



Legal Certainty of Property Law and Property Rights in Relation to Asta Cita's Prabowo Vision

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ABSTRACT

This study examines property law reforms under President Prabowo's administration, particularly through the lens of his vision, Asta Cita, which emphasizes economic transformation, regulatory efficiency, and inclusive governance. Indonesia faces significant challenges in land governance, such as overlapping regulations, conflicts between customary (adat) and national laws, and weak enforcement mechanisms. The administration aims to harmonize traditional and modern legal systems, streamline land registration, and foster investor confidence. The research analyses key legislative reforms, including the Omnibus Law on Job Creation and the Basic Agrarian Law, as well as case studies on property disputes. It finds progress in digitalizing land administration and simplifying land registration, but highlights persistent issues like fragmented policy implementation, inconsistent recognition of adat rights, and inadequate dispute resolution mechanisms. The study proposes solutions such as creating a unified land registry, improving national-regional coordination, and incentivizing faster dispute resolution to enhance property law effectiveness. However, it acknowledges the speculative nature of policy predictions and the lack of empirical data on land disputes, suggesting the need for further research. By offering both theoretical and practical insights, this study contributes to the discourse on Indonesia's property law reforms and provides actionable recommendations for policymakers, legal professionals, and investors.

Keyword: Legal Certainty, Prabowo, Property Law, Property Rights, Sustainability

1. Introduction

Property law and property rights are pivotal to fostering economic development and ensuring social equity, as they provide the legal foundations necessary for investor confidence and security of tenure. In Indonesia, property law has long been a complex and contentious issue, with overlapping

regulations and conflicts between adat (customary) laws and national laws.¹ These issues have created substantial barriers to clear property ownership and have hindered investment, making it difficult for stakeholders to navigate the legal landscape.² Furthermore, the lack of effective enforcement mechanisms and the fragmented governance system have further complicated property rights management, undermining legal certainty and reducing investor confidence.³

Recent research highlights the significant challenges Indonesia faces in property law reform.⁴ Scholars have noted that the legal environment for property ownership remains fragmented, with numerous regulatory gaps and inconsistencies, especially at the intersection of adat land rights and national property laws.⁵ One of the critical findings of some studies is the inadequacy of cadastral records and the lack of a unified land registration system, which has led to frequent land disputes and ownership conflicts.⁶ This research suggests that property law reforms are essential for improving the efficiency of land management systems and ensuring legal clarity for investors.⁷

The role of property law in supporting economic development has also been the subject of increasing attention in recent literature.⁸ Scholars have found that property rights are closely tied to economic growth, particularly through their influence on investment,⁹ credit access,¹⁰ and resource allocation.¹¹ Despite efforts to improve the regulatory framework, the practical implementation of property law reforms remains a significant challenge. The inconsistency in cadastral documentation, combined with unclear property rights and disputes over adat land, continues to impede the full

¹ Hamilton-Hart, N. (2017). The legal environment and incentives for change in property rights institutions. *World Development*, 92, 167-176.

² German, L., Schoneveld, G., & Mwangi, E. (2013). Contemporary processes of large-scale land acquisition in Sub-Saharan Africa: legal deficiency or elite capture of the rule of law? *World Development*, 48, 1-18.

³ Deininger, K., Selod, H., & Burns, A. (2012). *The Land Governance Assessment Framework: Identifying and monitoring good practice in the land sector*. World Bank Publications.

⁴ Pratomo, R. A., Samsura, D. A. A., & van der Krabben, E. (2020). Transformation of local people's property rights induced by new town development (case studies in Peri-Urban areas in Indonesia). *Land*, 9(7), 236.

⁵ McCarthy, J. F., Dhialhaq, A., Afiff, S., & Robinson, K. (2022). Land reform rationalities and their governance effects in Indonesia: Provoking land politics or addressing adverse formalisation? *Geoforum*, 132, 92-102.

⁶ Habib, M. (2020). Developing a sustainability strategy for multipurpose cadastre in post-conflict Syria. *Land Use Policy*, 97, 104782.; Musinguzi, M., Huber, T., Kirumira, D., & Drate, P. (2021). Assessment of the land inventory approach for securing tenure of lawful and bona fide occupants on private Mailo land in Uganda. *Land Use Policy*, 110, 104562.; Aditya, T., Santosa, P. B., Yulaikhah, Y., Widjajanti, N., Atunggal, D., & Sulistyawati, M. (2021). Validation and collaborative mapping to accelerate quality assurance of land registration. *Land Use Policy*, 109, 105689.

⁷ Zhou, Y., Li, X., & Liu, Y. (2020). Rural land system reforms in China: History, issues, measures and prospects. *Land use policy*, 91, 104330.; Koroso, N. H., & Zevenbergen, J. A. (2024). Urban land management under rapid urbanization: Exploring the link between urban land policies and urban land use efficiency in Ethiopia. *Cities*, 153, 105269.

⁸ Malizia, E., Feser, E. J., Renski, H., & Drucker, J. (2021). *Understanding local economic development* (p. 312). Taylor & Francis.; Dhar, B. K., Sarkar, S. M., & Ayttey, F. K. (2022). Impact of social responsibility disclosure between implementation of green accounting and sustainable development: A study on heavily polluting companies in Bangladesh. *Corporate Social Responsibility and Environmental Management*, 29(1), 71-78.; Yurui, L., Xuanchang, Z., Zhi, C., Zhengjia, L., Zhi, L., & Yansui, L. (2021). Towards the progress of ecological restoration and economic development in China's Loess Plateau and strategy for more sustainable development. *Science of the Total Environment*, 756, 143676.

⁹ Lei, X. T., Xu, Q. Y., & Jin, C. Z. (2022). Nature of property right and the motives for holding cash: Empirical evidence from Chinese listed companies. *Managerial and Decision Economics*, 43(5), 1482-1500.

¹⁰ Challoumis, C., & Eriotis, N. (2024). A historical analysis of the banking system and its impact on Greek economy. *Edelweiss Applied Science and Technology*, 8(6), 1598-1617.

¹¹ Qiang, Q., & Jian, C. (2020). Natural resource endowment, institutional quality and China's regional economic growth. *Resources Policy*, 66, 101644.

realization of the benefits of legal reforms.¹² These barriers prevent the effective use of land in development projects, creating a bottleneck in economic growth.¹³

Several recent studies have also pointed to the need for a more harmonized approach to integrating *adat* and national legal frameworks.¹⁴ The failure to reconcile these two legal systems has led to frequent disputes, particularly in areas where customary land rights are not adequately recognized within the national legal framework.¹⁵ This lack of integration has hindered efforts to streamline property transactions and land acquisition processes for development projects.¹⁶ As a result, there have been delays in the implementation of important infrastructure and housing projects, slowing down overall economic progress.¹⁷

The need for a more integrated and coherent property law system has been further underscored by recent research¹⁸ focusing on legal reforms under President Prabowo's administration.¹⁹ With a focus on regulatory efficiency and economic transformation, President Prabowo's government has emphasized the need to harmonize regulations across national and regional levels,²⁰ with an aim to streamline property law and resolve land disputes more effectively.²¹ Research into the Omnibus Law on Job Creation (Law No. 11 of 2020) has shown that while this law has made significant strides in simplifying various legal processes,²² it has not fully addressed the fragmented nature of property law in Indonesia, especially regarding the integration of *adat* land rights.²³

¹² McCarthy, J. F., Dhiaulhaq, A., Afiff, S., & Robinson, K. (2022). Land reform rationalities and their governance effects in Indonesia: Provoking land politics or addressing adverse formalisation? *Geoforum*, 132, 92-102.

¹³ Chekole, S. D., de Vries, W. T., Durán-Díaz, P., & Shibeshi, G. B. (2020). Performance evaluation of the urban cadastral system in Addis Ababa, Ethiopia. *Land*, 9(12), 505.

¹⁴ Waha, C. J. J., Sondakh, J., & Pinontoan, O. R. (2024). Protection of Traditional Knowledge of Indigenous Peoples Orientation to Harmonization of National and Local Law: Relevance on Minahasa and Sangihe Customary Law in North Sulawesi. *Contemp. Readings L. & Soc. Just.*, 16, 314.

¹⁵ Dhiaulhaq, A., & McCarthy, J. F. (2020). Indigenous rights and agrarian justice framings in forest land conflicts in Indonesia. *The Asia Pacific Journal of Anthropology*, 21(1), 34-54.; O'Donnell, E., Poelina, A., Pelizzon, A., & Clark, C. (2020). Stop burying the Lede: The essential role of indigenous law (s) in creating rights of nature. *Transnational Environmental Law*, 9(3), 403-427.

