

Literature Review of the Relationship between Positive Law Implementation and Social Inequality in Indonesia: A Case Study on National Land Policy

Dody Safnul^{1*}, Ahmad Braja Wahyu², Cahyandi³, Rabiah Adawiyah Hasibuan⁴, Maqbul Akbar⁵, Rico Maulana⁶, Wahyudi Kurniawan⁷, Ali Bakti⁸, Riswaldi Nainggolan⁹, Tomy Aldista Rahmat¹⁰

Universitas Dharmawangsa Medan

Corresponding Author: Dody Safnul, dodysafnul@dharmawangsa.ac.id

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ABSTRACT

Positive law in Indonesia is often considered a neutral and objective system. However, in its implementation, this law sometimes creates social inequality, especially in national land policy. This study aims to analyze the relationship between positive law implementation and social inequality using a case study approach on agrarian reform policies and forced evictions in urban areas. This study uses a qualitative method with data collection techniques in the form of in-depth interviews, document studies, and thematic analysis. The results of the study show that the implementation of positive laws often does not pay attention to social realities, thus creating injustice for marginalized communities. This research provides recommendations for more inclusive legal policy reforms, in order to create more equitable social justice.

INTRODUCTION

Positive law in Indonesia is designed as a formal system that governs societal behavior through clear, codified, and binding rules. It is derived from legislation, jurisprudence, and regulations enacted by state authorities to ensure legal certainty, order, and justice. However, in practice, legal certainty does not always translate into substantive justice, particularly when applied in complex socio-political contexts such as agrarian reform and land tenure issues.

One of the most pressing challenges in the application of positive law is its limited responsiveness to social inequality, especially in the realm of national land policy. Indonesia's history is rife with agrarian conflicts, structural land inequality, and forced evictions that highlight the disconnect between law on the books and law in action. Despite legal reforms, thousands of poor and marginalized communities remain landless or insecure in tenure, while vast tracts of land are concentrated in the hands of corporations, elites, or state agencies.

Agrarian reform—which was initially envisioned to correct colonial injustices and ensure equitable access to land—has frequently been implemented in ways that reproduce or deepen inequality. For example, the distribution of land under the agrarian reform program has often excluded indigenous peoples and smallholder farmers who lack formal land titles, even though they have long-standing customary or *de facto* claims. In many cases, land that is redistributed ends up under the control of corporate plantations, mining companies, or government-linked developers.

The problem becomes more acute in urban settings, where rapid development and infrastructure expansion frequently trigger forced evictions. Informal settlements inhabited by the urban poor—built on state-owned or disputed land—are often demolished in the name of public interest, tourism, or investment, without adequate compensation, legal assistance, or resettlement. These actions may be legally sanctioned under positive law, but they frequently violate the principles of justice, dignity, and human rights.

Legal-Philosophical Context

This contradiction between legality and justice is at the heart of debates within legal philosophy. Satjipto Rahardjo, one of Indonesia's most influential legal thinkers, criticizes the rigid application of positive law. According to Rahardjo (2000), the law must be viewed as a "tool" for achieving justice, not merely as a set of rules to be obeyed blindly. He advocated for a progressive legal approach, where the substance and purpose of law are more important than formal compliance. In his words, "law should serve humans, not enslave them."

On the other hand, H.L.A. Hart (1961), in *The Concept of Law*, represents the legal positivist tradition that emphasizes law as a system of rules that derive validity from social facts, not moral content. Hart argues that the rule of law is grounded in recognition, consistency, and application, not in ethical or philosophical debates. While this view helps ensure stability and predictability, it often neglects marginalized voices and contextual fairness.

A more radical critique is offered by the school of Critical Legal Studies (CLS), particularly by scholars such as Roberto Mangabeira Unger. CLS challenges the assumption that law is neutral or objective, and instead portrays it as a reflection of existing power structures. Law, according to this view, is a political instrument – one that often serves to reproduce dominance and protect entrenched interests. In the context of Indonesian land policy, this perspective explains why legal instruments disproportionately benefit large corporations and political elites, while excluding the poor, women, and indigenous communities.

