



Reforming Indonesia's Land Dispute Resolution Mechanism: Comparative Insights for a Specialized Court from the Mato Grosso, Brazil Land Court and New Zealand Māori Land Court

Darman Satia Halamoan Simanjuntak^{1,*}, Aloysius Uwiyono², Endang Padmadari³

¹ Universitas Trisakti, Jl. Kyai Tapa Nomor 1, Jakarta 11440, Indonesia

² Universitas Indonesia, Jl. Prof. Mr. Djokosoetono, Depok 16424, Indonesia

³ Universitas Trisakti, Jl. Kyai Tapa Nomor 1, Jakarta, 11440, Indonesia

¹2100222000016@std.trisakti.ac.id; ²a.uwiyono@ui.ac.id; ³endang.p@trisakti.ac.id

* Darman Satia Halamoan Simanjuntak

ABSTRACT

This paper examines the persistent legal and socioeconomic challenges posed by land disputes in Indonesia. These challenges arise from inefficient land administration, jurisdictional conflicts, and the absence of a specialized dispute resolution mechanism. Land conflicts in Indonesia manifest in various forms, including ownership disputes, boundary disagreements, customary land claims, land acquisition conflicts, disputes over former manorial lands, land reform disputes, and enforcement-related conflicts. Utilizing a doctrinal legal methodology with a comparative approach, this study critically analyzes the structural weaknesses of Indonesia's current land dispute resolution system. It explores potential institutional improvements by drawing insights from the specialized land courts of New Zealand and Mato Grosso, Brazil. The Māori Land Court of New Zealand provides a model for safeguarding indigenous land rights and ensuring legal certainty, while Mato Grosso's agrarian land court demonstrates the importance of administrative integration and judicial specialization in resolving large-scale land conflicts. The findings suggest that Indonesia would significantly benefit from the establishment of a specialized land court that is dedicated to addressing land disputes with greater efficiency, coherence, and procedural clarity. By incorporating comparative insights from New Zealand and Brazil, this article provides practical recommendations for Indonesian policymakers in designing a structured, just, and sustainable legal framework for land governance through the establishment of a specialized land court, ensuring stronger tenure security and equitable access to justice across diverse societal groups.

Keywords: Indonesia land reform, dispute settlement, Māori land court, Mato Grosso land court, and the Indonesian land dispute typology.

1. Introduction

Land disputes in Indonesia have long been a complex and recurring legal issue, affecting legal certainty, economic development, and social stability. The scale and frequency of these disputes have continued to escalate, indicating systemic weaknesses in land governance and dispute resolution mechanisms. According to data from the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), between 2015 and 2019, the country recorded 20,650 land-related cases, of which 8,775 were categorized as disputes, while 11,880 were court cases.¹ This staggering number reflects the depth of Indonesia's land conflict problem, exacerbated by overlapping land claims, weak administrative oversight, and jurisdictional inconsistencies among different legal institutions.

The Kantor Staf Presiden (KSP), which serves as the Presidential Staff Office, reported that from 2016 to 2023, 1,385 complaints related to land conflicts were received.² These complaints were categorized under the jurisdiction of four key ministries handling land-related issues:

Table 1. List of Land Conflict Collected by The Indonesian Presidential Office

NO	MINISTRY	CASES
1	ATR/BPN	716
2	BUMN	359
3	KLHK	244
4	OTHERS	66

Table 1 highlights two critical observations. First, the sheer volume of complaints indicates that land disputes are not merely isolated incidents but a structural issue in Indonesia's governance. Second, the fragmented jurisdictional authority across multiple agencies has resulted in bureaucratic inefficiencies, procedural delays, and inconsistencies in resolving disputes (Source: Presidential Staff Offices, 2024).³

The financial impact of unresolved land disputes in Southeast Asia is significant, affecting both private investment and national development. The TMR survey found that 65% of companies involved in land disputes reported financial losses, primarily due to legal battles over land acquisition, project delays, and increased costs associated with prolonged litigation.⁴ These disputes are widespread in infrastructure, real estate, agribusiness, and resource extraction sectors, where land tenure security is critical for long-term investment.

In Indonesia, the economic ramifications of land conflicts are particularly evident in large-scale infrastructure projects, where disputes over land ownership, compensation, and indigenous land rights frequently result in delays, cost overruns, and lengthy legal battles. One of the most high-profile cases exemplifying this issue is the Jakarta–Bandung High-Speed Railway project, which faced severe financial and legal setbacks due to unresolved land tenure disputes. The Jakarta–

¹ Budhiawan, H., Sarjita, S., & Supama, Y. (2020). Pemetaan karakter dan tipologi konflik pertanahan serta solusinya di Indonesia, p. 114.

² Deputy II of the Presidential Staff Office. (2024, Mei 7). Sharing session: Percepatan pelaksanaan reforma agraria melalui penguatan regulasi dan kolaborasi lintas sektor.

³ *Ibid*

⁴ Roghneen, S. (2024, May). Southeast Asia is world's hotspot for land disputes: Report. Nikkei Asia. <https://asia.nikkei.com/Economy/Southeast-Asia-is-world-s-hotspot-for-land-disputes-report>

Bandung High-Speed Railway project was initially planned for completion in 2019, but numerous legal claims over land ownership extended the construction timeline by over five years. Disputes arose as local landowners, indigenous groups, and state agencies contested the acquisition process, arguing over inadequate compensation, lack of transparency, and jurisdictional conflicts between national and regional land authorities. As a result, construction was repeatedly delayed, leading to substantial increases in project costs.⁵

The economic ramifications of unresolved land disputes are substantial. According to Nikkei Asia (2017), delayed infrastructure projects, prolonged litigation, and loss of investor confidence contribute to an annual loss of millions of dollars. This is particularly relevant in agrarian disputes, where land conflicts between farmers, indigenous communities, and corporate entities result in land tenure insecurity and economic stagnation in rural areas. The complexity of these conflicts is often compounded by contradictory land certifications, where multiple parties hold overlapping or conflicting land titles, leading to protracted court battles that take years, if not decades, to resolve.

The Indonesian government has attempted to address these issues through various reforms, including the National Agrarian Reform Program and the establishment of Agrarian Reform Task Forces (GTRA) to handle land redistribution and dispute resolution.⁶ While these initiatives have shown some progress, they have primarily focused on preventive measures such as land titling and data consolidation. However, efforts to resolve existing conflicts (ex-post resolution) remain fragmented and sectorally divided, notably between the Land National Agency (Badan Pertanahan Nasional) and the Supreme Court. This disjointed approach has led to prolonged legal uncertainty and a lack of cohesive policy implementation.