¹⁶ Ameyaw, P. D., & de Vries, W. T. (2021). Toward smart land management: Land acquisition and the associated challenges in Ghana. A look into a blockchain digital land registry for prospects. *Land*, 10(3), 239.; Koroso, N. H., & Zevenbergen, J. A. (2024). Urban land management under rapid urbanization: Exploring the link between urban land policies and urban land use efficiency in Ethiopia. *Cities*, 153, 105269.

¹⁷ Chileshe, N., Njau, C. W., Kibichii, B. K., Macharia, L. N., & Kavishe, N. (2022). Critical success factors for Public-Private Partnership (PPP) infrastructure and housing projects in Kenya. *International Journal of Construction Management*, 22(9), 1606-1617.; Sparrow, R., Dartanto, T., & Hartwig, R. (2020). Indonesia under the new normal: Challenges and the way ahead. *Bulletin of Indonesian Economic Studies*, 56(3), 269-299.

¹⁸ Wilson, I. D. (2023). Nusantara and the Spatial Implications for the Practice of Indonesian Democracy. In *The Road to Nusantara: Process, Challenges and Opportunities*. ISEAS–Yusof Ishak Institute/National Research and Innovation Agency (BRIN).

¹⁹ Syafitri, C. Z., Rusli, B., & Deliarnoor, N. A. (2024). The Threat To Democracy From The Environmental Law after The Election of The President and Vice President for The Period 2024-2029: A Review of Critical Theory. *Journal of Law, Politic and Humanities*, 4(5), 1173-1183.

²⁰ Widodo, A. T., & Riwanto, A. (2023). Harmonizing Regional Spatial Arrangements as Effort to Improve Law Number 11 Of 2020 on Job Creation to Optimize Regional Development. *Jurnal Dinamika Hukum*, 23(2), 286-304.

²¹ Putri, F. A. J., & Ehsonov, J. R. (2024). The Impact of Land Reform Policies on the Sustainable Management of Natural Resources in Local Communities. *Journal of Human Rights, Culture and Legal System*, 4(2), 510-537.

²² Anggusti, M. (2021). Indonesia's Omnibus Job Creation Law No. 11 Year 2020 To Whom It's Benefit. *International Journal of Business, Economics and Law*, 24(3).

²³ Yubaidi, R. S. (2020). The future of land ownership regulation in Indonesia. *International Journal of Multicultural and Multireligious Understanding*, 6(6), 712-720.; Fahmi, C. (2024). The application of

The **Asta Cita** concept,²⁴ central to President Prabowo's leadership, provides a strategic framework for economic transformation and governance reform in Indonesia. At its core, Asta Cita envisions an integrated approach to development that balances economic growth with social equity, sustainability, and legal certainty.²⁵ Under this framework, Prabowo aims to address Indonesia's long-standing issues of regulatory inefficiencies, fragmented land governance, and slow bureaucratic processes.²⁶ The concept places a strong emphasis on the modernization of the legal and regulatory systems, with a particular focus on harmonizing traditional legal systems (adat law) with national frameworks.²⁷ By fostering a regulatory environment that is more transparent and efficient, Asta Cita seeks to encourage greater investment, streamline land acquisition processes, and strengthen the rule of law across Indonesia²⁸. This vision of inclusivity and efficiency is especially relevant to the property sector, which has been marred by complex land disputes and unclear property rights.²⁹

Despite the progress made by the current administration in advancing property law reforms, gaps remain in the practical implementation of these regulations. While the **Omnibus Law on Job Creation** and other reforms have simplified land registration and digitalized land administration,³⁰ challenges persist in integrating *adat* land rights into the formal legal system. Asta Cita's vision emphasizes the need for greater coordination between national and regional governments to ensure uniform implementation of land reforms. The concept also advocates for the creation of stronger institutions to resolve land disputes and clarify property rights, especially in areas where customary land practices are still dominant.³¹

Asta Cita, therefore, offers a roadmap for bridging the gap between legal provisions and their real-world applications, ensuring that property law reforms under President Prabowo's administration benefit all stakeholders,³² from local communities to investors, fostering both legal certainty and economic development. The Omnibus Law and other regulatory advancements have introduced

international cultural rights in protecting Indigenous peoples' land property in Indonesia. *AlterNative: An International Journal of Indigenous Peoples*, 20(1), 157-166.

²⁴ <https://sippn.menpan.go.id/berita/146565/rumah-penyimpanan-benda-sitaan-negara-kelas-i-jakarta-barat/8-misi-asta-cita-bersama-indonesia-maju-menuju-indonesia-emas-2045>

²⁵ pupr, feb, al, Dukung Asta Cita Visi Menuju Indonesia Emas 2045, Pemerintah Alokasikan Anggaran 2025 Sebesar Rp75,63 Triliun untuk Pembangunan di Berbagai Sektor, <https://www.kemenkeu.go.id/informasi-publik/publikasi/berita-utama/Anggaran-2025-Rp75,63-Triliun-untuk-Pembangunan> cited on Dec, 18 2024.

²⁶ Ichlas, H. (2020). Between Restoration and Deforestation The Politics of Peatland Restoration in Neoliberal Indonesia. *Research Paper partial fulfillment Master of Arts*.

²⁷ Alverdian, I. (2024). *Indonesia's Maritime Policy from Independence to 2019: Political Culture and Maritime Geography*. Taylor & Francis.; Setiawan, R. A. (2022). Risk and regulation of Islamic banks: the Indonesian experience.

²⁸ Dorigné-Thomson, C. (2023). Redefinition and Principal Instigators of Indonesia's Foreign Policy Towards Africa. In *Indonesia's Engagement with Africa* (pp. 203-332). Singapore: Springer Nature Singapore.

²⁹ Benda-Beckmann, K. V. (2022). Trajectories of legal entanglement examples from Indonesia, Nepal, and Thailand. *Legal Pluralism and Critical Social Analysis*, 54(1), 13-30.

³⁰ Bennett, R. M., Hutabarat, I. R., Unger, E. M., Ginting, C. P., van der Vegt, H., & Latif, A. (2024). Digital Transformation in Indonesian Land Administration: Further Developments and Directions. In *Geospatial Science for Smart Land Management* (pp. 43-67). CRC Press.; Suroso, J. T., Durahman, D., & Budi, I. (2024). The simplification of licensing procedure in job creation law: the effectiveness to attract foreign investor. *Cogent Social Sciences*, 10(1), 2414509.

³¹ Nuhidayah, L., Davies, P. J., & Alam, S. (2020). Resolving Land-Use Conflicts over Indonesia's Customary Forests. *Contemporary Southeast Asia*, 42(3), 372-397.

³² Martitah, M., Hidayat, A., Anitasari, R. F., Rahman, M. A. M., & Aini, T. R. (2023). Transformation of the Legislative System in Indonesia Based on the Principles of Good Legislation. *Journal of Indonesian Legal Studies*, 8(2), 545-594.

promising changes but have yet to fully resolve issues related to cadastral records,³³ land registration,³⁴ and the integration of *adat* laws.³⁵ These gaps create uncertainties in land ownership and make it difficult for developers and investors to navigate the legal system. Moreover, there is a lack of clear mechanisms for resolving disputes efficiently,³⁶ which prolongs delays in land acquisition and impedes investment.

This study aims to fill the gaps identified in existing research by offering a comprehensive analysis of property law reforms under President Prabowo's administration. It will evaluate the effectiveness of these reforms in providing legal certainty and fostering economic development, with a particular focus on the harmonization of *adat* and national legal frameworks in resolving property disputes. Additionally, the study seeks to propose actionable recommendations for aligning regulatory provisions with practical implementation to improve equity and investment in property development projects. Through this analysis, the study will contribute to a deeper understanding of the challenges in property law reform and offer solutions for creating a more efficient and fair legal system in Indonesia.

2. Research Method

The study utilizes a normative legal research approach,³⁷ focusing on an in-depth analysis of statutory provisions,³⁸ judicial decisions,³⁹ and regulatory reforms⁴⁰ that have been enacted in Indonesia over the last five years. For more details, see Figure 1 below:

³³ Hariyanto, H., Azizah, M., & Nurhidayatulloh, N. (2024). Does the Government's Regulations in Land Ownership Empower the Protection of Human Rights?. *Journal of Human Rights, Culture and Legal System*, 4(2), 391-421.

³⁴ Siagian, A. H. (2021). Omnibus law in the perspective of constitutionality and legal politics. *Jambura Law Review*, 3(1), 93-111.

³⁵ Buana, A. P., & Arsy, M. (2024). Ambivalence in The Regulation of Indigenous Peoples' Rights in Indonesia's Legal Hierarchy. *Alauddin Law Development Journal*, 6(1), 117-125.

³⁶ Haqq, A. M., & Gultom, Y. M. (2022). The challenge of implementing public-private partnerships: a transaction costs perspective on waste to energy projects in Indonesia. *Journal of Financial Management of Property and Construction*, 27(3), 365-386.

³⁷ Disemadi, H. S. (2022). Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies. *Journal of Judicial Review*, 24(2), 289-304.