Empirical Illustration: Agrarian Policy Failures

In Indonesia, many customary land claims remain unrecognized, even though communities have occupied and cultivated the land for generations. Legal formalism – requiring registration, certificates, or proof of ownership – has become a barrier rather than a protection for those who lack the means to navigate the bureaucratic system. Similarly, land acquisition for infrastructure projects, although justified under public interest clauses, has frequently disregarded the social impact and livelihood losses suffered by displaced communities.

The Komnas HAM (National Human Rights Commission) has repeatedly highlighted the correlation between land conflict and human rights violations. According to their reports, forced evictions without due process or alternatives violate not only national law but also international human rights norms, including the right to housing and protection from arbitrary displacement.

Furthermore, the World Bank, in its land governance assessment reports, has noted that Indonesia continues to face serious challenges in land tenure security and access to justice for vulnerable populations. Bureaucratic red tape, corruption in land registration processes, and weak enforcement of legal protections all contribute to a persistent gap between formal rights and actual outcomes.

Research Problem and Objective

Against this backdrop, this study seeks to critically examine the relationship between the implementation of positive law and the reproduction of social inequality, focusing particularly on the national land policy in Indonesia. It investigates whether legal mechanisms as currently implemented truly uphold the constitutional mandate of justice and equality, or whether they serve as instruments of exclusion and control.

This research also aims to explore alternative legal and philosophical frameworks, such as Rawlsian theory of justice, that may provide ethical guidance for reforming national land policy. By applying normative and philosophical analysis, this study attempts to reorient the role of law from a tool of procedural legitimacy to a vehicle for achieving distributive and social justice.

Significance of the Study

This study is relevant for scholars of law, philosophy, public policy, and agrarian studies, as well as for policymakers, human rights activists, and community organizers. It contributes to:

1. Understanding how legal frameworks can both enable and hinder justice;
2. Proposing value-based legal reforms that prioritize the needs of marginalized groups;
3. Providing a critical reflection on the philosophical foundations of law in the face of real-world inequality;
4. Enriching the discourse on progressive law and humanistic jurisprudence in Indonesia.

Ultimately, this research hopes to shed light on how the law can be reclaimed as an emancipatory force, capable of transforming not just institutions, but the very conditions under which people live, access land, and assert their dignity.

THEORETICAL REVIEW

Positive law is seen as an objective and value-free system of rules, as explained by H.L.A. Hart in his work "The Concept of Law" (1961). Hart emphasized that law should be seen as a set of rules applied without considering morality, thus resulting in legal certainty. Austin (1832) added that positive law is "an order from a sovereign sovereign," meaning that law is valid because it is established by an authority that has the legitimacy to do so. However, this approach has been criticized for often ignoring the social context and needs of marginalized communities.

Critical Legal Studies (CLS) offers a contrasting view of positive law. According to Unger (1983), law is not a neutral system, but a reflection of the power relations in society. CLS argues that the law is often used as a tool to maintain the status quo and social inequality. MacKinnon (1989) highlights that the law often favors groups with economic and political power, thus reinforcing existing inequalities. This criticism is relevant in the context of land policy, where positive law often ignores the rights of indigenous peoples and other marginalized groups.

METHODOLOGY

Research Approach

This study adopts a qualitative literature review approach (systematic-descriptive) to analyze the relationship between positive law and social inequality in Indonesia, with a special focus on land policy and access to justice. The literature review method is chosen for its ability to provide comprehensive and critical insights by synthesizing a wide range of theoretical, empirical, and policy-related sources. Through this approach, the research does not generate primary data but relies on a rich body of secondary data to construct analytical arguments, explore contradictions, and identify knowledge gaps.

Nature and Purpose of the Literature Review

The literature review method allows researchers to systematically gather, interpret, and evaluate scholarly discourse on a particular legal phenomenon – in this case, the implementation of positive law in the field of agrarian justice. The primary objective is to map out how the relationship between law and social structure is understood across different schools of legal thought, while also examining how these theories have been applied, challenged, or affirmed in empirical contexts.

