



COMPARATIVE STUDY OF THE NATIONAL AGRARIAN LEGAL SYSTEM WITH COUNTRIES IN ASEAN (STUDY OF LAW NUMBER 5 OF 1960 AND GOVERNMENT REGULATION NUMBER 18 OF 2021)

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Abstract

The agrarian law system plays an important role in the development and management of a country's land resources. In Indonesia, this system is regulated by Law Number 5 of 1960 (UUPA) and Government Regulation Number 18 of 2021, which aims to create social justice and sustainable land management. However, the implementation of the agrarian law system in Indonesia still faces various challenges and legal uncertainties. This research aims to compare the national agrarian law system with ASEAN countries to identify weaknesses and take best practices to strengthen Indonesia's agrarian system. This research uses a normative legal method with a comparative approach, relying on primary and secondary data analyzed descriptively qualitatively. The results show that ASEAN countries, such as the Philippines, Malaysia and Singapore, have different approaches to land management. The Philippines applies the Regalian Doctrine, Malaysia delegates land management to the states, while Singapore optimizes urban planning through state ownership of the majority of land. The strengths of Indonesia's agrarian law system lie in the application of social justice principles and the recognition of indigenous peoples' rights, but Indonesia still faces challenges such as legal dualism between customary and state law, bureaucratic red tape, corrupt practices, and lack of transparency. Thus, while Indonesia has the potential to create a just and sustainable agrarian system, lessons learned from ASEAN countries can help improve existing weaknesses and strengthen national agrarian governance.

Keywords: Comparative study, agrarian law, Indonesia, ASEAN countries

Introduction

Agrarian is a very important sector for the sustainability of a country. The term agrarian is often associated with farmers, rice fields, or agriculture. The word has its roots in Dutch, namely "acre," meaning farmland, while in Greek it is known as "agros." In the Great Dictionary of the Indonesian Language, agrarian is defined as matters related to land use and ownership (Krisnantoro, 2017). People who have land suitable for farming are often referred to as agrarian trees.

Land, as the main source of agrarian culture, has a crucial role as a source of production. Land ownership and management are very important because many parties depend on it for various interests (Swhien & Djajaputra, 2022). Theologically, land is

considered a gift from God Almighty for mankind. Soil is not only a basic human need from a place to live to a source of life, but it also has a deeper dimension cosmologically. Land is a place to live, work, and a source of life, and is closely related to human origins and human ultimate goals.

Based on the history of human civilization, soil has played a major role in determining production patterns in every phase of civilization. Land is not only of high economic value but also has deep philosophical, political, social, and cultural values (Ramadani, 2022). This makes land a special asset and often triggers various complicated social problems. Land-related conflicts are inseparable from their strategic role in various dimensions of human life, both individually and collectively. Therefore, fair and wise land management is essential for maintaining social harmony, economic sustainability, and ecological balance.

Agrarian law has a very important role in a country like Indonesia, considering how crucial the relationship between land and various problems exists in this country. As an agrarian country, Indonesia has many challenges related to territorial management and land ownership. Therefore, the regulation of agrarian law is vital to create a fair and balanced order in the use and management of these natural resources. This is further strengthened by the fact that Indonesia's layout as an agrarian country requires proper arrangements so that all parties can obtain their rights to land in a clear and structured manner (Krismantoro, 2022).

Over time, agrarian law has undergone various updates and revisions that reflect the development of community needs and socio-economic dynamics. The history of agrarian law shows that there has been a long evolution, with each period bringing important changes in the way lands and territories are managed and maintained. In this case, agrarian law not only functions as a regulator of land use, but also as a forerunner of a legal system that develops to create a harmonious life between humans and their land (Justisia, 2018). As part of the evolving evolution of law, agrarian law reflects human awareness of the importance of rules that can govern human relations with land, with the aim of achieving common prosperity and maintaining the sustainability of these natural resources (Nugroho, 2018).

The agrarian legal system in Indonesia is regulated through Law Number 5 of 1960 concerning Basic Agrarian Principles Regulation (UUPA), which serves as the main legal basis for the management and regulation of land ownership in Indonesia. The birth of this UUPA is a manifestation of agrarian reform in Indonesia, which aims to overhaul and re-establish the land use planning system (Ramisan, 2023). This agrarian reform aims to create a balance in land distribution and provide legal certainty for all parties involved.

The UUPA also regulates the right of the state to control land, which is explained in Article 2 of the UUPA. This article refers to the provisions of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which provides a legal basis for the state to control and regulate the earth, water, and space. This aspect includes the authority of the state to regulate the allocation and use of land, as well as to ensure the maintenance of these natural resources. The state is also given the authority to determine

the legal relationship between individuals and the earth, water, and space, as well as regulate all legal acts involving these natural resources.