This study aims to critically examine Indonesia's land dispute typologies and explore institutional reforms that could improve legal certainty, administrative efficiency, and access to justice. By identifying the underlying causes of land conflicts, this research seeks to provide a comprehensive understanding of how the conflict should be resolved efficiently and justly, which creates certainty. Land conflicts in Indonesia arise from various sources, including ownership disputes, customary land claims, conflicts over state land, and land acquisition for public infrastructure projects. Understanding these patterns is crucial for diagnosing systemic weaknesses within the legal framework and pinpointing obstacles that hinder effective dispute resolution.

Beyond the domestic context, this study also investigates how other countries have developed specialized land dispute resolution mechanisms. In particular, it explores the land court systems in Mato Grosso, Brazil, and New Zealand, which have been recognized for their effectiveness in handling complex land conflicts. New Zealand's Māori Land Court serves as a model for addressing indigenous land claims through a specialized judicial institution that balances customary land rights with modern legal frameworks.⁷ Meanwhile, Mato Grosso's agrarian dispute resolution system represents an integrated administrative approach that streamlines legal proceedings by coordinating efforts between the judiciary and regulatory bodies. By analyzing these systems, this study seeks to extract best practices that may offer valuable insights for reforming Indonesia's land dispute resolution framework.⁸

This research aims to determine whether Indonesia should establish a specialized Land Court to provide a centralized, legally coherent forum for adjudicating land disputes. In addition to assessing the feasibility of such an institution, this study explores the broader policy and institutional reforms

⁵ *Ibid*

⁶ Government of Indonesia. (2023). Presidential Regulation of the Republic of Indonesia Number 62 of 2023 on the acceleration of agrarian reform implementation. Republic of Indonesia.

⁷ Boas, R. P. (2015). Historical foundations of the court 1862–1890s. In 150 years of the Māori Land Court. Māori Land Court. <https://www.xn--morilandcourt-wqb.govt.nz/assets/Documents/Guides-Templates-Factsheets/MLC-150-years-of-the-Maori-Land-Court.pdf>, 23

⁸ Sant' Anna, A., et al. (2018, March 19–23). The specialized land court in Mato Grosso, Brazil: Achievements and challenges in collective land conflicts. Paper presented at the World Bank Conference on Land and Poverty, Washington, DC.

required to strengthen land administration, mediation mechanisms, and judicial enforcement. The ultimate goal is to develop a more structured, transparent, and efficient legal framework that ensures fair, timely, and accessible resolution of land disputes.

To better understand the complexities of land dispute resolution in Indonesia and explore potential legal reforms, this study seeks to answer the following research questions:

1. What are the typologies and characteristics of land disputes in Indonesia?
2. How is the land court system structured in Mato Grosso, Brazil, and New Zealand?
3. How can the land dispute resolution mechanisms in Mato Grosso and New Zealand serve as an inspiration for reforming Indonesia's land dispute system?

The findings of this article indicate that Indonesia's land dispute resolution framework requires urgent institutional reform, particularly through establishing a specialized Land Court. Drawing from international best practices, such a court could provide a centralized, legally coherent forum for adjudicating land disputes while minimizing jurisdictional conflicts between civil and administrative courts. By integrating comparative legal insights from New Zealand and Mato Grosso, this article highlights the feasibility and necessity of a specialized land court in Indonesia.

2. Research Method

This study employs a doctrinal legal research method, commonly called the black-letter law approach, to analyze Indonesia's land dispute resolution framework. Doctrinal research focuses on legal principles, statutory provisions, case law, and institutional structures to develop a systematic understanding of legal rules and their application.⁹ By critically examining Indonesia's legal framework on land dispute resolution, this study evaluates the roles and jurisdiction of civil courts, administrative courts, and regulatory agencies in addressing land disputes. This method allows for a structured and comprehensive examination of the strengths and weaknesses of the existing system, particularly in terms of legal certainty, consistency, and enforcement mechanisms. This article adopts a comparative legal approach to provide a broader perspective on land dispute resolution mechanisms. Comparative legal analysis enables the identification of best practices and alternative models that could serve as a reference for Indonesia in reforming its system.¹⁰ This article specifically examines the land dispute resolution frameworks in New Zealand and Mato Grosso, Brazil. Both jurisdictions have developed specialized and well-structured systems to address land-related conflicts effectively. New Zealand's Māori Land Court serves as a specialized judicial forum for resolving Indigenous land disputes while balancing customary land rights with contemporary legal frameworks.¹¹ This court provides an institutionalized mechanism that ensures land tenure security for indigenous communities, offering a potential model for addressing unresolved customary land disputes in Indonesia. The study examines the procedural, structural, and substantive aspects of the Māori Land Court to assess its adaptability to Indonesia's context, particularly in relation to indigenous land rights and agrarian justice.

Similarly, Mato Grosso's agrarian dispute resolution system in Brazil presents a highly integrated administrative approach that facilitates faster and more efficient land conflict resolution.¹² The Mato Grosso system operates through institutional coordination between the judiciary and regulatory bodies, ensuring that agrarian conflicts are managed holistically and systematically. This model is

⁹ Terry Hutchinson and Nigel Duncan (2012), 'Defining and Describing What We Do: Doctrinal Legal Research', *Deakin Law Review*, 17.1, 83 – 119.

¹⁰ Bignami, F. (2015). Formal versus Functional Method in Comparative Constitutional Law. *Osgoode Hall LJ*, 53, 442.

¹¹ Boast, R. P. (2017). The native land court at Cambridge, Māori land alienation and the private sector. *Waikato L. Rev.*, 25, 26.

¹² Arlota, C., & Garoupa, N. (2016). Do specialized courts make a difference? evidence from brazilian state supreme courts. *European Business Law Review*, 27(4), 487 - 500

particularly relevant to Indonesia, given the high incidence of disputes involving state-owned land, plantation concessions, and indigenous land claims. By evaluating the structural and procedural components of the Mato Grosso system, this study seeks to explore potential adaptations for Indonesia's institutional and regulatory environment. Through doctrinal legal analysis and comparative legal research, this study aims to derive valuable insights that could inform policy recommendations for Indonesia. The ultimate objective is to provide recommendations for land dispute resolution reforms. By integrating comparative perspectives, this study offers a critical foundation for legal and institutional reforms, ensuring that Indonesia's specialize court framework becomes more coherent, efficient, and responsive to the complexities in resolving land conflicts.

3. Results and Discussion

3.1 Typologies and Characteristics of Land Disputes in Indonesia

Land disputes in Indonesia represent one of the most persistent and complex legal issues, deeply embedded in historical land tenure systems, weak legal frameworks, and bureaucratic inefficiencies. As a country with diverse land ownership structures, ranging from private property, state-controlled land, indigenous territories, and commercial concessions, conflicts over land have become inevitable. These disputes threaten legal certainty and economic stability and contribute to social unrest, prolonged litigation, and bureaucratic deadlock.