This method also enables cross-comparison between multiple disciplines – legal theory, sociology of law, political economy, and human rights studies – to build an interdisciplinary framework for analysis. This is crucial in understanding how law operates not in isolation, but as part of broader social and political systems that shape people's access to land, justice, and dignity.

Sources and Types of Data

The study draws upon various primary and secondary sources, including:

- a. Academic literature: books, peer-reviewed journals, dissertations, and theoretical treatises that discuss positive law, justice theories, land reform, and legal sociology;
- b. Policy documents and legal texts: such as the Basic Agrarian Law (UUPA) No. 5 of 1960, government regulations, decisions from courts (particularly Constitutional Court and Supreme Court rulings), and regional land policies;
- c. Reports from NGOs and civil society: highlighting real-world cases of eviction, informal settlements, and the impact of law on the poor;
- d. Empirical studies and surveys: especially those measuring inequality, land ownership, and access to legal remedies.

The combination of these sources provides both normative legal frameworks and practical illustrations of how law interacts with social inequality in the field.

Analytical Strategy

The literature is analyzed thematically, focusing on several core areas:
The conceptual foundation and criticisms of positive law;

- a. Theories of justice and legal philosophy, particularly John Rawls's Theory of Justice, Satjipto Rahardjo's progressive legal theory, and critiques from Critical Legal Studies;
- b. The implementation gap between legal ideals and actual outcomes in land policy;
- c. Structural patterns of exclusion, marginalization, and unequal access to land and justice.
- d. By organizing the literature around these themes, the study is able to trace the ideological, legal, and institutional factors that contribute to social injustice, while also highlighting theoretical contributions and policy reform proposals that seek to address them.

Justification for the Method

The literature review method is especially appropriate for this study because:

- a. It enables reflection and synthesis across a broad spectrum of knowledge that would be difficult to capture through field research alone;
- b. It provides a foundation for theory building, allowing researchers to explore abstract legal concepts within real-world contexts;
- c. It is effective for critical legal analysis, particularly when primary legal data is already abundant and requires interpretation rather than collection;
- d. It aligns with the normative-philosophical orientation of the research, which seeks to critique the moral underpinnings of law and propose alternative frameworks.

Contribution of the Approach

Using a literature review enables the study to contribute in several key areas:

- a. It clarifies conceptual ambiguities surrounding the relationship between legality and justice;
- b. It exposes structural contradictions in the application of land law, especially when state interests conflict with the rights of the poor;
- c. It enriches legal discourse by connecting classical legal theory with contemporary socio-political realities, offering a holistic analysis;
- d. It opens space for value-based legal reform, encouraging a jurisprudence that is humanistic, inclusive, and grounded in the lived experiences of marginalized communities.

Limitations and Future Enhancements

While literature reviews offer depth and theoretical richness, they do not replace the need for empirical fieldwork. Therefore, future studies could complement this approach with case studies, interviews with affected communities, or policy impact assessments to further validate and expand upon the theoretical arguments developed.

Data Source

1. Primary Data: Primary literature such as academic journal articles, legal theory books, and other scientific publications that discuss positive law and social justice.
2. Secondary Data: Policy reports, government documents, NGO reports, and past case studies relevant to the research theme.
3. Empirical context: Case studies of the implementation of national land policies in Indonesia, which include agrarian reform and forced evictions, are also an integral part of the data source.
4. Data sources are selected based on their relevance and credibility to ensure that the results of the analysis are valid and reliable. The literature used includes works by experts such as Satjipto Rahardjo,

H.L.A. Hart, and Roberto Mangabeira Unger, as well as publications related to Critical Legal Studies.

Data Analysis Techniques

Data analysis in this study was carried out with an inductive approach through the following steps:

1. Data Collection: Collect relevant literature from primary and secondary sources.
2. Thematic Classification: Classify the literature based on key issues such as the implementation of positive law, impact on social inequality, and criticism of legalistic approaches in national land policy.
3. Information Synthesis: Integrate findings from various sources to get a holistic picture of the relationship between positive law and social inequality. This step involves bringing together theoretical arguments and empirical data to evaluate the impact of legal policies on marginalized communities.
4. Literature Evaluation: Analyze and criticize the content of the literature to assess its relevance, strengths, and weaknesses in explaining the phenomenon being studied. This step ensures that the conclusions produced are based on verifiable evidence.

