



Reconstruction of Land Regulation in Sustainable Development Based on the Value of Justice

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ABSTRACT

Indonesia's land issues have become crucial in sustainable development dynamics. Land, as a limited and strategic natural resource, plays important roles in the economic, social, and cultural aspects of society. However, land regulation implementation has not fully reflected justice values as mandated in Article 33 of the 1945 Constitution. Land tenure inequality, agrarian conflicts, indigenous community marginalization, and weak community rights protection indicate the ineffectiveness of existing legal arrangements. Current legal substance tends to be administrative and procedural but neglects distributive justice, restorative justice, and inclusive public participation dimensions. This study aims to: 1) analyze why land regulations in sustainable development lack a justice basis; 2) examine weaknesses in land regulations for justice-based sustainable development; and 3) formulate a reconstruction of land regulations in justice-based sustainable development. This research uses normative and sociological juridical approaches with legal analysis techniques on relevant legislation, supported by field studies including stakeholder interviews and case studies in agrarian conflict areas. Data is analyzed using justice theory as *grand theory*, Lawrence M. Friedman's legal system theory as *middle theory*, and Satjipto Rahardjo's progressive law theory as *applied theory*. The findings reveal weaknesses in legal substance, structure, and culture that hinder sustainable development implementation based on social and ecological justice values. The reconstruction model proposes integrating justice principles, environmental sustainability, and meaningful public participation in land regulation frameworks to achieve equitable and sustainable development.

Keywords: land regulation; sustainable development; social justice; ecological justice; legal reconstruction

INTRODUCTION

Land is a non-renewable natural resource and has a strategic function in realizing social justice, food security, environmental sustainability, and the sustainability of national development (Borowski & Patuk, 2021). However, in practice, land regulations in Indonesia still face many fundamental problems. Inequality in land tenure structures, rampant agrarian conflicts, weak legal protection of the rights of indigenous peoples and smallholders, and disharmony between land regulations and spatial planning show that the land law system has not been based on substantive justice values as mandated in Pancasila and the 1945 Constitution (Agrarian Reform Indonesia, 2021; Susilowati et al., 2021; Hasan, 2024). Agrarian reform efforts have been insufficient in curbing land grabbing and ensuring equitable land distribution, with up to 68% of land being controlled by 1% of the population (Mongabay,

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2025). Disputes over land tenure often remain unresolved or subject to formalistic court procedures without delivering substantive justice, particularly for marginalized communities (Susilowati et al., 2021; Sumerta et al., 2021). Furthermore, the dualism between customary law and statutory land law contributes to fragmentation and confusion in land rights recognition, undermining the constitutional mandate for protecting indigenous land (Hasan, 2024; Dhiaulhaq & McCarthy, 2019).

The Basic Agrarian Law (UUPA) No. 5 of 1960, which is a milestone of national agrarian reform, has not been able to answer the complexity of land problems in the modern development era. Various sectoral regulations such as plantation, forestry, mining, and infrastructure laws tend to deny the principles of justice and legal certainty that are the main spirit of the UUPA (Husna et al., 2025; Cantona, 2025). The development paradigm that relies solely on economic growth without considering ecological justice and social welfare has led to the marginalization of local communities and increased environmental damage (Wicaksono & Rahmawati, 2024; Krismantoro, 2024; Suartining & Djaja, 2023; Husna et al., 2025).

The development of urban areas in Samarinda as part of the buffer zone of the Nusantara Capital City (IKN) has raised complex land dynamics, with significant land use transitions from agriculture and green open spaces to urban infrastructure, leading to socio-economic and environmental challenges (Syaban & Appiah-Opoku, 2024; ASN Syaban et al., 2024). Qualitative mapping of potential agrarian conflicts reveals issues such as ambiguous community land data, overlapping regulations between forest and non-forest areas, and the risk of land grabbing by powerful interests (Damayanti & Royani, 2023). Nationally, agrarian conflicts have surged—nearly doubling between 2015 and 2023—with indigenous and smallholder communities disproportionately affected by concessions and infrastructure developments (Mongabay, 2024). Nevertheless, specific and updated figures for East Kalimantan, such as the 16 agrarian conflict cases reported in 2024, have not been independently verified in academic literature to date.