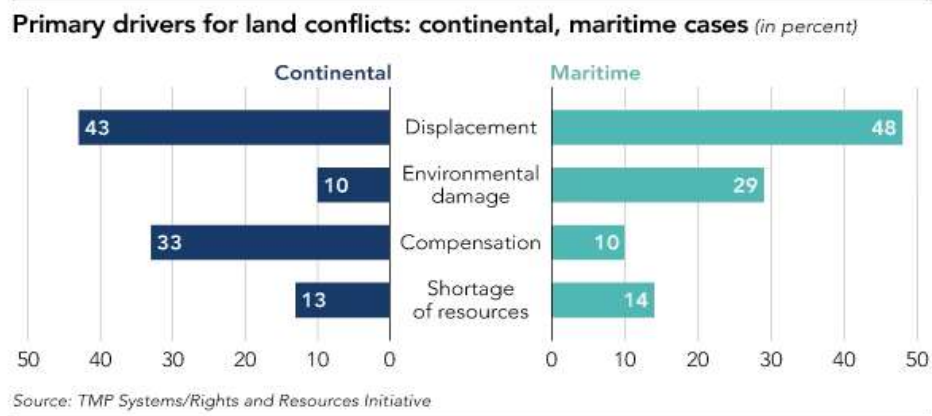
Indonesia's land disputes manifest in various forms and are influenced by economic, legal, and administrative factors. Studies by TMP System and Rights (TMR) highlight how land conflicts in Southeast Asia, including Indonesia, follow broader regional patterns, often involving economic losses, legal uncertainty, and governance inefficiencies. Meanwhile, the Badan Pertanahan Nasional (BPN) provides a more detailed classification, identifying seven key categories of land disputes that arise from overlapping claims, regulatory gaps, and conflicts between state, private, and customary landowners. Beyond these classifications, real-world cases further illustrate the structural weaknesses in Indonesia's land governance, where disputes are often prolonged due to legal complexities, governance inefficiency, and weak enforcement mechanisms.

Across Southeast Asia, land conflicts exhibit recurring patterns, often arising from weak land governance, overlapping legal frameworks, and administrative inefficiencies. The legal uncertainty surrounding land tenure in many countries in the region is exacerbated by fragmented institutional authority, lack of coordination among government agencies, and historical grievances related to land ownership. These factors have created persistent land conflicts that remain unresolved for years, sometimes decades, impacting economic stability and social cohesion.

A survey conducted by TMP System and Rights (TMR) provides quantitative evidence of the depth of the land dispute crisis in Southeast Asia. The findings reveal that 88% of land disputes in the region remain unresolved, a figure that is substantially higher than the global average of 61%.¹³ This statistic highlights a crucial issue: land disputes in Southeast Asia are not simply administrative errors or minor legal disputes, but rather deeply rooted conflicts that involve multiple parties, conflicting land titles, historical grievances, and weaknesses in legal enforcement. These disputes often stem from colonial-era land policies that have not been effectively harmonized with modern land governance frameworks, leading to legal inconsistencies and overlapping claims.

Table 2. Primary Driving forces for land Conflicts

¹³ Roughneen, S. (2017, October 3). Southeast Asia is world's hotspot for land disputes: Report. Nikkei Asia. <https://asia.nikkei.com/Economy/Southeast-Asia-is-world-s-hotspot-for-land-disputes-report>



(Source: Nikkei, 2017)¹⁴

Table 2 highlights the complexity of the land disputes based on the factors that drive the conflicts. It illustrates the primary drivers of land conflicts in continental and maritime contexts, highlighting notable differences in their underlying causes. In maritime areas, displacement emerges as the most significant trigger, accounting for 48 percent of cases, higher than the 43 percent observed in continental regions. Environmental damage is also a major concern in maritime settings (29%), whereas it plays a relatively minor role in continental disputes (10%). Conversely, compensation-related grievances are more pronounced in continental areas, comprising 33 percent of conflicts, in contrast to only 10 percent in maritime contexts. While less dominant overall, resource shortages appear in both contexts with similar frequencies (13% in continental and 14% in maritime cases). These distinctions suggest that land conflict resolution mechanisms must be geographically sensitive, with greater emphasis on environmental governance in maritime zones and on fair compensation frameworks in continental regions. (Nikkei, 2017).¹⁵

As previously discussed, the complexity of land conflicts often persists even after legal rulings have been issued. These rulings are frequently ignored, delayed in their implementation, or subjected to further litigation, creating a cycle of legal uncertainty that discourages investment and hampers development.¹⁶ In some instances, state-backed infrastructure or development projects proceed despite the existence of unresolved land claims, resulting in community protests, forced displacement, and prolonged legal battles. The lack of a dedicated land dispute resolution mechanism in many Southeast Asian countries exacerbates this problem. As a result, cases are often shuffled between civil courts, administrative tribunals, and ad hoc government arbitration bodies, without a coherent or timely resolution pathway.

Likewise, within Indonesia's national context, the above characteristics also emerge, exhibiting similar patterns and dynamics. The Badan Pertanahan Nasional (BPN), Indonesia's National Land Agency, has developed a comprehensive classification system to categorize the different land dispute types across the country. According to BPN's official classification, land conflicts in Indonesia fall into seven major typologies, each presenting unique legal, administrative, and social

¹⁴ *Ibid*

¹⁵ *Ibid*

¹⁶ LeIP (Institute for Judicial Independence Research and Advocacy). (2018). Preliminary assessment of the problems in the execution of civil court decisions in Indonesia. LeIP. https://leip.or.id/wp-content/uploads/2018/10/LeIP_Asesmen-Awal-Eksekusi-Putusan-Perdata.pdf.

challenges. These disputes arise due to overlapping legal frameworks, weaknesses in land governance, historical land tenure complexities, and inconsistent policy enforcement.

Land disputes' definition and scope vary among legal and institutional frameworks. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) defines land disputes (*sengketa pertanahan*) specifically as one of three categories of land-related legal conflicts, along with *perkara* (land litigation cases) and *konflik* (land conflicts with broader social and political dimensions), as outlined in Ministerial Regulation No. 21 of 2020 on Handling and Resolving Land Cases.¹⁷ However, in legal and policy discourse, a broader definition is often used, encompassing all disputes related to land ownership, tenure, boundaries, and usage rights.