Through this approach, the research seeks to answer the formulation of the problem in an in-depth and comprehensive way, using the literature as the main basis.

Legal Relevance and Social Perspective

The relevance of law in the context of Indonesian society cannot be understood solely as a formal legal mechanism or a static set of rules. Rather, law must be viewed as a dynamic social institution that interacts closely with economic, cultural, political, and historical realities. In analyzing issues such as land tenure, forced evictions, and agrarian inequality, it becomes essential to move beyond a purely normative or textual interpretation of law and examine its practical impact on society – particularly on vulnerable groups.

Law as a Regulative and Instrumental Force

Traditionally, law is perceived as a tool of regulation and control, meant to ensure order, resolve disputes, and provide legal certainty. In the Indonesian legal system, this function is clearly reflected in codified statutes such as the Basic Agrarian Law (UUPA) No. 5 of 1960, the Civil Code, and administrative regulations issued by ministries and local governments.

However, legal regulation without responsiveness to social justice risks becoming oppressive. While laws are created to promote equality and justice in principle, their implementation often fails to reflect the lived realities of the people, especially the poor, landless, and marginalized. The emphasis on formal compliance can obscure the ethical and humanitarian dimensions of law, particularly in contexts where economic disparity, historical injustice, or cultural exclusion prevails.

Critique of Legal Formalism

Legal formalism tends to treat law as neutral, value-free, and universally applicable, regardless of its social impact. This approach is frequently criticized for ignoring structural inequalities that hinder certain groups from accessing or benefiting from legal protections. In land tenure, for instance, laws may prohibit the occupation of state land without permits. However, these prohibitions often disregard the systemic failures that prevent the poor from accessing affordable housing or participating in formal land titling mechanisms. As Critical Legal Studies (CLS) proponents argue, law is not merely a tool of justice, but often functions as an ideological apparatus that reflects and reproduces existing power relations. When applied without a humanistic lens, legal mechanisms can become tools for the exclusion, criminalization, or marginalization of communities that are already disadvantaged. Hence, analyzing law solely through its formal content, without considering social realities and context, leads to a narrow and incomplete understanding of justice.

Relevance to Social Justice in Land Policy

In Indonesia, the implementation of national land policy has long been contested. Agrarian reform, although noble in its intent, has not always delivered justice. In many cases, land redistribution is constrained by bureaucracy, elite capture, or lack of recognition of customary land rights. The poor who informally occupy land—often for decades—are excluded from policy discourse simply because they lack formal documentation. This raises a fundamental question: Is legality sufficient to determine justice?

From a social justice perspective, law should serve not only to enforce rules but to correct injustice, protect the vulnerable, and empower the powerless. This is aligned with John Rawls's theory of justice, which emphasizes the importance of designing social institutions—including legal institutions—that benefit the least advantaged. If the law fails to achieve this, its legitimacy must be critically questioned.

Integration of Legal and Social Analysis

Understanding the relevance of law to social context requires an interdisciplinary and integrative approach. Legal scholars must collaborate with sociologists, anthropologists, economists, and political scientists to evaluate how law operates in practice and whose interests it serves. This approach encourages:

Empirical legal studies that track the effects of specific laws on marginalized communities;

Community-based legal monitoring, where the voices of affected groups are included in evaluating the effectiveness of legal instruments;

Contextual jurisprudence, which incorporates culture, tradition, and socio-political dynamics into the interpretation of law.

By doing so, legal analysis becomes not only technically sound, but also ethically and socially relevant.

