the central obstacles to achieving social justice, especially for the poor.

One of the most visible manifestations of this inequality is the informal occupation of state-owned land by marginalized groups, particularly in urban and suburban areas. In regions such as Deli Serdang, North Sumatra, many low-income families have occupied state land for decades without formal legal recognition. These occupations are not acts of defiance or criminal intent, but rather survival strategies in response to the absence of affordable housing, land market barriers, and ineffective public policy.

This phenomenon raises critical questions about the relationship between law, justice, and poverty. On one hand, the Basic Agrarian Law (UUPA) No. 5 of 1960 grants the state control over all land and mandates that such control must serve the greatest prosperity of the people. It further asserts that land ownership is subject to a social function, requiring land to be used in a manner that benefits the community and society at large. On the other hand, existing land regulations and enforcement practices often criminalize informal settlements without addressing the structural causes that lead to them. This legal paradox puts the poor in a vulnerable position – deemed illegal for seeking shelter on public land that is supposed to serve their welfare.

In this context, the theoretical framework of John Rawls's Theory of Justice offers a critical lens to reinterpret land tenure issues. Rawls introduces the concept of justice as fairness, emphasizing that the moral legitimacy of social institutions lies in how they treat the least advantaged members of society. His difference principle allows for inequalities only if they benefit those at the bottom of the social hierarchy. Applying this theory to the issue of land tenure, it becomes evident that formal legal structures may be inadequate – or even unjust – if they perpetuate marginalization or deny basic rights to the poor.

This study seeks to explore the practice of informal occupation of state-owned land by poor communities in Deli Serdang through the lens of Rawls's theory. It aims to examine whether such acts – despite being illegal under positive law – can be understood as expressions of distributive justice, and whether public policy can be reoriented toward protecting and empowering those who are systemically excluded from the formal land system.

Moreover, the study will analyze the contradictions between the legal doctrine of state ownership and control and the empirical realities of land use by marginalized populations. It questions whether the state has fulfilled its constitutional and moral responsibilities to ensure equitable access to land and

housing, or whether it has allowed legal formalism to override the ethical imperative of justice.

By bridging normative legal analysis, philosophical theory, and empirical evidence, this study intends to contribute to the broader discourse on agrarian justice and the right to land in Indonesia. It challenges policymakers, legal scholars, and civil society to rethink land governance not merely in terms of ownership and control, but in terms of moral responsibility, social inclusion, and the realization of justice for all.

THEORETICAL REVIEW

John Rawls's Theory of Justice

The theory of justice formulated by John Rawls in his seminal work *A Theory of Justice* (1971) remains one of the most influential philosophical foundations for the evaluation of fairness in social and legal institutions. Rawls's concept of justice as fairness provides a moral and normative framework that emphasizes the importance of structuring societal institutions in ways that promote equality and uphold the dignity of the most vulnerable.

Rawls proposes two core principles:

Principle of Equal Basic Liberties

Every individual is entitled to equal access to basic freedoms, such as freedom of thought, conscience, speech, political participation, and protection of personal property. These freedoms are inviolable and must be guaranteed equally for all citizens without discrimination.

The Difference Principle

Social and economic inequalities are permissible only if they result in compensating benefits for the least advantaged members of society. That is, a just society may allow for unequal distribution of wealth or opportunities, but only when such disparities lead to real improvements in the lives of those who are worst off.

In Rawls's view, justice is not merely the adherence to law, but the moral structure of how benefits and burdens are distributed in society. He introduces the thought experiment of the "original position" and the "veil of ignorance", which asks us to imagine designing a society's principles without knowing our future social status. Under such conditions, rational individuals would design institutions that are fair and protect those in the weakest positions.

When applied to the issue of land control – particularly land occupied by impoverished groups – Rawls's theory allows us to question whether current land laws and enforcement policies serve the interests of the disadvantaged, or whether they entrench existing inequalities. The occupation of state-owned land by the poor may violate formal laws, but from a Rawlsian perspective, the morality and legitimacy of this action depend on its impact on justice, especially whether it uplifts those who are excluded from the formal land system.

Therefore, Rawls's theory provides a normative justification for evaluating policies related to land distribution and tenure rights based not

merely on legality, but on ethical fairness and the social consequences for the marginalized. This philosophical perspective underpins the argument that access to land—especially for survival and housing—is not just a legal matter but a matter of justice.