Indonesia has a long history of land disputes, dating back to colonial land tenure systems, through post-independence agrarian reforms, and into contemporary land policies that continue to grapple with the legal and economic consequences of unresolved claims. Data from Tanah Kita, an advocacy portal for agrarian conflict resolution, reports that since 1988, there have been approximately 561 large-scale land conflicts in Indonesia, affecting over 868,437 individuals and 4.72 million hectares of land. These disputes often escalate into broader agrarian conflicts, posing serious economic development, social stability, and national integration challenges.¹⁸

A comprehensive study presented by Dirjen VIII at the 2020 ATR/BPN National Work Meeting (*Rakernas*) further illustrates the scale and complexity of land disputes in Indonesia. Between 2015 and 2019, the agency recorded 20,650 land-related cases, which were divided into.¹⁹

- 8,775 land disputes (*sengketa pertanahan*) – typically involving individuals or small groups, with limited political and social implications.
- 11,880 land-related litigation cases (*perkara pertanahan*) – conflicts that have escalated into formal court proceedings, often involving corporate entities, large-scale land acquisitions, and significant legal complexities.

These figures indicate that land disputes are not just isolated conflicts but systemic issues, deeply embedded in Indonesia's governance, legal framework, and socio-political landscape. The following seven typologies, as classified by BPN, represent the most common land disputes occurring across Indonesia.

Table 3. Typologies of Land Dispute in Indonesia.

¹⁷ Ministry of Agrarian Affairs and Spatial Planning/National Land Agency Indonesia Republic. (2020). Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2020 on the Handling and Settlement of Land Cases.

¹⁸ Dashboard Portal. (2024). TanahKita.id. Diakses pada 1 Desember 2024, dari https://tanahkita.id/dashboard_portal.

¹⁹ Budhiawan, H., et al. (2020). Mapping the character and typology of land conflicts and their solutions in Indonesia. In D. A. Mujiburhoman (Ed.), *Policy Practices of National Strategic Programs: Obstacles and Opportunities* [pemetaan tipologi konflik pertanahan serta solusinya di Indonesia]. STPN Press, hlm.114

No	Typology	Number of Disputes ²⁰	Number of Cases ²¹
1	Ownership Dispute	6.900 (78,8 %)	10.442 (87 %)
2	Land Boundary Dispute	1.194 (13,6 %)	388 (3,2 %)
3	Customary Land Dispute	277 (3,1 %)	174 (1,4 %)
4	Land Acquisition Dispute for Development	29 (0,3 %)	233 (1,9 %)
5	Ex-Manorial Land Dispute	13 (0,14 %)	66 (0,5 %)
6	Land reform objecting to land dispute	20 (0,2 %)	23 (0,19 %)
7	Dispute over the execution of court rulings	342 (3,8 %)	554 (4,6 %)
Total		8.775	11.880

Table 3 presents the typology and frequency of land disputes and cases in Indonesia, highlighting the overwhelming dominance of ownership-related conflicts. Out of a total of 8,775 recorded disputes, ownership disputes account for 78.8%, followed by land boundary disputes at 13.6%. Other categories, such as customary land disputes (3.1%), disputes over court ruling execution (3.8%), and land acquisition conflicts for development (0.3%), represent a much smaller portion of the caseload. In terms of the number of cases handled, the trend is similar, with ownership cases constituting 87% of the total 11,880 cases. This stark imbalance indicates that tenure insecurity and overlapping land rights remain the most pressing issues within Indonesia's land governance system. The data also point to systemic weaknesses in enforcing court decisions and managing customary claims, which account for a notable share of unresolved or prolonged disputes. (ATR/BPN, 2020).²²

The land disputes in Indonesia are rarely resolved straightforwardly, often persisting for decades due to administrative failures, overlapping legal claims, and strategic delays by disputing parties. The systemic weaknesses in land governance are evident in cases where judicial decisions remain unenforced for years, land titles are issued to multiple parties, and litigants engage in "window shopping" strategies to prolong legal uncertainty. The following cases exemplify how these

²⁰ In this statistic, the dispute refers to land-related issues that do not have a broad socio-political dimension and generally involve conflicts between individuals. See Article 1, point 2 of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Regulation No. 21 of 2020 on Handling and Resolving Land Cases.

²¹ In this statistic, the case refers to land disputes whose handling and resolution are carried out through judicial institutions. See Article 1, point 4 of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Regulation No. 21 of 2020 on Handling and Resolving Land Cases.

²² Ministry of Agrarian Affairs and Spatial Planning/National Land Agency Indonesia Republic. (2020). Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2020 on the Handling and Settlement of Land Cases.

challenges manifest in Indonesia's legal and bureaucratic landscape, where protracted disputes spanning up to 44 years reveal the fundamental inefficiencies in the system.

The Jatikarya dispute, ongoing for over 24 years, began in 1999 when multiple claimants—including 78 heirs, private corporations, and government agencies—contested Sertifikat Hak Pakai (SHP) No. 1/Jatikarya, issued in 1992 to the Ministry of Defense (Dephankam) over a 485,030 m² plot in Bekasi.²³ The land, originally contested by Nyai Dewi and Candu bin Godo et al., saw litigation in administrative and civil courts, with rulings repeatedly challenged by different parties. Despite a 2001 Supreme Court decision invalidating the government's certificate, enforcement was obstructed by the Ministry of Defense, the Ministry of Finance, and competing corporate claims.²⁴ The case took an even more complex turn when PT Usama Rahayu and PT Damarjati Dwiwana asserted ownership, leading to contradictory lower court rulings. The dispute escalated further when a criminal case in 2012 exposed forged land documents, raising serious concerns about the validity of previous legal decisions. Even with final rulings in place, the case remains unresolved due to continued bureaucratic resistance and competing claims over compensation payments of Rp 218.9 billion for land acquisition for the Cimanggis-Cibitung toll road project.²⁵

Another case demonstrating the chronic nature of Indonesia's land dispute system is the Sultan Hotel dispute, which has persisted for over 21 years. PT Indobuildco, which obtained HGB No. 26/Gelora and HGB No. 27/Gelora in 1972 over 137,375 m² of prime land in Jakarta, continued to occupy the land despite the expiration of its rights in 2003. When the government incorporated the land into Hak Pengelolaan (HPL) No. 1/Gelora, PT Indobuildco launched multiple lawsuits across various judicial platforms, trying to overturn the decision.²⁶ The company lost its case at the PTUN, the Supreme Court, and even in civil litigation, yet still found ways to delay resolution by continuously filing new legal challenges. The dispute involves at least six different government institutions, including the State Secretariat, BPN, and the Ministry of Agrarian Affairs, further complicating its resolution. Despite all the rulings confirming that PT Indobuildco no longer has land rights, it continues to operate the Sultan Hotel under an unclear legal status, underscoring the failure of the government to enforce judicial decisions.²⁷

Indonesia's land registration system remains one of the key sources of conflict, as seen in the Gambut dispute, which has been ongoing for over 11 years. The problem arose when SHM 2525 was issued in 1994, despite the land already being registered under SHM 1232 and SHM 1234 in 1982.²⁸ This administrative error led to overlapping landownership claims between multiple parties, including individuals and government entities. Even after PTUN Banjarmasin invalidated SHM 2525 in 2014, with subsequent rulings in the Supreme Court in 2015 confirming the decision, execution of the ruling was repeatedly delayed.²⁹ The losing party, Treeswaty Lanny Susatya, attempted to stall implementation by initiating multiple lawsuits, including information disclosure claims and execution resistance lawsuits, a tactic commonly used to prevent finalization of land disputes. This case highlights the enduring issue of multiple land certifications over a single property, creating legal ambiguities that take more than a decade to resolve.