Then in addition to the UUPA, Indonesia also regulates the issue of management rights and land rights through Government Regulation Number 18 of 2021. This regulation was issued based on the mandate of Law Number 11 of 2020 concerning Job Creation (UUCK), which aims to simplify regulations and licensing to create a more conducive investment climate. This Government Regulation provides convenience in several policy aspects related to management rights, land rights, flats, and land registration. Nevertheless, the government maintains strict supervision and evaluation of the implementation of this policy.

In PP 18/2021, there are further provisions regarding the strengthening of management rights, the arrangement of flats, and land rights in the upper land and basement spaces, which are discussed in the related articles. This regulation also includes the use of electronic documents to improve administrative efficiency in land management (Effendi & Setiawan, 2023). In management rights, the state is expected to play a more active role in regulating land use to overcome the problem of land and space limitations. Not only that, the state is also expected to be able to manage land ownership and ensure that land is used in accordance with its function in order to provide optimal benefits for the state and society. This reflects the government's efforts to maintain the usefulness of the land in a sustainable manner in accordance with the principles of wise natural resource management.

However, although Indonesia's agrarian legal system has a strong foundation, its application in the field still faces various challenges. Issues of legal certainty, social justice, and support for sustainable national development continue to be important issues. Agrarian disputes are one of the problems that often occur, especially in agrarian countries such as Indonesia, where most people depend on land as a source of livelihood. Various cases of land disputes, especially those involving agricultural land, often arise in the community, reflecting the tensions that still exist in land management (Ramisan, 2023).

The reform of agrarian law in Indonesia, although it has been carried out in recent decades, is considered inadequate. According to Noer Fauzi in a study cited by (Ramadani, 2022), the update has not touched all aspects of agrarian comprehensiveness, especially related to land registration and the settlement of community claims for land lost due to human rights violations. So that it shows that there are shortcomings in the structuring and management of a more inclusive and fair agrarian legal system.

In addition, (Abdurahman & Mubarak, 2024) stated that Indonesia's agrarian law policy in recent decades has been more accommodating to the interests of large corporations and foreign investors. In an effort to attract investment and encourage economic growth, the Indonesian government often issues policies that facilitate the use of land for the benefit of industry, plantations, and infrastructure development. These policies, while designed to accelerate economic growth, often ignore the interests of local communities that depend on the land for their survival. As a result, agrarian conflicts are

increasing, with local communities losing access and rights to their land due to land conversion driven by economic interests, exacerbating social injustices in land management.

The importance of comparing legal systems with other countries is very relevant in efforts to improve and strengthen the agrarian legal system in Indonesia. This comparison helps to identify the weaknesses that exist in the domestic agrarian legal system while taking advantage of other countries that are more advanced in terms of agrarian management. Comparative legal systems are a discipline that studies the similarities and differences of various legal systems in various countries. Through this comparison, legal institutions in each country, both in the field of civil and public law, can be analyzed to see how they function and interact with each other in different contexts (Lukito, 2022).

In the Southeast Asian region, ASEAN member countries have very diverse agrarian law systems, reflecting diversity in approaches to land rights, natural resource management, and the granting of land rights to individuals and community groups. This fundamental difference is a key factor in the comparison of agrarian legal systems between ASEAN countries. For example, countries such as Malaysia, Thailand, the Philippines, and Vietnam, each have regulations tailored to their local social, economic, and cultural conditions. These countries develop agrarian legal systems that take into account the needs of the state in managing natural resources and land fairly, while taking into account the interests of various parties involved in their utilization. In this sense, a comparison of agrarian legal systems between ASEAN countries is important to understand the diversity in agrarian policies and to find the right solution for Indonesia in facing the existing agrarian law challenges.

Several previous studies have conducted comparative studies on the agrarian legal system in Indonesia with other countries, with the aim of identifying similarities and differences in their approach to agrarian issues. Research conducted by Prithresia (2023) examines the comparison of the principles of nationality in agrarian law between Indonesia and several countries, including Singapore, the Philippines, and Saudi Arabia. The findings of this study show that the principle of nationality in Indonesian agrarian law emphasizes the restriction of land ownership by foreigners and prioritizes Indonesian citizens. In contrast, other countries may have a different approach; Some countries have adopted a more liberal system, while others have implemented stricter regulations regarding land ownership by foreign nationals.