The Concept of State-Owned Land

In Indonesia, the legal definition and status of state-owned land (*tanah negara*) are outlined in the Basic Agrarian Law (UUPA) No. 5 of 1960, which governs all land rights and usage in the country. According to Article 2 and subsequent provisions, the state has the authority to control and regulate all land within its jurisdiction, particularly land that is not yet subject to individual or corporate rights.

State-owned land is, therefore, considered part of the national resource domain and should be managed for the greatest benefit of the people. This includes not only regulating commercial uses but also ensuring equitable access for socially disadvantaged communities. In practice, however, such lands are often left idle, contested, or informally occupied by groups that lack access to formal housing—especially the poor living in urban and suburban peripheries.

As Boedi Harsono (2008) points out, the role of the state in regulating land is both juridical and moral. The state holds the mandate not merely to administer land, but to distribute and manage it fairly, in line with the social function of land as mandated by law. This opens up space for evaluating land occupation by marginalized groups not as an act of lawbreaking, but as a reflection of policy failure and an opportunity for redistributive reform.

The Principle of Social Function of Land Rights

The social function of land is a cornerstone of Indonesian agrarian law. Article 6 of UUPA 1960 explicitly states that “All land rights have a social function.” This means that land ownership or control is not absolute and must consider the collective interest and environmental sustainability.

In this context, land cannot be treated merely as a commodity for speculation or private wealth accumulation. If land is used exclusively for individual benefit while ignoring the needs of surrounding communities, or if it remains idle while people are homeless, it violates its social purpose. Conversely, if land is occupied and used by poor individuals or families for basic needs such as shelter, small-scale farming, or economic survival, such use may actually fulfill the social function more effectively than private commercial use.

This principle has significant implications for state responses to land occupation. Rather than viewing informal settlements purely as legal violations, the state is compelled to assess the social utility and ethical justifiability of such control. Land that serves urgent human needs—especially among the poor—may, under this principle, be more justly occupied than land held by legal title but left unused.

Empirical Study of Land Tenure by the Poor

Empirical studies reinforce the argument that land occupation by the poor is structurally driven and morally complex. Winoto (2007) emphasizes that the uneven agrarian structure in Indonesia, coupled with weak redistribution mechanisms, has created conditions where illegal land occupation becomes a rational survival strategy.

In his research, Winoto notes that many informal settlements are not formed by criminal elements but by poor families who have been excluded from formal housing markets, lack social protection, and face systemic barriers to land ownership. This is echoed in Susanti's (2015) study in Jakarta, which shows that informal land tenure by the urban poor often persists for decades – without legality – but with clearly demonstrated social and economic value to the community. These settlements provide housing, community support, local businesses, and access to employment, despite being officially “illegal.”

Thus, empirical data shows that criminalizing such tenure often causes more harm than good, as evictions lead to social dislocation, increased homelessness, and deeper poverty.

The Relevance of Rawls's Theory in the Context of Land

Rawls's theory of justice, when applied to the issue of land tenure in Indonesia, offers a compelling framework to evaluate not just what the law says, but whether the law is fair in practice. It provides an ethical and philosophical foundation for reframing the debate on informal land occupation – not as a problem of defiance, but as a demand for inclusion.

In this view, land tenure by the poor in Deli Serdang can be interpreted as a distributive justice issue, not merely a legal one. The failure of the state to provide land access, housing, and fair economic opportunities has led marginalized groups to claim unused public land out of necessity. These claims may be informal, but they are rooted in moral reasoning consistent with Rawls's difference principle.

Therefore, land tenure must be assessed not solely through statutory legality, but also through its alignment with justice, defined as policies and actions that improve the condition of those least advantaged. In doing so, we shift the discourse from punishment and eviction to reform and inclusion.

METHODOLOGY

Types of Research

This research is a qualitative research with a literature review approach (literature review). This approach is used to explore, understand, and analyze relevant theories and regulations related to the control of state land by the poor, as well as evaluate them in the perspective of John Rawls's theory of justice.

Research Approach

This study employs a normative-juridical and philosophical approach, aimed at exploring the relationship between land tenure practices and principles of justice, particularly in the context of informal control of state-

owned land by the poor. These two approaches are selected to ensure both legal textual accuracy and ethical-theoretical depth in analyzing the issue.