³⁸ Krishnakumar, A. S. (2022). Statutory History. *Virginia Law Review*, 108(2), 263-351.

³⁹ Mańko, R. (2022). Judicial decision-making, ideology and the political: towards an agonistic theory of adjudication. *Law and Critique*, 33(2), 175-194.

⁴⁰ Armanios, D. E., & Eesley, C. E. (2021). How do institutional carriers alleviate normative and cognitive barriers to regulatory change?. *Organization Science*, 32(6), 1415-1438.

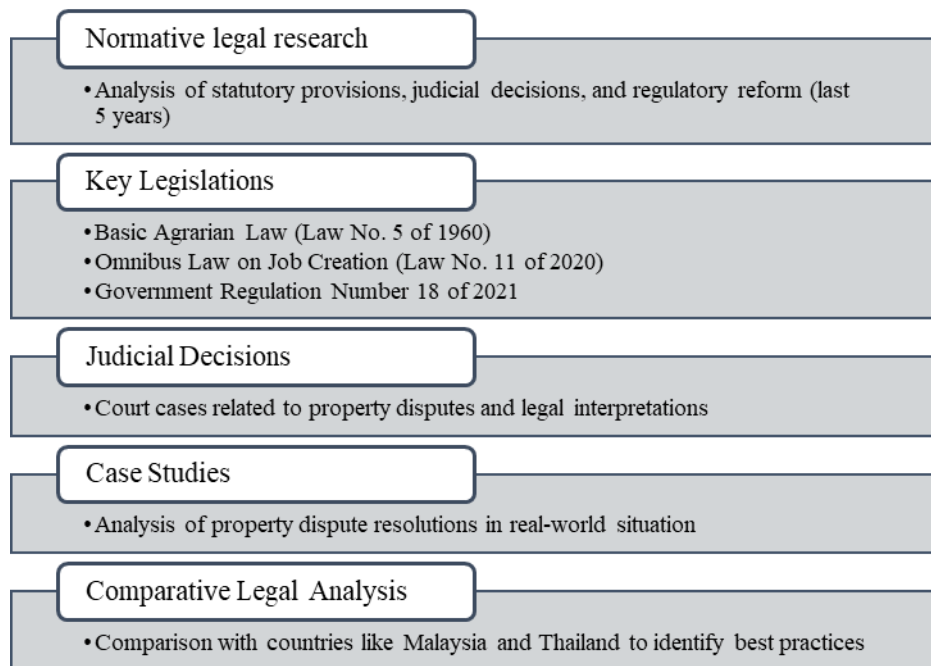


Figure 1. Research Design

By examining these legal instruments, the research aims to assess how recent reforms have impacted property law and its implementation in the country. The key pieces of legislation under review include the Basic Agrarian Law (Law No. 5 of 1960),⁴¹ which remains the cornerstone of Indonesia's land and property law, and the Omnibus Law on Job Creation (Law No. 11 of 2020),⁴² which introduced significant reforms in land acquisition and licensing processes. These laws are critical in understanding the evolving regulatory landscape and their implications for property rights in Indonesia.

Additionally, the study analyses Government Regulation No. 18 of 2021,⁴³ which addresses land procurement for development. This regulation is particularly relevant as it outlines procedures for land acquisition and provides a legal framework for the resolution of disputes during the land procurement process. By examining these legislative texts, the research aims to identify gaps, ambiguities, and inconsistencies in the property law system that continue to pose challenges for stakeholders. The study will also consider judicial decisions related to property disputes, as these decisions offer valuable insights into the interpretation and application of property laws, particularly in cases where *adat* and statutory laws intersect.

To complement the legal analysis,⁴⁴ the study includes case studies of property disputes and their resolutions to provide practical examples of how the laws and regulations are applied in real-world situations. These case studies will help identify the challenges faced by landowners, developers, and investors in navigating the legal system.⁴⁵ Furthermore, a comparative legal analysis with other

⁴¹ Fuad, F., Tardjono, H., Machmud, A., Rohayah, N., & Maghucu, P. (2023). Ownership of Land: Legal Philosophy and Culture Analysis of Land Property Rights. *Jurnal Media Hukum*, 30(2), 98-116.

⁴² Mahy, P. (2022). Indonesia's Omnibus Law on job creation: legal hierarchy and responses to judicial review in the labour cluster of amendments. *Asian Journal of Comparative Law*, 17(1), 51-75.

⁴³ Calista, J., & Djaja, B. (2024). Legal Regulations and Implications of Building Use Rights on Land Management Rights for Public Assets. *Journal of Law, Politic and Humanities*, 4(4), 505-511.

⁴⁴ Shin, J., Rajabifard, A., Kalantari, M., & Atazadeh, B. (2022). A BIM-based framework for property dispute minimization—A case study for Victoria, Australia. *Land Use Policy*, 119, 106200.

⁴⁵ Elmallah, S., & Rand, J. (2022). "After the leases are signed, it's a done deal": exploring procedural injustices for utility-scale wind energy planning in the United States. *Energy Research & Social Science*, 89, 102549.

Southeast Asian nations,⁴⁶ such as Malaysia and Thailand, will be conducted to identify best practices in harmonizing *adat* and statutory frameworks.⁴⁷ By looking at how these countries have approached similar issues, the research aims to provide recommendations for improving Indonesia's property law system and fostering a more inclusive and efficient legal framework for land and property rights.

3. Results and Discussion

The analysis of statutory provisions reveals significant legislative reforms in Indonesia's property law over the past five years, aimed at improving land acquisition processes and resolving longstanding issues related to property rights. The introduction of the Omnibus Law on Job Creation (Law No. 11 of 2020) marked a critical shift in the legal landscape,⁴⁸ consolidating various regulatory frameworks and simplifying land acquisition procedures for development projects.⁴⁹ This law aimed to enhance investment climate by reducing bureaucratic hurdles and providing clear guidelines for land procurement, particularly for infrastructure and real estate projects.⁵⁰ Additionally, Government Regulation No. 18 of 2021 on Land Procurement for Development further refined the legal process, offering more streamlined procedures for land acquisition and dispute resolution.⁵¹ Despite these efforts, challenges remain in the consistent application of these laws, particularly in areas where customary (*adat*) laws intersect with national regulations.⁵²

However, when compared to the *Asta Cita* objective of harmonizing customary law with national law, the reality on the ground reveals a significant gap. Instead of synergy, land acquisition practices often generate prolonged conflicts between indigenous communities—who adhere to the principle of communal land ownership—and the state, which enforces a positive legal regime based on formal certainty. This tension is evident in cases where *ulayat* (customary) lands are treated merely as objects of acquisition without mechanisms that fully recognize the social, spiritual, and historical values attached to them.

For instance, in Papua, disputes have arisen where indigenous communities resisted land acquisition for large-scale infrastructure projects, arguing that the land holds ancestral and cultural significance that cannot be compensated merely through monetary payment. Similarly, in Kalimantan, conflicts have emerged between Dayak communities and plantation companies, where customary land rights were overlooked in favor of national licensing procedures, leading to protests

⁴⁶ Lei, L., Ozturk, I., Murshed, M., Abrorov, S., Alvarado, R., & Mahmood, H. (2023). Environmental innovations, energy innovations, governance, and environmental sustainability: Evidence from South and Southeast Asian countries. *Resources Policy*, 82, 103556.

⁴⁷ Haridison, A. (2024). Why did the common objective be biased in the execution collaborative governance program? The case from Dayak Indonesia. *Land Use Policy*, 140, 107050.

⁴⁸ Sihombing, B. F., & Hamid, F. (2023). Land Law Evolution and Investment Dynamics: Historical Perspective and Contemporary Development Nexus. *Lex Publica*, 10(1), 66-83.

⁴⁹ Ikhsan, E. (2022). The Omnibus Law in Indonesia: Assessing Its Consequences on Environmental Sustainability and Land Rights. *Journal of Human Security*, 18(2).

⁵⁰ Lestari, S. K., & Ahmad, S. (2024). Investment Climate And Ease of Doing Business In Indonesia After The Issuance of The Job Creation Law (Juridical Analysis On The Implementing Regulations On The Use Of Space). *Journal of Law, Politic and Humanities*, 4(6), 2055-2066.

⁵¹ Purba, A. W. Y., Karjoko, L., & Imanullah, M. N. (2024). Legal Transplantation of Land Bank in Indonesia: A Comparative Study of Land Bank Policy from Leading Country. *Educational Administration: Theory and Practice*, 30(5), 3264-3276.