²³ Directorate General for Land Dispute and Conflict Resolution. (2024, December 5). Interview by Darman SHS.

²⁴ *Ibid*

²⁵ *Ibid*

²⁶ *Ibid*

²⁷ *Ibid*

²⁸ *Ibid*

²⁹ *Ibid*

Bureaucratic contradictions further exacerbate land disputes, as evidenced in the Lebak Siliwangi dispute, which has stretched for over 13 years. The conflict revolves around SHGB No. 30/Lebak Siliwangi, issued to a Christian educational foundation (BPSMK-JB), but later challenged by Perkumpulan Lyceum Kristen (PLK). While PTUN Bandung and the Supreme Court ruled in 2012 that SHGB No. 30 was invalid, the National Land Agency (BPN) issued a contradictory ruling in 2019, reinstating the certificate. This case demonstrates how, even when courts issue final decisions, state agencies frequently contradict them, creating additional layers of uncertainty. Such administrative inconsistencies contribute to the prolonged nature of disputes, preventing clear resolution even after legal certainty is established.³⁰

Perhaps the most egregious example of deliberate administrative obstruction is the Karuwisi dispute in Makassar, which has remained unresolved for 44 years, making it one of the longest-running land conflicts in Indonesia. The issue arose in 1980 when HGU No. 2, 3, 4, 5, and 6/Karuwisi expired, triggering competing claims between private individuals and the local government over a large plot of land in Makassar.³¹ Despite a Supreme Court ruling in 1999 confirming private ownership, the local government ignored the decision and proceeded to issue new SHGBs over the same land, effectively nullifying the judicial process. The case involves over 270 different claimants, ranging from individual landowners to government agencies and cooperatives, making it one of the most complex land disputes in Indonesia. Despite repeated legal victories for the original claimants, the government has continued to obstruct execution, preventing rightful owners from reclaiming their property.³²

These cases reveal a pattern of deliberate stalling tactics, jurisdictional conflicts, and administrative defiance that prolong land disputes in Indonesia. The inability to enforce judicial decisions, prevent overlapping land titles, and curb procedural abuse means that cases can drag on for decades, leaving landowners, businesses, and communities in a perpetual state of legal uncertainty.

3.2 Specialized Land Court in New Zealand and Mato Grosso – Brazil

Indonesia's persistent land conflicts highlight systemic weaknesses in land governance, from prolonged disputes and overlapping claims to legal manipulation that obstructs resolution. Given these challenges, a specialized land court system, as seen in New Zealand and Mato Grosso, Brazil, presents a compelling model for Indonesia. These jurisdictions offer distinct approaches to handling indigenous land claims and agrarian disputes, with specialized courts prioritizing efficiency, legal certainty, and recognition of indigenous and communal land rights. Examining these systems within the Indonesian context provides critical insights into how a specialized judicial framework could improve Indonesia's land dispute mechanisms.

The Māori Land Court, established in 1865, is one of the oldest specialized land courts in the world, designed to adjudicate land ownership disputes among Māori indigenous communities. Its creation was a response to colonial land acquisitions, particularly under the Crown pre-emption system, which allowed the British government to purchase Māori land before selling it to European settlers. Although legal under British law, this process sparked violent conflicts, such as the

³⁰ Roestamy, M., Martin, A.Y., Rusli, R.K., and Fulazzaky, M. A. (2022). A review of the reliability of land bank institution in Indonesia for effective land management of public interest. *Land use policy*, 120, 106275. <https://doi.org/10.1016/j.landusepol.2022.106275>

³¹ *Ibid*

³² *Ibid*

Taranaki War of 1859, where Māori resistance against government land acquisitions led to prolonged disputes over 243 hectares of land.

For Indonesia, where indigenous land claims remain a contentious issue, the Māori Land Court offers a valuable precedent. In regions such as Papua, Kalimantan, and Sumatra, indigenous communities have historically struggled to gain formal recognition of their land tenure, often facing displacement due to large-scale plantations, mining, and state-backed infrastructure projects. A specialized land court could provide a dedicated legal framework for recognizing customary land rights, ensuring more effective dispute resolution between indigenous groups and government-backed land allocations.

The jurisdiction of the Māori Land Court has evolved to address various land-related conflicts, including:³³

- a. Ownership disputes over Māori freehold land, akin to customary land disputes in Indonesia.
- b. Determination of relative interests in collectively owned land, a critical issue in Indonesia's ulayat land claims.
- c. Resolution of claims related to land trespass and damages, which could address illegal land grabs and forced evictions in Indonesia.

However, the Māori Land Court has faced criticisms that offer lessons for Indonesia. Initially, the court facilitated the fragmentation of Māori land by forcing individual ownership structures over communal land, making Māori land easier to sell or lease to European settlers. Indonesia must learn from this historical mistake to ensure that a future land court strengthens, rather than weakens, indigenous land tenure systems. Another issue has been high litigation costs, creating financial barriers for Māori landowners. If Indonesia establishes a specialized land court, accessibility and affordability should be key considerations to prevent elite domination over land disputes.

Structurally, the Māori Land Court operates with a hierarchical system, consisting of 10 district courts across New Zealand, with appeals heard by the Māori Appellate Court.³⁴ The appointment of judges is highly specialized, requiring expertise in Māori customary law and the Treaty of Waitangi. This could serve as a model for Indonesia, where land judges often lack expertise in adat (customary) land law, leading to inconsistent rulings. Creating a land judiciary with specialized training in agrarian and customary law would enhance legal consistency and fairness in land dispute adjudication.

While New Zealand's model focuses on indigenous land tenure, Brazil's Mato Grosso Land Court was established in 2008 to resolve large-scale agrarian disputes, particularly involving rural land occupations.³⁵ The region of Mato Grosso has long suffered from land inequality, weak land administration, and violent conflicts between landowners and peasant groups. Notably, 80% of land conflicts in Mato Grosso stem from land concentration by large estates and administrative failures in land registration.³⁶ This is highly relevant to Indonesia, where similar structural issues fuel land

³³ Boas (2017), 'Historical Foundations of the Court', 27

³⁴ Johnston, K. (2015). Māori Legal Developments. NZL Rev., 171

³⁵ Damasceno, R., Chiavari, J., & Lopes, C. L. (2017). Evolution of land rights in rural Brazil. Climate Policy Initiative.