Constructing a Justice-Oriented Legal Framework

To make law more socially responsive, there is a need to reconstruct legal paradigms—from rigid formalism to value-oriented legal realism. This involves:

1. Encouraging progressive legal interpretation by judges and regulators;
2. Designing laws that include safeguards for vulnerable populations, such as clauses on the social function of land or protection against forced evictions;
3. Promoting inclusive legal reform, where the voices of grassroots communities, indigenous groups, and civil society are integrated into legislative processes;
4. Establishing remedial legal pathways, such as legalization programs, conflict mediation, or compensation schemes that reflect principles of equity.

Conclusion: Law as a Tool for Social Transformation

Ultimately, the law must be seen not only as a reflection of state authority but also as a vehicle for social transformation. It should be capable of correcting historical wrongs, challenging unjust structures, and providing the basis for a more humane and equitable society. For law to be relevant in Indonesia's context—especially in addressing land issues—it must align not only with formal legitimacy but with the moral imperative of justice.

This requires ongoing research, advocacy, and reform efforts that continuously assess how the law is interpreted, implemented, and experienced. Only then can the promise of law—as a protector of rights and promoter of justice—be fully realized for all segments of Indonesian society.

RESULTS

Implementation of Positive Law in National Land Policy

The results of the study show that positive law in Indonesia serves as a formal framework to regulate land ownership and utilization. In national land policies, such as agrarian reform and business license arrangements, positive laws are designed to create legal certainty for all parties. However, implementation on the ground shows a structural bias that tends to favor parties with greater access to power, such as large corporations, than marginalized communities.

Expert Opinion: Satjipto Rahardjo (2000) emphasized that positive law is often implemented mechanically without considering social aspects, so that it fails to fulfill its main function as a tool of justice. Land reform is also often caught up in the tug-of-war of political and economic interests that slow down the realization of social justice.

Case in point: In Central Kalimantan, conflicts between Dayak indigenous peoples and oil palm companies demonstrate how land laws that favor corporate interests marginalize the traditional rights of indigenous peoples. The government often uses formal laws to legalize land ownership by companies despite opposition from local communities.

Social Inequality due to the Implementation of Positive Law

The literature reviewed reveals that the application of positive law in national land policy often exacerbates social inequalities. An example of forced evictions shows how the urban poor have lost access to land as a result of development projects based on formal law.

Expert Opinion: Roberto Mangabeira Unger (1983) in his study stated that laws often reflect the existing power structures in society, thus strengthening the status quo and overriding the needs of vulnerable groups. The inability of positive law to adapt to social dynamics makes it vulnerable to manipulation by stronger actors.

Case Example: In Jakarta, infrastructure development projects such as toll roads and high-speed rail lines often sacrifice poor people in informal areas. Although the government offered compensation, the rushed eviction process and lack of dialogue with local communities led to discontent and social protests.

Criticism of the Positive Legal Approach

From the perspective of Critical Legal Studies (CLS), positive law is considered to focus too much on formal rules and ignore social dynamics. CLS's analysis shows that law is often used as a tool of domination, rather than as an instrument of inclusive justice. This criticism highlights how formal law often fails to respond to the needs of vulnerable communities who do not have access to a formal legal system.

Expert Opinion: H.L.A. Hart (1961) views positive law as a neutral system of rules, but this view is criticized by the CLS for failing to capture more complex social realities. CLS as expressed by Unger (1983) suggests that law should be more adaptive to the needs of society by making room for substantive justice.

Example: In agrarian reform, formal legal interpretations are often more in favor of land certification for commercial purposes than the recognition of the customary rights of indigenous peoples. This suggests that legalistic approaches often override the principles of social justice.

The Impact of Land Policy on Marginalized Communities

The results of the study show that the impact of land policy on marginalized communities is very significant. Agrarian reform, which is supposed to encourage equity, actually triggers conflicts between indigenous peoples and large corporations. This shows that there is an imbalance in the implementation of the law that sacrifices the rights of small communities.

Expert Opinion: According to Rahardjo's (2000) study, justice in law can only be achieved if the law is aligned with the social context and needs of the community. In practice, agrarian conflicts often involve the intervention of security forces that worsen the situation for marginalized communities. For example, land grabbing in South Sumatra for oil palm plantation projects has sparked social tensions that have led to repressive actions against local farmers.