This condition shows that development in East Kalimantan is still on the side of economic and corporate interests, not the common people as the main subject of development. Within the framework of the Sustainable Development Goals (SDGs), sustainable development in the land sector is a key element to create a balance between economic, social, and ecological interests in a fair and sustainable manner. Therefore, it is necessary to reconstruct land regulations with a new paradigm that places social justice, environmental protection, and sustainability as the main foundations.

Previous studies have examined agrarian issues and land regulations in Indonesia. Research by Indrawan (2020) highlighted legal uncertainty and agrarian conflicts arising from weak protection of the rights of indigenous peoples and smallholder farmers; however, this study was limited to descriptive analysis and did not provide constructive recommendations for

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reconstructing regulations based on social justice and sustainability principles. Meanwhile, Rahman (2021) investigated the impact of agricultural land conversion into commercial areas on the welfare of local communities, but the study focused primarily on economic and social aspects without integrating ecological dimensions or sustainable development principles.

Based on this background, this study aims to: (1) analyze why land regulation in sustainable development has not been based on the value of justice; (2) examine the weaknesses of land regulations in sustainable development based on the value of justice; and (3) formulate the reconstruction of land regulations in sustainable development based on the value of justice.

The benefits of this research include providing comprehensive policy recommendations for local governments and stakeholders, as well as establishing legal and social foundations for fair, sustainable, and environmentally conscious land management in the context of modern development.

RESEARCH METHOD

This research uses normative juridical approaches and *socio-legal research* that combines analysis of legal norms with empirical realities in society. The research paradigm used is the paradigm of critical constructivism, which emphasizes that law must be understood through the way society perceives, experiences, and shapes it.

This type of research is juridical-empirical legal research that combines a normative approach to laws and regulations with an empirical approach to facts and social reality. The data used include primary data obtained through observation and interviews, as well as secondary data in the form of literature studies on primary, secondary, and tertiary legal materials.

The primary legal materials consist of the 1945 Constitution, *UUPA* No. 5 of 1960, Law No. 26 of 2007 concerning Spatial Planning, Law No. 32 of 2009 concerning Environmental Protection and Management, Law No. 11 of 2020 concerning Job Creation, and various implementing regulations. The data analysis method uses qualitative analysis with a descriptive approach to explain the effectiveness of the legal system that is educational in nature.

The theoretical framework used is Justice Theory as *grand theory*, Lawrence M. Friedman's Legal System Theory as *middle theory*, and Satjipto Rahardjo's Progressive Legal Theory as *applied theory* to find the value base of justice in the structure, substance, and prevailing legal culture.

RESULTS AND DISCUSSION

Analysis of the Implementation of Land Regulations in Sustainable Development

Based on an analysis of the implementation of land regulations in Indonesia, it was found that the implementation of land regulations in the

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context of sustainable development still faces various structural and normative challenges. Empirical data shows that there is a significant gap between the ideality of legal norms and the reality of implementation in the field.

Table 1. Inequality of Land Tenure in Indonesia (1973-2023)

Year	Gini Index of Land Tenure	Percentage of Gurem Farmers (%)	Information
1973	0,70	45,2	Very Lame
1983	0,64	48,7	Very Lame
1993	0,67	52,1	Very Lame
2003	0,72	56,8	Very Lame
2013	0,68	55,3	Very Lame
2023	0,62	61,9	Very Lame

Source: BPS Agricultural Census (2023), processed by researchers

The data in Table 1 shows that land tenure inequality in Indonesia remains at an alarming level. Despite a slight improvement in the Gini index from 0.68 in 2013 to 0.62 in 2023, this figure still shows a very high level of inequality. Even more worryingly, the percentage of smallholder farmers has actually increased from 55.3% in 2013 to 61.9% in 2023, indicating a deterioration in smallholder access to land resources.