³⁶ Sauer, S., & de Castro, L. F. P. (2019). Land and territory: struggles for land and territorial rights in Brazil. In *Property Rights from Below* (pp. 113-130). Routledge.

disputes, particularly in Sumatra, Kalimantan, and Sulawesi, where plantation concessions frequently overlap with community land claims.

The legal basis for Brazil's land courts is found in Article 126 of the Federal Constitution of 1988, which allows states to establish specialized courts for agrarian disputes. This approach reflects the decentralized judicial framework of Brazil's federal system, allowing regional authorities to design context-specific solutions. Indonesia, while a unitary state, could adopt a similar approach by allowing provincial courts to establish land divisions within the existing judiciary, rather than creating an entirely separate court system.

Unlike New Zealand's indigenous-focused model, the Mato Grosso Land Court prioritizes agrarian disputes that involve collective claims, land occupations, and conflicts with agribusiness interests. It only adjudicates collective land cases in rural areas, while individual land claims are handled by ordinary courts—a distinction that could be useful for Indonesia, where agrarian disputes often differ significantly from urban land conflicts. A specialized approach for rural disputes could expedite resolutions for land redistribution programs, which have historically faced legal and bureaucratic gridlock in Indonesia.³⁷

One of the unique aspects of Mato Grosso's system is its proactive engagement in conflict resolution. Judges are empowered to visit disputed territories, conduct field assessments, and engage directly with affected communities, rather than relying solely on document-based adjudication.³⁸ This on-the-ground approach reduces the likelihood of fraudulent claims and administrative errors, both of which are common in Indonesia's land registration system. Indonesian courts, which rely heavily on bureaucratic land certification, often dismiss indigenous claims due to a lack of formal documentation, creating legal disadvantages for traditional landowners. A more field-based adjudication process, modeled after Mato Grosso, could provide fairer outcomes in Indonesia's agrarian disputes.

However, Brazil's land court model also faces challenges that Indonesia must anticipate. While designed to expedite cases, Mato Grosso's court struggles with resource limitations, with only one specialized land court for the entire state. The caseload backlog, particularly for land redistribution claims, remains a persistent issue. Indonesia must ensure that if a land court is established, it has sufficient capacity, personnel, and funding to prevent similar inefficiencies. Additionally, the Mato Grosso court does not have a fully independent structure, operating as a separate bench within the ordinary judiciary. This limits its autonomy, making its decisions vulnerable to political and administrative interference—a risk that must be considered if Indonesia aims to create a truly independent land dispute resolution system.

3.3 Insight from New Zealand and Mato Grosso, Brazil Land Courts: Implications for Indonesia's Land Dispute Resolution System.

As illustrated by protracted cases spanning decades, Indonesia's land dispute crisis reflects deep-seated systemic weaknesses—from overlapping land titles, institutional inertia, delayed judicial enforcement, to strategic legal manipulation by disputing parties. Examining the specialized land courts in New Zealand and Mato Grosso, Brazil, offers important lessons for Indonesia in designing an effective land dispute resolution system. By analyzing these models through the lens

³⁷ Syarif, E. (2014). Resolving land disputes through a specialized land court. Jakarta: Kepustakaan Populer Gramedia, p.45

³⁸ *Ibid*

of Indonesia's land conflict typologies, it becomes clear that a specialized land court must be designed to address Indonesia's unique legal, social, and political landscape.³⁹

The Māori Land Court of New Zealand was established to adjudicate disputes over customary land tenure, ensuring legal recognition of indigenous land rights. This is particularly relevant for Indonesia, where customary land (*hak ulayat*) remains a major source of conflict. Cases such as the Gambut dispute, where overlapping land titles resulted in a decade-long legal battle, highlight the absence of a robust legal mechanism to resolve disputes over indigenous and communal land claims.⁴⁰ The Māori Land Court's jurisdiction over ownership verification, collective landholding, and trust-based land management could inspire a similar framework in Indonesia, ensuring that adat communities have direct access to legal protections for their land rights.

However, Indonesia must avoid the pitfalls of New Zealand's system, where early policies facilitated the individualization of communal land, making it easier for land to be sold to outsiders. In Indonesia, where agribusiness and state-backed infrastructure projects often displace Indigenous communities, a specialized court must safeguard communal land tenure from forced fragmentation. This means ensuring that customary land remains collectively held unless an informed decision is made by the Indigenous community itself—a legal safeguard that should be explicitly integrated into Indonesia's land court framework.

Brazil's Mato Grosso Land Court, on the other hand, primarily handles large-scale agrarian disputes, particularly those involving land occupations, forced evictions, and land redistribution conflicts. Indonesia's land reform disputes, particularly those classified under Land Reform Object Disputes (*Sengketa Tanah Objek Landreform*), share similarities with Brazil's agrarian land conflicts. Disputes in Sumatra, Kalimantan, and Sulawesi, where small farmers and indigenous groups contest corporate plantations and state-backed land allocations, require a judicial forum capable of addressing systemic land inequality and corporate-state collusion in land acquisition. The Mato Grosso model suggests that Indonesia's land court must be structured to handle large-scale disputes where multiple claimants—including farmers, corporations, and government agencies—are involved.

Thus, Indonesia must develop a dual-function land court—one modeled after the Māori Land Court for indigenous land rights adjudication, and another following the Mato Grosso model for agrarian land conflicts. These courts must be integrated within the existing judiciary but with a specialized mandate, ensuring that both customary and agrarian land disputes receive tailored judicial attention.

One of the most critical weaknesses in Indonesia's land dispute resolution system is bureaucratic inertia and non-compliance with judicial rulings. Cases such as the Jatikarya land dispute, which has remained unresolved despite a Supreme Court ruling in favor of the plaintiffs, demonstrate how government institutions often obstruct judicial enforcement. Similarly, the Karuwisi land dispute, which has persisted for over 44 years, showcases the administrative contradictions that allow land disputes to remain unresolved indefinitely.

³⁹ Soemardjono, M. S. W. (2009). Land policy between regulation and implementation [Kebijakan Pertanahan antara Regulasi dan Implementasi] (1st ed.). Jakarta: Kompas, hlm.70

⁴⁰ Marta, A. D., Suwaryo, U., Sulaeman, A., & Agustino, L. (2019). Dilemma of customary land policy in Indonesia [Dilema kebijakan tanah ulayat di Indonesia]. *Masyarakat, Kebudayaan dan Politik*, 32(2), 134-143.

New Zealand's Māori Land Court demonstrates the importance of institutional coordination between the judiciary and administrative agencies. The court's decisions are integrated with the country's land registry system, ensuring that court rulings on Māori land ownership are legally binding on the government's land administration agencies.⁴¹ In contrast, Indonesia's land dispute resolution system lacks a mechanism to ensure that judicial rulings are automatically enforced by the National Land Agency (BPN). Court orders, even when final and legally binding, are often ignored or challenged through bureaucratic maneuvers, delaying resolution indefinitely.