⁵² Setiawan, R. A. (2023). Impact of Islamic Jurisprudential on Traditional Financial Customs and Legal Integration in Indonesia. *Journal of Islamic Thought and Civilization*, 13(2), 195-209.; Simonetti, M. (2023). Adat in Indonesian law and society: a tool to build resilience and overcome diversity through cultural and legal pluralism. *The SOAS Journal of Postgraduate Research*, 15(2022-2023).

and legal battles. These examples highlight that, although reforms such as the Omnibus Law on Job Creation (Law No. 11 of 2020) and Government Regulation No. 18 of 2021 have streamlined administrative procedures, they have not fully addressed the substantive issue of bridging the paradigmatic divide between customary law and state law.

Thus, legislative reform remains partial, focusing primarily on efficiency and investment climate, while leaving unresolved the deeper structural problem of agrarian governance in Indonesia—namely, how to reconcile the pluralism of legal traditions with the demands of national development.

Judicial decisions have played a crucial role in shaping the practical implementation of property law in Indonesia.⁵³ Courts have been central to interpreting and applying new regulatory reforms, particularly in cases where there are conflicts between *adat* land rights and the statutory framework.⁵⁴ Judicial decisions in recent years have highlighted the difficulties in harmonizing these two systems, often resulting in prolonged disputes over land ownership and usage.⁵⁵ One of the key issues identified in recent court rulings is the lack of clear guidelines for integrating *adat* land rights into the formal legal system,⁵⁶ which has led to inconsistencies in land registration and ownership recognition.⁵⁷ These judicial outcomes underscore the need for further reforms to clarify the legal status of *adat* land and ensure that its management aligns with national property laws. A more detailed explanation of this topic can be seen in the figure 1, which visually depicts the main concepts and relationships between elements as described in **Figure 2** below:

⁵³ Wardhani, L. T. A. L., Noho, M. D. H., & Natalis, A. (2022). The adoption of various legal systems in Indonesia: an effort to initiate the prismatic Mixed Legal Systems. *Cogent Social Sciences*, 8(1), 2104710.

⁵⁴ McCarthy, J. F., Dhiaulhaq, A., Afiff, S., & Robinson, K. (2022). Land reform rationalities and their governance effects in Indonesia: Provoking land politics or addressing adverse formalisation?. *Geoforum*, 132, 92-102.

⁵⁵ Sommer, F., & de Vries, W. T. (2023). Values and representations in land registers and their legal, technical, social effects on land rights as an administrative artefact. *Land Use Policy*, 135, 106946.

⁵⁶ Nuhidayah, L., Davies, P. J., & Alam, S. (2020). Resolving Land-Use Conflicts over Indonesia's Customary Forests. *Contemporary Southeast Asia*, 42(3), 372-397.; Sopaheluwakan, W. R., Fatem, S. M., Kutaneegara, P. M., & Maryudi, A. (2023). Two-decade decentralization and recognition of customary forest rights: Cases from special autonomy policy in West Papua, Indonesia. *Forest Policy and Economics*, 151, 102951.

⁵⁷ Notess, L., Veit, P., Monterroso, I., Sulle, E., Larson, A. M., Gindroz, A. S., ... & Williams, A. (2021). Community land formalization and company land acquisition procedures: A review of 33 procedures in 15 countries. *Land Use Policy*, 110, 104461.

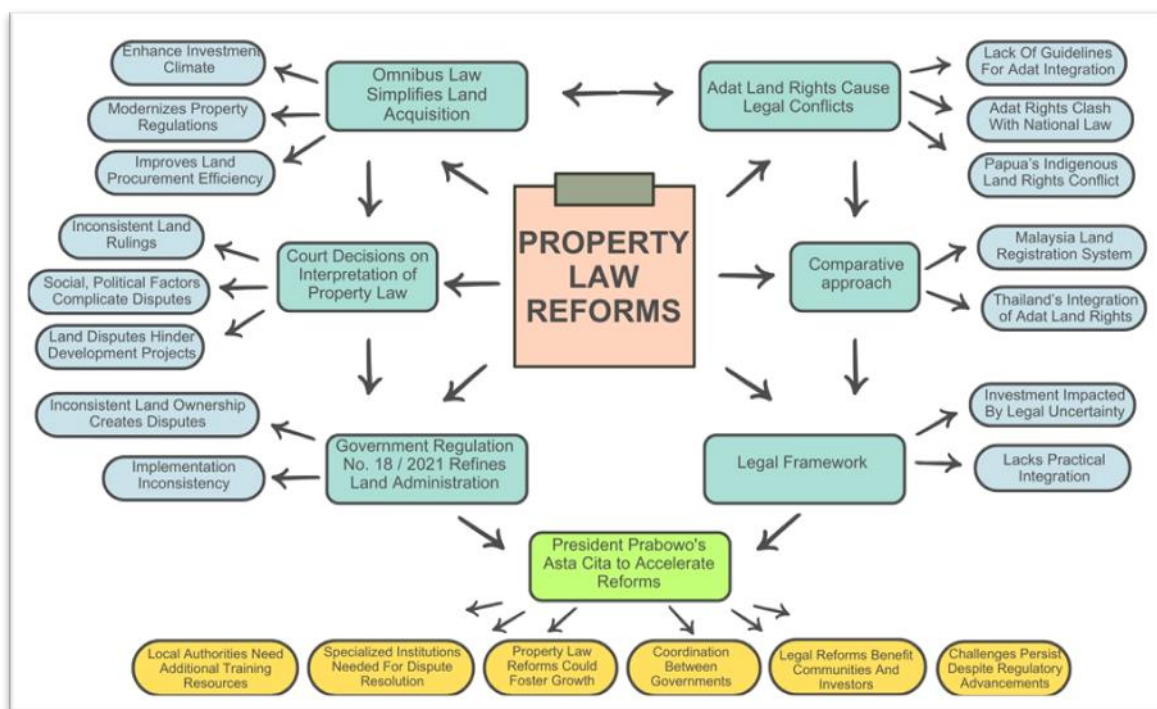


Figure 2. Accelerating Property Law Reform in relation to President Prabowo's Asta Cita

The regulatory reforms implemented in the past five years, particularly the Omnibus Law and related regulations, have been a step toward modernizing property law in Indonesia.⁵⁸ However, there remains a significant gap between these reforms and their practical implementation, as highlighted by ongoing issues such as overlapping land claims,⁵⁹ inadequate cadastral records,⁶⁰ and slow dispute resolution mechanisms.⁶¹ The regulatory framework, while progressive, has not fully addressed the challenges posed by the integration of *adat* land rights into the formal property system.⁶² As a result, the gap between legal provisions and their practical application persists, hindering the effective resolution of property disputes and slowing down property development.⁶³ These findings suggest a

⁵⁸ Rezara, J. (2021). Legal Aspects And Policies For Indonesian Smes After The Omnibus Law-Challenges In The Regional Free Trade. *Indonesian Law Journal*, 14(2), 137-155.; Suhartini, E. (2023). Indonesian Migrant Workers After Job Creation Law: A Challenging Problem for Protection Welfare. *Jurnal Bestuur*, 11(2).

⁵⁹ Aditya, T., Santosa, P. B., Yulaikhah, Y., Widjajanti, N., Atunggal, D., & Sulistyawati, M. (2021). Validation and collaborative mapping to accelerate quality assurance of land registration. *Land Use Policy*, 109, 105689.

⁶⁰ Aditya, T., Sucaya, I. K. G. A., & Adi, F. N. (2021). LADM-compliant field data collector for cadastral surveyors. *Land Use Policy*, 104, 105356.; Roestamy, M. A. R. T. I. N., Martin, A. Y., & Qolyubi, A. T. (2023). Digitizing land registration as an effort to minimize the practice of the land mafia. *Journal of Engineering Science and Technology*, 18(3), 73-80.

⁶¹ Pratomo, E., & Kwik, J. (2020). Good agreements make good neighbours: Settlements on maritime boundary disputes in South East Asia. *Marine Policy*, 117, 103943.

⁶² McCarthy, J. F., Dhiaulhaq, A., Afiff, S., & Robinson, K. (2022). Land reform rationalities and their governance effects in Indonesia: Provoking land politics or addressing adverse formalisation?. *Geoforum*, 132, 92-102.

⁶³ Nuhidayah, L., Davies, P. J., & Alam, S. (2020). Resolving Land-Use Conflicts over Indonesia's Customary Forests. *Contemporary Southeast Asia*, 42(3), 372-397.

need for further regulatory refinements⁶⁴ and more robust enforcement mechanisms to ensure legal certainty and investor confidence in the property sector.

Recent studies and legal analyses confirm that Indonesia's property law reforms have been significant, yet gaps remain in their practical implementation.⁶⁵ Research conducted by the World Bank⁶⁶ in 2021 highlighted that the Omnibus Law on Job Creation (Law No. 11 of 2020) was a critical development aimed at improving the ease of doing business, particularly in the land acquisition process.⁶⁷ The study noted that the law introduced provisions that streamlined land procurement and reduced bureaucratic red tape, which in turn helped facilitate infrastructure projects.⁶⁸ However, the research also found that there were continued challenges in the harmonization of *adat* land rights with the national legal system.⁶⁹ In many regions, land ownership issues remain unresolved due to the lack of clear legal status for *adat* lands, leading to disputes that affect both development projects and the livelihoods of local communities.⁷⁰ The research concluded that, while the Omnibus Law contributed to regulatory improvement, more comprehensive measures were needed to address these land rights conflicts.