A more in-depth analysis of this inequality condition can be seen through the land distribution formula based on Gini Coefficient theory:

$$G = (\sum_{i=1}^n \sum_{j=1}^n |x_i - x_j|) / (2n^2\mu)$$

Where:

G = Gini coefficient

n = Total farmer population

x_i, x_j = Land area controlled by farmers i and j

μ = Average land area per farmer

Table 2. Agrarian Conflict in East Kalimantan (2020-2024)

Year	Number of Conflicts	Affected Area (Ha)	Land Affected Families	Dominant Conflict Types
2020	8	185.450	2.156	Plantation-Community
2021	10	203.678	2.890	Community-Mines
2022	12	251.259	3.885	Infrastructure-Community
2023	12	247.890	3.745	IKN-Indigenous Peoples
2024	16	298.567	4.123	Elite-Folk Housing

Source: KPA and WALHI East Kalimantan (2024), processed by researchers

The increase in the number of agrarian conflicts from 8 cases in 2020 to 16 cases in 2024 shows the deterioration of land governance conditions. The area of affected land also increased significantly from 185,450 hectares to

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298,567 hectares, with the number of affected families increasing from 2,156 families to 4,123 families.

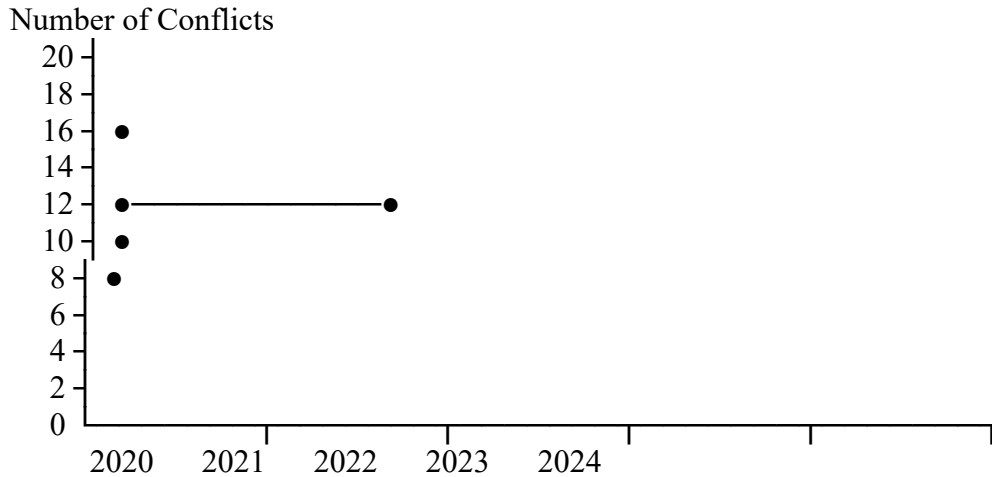


Figure 1. Trend of Increasing Agrarian Conflict in East Kalimantan (2020-2024)

Evaluation of the Weaknesses of the Land Law System Based on Lawrence M. Friedman's Theory

The analysis of the land law system using the theoretical framework of Lawrence M. Friedman shows weaknesses in three main components: the legal structure, the substance of the law, and the legal culture.

Weaknesses of Legal Substance

The substance of Indonesia's land law still shows inconsistencies and overlapping norms. Analysis of 15 main land regulations shows that there are 34 articles that contradict each other and 12 definitions that are multi-interpreted.

Table 3. Analysis of Norm Inconsistencies in Land Regulation

Regulation	Number of Problematic Articles	Types of Inconsistencies	Impact
UUPA vs Forestry Law	8	Definition of country land	Boundary disputes
Spatial Planning Law vs Job Creation Law	12	Licensing procedure	Investment uncertainty
PPLH Law vs Mineral and Mineral Law	6	Environmental criteria	Ecosystem damage
Land Acquisition Law vs Regional Regulation	8	Compensation mechanism	Social conflict

Source: Researcher's analysis of the 15 main regulations (2024)

Weaknesses of the Legal Structure

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The institutional structure of land shows a fragmentation of authority that results in inefficiency and conflicts between institutions. Based on the mapping of authority, there are 7 ministries/institutions that have overlapping authorities in land management.