Brazil's Mato Grosso Land Court offers another lesson in judicial autonomy and enforcement mechanisms. Unlike Indonesia's current system, where multiple courts (civil, administrative, and criminal) handle different aspects of land disputes, Mato Grosso's land court centralizes jurisdiction over agrarian land conflicts, ensuring that rulings are enforced without interference from external agencies. Additionally, the Mato Grosso court uses on-the-ground judicial inspections, allowing judges to directly verify land claims and assess ownership disputes beyond administrative records. This field-based adjudication prevents fraudulent land claims, a prevalent issue in Indonesia, where land certificates are often issued on top of pre-existing claims.

For Indonesia, integrating land dispute rulings with the National Land Registry (BPN) and mandating judicial field verification of disputed land would mitigate many of the institutional roadblocks currently obstructing land conflict resolution. A specialized land court must be designed with the authority to override bureaucratic delays, enforce rulings without unnecessary appeals, and ensure land title clarity post-adjudication.

Indonesia's land dispute backlog, where cases take decades to resolve, is a direct result of legal complexity, resource constraints, and strategic delays by disputing parties. In cases such as the Sultan Hotel dispute, which has remained unresolved for 21 years, claimants have exploited the system by filing multiple lawsuits in different courts, delaying final resolution indefinitely. Similarly, in the Gambut dispute, the losing party repeatedly challenged execution orders despite Supreme Court rulings, preventing the rightful owner from reclaiming the land.

Brazil's Mato Grosso Land Court addresses this problem by limiting venue-shopping tactics, ensuring that agrarian disputes remain within the specialized land court's jurisdiction. Additionally, the court adopts a single-judge system for first-instance cases, preventing unnecessary judicial delays. While Indonesia currently allows claimants to appeal across multiple court hierarchies, this approach extends case resolution timelines indefinitely.

New Zealand's Māori Land Court addresses judicial efficiency by structuring land cases within a streamlined system, with Māori Land Courts at the first level and Māori Appellate Courts for review. This structure reduces the need for repeated litigation, ensuring that cases are resolved within a specialized judicial hierarchy rather than being prolonged through general civil courts.

To prevent chronic case delays, Indonesia must adopt a specialized land court system with exclusive jurisdiction, limiting the ability of disputing parties to file redundant lawsuits in different courts. Additionally, a streamlined appeals process, modeled after the Māori Land Court's appellate structure, should be implemented to prevent cases from circulating indefinitely within the legal system.

⁴¹ New Zealand (1993), Māori Land Court Act 1993 (New Zealand), s. 123

4. Conclusion

Indonesia's land dispute resolution framework is fraught with systemic challenges, including overlapping land claims, institutional inefficiencies, bureaucratic resistance to judicial enforcement, and prolonged litigation timelines. These issues have undermined legal certainty, impeded economic development, and contributed to social instability. The persistence of cases such as Jatikarya (24 years), Sultan Hotel (21 years), Gambut (11 years), and Karuwisi (44 years) highlights deep-seated governance failures that prevent the timely and just resolution of land conflicts.

Through a comparative analysis of specialized land courts in New Zealand and Mato Grosso, Brazil, this study demonstrates that New Zealand and Mato Grosso's specialized land courts could serve as an inspiration in conducting institutional reform in Indonesia's land dispute resolution system. The Māori Land Court of New Zealand provides a judicial framework for resolving indigenous land disputes by recognizing customary land tenure within a structured legal system, ensuring that Māori freehold land remains protected and disputes are adjudicated within a specialized jurisdiction. This model is particularly relevant to Indonesia, where indigenous land claims remain unresolved due to fragmented legal frameworks and weak recognition of adat rights. Meanwhile, Mato Grosso's specialized land court in Brazil provides a model for addressing large-scale agrarian disputes, particularly those involving land occupations, forced evictions, and conflicts between farmers, indigenous groups, and corporate entities. The Brazilian model demonstrates the importance of administrative coordination, field-based judicial inspections, and an expedited case resolution system to prevent land disputes from being manipulated through bureaucratic inertia and repeated litigation. Given the high number of agrarian disputes in Indonesia, particularly in Sumatra, Kalimantan, and Sulawesi, where corporate plantations frequently overlap with community land claims, a specialized agrarian land court could provide a just and equitable legal mechanism. To achieve this, Indonesia should consider a dual-function approach to land adjudication, ensuring that different types of disputes are addressed efficiently, fairly, and following legal certainty.

The first component of this approach is a court modeled after New Zealand's Māori Land Court, specifically designed to handle indigenous and customary land disputes. Such an institution would play a critical role in recognizing and protecting adat land tenure, ensuring that customary land rights are acknowledged and harmonized with national land administration policies. Given the persistent marginalization of indigenous land claims in Indonesia, a specialized court with expertise in adat law and indigenous legal traditions would help safeguard communal land ownership and prevent its arbitrary appropriation due to legal inconsistencies or administrative neglect.

The second component is a court inspired by Mato Grosso's model, which would focus on agrarian and large-scale land disputes, including conflicts involving corporate-state interests, land occupations, and redistributive land policies. Establishing such a court is essential to address structural inequalities in land ownership, particularly in regions where large-scale agricultural estates and infrastructure projects frequently encroach upon smallholder farmland and indigenous territories. By centralizing jurisdiction over these disputes, Indonesia can mitigate jurisdictional fragmentation and bureaucratic inefficiencies, both of which have historically prolonged land conflicts. Additionally, ensuring access to justice must be a core priority. The existing judicial framework in Indonesia allows disputing parties to initiate multiple legal proceedings across different courts, creating opportunities for deliberate legal delays and procedural manipulation. A specialized land court should be structured in a way that minimizes redundant litigation, discourages venue-shopping, and streamlines the appellate process within a clear and hierarchical dispute resolution system.

Finally, Indonesia should consider adopting a field-based adjudication model, as practiced in Mato Grosso. This approach allows judges to conduct on-the-ground verifications of disputed land, ensuring that land claims are evaluated based on factual evidence rather than administrative records alone. Given the prevalence of fraudulent land titles and document falsification in Indonesia, an approach that prioritizes field-based assessments and direct judicial oversight would improve the accuracy of legal determinations and reduce opportunities for manipulation by powerful actors.

Establishing a specialized land court, complemented by institutional improvements in enforcement, administration, and accessibility, would provide a centralized, legally coherent

mechanism for resolving land conflicts. This would not only enhance legal certainty and promote sustainable land governance but also strengthen the protection of land tenure rights for a wide range of stakeholders, including indigenous communities, smallholder farmers, and investors.