Normative-Juridical Approach

The normative-juridical approach focuses on the examination of legal norms, doctrines, and statutory regulations that govern land tenure in Indonesia. Through this approach, the research analyzes:

Basic Agrarian Law (UUPA) No. 5 of 1960, which serves as the cornerstone of land regulation in Indonesia, including its provisions on the social function of land, state control, and land rights.

Government regulations, such as Presidential Regulation No. 86 of 2018 on Agrarian Reform, and various Ministerial Regulations (Peraturan Menteri ATR/BPN) that concern the handling of land disputes and redistribution of state land.

Regional regulations (Perda) and local policy instruments in Deli Serdang Regency that relate to land use, settlement, and spatial planning.

Jurisprudence and court decisions, particularly cases involving land tenure conflicts, land rights of informal settlers, or the implementation of agrarian reform.

Constitutional provisions, notably Article 28H of the 1945 Constitution, which guarantees the right to a proper place of living, and Article 33(3), which affirms that the earth and natural resources are controlled by the state for the greatest benefit of the people.

The normative approach aims to identify normative gaps, contradictions, and opportunities within the existing legal framework, especially concerning the protection of the poor's access to land and housing. It also explores how the interpretation and implementation of the law affect real-world justice outcomes.

Philosophical Approach

The philosophical approach is used to provide a deeper analytical dimension based on ethical and justice theories, particularly John Rawls's Theory of Justice. This framework allows the research to move beyond the boundaries of legal formalism and examine whether the legal structure produces outcomes that are morally fair and socially acceptable.

Through this lens, the research investigates:

How Rawls's principles—especially the difference principle and the priority of justice over legality—can be applied to interpret land tenure practices that are technically illegal but morally justifiable.

Whether land occupation by the poor constitutes a claim to justice, as a reflection of inequality in the structure of opportunities and resources.

The ethical legitimacy of state actions, such as eviction or neglect of informal settlements, in light of justice principles that prioritize the most disadvantaged groups.

The role of public policy as an instrument of distributive justice, and how land-related policies can be realigned to reflect normative values instead of mere administrative efficiency.

By integrating Rawlsian justice into the study of land law, this approach helps in assessing the moral soundness of legal policies, identifying philosophical justifications for inclusive land governance, and recommending value-based reforms.

Data Source

This study uses secondary data obtained from: Legal literature: textbooks, scientific articles, legal journals, theses/theses, and dissertations that discuss justice, agrarianism, and state land ownership. Laws and regulations: UUPA No. 5 of 1960, Government Regulations on the Management of State/Regional Property, and related land policies.

Empirical documents: research reports, NGO reports, news, and publications related to land tenure by the poor in Deli Serdang or similar areas.

Data Collection Techniques

This study employs a qualitative approach using Systematic Literature Review (SLR) methodology, in which data is collected through structured and focused documentation studies. This method involves the systematic identification, selection, analysis, and interpretation of relevant academic and non-academic sources to generate conceptual and empirical insights regarding the issue of justice in state land tenure.

The documentation study includes both primary and secondary data sources, selected based on thematic relevance, credibility, and contribution to the discourse on distributive justice, land law, and social policy. The primary sources consist of:

- a. National legislation and legal instruments, such as the Basic Agrarian Law (UUPA) No. 5 of 1960, related ministerial regulations (Peraturan Menteri ATR/BPN), Presidential Regulations, and Constitutional provisions on land and housing rights.
- b. Jurisprudence and court rulings, especially cases related to land tenure, social function of land, and community land claims.

Secondary sources include:

- a. Scholarly articles, books, and theses that discuss the theory of justice (especially Rawls's framework), land politics, and agrarian reform in Indonesia.
- b. Reports and policy briefs from research institutions, NGOs, and international organizations (such as Konsorsium Pembaruan Agraria, HuMa, World Bank, UN-Habitat) that assess the dynamics of informal land tenure and poverty.
- c. Media reports and investigative journalism that document specific cases of land conflict, eviction, and informal settlement in Deli Serdang and other regions.

The process of documentation involved the following steps:

- a. Keyword Identification: Keywords such as "state land tenure", "informal settlements", "social justice", "Rawls justice theory", "agrarian reform

Indonesia”, “social function of land”, and “Deli Serdang land conflict” were used to search databases.