Further evidence from case studies and judicial reviews also reveals that the integration of *adat* rights into Indonesia's property law remains a major challenge.⁷¹ A study by the Indonesian Legal

⁶⁴ Arifin, F., Wiryono, S. K., Damayanti, S. M., & Yudoko, G. (2024). Revolutionizing efficiency: The path to sustainable oilfield services in Indonesia's energy landscape—The case of Pertamina drilling services. *Heliyon*, 10(20).

⁶⁵ McCarthy, J. F., Dhiaulhaq, A., Afiff, S., & Robinson, K. (2022). Land reform rationalities and their governance effects in Indonesia: Provoking land politics or addressing adverse formalisation?. *Geoforum*, 132, 92-102.; Myers, R., Fisher, M., Monterroso, I., Liswanti, N., Maryudi, A., Larson, A. M., ... & Herawati, T. (2022). Coordinating forest tenure reform: Objectives, resources and relations in Indonesia, Kenya, Nepal, Peru, and Uganda. *Forest Policy and Economics*, 139, 102718.; Meckelburg, R., & Wardana, A. (2024). The political economy of land acquisition for development in the public interest: The case of Indonesia. *Land Use Policy*, 137, 107017.

⁶⁶ Vodopivec, M., Meidina, I., & Putri, T. A. (2022). Introducing Unemployment Insurance program in Indonesia. Retrieved from: https://documents1.worldbank.org/curated/en/099092424082018303/pdf/P17734112926a0036182531da03ea_b362e3.pdf

⁶⁷ Sanders, A., Khatarina, J., Assegaf, R., Toumbourou, T., Kurniasih, H., & Suwarso, R. (2024). The Omnibus Law on Job Creation and its potential implications for rural youth and future farming in Indonesia. *Asia Pacific Viewpoint*.; Koeswahyono, I., Maharani, D. P., & Liemanto, A. (2022). Legal breakthrough of the Indonesian job creation law for ease, protection, and empowerment of MSMEs during the COVID-19 pandemic. *Cogent Social Sciences*, 8(1), 2084895.

⁶⁸ Zafar, A. (2023). Emerging markets: Anatomy, characteristics, and history. In *Emerging markets in a world of chaos: Pathways for economic growth and development* (pp. 23-110). Cham: Springer Nature Switzerland.

⁶⁹ Nurhidayah, L., & Alam, S. (2020). The forest and its biodiversity: Assessing the adequacy of biodiversity protection laws in Indonesia. *Asia Pacific Journal of Environmental Law*, 23(2), 178-201.

⁷⁰ McCarthy, J. F., Dhiaulhaq, A., Afiff, S., & Robinson, K. (2022). Land reform rationalities and their governance effects in Indonesia: Provoking land politics or addressing adverse formalisation?. *Geoforum*, 132, 92-102.

⁷¹ Sjahrain, N. A. (2024). Legal Challenges in Facing Land Ownership Disputes Due to Gentrification in Indonesia. *Estudiante Law Journal*, 6(2), 351-373.; McCarthy, J. F., Dhiaulhaq, A., Afiff, S., & Robinson, K. (2022). Land reform rationalities and their governance effects in Indonesia: Provoking land politics or addressing adverse formalisation?. *Geoforum*, 132, 92-102.; Nuhidayah, L., Davies, P. J., & Alam, S. (2020). Resolving Land-Use Conflicts over Indonesia's Customary Forests. *Contemporary Southeast Asia*, 42(3), 372-397.

Aid Foundation (YLBHI) in 2022⁷² indicated that courts frequently face difficulties in adjudicating property disputes involving *adat* land. The study found that judicial decisions often reflect inconsistent interpretations of how *adat* land should be treated under national law, with some courts upholding customary rights, while others prioritize statutory rights.⁷³ This inconsistency in judicial decision-making has resulted in a lack of legal certainty for property owners and developers, particularly in regions where *adat* law plays a central role.⁷⁴ Additionally, the study pointed out that even with the regulatory frameworks in place, the actual implementation of land registration and the resolution of disputes remain slow and inefficient, with cadastral data being incomplete and unreliable.⁷⁵ These findings underscore the need for further legal reforms and stronger enforcement mechanisms to ensure the effective implementation of property law reforms in Indonesia.

The Basic Agrarian Law (Law No. 5 of 1960) serves as the cornerstone of Indonesia's land and property law, providing the legal framework for land tenure, ownership, and use. It emphasizes state control over land resources while recognizing the rights of individuals and communities to use, own, and transfer land.⁷⁶ The law establishes various types of land rights, including land use rights, ownership rights, and cultivation rights, all of which are central to land management in Indonesia. The Basic Agrarian Law also acknowledges customary land rights (*adat*), although the integration of these rights into the formal legal system has posed challenges over time.⁷⁷ While the law aims to ensure equitable land distribution, it does not adequately address the growing demand for land in urban and industrial development, leading to conflicting claims between state-controlled land, private interests, and indigenous communities.⁷⁸ As a result, reforms to this foundational law are necessary to address contemporary issues such as land acquisition for development and the integration of *adat* land rights.

The Omnibus Law on Job Creation (Law No. 11 of 2020) represents a significant shift in Indonesia's regulatory approach, consolidating over 79 existing laws into a single framework aimed

⁷² Tømte, A., & Riyadi, E. (Eds.). (2024). *International Human Rights and Local Courts: Human Rights Interpretation in Indonesia*. Taylor & Francis.

⁷³ Hernawan, D. (2023). Assessing the Impact of Land Development Regulations on Customary Land Values: A Case Study of Rempang and IKN in Indonesia. *Society*, 11(2), 644-664.

⁷⁴ Rachmah, A., & Sudiro, A. (2024). The Principles of Legal Certainty for Land Rights After Natural Disaster in Indonesia. *Journal of Law, Politic and Humanities*, 4(4), 861-866.; Anggoro, S. A., & Negara, T. A. S. (2021). The struggle for recognition: Adat law trajectories under Indonesian politics of legal unification. *International Journal on Minority and Group Rights*, 29(1), 33-62.

⁷⁵ Nuhidayah, L., Davies, P. J., & Alam, S. (2020). Resolving Land-Use Conflicts over Indonesia's Customary Forests. *Contemporary Southeast Asia*, 42(3), 372-397.

⁷⁶ McCarthy, J. F., Dhialulhaq, A., Afiff, S., & Robinson, K. (2022). Land reform rationalities and their governance effects in Indonesia: Provoking land politics or addressing adverse formalisation?. *Geoforum*, 132, 92-102.; Roestamy, M., Martin, A. Y., Rusli, R. K., & 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.

⁷⁷ Bakker, L. (2023). Custom and violence in Indonesia's protracted land conflict. *Social Sciences & Humanities Open*, 8(1), 100624.; Wong, G. Y., Moeliono, M., Bong, I. W., Pham, T. T., Sahide, M. A., Naito, D., & Brockhaus, M. (2020). Social forestry in Southeast Asia: Evolving interests, discourses and the many notions of equity. *Geoforum*, 117, 246-258.; Chipofya, M., Karamesouti, M., Schultz, C., & Schwering, A. (2020). Local domain models for land tenure documentation and their interpretation into the LADM. *Land Use Policy*, 99, 105005.

⁷⁸ Syaban, A. S. N., & Appiah-Opoku, S. (2024). Unveiling the Complexities of Land Use Transition in Indonesia's New Capital City IKN Nusantara: A Multidimensional Conflict Analysis. *Land*, 13(5), 606.

at improving investment climate and reducing bureaucratic inefficiencies.⁷⁹ In terms of property law, the Omnibus Law simplifies land acquisition processes, particularly for infrastructure projects,⁸⁰ by establishing clearer procedures and reducing the time required to obtain land for development.⁸¹ It also aims to create more transparent licensing processes and introduce new mechanisms for resolving land disputes.⁸² Despite its goals to promote economic growth, the Omnibus Law has been criticized for its insufficient attention to the complexities of *adat* land rights,⁸³ with some provisions potentially overriding customary land claims in favour of national development objectives.⁸⁴ Government Regulation Number 18 of 2021, which supports the Omnibus Law, specifically addresses land procurement for development, outlining procedures for land acquisition, compensation, and dispute resolution.⁸⁵ While it aims to streamline these processes, its effectiveness is contingent on the proper integration of *adat* land rights, which remain underexplored in the regulatory framework. Together, these key legislations form the basis for modernizing property law in Indonesia,⁸⁶ but they also reveal significant gaps in the legal system, particularly in terms of harmonizing national and customary land rights.