In addition, (Ginting, 2022) in his research compared the agrarian reform law that is ideal to be implemented in Indonesia with the agrarian reform system in Japan. This study reveals the similarities and differences between the two agrarian reform models. One of the striking differences is the compensation mechanism for land that exceeds the limit set in Japan, which is given in the form of bonds, as well as excess land owned by absentee parties that are the object of agrarian reform. Japan's agrarian reform model also emphasizes the independence of the agrarian reform team and the role of the government in buying all the excess land, with a budget provided as needed. Some of these advantages

can be considered for Indonesia in improving agrarian reform to be more effective and fair.

Another study conducted by (Tanjaya & Manurung, 2022) compared land registration laws in Indonesia and Malaysia. The study concludes that the legal force of land registration in Malaysia is stronger than in Indonesia, where land registration in Indonesia still provides leeway that allows certain parties to re-sue the status of land that has been registered. The latest research by (Mukni & Saleh, 2024) compares the land registration legal system between Indonesia and Malaysia. The results of this study reveal that Indonesia, which adheres to the civil law legal system, uses the Negative Publication system which contains Positive elements in land registration, while Malaysia, which adheres to the Common Law legal system, especially in peninsular Malaysia, uses the Torrens system.

Based on the research, it can be concluded that the comparison of the legal system, including Indonesia's agrarian legal system with other countries, is very important. This research offers novelty by focusing on the comparison of Indonesia's national agrarian legal system with ASEAN countries, especially those related to Law Number 5 of 1960 and Government Regulation Number 18 of 2021. The main objective of this study is to identify best practices in land management and tenure in ASEAN countries, which can then be used to provide recommendations for improvement for Indonesia's agrarian legal system. This study also aims to evaluate the advantages and disadvantages of Indonesia's agrarian legal system in facing the challenges of regional integration and competition in ASEAN, as well as provide relevant policy proposals.

The results of this study are expected to provide input for the improvement of national agrarian law policies by adopting best practices from ASEAN countries that have more effective or relevant agrarian law systems. This research can also contribute to the development of more efficient and equitable agrarian policies, as well as be a reference for ASEAN countries in facing similar challenges in natural resource management and land tenure. In addition, the results of this study will be an important reference for academics, legal practitioners, and policymakers to understand the variation of the agrarian legal system in the ASEAN region

The objectives of this study are as follows: 1. Conduct a comparative analysis between Indonesia's national agrarian law system and the agrarian law system in other ASEAN countries, focusing on Law Number 5 of 1960 and Government Regulation Number 18 of 2021. 2. Identify best practices in land management and tenure in ASEAN countries to provide recommendations for improvement for Indonesia's agrarian legal system. 3. To evaluate the advantages and disadvantages of Indonesia's agrarian legal system in facing the challenges of regional integration and competition in ASEAN, as well as provide relevant policy proposals.

Research Methods

This study uses a normative legal research method with a comparative approach. Normative legal research is a method that aims to analyze applicable laws and regulations

in order to solve the legal problems faced. In this approach, legal materials that include primary and secondary sources are needed as the basis for analysis (Budiono et al., 2015). Based on this approach, the study will focus on analyzing the agrarian law system in Indonesia based on Law Number 5 of 1960 and Government Regulation Number 18 of 2021, and comparing it with the agrarian law system in ASEAN countries.

The comparative approach in this study is carried out by comparing the principles, structure, and implementation of agrarian law in Indonesia with other ASEAN countries. This step aims to identify similarities and differences, as well as uncover the strengths and weaknesses of each legal system. Through this analysis, this study seeks to provide recommendations that can support the development of the agrarian legal system in Indonesia. The data used consisted of primary data and secondary data. Primary data includes relevant laws and regulations, both in Indonesia and in other ASEAN countries. Meanwhile, secondary data includes legal literature, academic journals, previous research results, and other relevant official documents.

After the data were collected, the analysis was carried out in a qualitative descriptive manner. A qualitative descriptive approach is used to describe, describe, and explain the problems that are the focus of the research in detail (Zellatifanny & Mudjiyanto, 2018). This analysis aims to understand the concepts and principles of agrarian law from each country, which are then systematically compared to find certain patterns or trends that can be input for the agrarian law system in Indonesia. The research process involves several stages, namely filtering relevant data, presenting data in a structured form, and drawing conclusions based on the analysis that has been carried out. Through this stage, it is hoped that research can make a significant contribution to the development of agrarian law in Indonesia.