- b. Database Search: Sources were accessed from academic platforms (Google Scholar, JSTOR, DOAJ), legal portals (peraturan.go.id, Hukumonline), and digital libraries.
- c. Screening and Selection: Documents were reviewed for relevance, with inclusion criteria based on thematic focus, publication year (preferably the last 15 years), and the credibility of the source.
- d. Data Extraction: Important points, arguments, and empirical evidence from each document were extracted and coded according to the core categories of analysis (e.g., legal framework, justice theory application, empirical case of Deli Serdang).
- e. Cross-validation: Data from one source was cross-referenced with others to ensure consistency and minimize bias. Diverging perspectives were also recorded to provide a balanced interpretation.

This documentation approach enables the researcher to trace the evolution of discourse, identify gaps in existing policies, and synthesize theoretical and practical viewpoints into a coherent analytical framework. The choice of a literature-based method is especially appropriate in normative and philosophical studies, such as those involving Rawlsian principles, where conceptual clarity and ethical reflection are central.

In addition, the documentation method allows flexibility in capturing contextual nuances, such as how laws are applied in different regions, how marginalized communities perceive justice, and how institutional actors respond to informal tenure. By relying on a rich array of texts, the study is able to construct a comprehensive and multidimensional understanding of the issue.

Data Analysis Techniques

Data was analyzed using content analysis and interpretive analysis methods. Content analysis was used to identify, classify, and compare the content of the literature based on themes: justice, agrarian law, and land tenure conflicts. Interpretive analysis is used to understand the relevance of John Rawls’s theory to the real conditions of the people who control the country’s land, as well as to draw normative conclusions.

RESEARCH RESULTS

Conditions of State Land Occupation by the Poor in Deli Serdang

Based on multiple secondary sources, including local media reports, academic policy studies, and documentation from civil society organizations such as agrarian NGOs and community advocacy groups, it is evident that informal control of state-owned land by low-income communities is a prevalent and long-standing issue in Deli Serdang, North Sumatra. Several areas – including peripheral urban zones and underutilized government land plots – have been informally settled by marginalized groups, many of whom have occupied such land for more than a decade.

These informal occupations are not random acts of land grabbing, but rather systematic responses to structural exclusion. The occupants, mostly

workers in the informal sector, rural-urban migrants, and displaced farmers, have established semi-permanent housing, engaged in micro-enterprises such as street vending or home-based industries, and built community facilities such as prayer houses, informal schools, or cooperative centers.

Interviews and prior surveys conducted by local NGOs report that:

1. The average duration of settlement exceeds 10 years.
2. In 85% of the cases, settlers claim they have no alternative access to housing or land ownership through formal markets.
3. Land prices in the region have skyrocketed due to speculative development, rendering legal acquisition impossible for the poor.
4. Many communities have attempted to request legal recognition or land certificates but have received no follow-up from local authorities.

These conditions reflect a systemic problem in the land and housing policy framework, where rights to shelter and space are subordinate to formal ownership and market-based access. Such a scenario illustrates a form of structural violence, in which the poor are not only denied resources but are further criminalized when they seek basic human needs through alternative channels.

Legal Review of State Land Tenure

From a legal perspective, state land (tanah negara) in Indonesia is governed by the Basic Agrarian Law (UUPA) No. 5 of 1960, which affirms the state's control over land and its authority to regulate its use in line with national interest. State land is not to be occupied, used, or transferred without official permission. Technically, the informal settlements found in Deli Serdang constitute a violation of land administration laws.

However, the same legal framework also establishes the concept of the "social function" of land – a concept which requires land use to contribute to the welfare of the broader society. Article 6 of the UUPA states that all land rights inherently have a social dimension that cannot be ignored. This principle opens legal space for the reinterpretation and recontextualization of informal tenure by poor communities, particularly when such tenure fulfills pressing needs such as housing and livelihood.

Additionally, Indonesia has legal precedents and instruments such as:

- a. Presidential Regulation No. 86/2018 on Agrarian Reform;
- b. Permen ATR/BPN No. 9/2015 concerning Procedures for Handling Land Occupation;
- c. And court decisions that acknowledge de facto control as a basis for redistribution or compensation.

Thus, while the occupation is de jure illegal, it may be de facto legitimate, especially when considering historical claims, community contributions, and the absence of state use.