Judicial decisions in Indonesia have played a pivotal role in shaping the interpretation and application of property law,⁸⁷ especially in cases involving complex property disputes.⁸⁸ Courts have often been tasked with resolving conflicts between *adat* (customary) land rights and the statutory framework, leading to a variety of legal interpretations.⁸⁹ One significant case in 2021 involved a

⁷⁹ Hermanto, B. (2023). Deliberate legislative reforms to improve the legislation quality in developing countries: case of Indonesia. *The Theory and Practice of Legislation*, 11(1), 1-31.

⁸⁰ Meckelburg, R., & Wardana, A. (2024). The political economy of land acquisition for development in the public interest: The case of Indonesia. *Land Use Policy*, 137, 107017.

⁸¹ Hadi, S. P., Hamdani, R. S., & Roziqin, A. (2023). A sustainability review on the Indonesian job creation law. *Heliyon*, 9(2).

⁸² Arifin, S. (2021). Illiberal tendencies in Indonesian legislation: the case of the omnibus law on job creation. *The Theory and Practice of Legislation*, 9(3), 386-403.

⁸³ Krisnanto, W., KRH, I. G. A., & Jamin, M. (2024, February). The (In) Justice of Spatial Planning Law Post-Omnibus Law. In *International Conference On Law, Economic & Good Governance (IC-LAW 2023)* (pp. 426-430). Atlantis Press.; Astuti, R., Miller, M. A., McGregor, A., Sukmara, M. D. P., Saputra, W., & Taylor, D. (2022). Making illegality visible: The governance dilemmas created by visualising illegal palm oil plantations in Central Kalimantan, Indonesia. *Land Use Policy*, 114, 105942.

⁸⁴ Hernawan, D. (2023). Assessing the Impact of Land Development Regulations on Customary Land Values: A Case Study of Rempang and IKN in Indonesia. *Society*, 11(2), 644-664.

⁸⁵ Hariyanto, H., Azizah, M., & Nurhidayatulloh, N. (2024). Does the Government's Regulations in Land Ownership Empower the Protection of Human Rights?. *Journal of Human Rights, Culture and Legal System*, 4(2), 391-421.

⁸⁶ Suryana, I. A., & Djajaputera, G. (2024). Analysis of Land Rights Acquisition Through Inheritance in Cases of Customary Land Disputes. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, 23(2), 472-489.; Warjiyati, S., Salam, S., Sybelle, J. A., & Fida, I. A. (2023). The Legalization and Application of Osing Indigenous People's Customary Law Model in the Legal System. *Lex localis-Journal of Local Self-Government*, 21(4), 853-875.

⁸⁷ Wardhani, L. T. A. L., Noho, M. D. H., & Natalis, A. (2022). The adoption of various legal systems in Indonesia: an effort to initiate the prismatic Mixed Legal Systems. *Cogent Social Sciences*, 8(1), 2104710.

⁸⁸ Fahmi, R., Wahyuningsih, S. E., & Kusriyah, S. (2023). Legal Reconstruction of Land Dispute Regulation in Indonesia Based on Pancasila Justice. *Scholars International Journal of Law, Crime and Justice*, 6(2), 134-140.; Kusdarini, E., Priyanto, A., Hartini, S., & Suripno, S. (2022). Roles of justice courts: settlement of general election administrative disputes in Indonesia. *Heliyon*, 8(12).

⁸⁹ Permadi, I., Masykur, M. H., Herlindah, H., Wicaksono, S., & Ahmad, M. Y. (2024). Resolving Disputes Arising from Land Acquisition for Public Purposes Involving Indigenous Peoples in the Nusantara Capital Region. *Journal of Law and Legal Reform*, 5(2), 705-748.

dispute over a parcel of land in Bali,⁹⁰ where a local community claimed ownership based on *adat* law, while a private developer held a title under national law. The Supreme Court's decision in this case highlighted the difficulty in balancing state land ownership with customary land rights.⁹¹ The court ruled that the *adat* claim was valid, but it also emphasized the necessity for proper registration and documentation to ensure legal recognition of such rights.⁹² This case reflects the broader issue in Indonesia of integrating *adat* land into the formal legal system, where judicial decisions often provide inconsistent rulings due to the lack of a clear and unified legal framework.⁹³

Case studies from both urban and rural settings further illustrate the challenges in property dispute resolutions. In Jakarta, a real estate development project faced delays due to disputes over land ownership between private landowners and communities claiming traditional rights over the same land.⁹⁴ Research by the Indonesian Legal Aid Foundation (YLBHI) in 2022 found that, despite the introduction of the Omnibus Law on Job Creation, the dispute resolution mechanisms were slow, and compensation processes were often inadequate.⁹⁵ This case study revealed a systemic issue where land acquisition for development projects is frequently hindered by unresolved property disputes,⁹⁶ inadequate cadastral records,⁹⁷ and the absence of comprehensive land titles.⁹⁸ A key factor contributing to these delays was the inability of local land authorities to effectively mediate between competing land claims, particularly in areas with strong *adat* land traditions.⁹⁹ The study recommended reforms to both the cadastral system and the dispute resolution mechanisms, suggesting that a more integrated approach involving both traditional and statutory legal systems could improve efficiency.

⁹⁰ Obeng-Odoom, F., & Haila, A. (2024). The Power Of Uncertified Urban Land. *International Journal of Urban and Regional Research*.; Simamarta, R., & Sasmitha, T. (2021). Self-determined land rights in Indonesia: A review on various tenure recognition options.; Fuad, F., Tardjono, H., Machmud, A., Rohayah, N., & Maghucu, P. (2023). Ownership of Land: Legal Philosophy and Culture Analysis of Land Property Rights. *Jurnal Media Hukum*, 30(2), 98-116.

⁹¹ Wijaya, I., Suwitra, I., Senastri, N. M. J., & Nazarrudin, T. (2024). Patterns of Indigenous Land Tenure and Utilization: Comparison of Customary Law in Balinese and Acehnese People. *Asian Research Journal of Arts & Social Sciences*, 22(3), 41-49.; Nuhidayah, L., Davies, P. J., & Alam, S. (2020). Resolving Land-Use Conflicts over Indonesia's Customary Forests. *Contemporary Southeast Asia*, 42(3), 372-397.

⁹² Hartawan, I. E., Handayani, P., & Bhakti, R. T. A. (2024). Legal Foundations and Implications of Civil Deeds of Settlement in the Indonesian Legal System. *Lex Publica*, 11(1), 1-19.; Irianto, S. (2024). Inheritance legal pluralism and gender justice: a court room study in Indonesia. *Legal Pluralism and Critical Social Analysis*, 1-20.

⁹³ Benda-Beckmann, K. V. (2022). Trajectories of legal entanglement examples from Indonesia, Nepal, and Thailand. *Legal Pluralism and Critical Social Analysis*, 54(1), 13-30.

⁹⁴ Meckelburg, R., & Wardana, A. (2024). The political economy of land acquisition for development in the public interest: The case of Indonesia. *Land Use Policy*, 137, 107017.; Glaeser, E. L. (2022). What can developing cities today learn from the urban past?. *Regional Science and Urban Economics*, 94, 103698.

⁹⁵ Tømte, A., & Riyadi, E. (Eds.). (2024). *International Human Rights and Local Courts: Human Rights Interpretation in Indonesia*. Taylor & Francis.

⁹⁶ Azima, A. M., Jamaluddin, F., Ramli, Z., Saad, S., & Lyndon, N. (2024). Communal grant and land allocation effect on native land disputation in Malaysia. *Land Use Policy*, 147, 107337.

⁹⁷ Aditya, T., Sucaya, I. K. G. A., & Adi, F. N. (2021). LADM-compliant field data collector for cadastral surveyors. *Land Use Policy*, 104, 105356.

⁹⁸ McCarthy, J. F., Dhiaulhaq, A., Afiff, S., & Robinson, K. (2022). Land reform rationalities and their governance effects in Indonesia: Provoking land politics or addressing adverse formalisation?. *Geoforum*, 132, 92-102.; Nuhidayah, L., Davies, P. J., & Alam, S. (2020). Resolving Land-Use Conflicts over Indonesia's Customary Forests. *Contemporary Southeast Asia*, 42(3), 372-397.

⁹⁹ Bakker, L. (2023). Custom and violence in Indonesia's protracted land conflict. *Social Sciences & Humanities Open*, 8(1), 100624.