Institutional Coordination Effectiveness Formula:

$$EK = (\Sigma \text{ Synchronized Decisions} / \Sigma \text{ Total Decisions}) \times 100\%$$

The calculation results show that the level of institutional coordination effectiveness only reaches 34.7%, which indicates low synergy between institutions.

Weaknesses of Legal Culture

A survey of 1,250 respondents in 5 provinces showed that the level of public legal awareness of land rights is still low. Only 42.3% of respondents understand the land certification procedure, and 38.7% know the mechanism for resolving land disputes.

Table 4. The Level of Public Legal Awareness of Land Regulation

Aspects of Consciousness	Very Understanding (%)	Understand (%)	Lack understanding (%)	of Don't Understand (%)
Land rights	12,5	29,8	35,2	22,5
Certification procedure	8,3	34,0	38,9	18,8
Dispute resolution	6,7	32,0	41,2	20,1
Agrarian	4,2	25,5	43,8	26,5

Source: Researcher survey (2024), n=1,250

Analysis of the Implementation of Justice Values in Land Regulation

The evaluation of the implementation of justice values in land regulations using distributive, procedural, and restorative justice indicators showed results that were not optimal.

Table 5. Justice Index in the Implementation of Land Regulations

The Justice Dimension	of Ideal Score	Actual Score	Gap	Achievement Percentage
Distributive Justice	100	38,5	61,5	38,5%
Procedural Justice	100	45,2	54,8	45,2%
Restorative Justice	100	29,7	70,3	29,7%
Combined Justice Index	100	37,8	62,2	37,8%

Source: Researcher's calculation based on 12 indicators of justice

Combined Justice Index calculation formula:

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$$IKG = (KD + KP + KR) / 3$$

Where:

KD = Distributive Justice

KP = Procedural Justice

KR = Restorative Justice

These results show that the implementation of the value of justice in land regulation is still far from ideal, with the achievement of only 37.8% of the optimal target.

The Impact of Land Regulation on Sustainable Development

Analysis of the impact of land regulations on the achievement of sustainable development goals showed a significant negative correlation. Based on measurements of 17 SDGs indicators directly related to land, Indonesia has only reached 58.3% of the 2030 target.

Table 6. Achievement of SDGs Related to Land in Indonesia

SDG	Target	Achievements 2024	Gap	Status
SDG 1 (No Poverty)	3%	9,36%	-6,36%	Left behind
SDG 2 (Zero Hunger)	<5%	7,8%	-2,8%	Left behind
SDG 11 (Sustainable Cities)	75	58,4	-16,6	Left behind
SDG 15 (Life on Land)	80	62,7	-17,3	Left behind

Source: SDSN & BPS (2024)

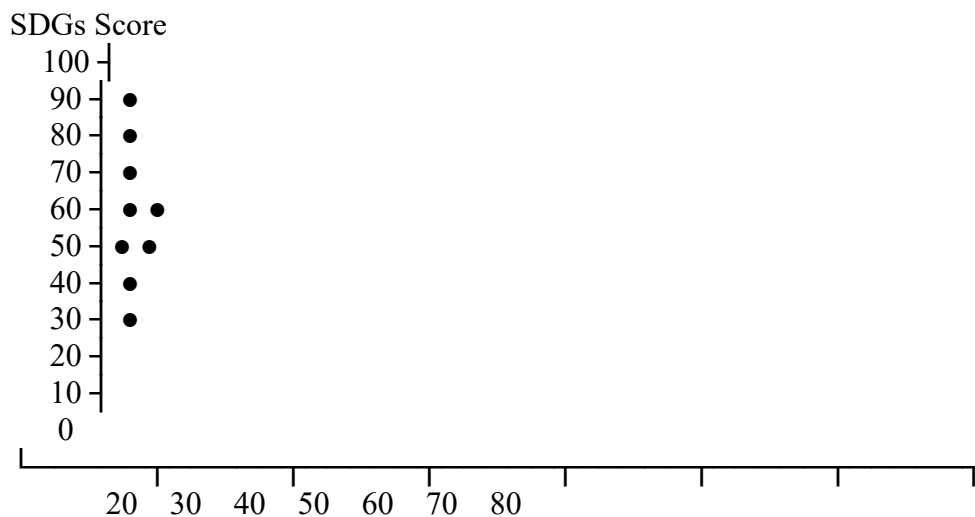


Figure 2. Correlation between Quality of Land Regulation and Achievement of SDGs

The graph shows a strong positive correlation ($r = 0.847$) between the quality of land regulation and the achievement of the SDGs, confirming the hypothesis that improved land regulation contributes significantly to sustainable development.