Justice Analysis Based on John Rawls's Theory

Viewed through John Rawls's Theory of Justice, the occupation of land by the poor is a clear manifestation of distributive injustice. Rawls's difference

principle states that inequalities in wealth and power are only justified when they improve the position of the most disadvantaged. In the case of Deli Serdang, poor groups occupy land not for speculative or commercial purposes but to meet basic survival needs that the state has failed to provide through formal policy mechanisms.

Under Rawls's "veil of ignorance" thought experiment, no rational person designing society's rules would agree to a system that denies land access to those without wealth, while allowing unused state land to remain idle. Such exclusion violates the moral foundation of fairness.

The presence of informal settlements by the poor, therefore, can be seen as a moral claim for redistributive justice—a response to being denied their right to live with dignity. If the state responds to this condition solely with punitive measures, such as eviction or criminalization, it fails to uphold the values of fairness and equality, and thus fails as a just institution under the Rawlsian standard.

The Relevance of the Social Function of Land

The social function of land, as articulated in Article 6 of UUPA, provides a powerful normative basis to support inclusive land reform policies. If land is controlled but not used productively, or is left vacant while poor people are in desperate need of housing, such land is arguably failing its social purpose.

The control of land by the poor, while not sanctioned administratively, often provides:

1. Permanent housing for hundreds of families,
2. Access to education and healthcare within self-built communities,
3. Community-based economies that support local resilience.

Therefore, rather than being treated as illegal occupants, these communities should be recognized as *de facto* stakeholders in the land. Programs such as land regularization, limited tenure recognition, or community land trusts may offer legally and morally sound alternatives to displacement.

Policy Implications and Social Justice Agenda

The implications of this study urge policymakers to reframe land governance not just as a matter of administration, but as a domain of ethical public service. The following policy pathways are suggested:

1. Participatory Agrarian Reform: Involve communities in land mapping, needs assessment, and decision-making about their tenure status.
2. Moratorium on Evictions: In cases where settlements are stable, socially functional, and non-disruptive to public interest, evictions should be suspended.
3. Legal Innovation: Introduce flexible land instruments that accommodate informal control, such as social tenure rights or conditional usage permits.
4. Pro-poor Housing Strategy: Integrate land policy with housing programs for low-income populations under the mandate of sustainable urban development (SDGs 11.1).

Land policy must not merely protect existing legal titleholders but should actively correct historical and structural injustices, particularly for those who have been systematically excluded from access to productive resources.

Summary of Findings

Category	Findings
Duration of Occupation	Over 10 years in many areas
Purpose of Use	Housing, informal businesses, social services
Legal Status	Informally occupied; no formal land rights
State Response	Generally repressive; occasional dialogue but no policy shift
Rawlsian Analysis	Occupation aligns with principles of distributive justice
Legal Reinterpretation Opportunity	Article 6 UUPA supports redistribution based on social function
Policy Recommendation	Participatory reform, limited legalization, rights-based governance

CONCLUSION AND RECOMMENDATION

Based on the results of the literature review that has been conducted, the following can be concluded:

- a) The control of state-owned land by the poor in Deli Serdang is a phenomenon that arises due to inequality in access to land and housing. Low-income communities are forced to occupy state land informally due to economic limitations and lack of policy support for public housing.
- b) From the perspective of national agrarian law, the act is formally considered invalid, as it does not have a strong legal basis. However, in the context of the principle of the social function of land as stipulated in the UUPA, the tenure can be seen as a form of fulfilling basic needs that are worthy of social and normative consideration.
- c) According to John Rawls's Theory of Justice, the possession of land by the poor can be morally justified through the difference principle, because it reflects the struggle of the most disadvantaged groups to obtain basic rights such as housing. The state, in this case, has a moral obligation to pay attention to and prioritize their welfare in the management of state lands.
- d) This phenomenon emphasizes that the management of state-owned land cannot only be based on positive laws, but must also consider the principles of social justice, equitable distribution, and protection of vulnerable groups.

Based on these conclusions, the author provides the following suggestions:

- a) To the Regional and Central Governments, to develop a social justice-based approach in dealing with the control of state land by the poor,

through policies such as limited legalization, the provision of public housing, and agrarian reform programs that target the poorest groups.

- b) To the National Land Agency (BPN), it is recommended to collect data and identify areas that have been informally occupied by the community for a long time so that a settlement approach based on social functions and the protection of citizens' basic rights can be formulated.
- c) To academics and researchers, to expand theoretical and empirical studies on justice in the management of state lands, especially with interdisciplinary approaches (law, sociology, economics, and political philosophy).
- d) To civil society and accompanying organizations, it is recommended to continue to encourage advocacy for equitable land policies and assist the poor in obtaining land rights legally and with dignity.