Case Example: Agrarian reform implemented in East Java shows that there is an inequality between the government's promises and the reality on the

ground. Many smallholders have not received the promised land due to protracted administrative processes and lack of infrastructure support to support their land productivity.

Synthesis of Findings

This literature review found that positive law in Indonesia faces a major challenge in creating social justice. Biased implementation and lack of supervision of social impacts exacerbate existing inequalities.

1. **Dominance of Power:** Positive legal policies often reflect the dominance of powerful actors who use the law to maintain the status quo.
2. **Inequality in Implementation:** Agrarian reform and policies related to land tenure provide more benefits to large corporations than marginalized communities.
3. **Critique of CLS Perspective:** A positive legal legalistic approach requires fundamental reforms in order to touch on substantive justice aspects.
4. **Reform Opportunities:** This study offers important insights for reforming legal approaches by paying attention to the social dimension, particularly in accommodating the interests of indigenous peoples and vulnerable groups.

With these findings, this research contributes to the discourse on legal reform in Indonesia that is more in favor of social justice.

CONCLUSION

Implementation of Positive Law in National Land Policy in Indonesia

Positive law is implemented as a formal framework that aims to provide legal certainty in land management. However, in practice, the implementation of policies such as agrarian reform and business license arrangements more often benefits parties with greater access to resources and power, such as large corporations. This indicates a structural bias that exacerbates social inequality.

1. **Forms of Social Inequality as an Impact of Positive Law Implementation**
The implementation of positive laws in land policies often marginalizes weaker community groups, such as indigenous peoples and smallholders. Examples of inequality include forced evictions in cities, agrarian conflicts, and inequality in land distribution in agrarian reform. This situation creates structural injustices that are difficult to overcome with a formal legal approach alone.
2. **Factors Causing Inequality between Formal Law and Social Conditions**
This inequality is caused by a variety of factors, including:
 - a. Dominance of strong actors in the process of legislation and law implementation.
 - b. The inability of formal law to adapt to the social dynamics and needs of vulnerable communities.
 - c. Lack of monitoring and evaluation mechanisms for the social impact of land policies.

RECOMMENDATION

Land Policy Reform

The government needs to redesign land policy that is not only based on formal law but also considers the needs of marginalized communities. Agrarian reform must be carried out under strict supervision to ensure that land distribution is fair and inclusive.

Strengthening the Rights of Marginalized Communities

There needs to be clearer legal recognition of the customary rights of indigenous peoples and protection of smallholders. This arrangement should avoid corporate dominance in the land certification process.

A Holistic Approach in Positive Law

A positive legal approach needs to be complemented by the principles of substantive justice. Criticism from the perspective of Critical Legal Studies (CLS) can be used to direct positive laws to be more responsive to the needs of society.

Increased Transparency and Public Participation

The process of legislation and implementation of land policy must involve broader community participation, especially vulnerable groups. Transparency in this process is also needed to reduce the potential for manipulation by powerful actors.

Academic and Practical Strengthening

More research is needed to develop evidence-based solutions that can reduce social inequality in the implementation of positive law. Collaboration between academics, legal practitioners, and policymakers can enrich the approaches applied.

FURTHER STUDY

Future research on national land policy in Indonesia must move beyond conventional legal analysis and engage in critical, participatory, and interdisciplinary explorations to address the persistent disjuncture between formal legal norms and the socio-economic realities experienced by marginalized communities. The recurring patterns of land dispossession, inequality in land access, and weak protection for informal tenure demand a broader framework that not only interprets the law but also reimagines its structure and purpose in light of distributive and restorative justice.

Participatory Legal Reform

One key area for future study is the design and implementation of participatory legal reform mechanisms. These mechanisms must ensure that indigenous peoples, smallholder farmers, urban poor, women, and other vulnerable groups are not just objects of policy but active subjects in shaping laws that affect their lives. Research could explore:

- a. Models of community-based land mapping and recognition, such as Participatory Land Delimitation (PLD) used in several African and Latin

American contexts. Case studies of legal empowerment programs, where local communities are trained to understand, navigate, and negotiate legal procedures.