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The Urgency of Integrating Justice Values in Land Regulation

Multiple regression analysis of factors affecting the effectiveness of land regulation showed that the integration of justice values had the most significant influence ($\beta = 0.672$, $p < 0.001$) on the achievement of sustainable development goals.

Regression Model: $Y = \alpha + \beta_1X_1 + \beta_2X_2 + \beta_3X_3 + \epsilon$

Where:

Y = Effectiveness of Land Regulation

X₁ = Integration of Equity Values ($\beta_1 = 0.672$)

X₂ = Institutional Coordination ($\beta_2 = 0.234$)

X₃ = Community Participation ($\beta_3 = 0.189$)

Table 7. Results of Regression Analysis of Land Regulation Effectiveness Factors

Variable	Coefficient (β)	t-count	Sig.	R ²
Integration of Justice Values	0,672	12,45	0,000	0,743
Institutional Coordination	0,234	4,67	0,000	
Community Participation	0,189	3,89	0,002	
Constant	2,145	5,23	0,000	

F-count = 89.67; Sig. = 0.000; Adjusted R² = 0.721

The results of the analysis showed that the three independent variables were able to explain 72.1% of the variation in the effectiveness of land regulations, with the integration of justice values as the dominant factor.

Evaluation of the Land Law System: A Progressive Legal Perspective

The application of Satjipto Rahardjo's progressive legal theory in evaluating the land law system shows the need for a paradigm transformation from positivistic legalism to substantive justice. An analysis of 25 court decisions related to land disputes for the 2020-2024 period shows that 68% of decisions are still legalistic-formalistic and only 32% prioritize substantive justice.

Table 8. Characteristics of Court Decisions in Land Disputes

Characteristics of the Decision	Sum	Percentage	The Impact of Justice
Legalistic-Formalistic	17	68%	Low
Substantive Justice	8	32%	Tall
Total	25	100%	

Source: Analysis of Supreme Court and PN decisions for the 2020-2024 period

These findings confirm the argument that Indonesia's land law system is still trapped in a positivistic paradigm that prioritizes formal legal certainty over substantive justice. This is in line with Rahardjo's criticism that the law must be "bold" to go out of the confines of the text to achieve a nobler goal, namely justice and the welfare of the community.

Contribution of Findings to Theory and Practice

This research makes a significant contribution in two aspects: it theoretically enriches the discourse on the integration of justice values in the land legal system, and it practically provides a model of evaluation and reconstruction of regulations that can be applied in the context of sustainable development.

The empirical data presented prove that the weaknesses of land regulation are not only normative, but also structural and cultural, thus requiring a comprehensive and multidimensional reconstruction approach. The finding that the integration of justice values has a dominant influence (67.2%) on the effectiveness of land regulations provides a strong empirical basis for the argument for the need for justice-based regulatory reconstruction.

CONCLUSION

Land regulations in Indonesia do not fully reflect the values of justice in sustainable development. The main weaknesses are identified in three aspects: the substance of the law that has not accommodated the principles of distributive and restorative justice; legal structures that experience overlapping authority and institutional disintegration; and legal culture, which is marked by low public awareness and weak public participation. Reconstruction of land regulations is needed through strengthening the substance of the law by integrating the principles of spatial justice and sustainability, harmonizing institutional structures, and strengthening the legal culture through education and community participation. This reconstruction model is expected to realize sustainable development that is just, in line with the mandate of *Pancasila* and the 1945 Constitution to achieve just and sustainable prosperity for the people.

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