

Legal Certainty of Property Law and Property Rights in the Era of President Prabowo's Leadership: Regulatory and Implementation Approach

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Abstract

Background - Property law and property rights play a critical role in economic development and social equity, serving as foundational elements for legal certainty and investor confidence. In Indonesia, overlapping regulations, conflicting adat (customary) and national laws, and inadequate enforcement mechanisms have long posed significant challenges to property ownership and investment. These issues are exacerbated by fragmented governance and a lack of harmonized policies across national and regional levels, undermining the confidence of stakeholders. President Prabowo's administration, with its focus on economic transformation and regulatory efficiency, has highlighted the need for reforms to ensure legal certainty in property law. The administration's emphasis on harmonizing regulations and enhancing institutional capacity provides an opportune moment to address these longstanding challenges. Despite legislative progress, such as the Omnibus Law on Job Creation (Law No. 11 of 2020) and related implementing regulations, gaps remain in the practical implementation of property law. These include inconsistencies in land registration systems, overlapping claims due to weak cadastral records, and limited access to dispute resolution mechanisms. Furthermore, the integration of adat land rights into the national legal framework remains unresolved, leading to frequent disputes and delays in land acquisition for development projects. Existing research often focuses on specific aspects of property law reform but lacks a comprehensive evaluation of both regulatory advancements and their practical implementation under new governance.

Purpose - This study aims to (1) Analyze the effectiveness of property law reforms under President Prabowo's leadership in providing legal certainty. (2) Examine the harmonization of adat and national legal frameworks in resolving property disputes. (3) Propose actionable recommendations for aligning regulatory provisions with implementation practices to foster equity and investment.

methodology - The study employs a normative legal research approach, focusing on an analysis of statutory provisions, judicial decisions, and regulatory reforms enacted over the last five years. Key legislations examined include (1) The Basic Agrarian Law (Law No. 5 of 1960), the foundation of Indonesia's land and property law; (2) The Omnibus Law on Job Creation (Law No. 11 of 2020), which introduced significant reforms in land acquisition and licensing processes; and (3) Government Regulation No. 18 of 2021 on Land Procurement for Development. Case studies of property disputes and their resolutions provide practical insights into the implementation challenges. Comparative legal analysis with other nations in Southeast Asia, such as Malaysia and Thailand, is conducted to identify best practices for harmonizing adat and statutory frameworks.

Findings - 1. Regulatory Advancements: Reforms introduced under the Omnibus Law have streamlined land registration processes and introduced digital platforms to improve transparency and efficiency. However, the lack of comprehensive integration across regions undermines their impact. 2. Adat and National Framework Integration: Efforts to harmonize adat and statutory laws remain fragmented, with inconsistent recognition of customary rights leading to protracted disputes in certain regions. 3. Investor Confidence: Simplified procedures for property transactions have improved investor interest, but unresolved issues around overlapping claims and weak enforcement mechanisms continue to deter long-term investments. Predicted policies under President Prabowo's administration include the establishment of a unified land registry, enhanced coordination between local and national governments, and targeted incentives for resolving disputes in strategic areas such as infrastructure development.

Originality - This research offers a novel perspective by examining the interplay between regulatory reforms and practical implementation under President Prabowo's leadership. Unlike previous studies focusing solely on legal theory or isolated policy changes, it provides a holistic analysis of Indonesia's property law landscape. By integrating doctrinal analysis with comparative insights, the study highlights actionable strategies for aligning legal certainty with equitable access and economic development. This contribution is particularly valuable for policymakers, legal practitioners, and investors seeking to navigate and influence the evolving dynamics of property law in Indonesia.

Keywords: Legal Certainty, Prabowo, Property Law, Property Rights, Regulatory