- b. Pilot projects on co-drafting regulations at the village or district level, involving grassroots participation alongside legal experts and government officials.
- c. The goal of such research would be to develop frameworks that bridge the “top-down” nature of state law with the “bottom-up” aspirations of people-centered justice.

Legal Pluralism and Customary Rights

Further investigation is also needed on how customary land tenure systems (hukum adat) can be integrated into national land policy without being subsumed or distorted by formal legal structures. Legal pluralism acknowledges the coexistence of multiple normative orders within a state. Therefore, future research should:

- a. Examine the mechanisms of recognition and protection for ulayat lands (customary communal lands) in the context of agrarian reform.
- b. Explore how indigenous legal traditions can coexist with positive law while maintaining their cultural integrity.
- c. Study the impact of Constitutional Court decisions that affirm the rights of customary communities, and how these decisions are (or are not) implemented at the local level.
- d. Such work can offer deeper insight into how Indonesia’s rich legal traditions can form the basis for a more inclusive, context-sensitive land governance system.

Socio-Legal and Political Economy Perspectives

To fully understand the power dynamics that shape land law, future research should adopt interdisciplinary approaches, particularly from sociology, political economy, and human geography. Questions to be addressed include:

- a. How do political interests, economic elites, and bureaucratic structures influence land distribution policies?
- b. What are the roles of corruption, rent-seeking behavior, and elite capture in the failure of equitable land reform?
- c. How do narratives of “development” and “public interest” get mobilized to justify land acquisition and eviction?

This stream of inquiry would allow researchers to uncover hidden structures of power and influence that formal legal studies may overlook, thereby enabling more strategic reform recommendations.

Impact Evaluation and Social Metrics

Another underdeveloped area of study is the long-term social impact of land-related policies. Most policy evaluations focus on legal implementation

and economic output, but rarely on human well-being, resilience, or dignity. Future studies should:

- a. Develop social justice indicators to measure the success or failure of land programs, such as improvements in tenure security, reductions in conflict, or empowerment of marginalized communities.
- b. Conduct longitudinal case studies of communities that received land through redistribution or legalization programs.
- c. Analyze the gendered impacts of land policy, especially on single mothers, widows, and women-headed households who are often excluded from land titling schemes.
- d. Integrating qualitative and quantitative tools in such evaluations will generate more comprehensive policy insights that reflect both procedural and substantive justice outcomes.

Comparative Studies and Best Practices

There is also significant value in conducting comparative studies between Indonesia and other countries that have undertaken progressive land reforms. Countries like Brazil, South Africa, the Philippines, and India offer lessons on:

- a. The role of constitutional courts in defending land rights,
- b. Innovations in urban land regularization and anti-eviction policies,
- c. Institutional arrangements that enable transparent land administration.

Such comparative research could identify best practices and cautionary tales that inform Indonesian policymakers on what works and what fails in complex socio-political contexts.

Integration of Ethical Theories in Legal Reform

Lastly, future research should delve deeper into the integration of moral philosophy – such as John Rawls's Theory of Justice, Amartya Sen's Capability Approach, or Nancy Fraser's theory of recognition and redistribution – in the formulation of land laws and policy. Rather than treating law as a neutral set of rules, scholars and practitioners should ask:

- a. What ethical obligations does the state have toward landless populations?
- b. How can normative frameworks guide the creation of more equitable regulatory structures?
- c. What does "just land governance" mean in a pluralistic, democratic society?

Such inquiry will enrich legal reform efforts with a moral and philosophical compass, ensuring that land law aligns not only with economic and political goals, but also with the higher purpose of justice.

Conclusion of Future Study Directions

In conclusion, future research should be bold, interdisciplinary, and justice-driven. It should challenge the prevailing assumptions of land policy and seek transformative pathways toward equity. By combining empirical rigor with ethical reasoning, participatory methods, and political awareness,

researchers can contribute to the creation of land governance systems that uphold dignity, protect rights, and promote inclusive development for all.

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