References

- Astuti, Rini, and Andrew McGregor. 2017. "Indigenous Land Claims or Green Grabs? Inclusions and Exclusions Within Forest Carbon Politics in Indonesia." *The Journal of Peasant Studies* 44 (2): 445–466. <https://doi.org/10.1080/03066150.2016.1197908>
- A. Lucas and C. Warren (Eds.), *Land for the People: The State and Agrarian Conflict in Indonesia*, (Ohio University Press).
- Arlota, C., and Garoupa, N. (2016). Do specialized courts make a difference? evidence from brazilian state supreme courts. *European Business Law Review*, 27(4). doi <https://doi.org/10.54648/eulr2016039>.
- Bedner, A., and Arizona, Y. (2019). Adat in Indonesian land law: a promise for the future or a dead end?. *The Asia Pacific Journal of Anthropology*, 20(5). <https://doi.org/10.1080/14442213.2019.1670246>
- Bignami, F. (2015). Formal versus Functional Method in Comparative Constitutional Law. *Osgoode Hall LJ*, 53, 442. <https://doi.org/10.60082/28175069.2993>
- Boast, R. P. (2017). The native land court at Cambridge, Māori land alienation and the private sector. *Waikato L. Rev.*, 25, 26.
- Boas, R. P. (2015). Historical foundations of the court 1862–1890s. In *150 years of the Māori Land Court. Māori Land Court*. <https://www.xn--morilandcourt-wqb.govt.nz/assets/Documents/Guides-Templates-Factsheets/MLC-150-years-of-the-Maori-Land-Court.pdf>.
- Budhiawan, H., Sarjita, S., and Supama, Y. (2020). *Pemetaan karakter dan tipologi konflik pertanahan serta solusinya di Indonesia*, STPN Press, Yogyakarta.
- Darmawan, D. A., Soetarto, E., Asnawi, Y. H., Mahasari, J., and Sukmawati, A. (2023). The History of Agrarian Reforms in Indonesia: A Sociological Perspective. *Journal of Law and Sustainable Development*, 11(11). <https://doi.org/10.55908/sdgs.v11i11.2196>
- D. A. Mujiburhoman (Ed.) (2020), *Policy Practices of National Strategic Programs: Obstacles and Opportunities [pemetaan tipologi konflik pertanahan serta solusinya di Indonesia]*. STPN Press.
- Dashboard Portal. (2024). *TanahKita.id*. Diakses pada 1 Desember 2024, dari https://tanahkita.id/dashboard_portal
- Damasceno, R., Chiavari, J., and Lopes, C. L. (2017). *Evolution of land rights in rural Brazil*. Climate Policy Initiative.
- Deputy II of the Presidential Staff Office. (2024, Mei 7). *Sharing session: Percepatan pelaksanaan reforma agraria melalui penguatan regulasi dan kolaborasi lintas sektor*
- Directorate General for Land Dispute and Conflict Resolution. (2024, December 5). Interview by Darman SHS.
- Dickinson, L. A. (2017). Notes and Comments: The Promise of Hybrid Courts. In *The Globalization of International Law* (pp. 403-420). Routledge.
- Government of Indonesia. (2023). *Presidential Regulation of the Republic of Indonesia Number 62 of 2023 on the acceleration of agrarian reform implementation*. Republic of Indonesia.
- Hutchinson, Terry and Duncan, Nigel (2012), 'Defining and Describing What We Do: Doctrinal Legal Research', *Deakin Law Review*, 17.1.
- Johnston, K. (2015). *Māori Legal Developments*. *NZL Rev.*, 171
- LeIP (Institute for Judicial Independence Research and Advocacy). (2018). *Preliminary assessment of the problems in the execution of civil court decisions in Indonesia*. LeIP. https://leip.or.id/wp-content/uploads/2018/10/LeIP_Asesmen-Awal-Eksekusi-Putusan-Perdata.pdf

- Ministry of Agrarian Affairs and Spatial Planning/National Land Agency Indonesia Republic. (2020). Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2020 on the Handling and Settlement of Land Cases.
- Marta, A. D., Suwaryo, U., Sulaeman, A., and Agustino, L. (2019). Dilemma of customary land policy in Indonesia [Dilema kebijakan tanah ulayat di Indonesia]. *Masyarakat, Kebudayaan dan Politik*, 32(2).
- Maurutto, P., and Hannah-Moffat, K. (2016). Aboriginal knowledges in specialized courts: Emerging practices in Gladue courts. *Canadian Journal of Law and Society/La Revue Canadienne Droit et Société*, 31(3).
- New Zealand (1993), Māori Land Court Act 1993 (New Zealand), s. 123
- Roestamy, M., Martin, A.Y., Rusli, R.K., and Fulazzaky, M. A. (2022). A review of the reliability of land bank institution in Indonesia for effective land management of public interest. *Land use policy*, 120, 106275. <https://doi.org/10.1016/j.landusepol.2022.106275>
- Roestamy, M. (2016). Konsep kepemilikan rumah bagi warga negara asing dalam rangka percepatan peningkatan investasi di Indonesia. *Jurnal Hukum De'rechtsstaat*, 2(2), 127-140. <https://doi.org/10.30997/jhd.v2i2.681>
- Roughneen, S. (2017, October 3). Southeast Asia is world's hotspot for land disputes: Report. *Nikkei Asia*. <https://asia.nikkei.com/Economy/Southeast-Asia-is-world-s-hotspot-for-land-disputes-report>
- Sauer, S., and de Castro, L. F. P. (2019). Land and territory: struggles for land and territorial rights in Brazil. In *Property Rights from Below* (pp. 113-130). Routledge. <https://doi/10.1201/9781315621463-7>
- Syarief, E. (2014). Resolving land disputes through a specialized land court. Jakarta: Kepustakaan Populer Gramedia, p.45.
- Soemardjono, M. S. W. (2009). Land policy between regulation and implementation [Kebijakan Pertanahan antara Regulasi dan Implementasi] (1st ed.). Jakarta: Kompas.
- Sant'Anna, A., et al. (2018, March 19–23). The specialized land court in Mato Grosso, Brazil: Achievements and challenges in collective land conflicts. Paper presented at the World Bank Conference on Land and Poverty, Washington, DC.
- Yumarni, A., and Suhartini, E. (2019). Perkawinan bawah umur dan potensi perceraian (studi kewenangan kua wilayah kota Bogor). *Jurnal Hukum Ius Quia Iustum*, 26(1), <https://doi.org/10.20885/iustum.vol26.iss1.art10>.
- Van der Muur, Willem (2018). "Forest Conflicts and the Informal Nature of Realizing Indigenous Land Rights in Indonesia." *Citizenship Studies* 22 (2). <https://doi/10.1080/13621025.2018.1445495>