Further analysis of property dispute resolutions reveals that many conflicts are not only legal in nature but are also driven by social and political dynamics.¹⁰⁰ In the province of Papua, a series of land disputes involving indigenous communities and corporate entities in mining and agriculture sectors highlighted the tension between economic development and indigenous rights.¹⁰¹ A report by the Indonesian Human Rights Commission (Komnas HAM) in 2021 documented the impact of these disputes, noting that the legal system often fails to adequately address the social justice aspects of property law.¹⁰² Courts were seen to prioritize economic interests over the preservation of indigenous land rights, leading to significant grievances among local populations.¹⁰³ This situation underscores the need for a more inclusive approach to property law that takes into account the socio-cultural dimensions of land ownership and usage, especially in indigenous territories.

In comparative legal analysis, Malaysia and Thailand offer valuable insights into property dispute resolution and land law harmonization. In Malaysia, the legal framework for land acquisition and property rights has undergone significant reforms over the years.¹⁰⁴ A key element of Malaysia's approach is its efficient land registration system, which ensures that land ownership is accurately recorded and disputes are resolved swiftly.¹⁰⁵ Malaysia's Land Acquisition Act, alongside its National Land Code, provides a comprehensive legal structure that balances state interests and private property rights.¹⁰⁶ In contrast to Indonesia's challenges with *adat* land integration, Malaysia's system offers a more structured and transparent approach to land acquisition, including clear provisions for compensation and dispute resolution.¹⁰⁷ Thailand also provides a useful comparison, where land rights are governed by the Land Code, which allows for better integration of customary

¹⁰⁰ Abdurrahim, A. Y., Dharmawan, A. H., Adiwibowo, S., Yogaswara, H., & van Noordwijk, M. (2023). Relational and instrumental values of tropical peat landscapes: morality and political ecology in Indonesia. *Current Opinion in Environmental Sustainability*, 64, 101318.

¹⁰¹ Blesia, J. U., Wild, S., Dixon, K., & Lord, B. R. (2021). Corporate community relations and development: engagement with indigenous peoples. *Sustainability Accounting, Management and Policy Journal*, 12(4), 811-845.; Blesia, J. U., Dixon, K., & Lord, B. R. (2023). Indigenous experiences and perspectives on a mining corporation's community relations and development activities. *Resources Policy*, 80, 103202.

4.1. ¹⁰² Estrelita, G. T., & Facal, G. (2024). "Human Rights Activism in Indonesia": An Interview with Usman Hamid. *The Palgrave Handbook of Political Norms in Southeast Asia*, 611.; Wiratraman, H. P., & Hanrahan, E. (2023). Exclusionary nationalism as institutionalised racism: Inconsistencies within the Indonesian justice system. *Austl. J. Asian L.*, 24, 81.; Catatan Akhir Tahun: Menyoroti Penyelesaian Pelanggaran HAM yang Berat dan Kasus Papua retrieved komnasham.go.id/n/2049

¹⁰³ Dhialulhaq, A., & McCarthy, J. F. (2020). Indigenous rights and agrarian justice framings in forest land conflicts in Indonesia. *The Asia Pacific Journal of Anthropology*, 21(1), 34-54.

¹⁰⁴ Sari, E., Yamin, M., Purba, H., & Sembiring, R. (2021). Comparison of Land Law Systems: A Study on Compensation Arrangements and Reappraisal of Land Acquisition for Public Interest between Indonesia and Malaysia. *International Journal of Criminology and Sociology*, 10, 872-880.; Kostruba, A. (2020). Right deprivation in the legal regulation mechanism of civil property relations: Comparative analysis of international legislation. *Asia Life Sciences*, 22(2), 143-156.

¹⁰⁵ Kamarulzaman, A. M. M., Jaafar, W. S. W. M., Said, M. N. M., Saad, S. N. M., & Mohan, M. (2023). UAV Implementations in Urban Planning and Related Sectors of Rapidly Developing Nations: A Review and Future Perspectives for Malaysia. *Remote Sensing*, 15(11), 2845.

¹⁰⁶ Azima, A. M., Jamaluddin, F., Ramli, Z., Saad, S., & Lyndon, N. (2024). Communal grant and land allocation effect on native land disputation in Malaysia. *Land Use Policy*, 147, 107337.

¹⁰⁷ Sovacool, B. K. (2021). Clean, low-carbon but corrupt? Examining corruption risks and solutions for the renewable energy sector in Mexico, Malaysia, Kenya and South Africa. *Energy Strategy Reviews*, 38, 100723.

land rights into the national legal framework.¹⁰⁸ In Thailand, customary rights, particularly in rural areas, are recognized and protected through mechanisms that allow for the gradual formalization of these rights into the legal system.¹⁰⁹ These systems highlight the importance of a clear, transparent, and inclusive property law framework that balances state, private, and customary land interests.

The comparative analysis of Indonesia's property law with that of Malaysia and Thailand reveals several best practices that could improve Indonesia's legal system. One of the key recommendations is the adoption of a more robust and inclusive land registration system that can accurately reflect both statutory and customary land rights. Malaysia's comprehensive and efficient land registration system could serve as a model for Indonesia, providing a clearer framework for land ownership and reducing disputes.¹¹⁰ Additionally, the recognition and protection of *adat* land rights, as seen in Thailand, could be better integrated into Indonesia's property law, ensuring that local communities are fairly compensated and their rights respected in development projects.¹¹¹ These comparative insights suggest that Indonesia could benefit from strengthening its cadastral system, revising its land acquisition policies to better address customary land claims, and enhancing its dispute resolution mechanisms to create a more balanced and efficient property law system.

The study's findings highlight both significant progress and persistent challenges in Indonesia's property law reforms.¹¹² While the Omnibus Law has streamlined land registration processes and introduced digital platforms to enhance transparency and efficiency, the real impact of these reforms has been hindered by the lack of uniform integration across regional levels.¹¹³ In many areas, particularly those with complex land tenure systems or strong customary land traditions, local authorities have struggled to implement the new regulations effectively.¹¹⁴ This fragmentation in enforcement and regulatory practices has led to delays in land transactions,¹¹⁵ inconsistent property rights enforcement,¹¹⁶ and, in some cases, confusion over the legal status of land ownership.¹¹⁷

¹⁰⁸ Haenssger, M. J., Leepreecha, P., Sakboon, M., Chu, T. W., Vlaev, I., & Auclair, E. (2023). The impact of conservation and land use transitions on the livelihoods of indigenous peoples: A narrative review of the northern Thai highlands. *Forest Policy and Economics*, 157, 103092.

¹⁰⁹ Ng, B. K., Wong, C. Y., & Santos, M. G. P. (2022). Grassroots innovation: Scenario, policy and governance. *Journal of Rural Studies*, 90, 1-12.

¹¹⁰ Azima, A. M., Jamaluddin, F., Ramli, Z., Saad, S., & Lyndon, N. (2024). Communal grant and land allocation effect on native land disputation in Malaysia. *Land Use Policy*, 147, 107337.

¹¹¹ Benda-Beckmann, K. V. (2022). Trajectories of legal entanglement examples from Indonesia, Nepal, and Thailand. *Legal Pluralism and Critical Social Analysis*, 54(1), 13-30.

¹¹² Astuti, R., Miller, M. A., McGregor, A., Sukmara, M. D. P., Saputra, W., & Taylor, D. (2022). Making illegality visible: The governance dilemmas created by visualising illegal palm oil plantations in Central Kalimantan, Indonesia. *Land Use Policy*, 114, 105942.

¹¹³ Maarif, I. (2024). Analysis of Regulatory Reform Dynamics: A Comparative Study on the Efficacy of the Omnibus Law Method and Legal Codification in National Regulatory Structure. *LEGAL BRIEF*, 13(4), 1013-1022.

¹¹⁴ Nuhidayah, L., Davies, P. J., & Alam, S. (2020). Resolving Land-Use Conflicts over Indonesia's Customary Forests. *Contemporary Southeast Asia*, 42(3), 372-397.; Sayer, J., Boedhihartono, A. K., Langston, J. D., Margules, C., Riggs, R. A., & Sari, D. A. (2021). Governance challenges to landscape restoration in Indonesia. *Land use policy*, 104, 104857.

¹¹⁵ Roestamy, M., Martin, A. Y., Rusli, R. K., & 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.

¹¹⁶ McCarthy, J. F., Dhiaulhaq, A., Afiff, S., & Robinson, K. (2022). Land reform rationalities and their governance effects in Indonesia: Provoking land politics or addressing adverse formalisation?. *Geoforum*, 132, 92-102.

¹¹⁷ Erwiningsih, W. (2023). Legal Arrangements and Implementation of State Ownership Rights Over Land in Indonesian Constitution. *Academic Journal of Interdisciplinary Studies*, 12(143), 10-36941.

Despite these efforts, the full potential of the Omnibus Law has not been realized, especially in more remote or conflict-prone regions.