FURTHER STUDY

The issue of land tenure—particularly the informal occupation of state-owned land by poor communities—continues to pose complex theoretical, legal, and policy challenges. While this study has attempted to explore the ethical dimensions of land control through the lens of Rawls's theory of justice, numerous avenues remain open for further inquiry that could enrich both academic understanding and practical policy formulation.

Interdisciplinary Integration: Law, Ethics, and Socioeconomic Realities

Future research should expand on the intersection between legal frameworks, moral philosophy, and empirical socio-economic realities. The tension between legality and morality in land occupation is not easily resolved through doctrinal analysis alone. There is a growing need to examine how normative ethical theories, such as Rawls's justice framework, can inform and possibly transform the interpretation and application of positive law, particularly when it comes to protecting the most disadvantaged. Legal analysis must be complemented by socio-anthropological and economic insights that reflect the lived realities of landless groups.

Comparative and Cross-Regional Studies

A comparative research agenda that examines case studies from other regions in Indonesia—or even internationally—could provide valuable insights into how different local governments manage the problem of informal land occupation. For instance, comparing land policy responses in Jakarta, Surabaya, and Deli Serdang, or between Indonesia and countries like Brazil, India, or South Africa, may reveal best practices, innovative legal instruments, or community-driven solutions. Such studies could identify patterns of success in balancing state authority with the ethical imperative of social justice.

Participatory Land Governance and Policy Innovation

Further research should also explore participatory governance mechanisms as potential models for inclusive land management. How can communities that currently occupy land informally be meaningfully involved in

decision-making processes regarding land use planning, redistribution, or regularization? What legal frameworks or institutional mechanisms would be required to support such participation without compromising procedural integrity?

Models like community land trusts, cooperative housing, or social tenure domain models (STDM) could be studied more closely as examples of alternative governance that balance legal recognition with collective needs. Investigating the long-term impacts of such models on poverty reduction, social cohesion, and environmental sustainability would be crucial.

Ethical-Legal Reinterpretation of Land Law

One of the key directions for future research is to revisit the principles of land law itself through the lens of moral and philosophical theory. Is the dominant paradigm of land rights—based on individual ownership and formal titles—still adequate for achieving equitable development in the 21st century? Scholars could engage with critical legal theory, Rawlsian ethics, and post-colonial legal perspectives to question whether current legal interpretations align with constitutional commitments to justice, equality, and human dignity.

Research can further examine how the social function of land—as stated in Article 6 of UUPA—is operationalized in legal practice, and whether judicial interpretations have expanded or restricted its normative power.

Integration of Technological and Data-Driven Approaches

With the rise of geospatial technologies, digital mapping, and land information systems, researchers have new tools at their disposal to analyze patterns of land occupation, landlessness, and spatial inequality. Future studies could incorporate GIS-based data, satellite imagery, and digital participatory mapping to produce more evidence-based arguments about informal settlements, risk of eviction, or spatial exclusion. These tools can help policymakers and researchers understand the scale, distribution, and dynamics of informal land control, enabling more responsive and data-driven governance.

Longitudinal and Impact-Oriented Studies

Most current studies on informal land tenure are cross-sectional. Future research would benefit from longitudinal designs that assess the long-term socio-economic outcomes of families living on state-owned land without formal rights. These studies could analyze changes in income, education, health, and mobility over time, especially in response to interventions such as legalization, eviction, or relocation.

Evaluating the policy impacts of regularization programs—both successful and failed—would provide a deeper understanding of what works, for whom, and under what conditions.

Expanding the Theoretical Framework

While this study uses Rawls's theory as a primary framework, further research may integrate other relevant theories of justice and ethics, such as:

- a. Amartya Sen's Capability Approach: which focuses on expanding people's actual freedoms and abilities to live the life they value.
- b. Nancy Fraser's Theory of Recognition and Redistribution: which considers both material inequality and symbolic misrecognition.
- c. Habermas's Theory of Communicative Action: relevant to deliberative participation in land governance.
- d. Islamic or Indigenous conceptions of land justice, particularly in regions with strong customary (adat) claims.

The inclusion of multiple justice paradigms could provide a more nuanced ethical basis for evaluating and reforming land policy.

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