Efforts to harmonize *adat* (customary) land rights with the national legal framework remain a significant obstacle to property law reform in Indonesia.¹¹⁸ As noted in the study, the inconsistent recognition of *adat* rights has led to protracted legal disputes, particularly in areas where indigenous land use practices are deeply ingrained in local culture. The challenge lies in the lack of clear and standardized procedures for integrating these rights into the national property law system.¹¹⁹ Customary land rights often clash with the national legal framework, particularly when it comes to land acquisitions for development projects or large-scale investments.¹²⁰ While the Omnibus Law introduced some provisions to address these issues, such as simplifying the land acquisition process, it has not provided a comprehensive solution to the complexities of *adat* rights. The result is an ongoing tension between the need for modernization and development on the one hand, and the protection of indigenous and local communities' land rights on the other.

Investor confidence, while positively influenced by the streamlined procedures and regulatory reforms,¹²¹ remains tenuous due to unresolved issues surrounding overlapping land claims and weak enforcement mechanisms.¹²² Despite the legal reforms aimed at simplifying property transactions, Indonesia still faces challenges in land dispute resolution. In particular, overlapping claims, where different parties, including the state, private entities, and local communities, assert competing rights to the same land; continue to create uncertainty for potential investors.¹²³ This legal uncertainty, compounded by weak enforcement of property rights and land titles, has made it difficult for investors to commit to long-term development projects.¹²⁴ The slow pace of land dispute resolution and the lack of clarity around land ownership often lead to project delays, increased costs, and sometimes outright abandonment of initiatives.¹²⁵ Addressing these gaps will be critical to ensuring

¹¹⁸ Aprido, R., & Fatimah, F. (2023). The resolution of customary community land rights issues based on government regulation no. 18 of 2021 and its relevance to the constitution in Indonesia. *Jurnal EDUCATIO: Jurnal Pendidikan Indonesia*, 9(2), 893-902.; Notess, L., Veit, P., Monterroso, I., Sulle, E., Larson, A. M., Gindroz, A. S., ... & Williams, A. (2021). Community land formalization and company land acquisition procedures: A review of 33 procedures in 15 countries. *Land Use Policy*, 110, 104461.

¹¹⁹ Lähteenmäki-Uutela, A., Lonkila, A., Huttunen, S., & Grmelová, N. (2021). Legal rights of private property owners vs. sustainability transitions?. *Journal of Cleaner Production*, 323, 129179.

¹²⁰ McCarthy, J. F., Dhiaulhaq, A., Afiff, S., & Robinson, K. (2022). Land reform rationalities and their governance effects in Indonesia: Provoking land politics or addressing adverse formalisation?. *Geoforum*, 132, 92-102.

¹²¹ Pasaribu, G. T., Ayu, L. M., & Pamuntjak, A. (2022). Tax Reforms and Financial Performance of the Indonesian Directorate General of Taxes between 2017 and 2021: Literature Review. *Journal of Finance and Accounting*, 6(5), 11-21.

¹²² Myers, R., Fisher, M., Monterroso, I., Liswanti, N., Maryudi, A., Larson, A. M., ... & Herawati, T. (2022). Coordinating forest tenure reform: Objectives, resources and relations in Indonesia, Kenya, Nepal, Peru, and Uganda. *Forest Policy and Economics*, 139, 102718.

¹²³ McCarthy, J. F., Dhiaulhaq, A., Afiff, S., & Robinson, K. (2022). Land reform rationalities and their governance effects in Indonesia: Provoking land politics or addressing adverse formalisation?. *Geoforum*, 132, 92-102.; Li, T. M. (2021). Commons, co-ops, and corporations: assembling Indonesia's twenty-first century land reform. *The Journal of Peasant Studies*, 48(3), 613-639.

¹²⁴ Anguelov, D. (2021). *The Geopolitical-economy of Infrastructure Development and Financing: Contesting Developmental Futures in Indonesia*. University of California, Los Angeles.

¹²⁵ Mavroidis, P. C. (2022). *The WTO dispute settlement system: how, why and where?*. Edward Elgar Publishing.

that Indonesia can attract sustainable investment in key sectors such as infrastructure, agriculture, and real estate.

Under President Prabowo's administration, there is an opportunity to implement a more coordinated and streamlined approach to property law reform. One of the predicted policies is the establishment of a unified land registry system, which would consolidate data from local, regional, and national levels, allowing for more effective management of land ownership and usage.¹²⁶ Such a system could significantly reduce disputes and improve transparency in land transactions. Additionally, the administration may focus on enhancing coordination between local and national governments to ensure that reforms are consistently implemented across regions.¹²⁷ Local authorities would play a critical role in this process, but they would need additional training and resources to align with national standards.¹²⁸ The establishment of targeted incentives for resolving property disputes, particularly in strategic areas like infrastructure development, could also help address bottlenecks in land acquisition and reduce the time and costs associated with legal proceedings.¹²⁹

Moreover, there is a growing need to create specialized institutions or task forces focused on resolving property disputes, especially those involving *adat* land rights. By investing in legal infrastructure and providing incentives for stakeholders to settle disputes amicably, the government could reduce the number of protracted legal battles and create a more investor-friendly environment. This approach would align with President Prabowo's broader vision of economic transformation and regulatory efficiency, creating an environment conducive to long-term growth and development.¹³⁰ With careful policy implementation, these reforms could address the current gaps in property law, balance the interests of all stakeholders, and foster a more inclusive and equitable property rights system that benefits both local communities and investors alike.

In conclusion, this study provides a detailed analysis of the regulatory advancements and challenges in Indonesia's property law system, particularly under President Prabowo's administration. While the reforms introduced by the Omnibus Law have the potential to enhance legal certainty and investor confidence, significant gaps remain in their practical implementation.¹³¹ The fragmentation of regional enforcement, ongoing conflicts between *adat* and national legal frameworks, and unresolved issues regarding overlapping land claims continue to pose challenges.¹³² The study also highlights the importance of a coordinated approach between national and local governments to fully realize the potential of these legal reforms. The predicted policies, including

¹²⁶ Rodima-Taylor, D. (2021). Digitalizing land administration: The geographies and temporalities of infrastructural promise. *Geoforum*, 122, 140-151.

¹²⁷ Zeemering, E. S. (2021). Sustainability management, strategy and reform in local government. In *Sustainable Public Management* (pp. 141-158). Routledge.

¹²⁸ Aziza, O. R., Uzougbo, N. S., & Ugwu, M. C. (2023). Legal frameworks and the development of host communities in oil and gas regions: Balancing economic benefits and social equity. *World Journal of Advanced Research and Reviews*, 19(3), 1582-1594.

¹²⁹ Amponsah, O., Blija, D. K., Ayambire, R. A., Takyi, S. A., Mensah, H., & Braimah, I. (2022). Global urban sprawl containment strategies and their implications for rapidly urbanising cities in Ghana. *Land Use Policy*, 114, 105979.

¹³⁰ Gu, B., Chen, F., & Zhang, K. (2021). The policy effect of green finance in promoting industrial transformation and upgrading efficiency in China: analysis from the perspective of government regulation and public environmental demands. *Environmental Science and Pollution Research*, 28(34), 47474-47491.

¹³¹ Mahy, P. (2022). Indonesia's Omnibus Law on job creation: legal hierarchy and responses to judicial review in the labour cluster of amendments. *Asian Journal of Comparative Law*, 17(1), 51-75.

¹³² Nuhidayah, L., Davies, P. J., & Alam, S. (2020). Resolving Land-Use Conflicts over Indonesia's Customary Forests. *Contemporary Southeast Asia*, 42(3), 372-397.

the establishment of a unified land registry and targeted incentives for dispute resolution, could foster a more transparent and efficient property law system, benefiting both local communities and investors. However, these developments are still speculative and may evolve with political and economic shifts.

Despite these limitations, this research makes a valuable contribution to the understanding of Indonesia's evolving property law landscape. By combining doctrinal analysis with comparative insights from countries like Malaysia and Thailand, the study presents a comprehensive approach to reconciling regulatory reforms with practical challenges. The focus on both legal theory and real-world implementation sets this research apart from prior studies, offering actionable recommendations for improving property rights, legal certainty, and economic development. While the findings are based on secondary data and case studies, they provide important perspectives for policymakers, legal practitioners, and investors as they navigate the complex landscape of property law reform in Indonesia. Future empirical research will be necessary to validate these findings and assess the long-term impact of proposed policy changes on property disputes and governance.

4. Conclusion

The focus is on the harmonization of *adat* and national legal frameworks, particularly in resolving property disputes, which remains a significant challenge in Indonesia. The study underscores the need for more coordinated and integrated legal provisions across national and regional levels to ensure smoother land transactions and better dispute resolution mechanisms. Based on these findings, actionable recommendations are proposed to align regulatory reforms with practical implementation, emphasizing the creation of a unified land registry, enhanced coordination between local and national governments, and the establishment of targeted incentives for resolving property disputes. These steps are crucial for improving equity and encouraging investment in property development projects, ultimately supporting Indonesia's broader goals of inclusive and sustainable economic growth.

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