Results and Discussion

Comparison of Agrarian Legal Systems: A Study of Law Number 5 of 1960 and Government Regulation Number 18 of 2021 with ASEAN Countries

The agrarian legal system in Indonesia is regulated by Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA). This law is the main foundation in the management of land and other agrarian resources. The UUPA emphasizes the principle of land ownership by the state to be used as much as possible for the prosperity of the people. Land is not only seen as an economic resource, but also has social and environmental value, so its management must be carried out fairly and oriented to the interests of the people (Rafie & Happier, 2024).

One of the hallmarks of the UUPA is its recognition of the customary rights of indigenous peoples, although its implementation often faces challenges. The UUPA also introduces a land registration system to provide legal certainty to landowners. However, in practice, this system has not been fully effective, because there are still many lands that have not been registered or have unclear legal status, which often triggers agrarian disputes (Rudy & Rudi, 2021).

The latest developments in agrarian law can be seen through Government Regulation Number 18 of 2021, which is a derivative of the Job Creation Law. This regulation aims to simplify agrarian regulations, including the licensing process, land registration, and asset legalization. This step is expected to improve administrative efficiency and encourage investment (Rambi, 2024). However, this simplification also raises concerns, especially regarding the potential for neglect of the rights of indigenous peoples and vulnerable groups, as well as the risk of land exploitation for economic purposes alone.

A major challenge in the agrarian legal system in Indonesia is to create a balance between economic interests and the protection of social and environmental rights. Agrarian conflicts are still a frequent problem, especially due to inequality in land tenure, lack of recognition of indigenous peoples' rights, and weak law enforcement (Evita, 2024). On the other hand, the government continues to strive to accelerate the land certification process through programs such as the Complete Systematic Land Registration (PTSL), which aims to provide legal certainty to all levels of society (Heryani & Hartawan, 2025).

Thus, the agrarian legal system in Indonesia continues to be at the intersection between regulatory modernization and the principle of social justice. Efforts to improve agrarian law must consider the values contained in the UUPA, namely people's welfare, social justice, and environmental sustainability. Land, as a strategic resource, must be managed wisely to ensure that its benefits are felt by all Indonesians, while protecting the sustainability of the ecosystem and the rights of indigenous peoples.

Transformation of Indonesian Agrarian Law

The transformation of agrarian law in Indonesia has undergone significant changes along with the history of this country, starting from the colonial era to the post-independence era. During the Dutch colonial period, agrarian law in Indonesia was based on the colonial agrarian legal system, which placed most of the land under the control of the colonial government. This agrarian law focuses on the use of land for the benefit of the colonial economy and does not prioritize the welfare of the Indonesian people. Land is considered a resource that can be controlled by colonial countries or Dutch companies, while Indonesians often lose access to their land (Umar, 2013).

After Indonesia's independence in 1945, there was a paradigm shift in agrarian law that prioritized the interests of the people. This is reflected in Article 33 paragraph (3) of the 1945 Constitution which states that the earth, water, and natural resources are controlled by the state and used for the greatest possible prosperity of the people (Prasodjo, 2022). The application of this principle was continued with the enactment of the Basic Agrarian Law (UUPA) No. 5 of 1960. The UUPA became the main legal basis for land management and regulation in Indonesia, by giving the state the authority to regulate the use of land to benefit the community, and eliminate feudal land practices that still existed at that time (Pangathousands et al., 2023).

One of the important transformations in Indonesia's agrarian law is the land redistribution policy which began with the Agrarian Reform program. The main goal of

this policy is to reduce inequality in land ownership and provide land rights to the poor, especially farmers (Haris et al., 2024). Although the agrarian reform program has been carried out since the UUPA was enacted, its implementation is often constrained by various factors, such as agrarian conflicts, policy inconsistencies, and political forces that support land ownership by certain groups. This makes land redistribution not fully effective in reducing social inequality (Jumali, 2024).

In the following decades, Indonesia faced new challenges in the transformation of agrarian law related to rapid urbanization and the need for infrastructure development. The shift in land use from the agricultural sector to the non-agricultural sector, such as housing development and industrial estates, has led to the emergence of land use conflicts between the interests of the community and entrepreneurs (Marsaoly et al., 2024). For this reason, the government has begun to introduce new policies that are more accommodating to infrastructure development, such as through the Land Acquisition Act which provides a legal basis for land acquisition in the public interest, although this often causes conflicts with people who feel disadvantaged (Pravidjayanto et al., 2023).

The transformation of Indonesia's agrarian law is also increasingly relevant to environmental and sustainability issues. Good and sustainable soil management is becoming increasingly important as awareness of climate change and land degradation increases. The Indonesian government has begun to introduce more environmentally friendly policies in land management, including forest conservation and protection policies, as well as integrated land use regulations to maintain the sustainability of natural resources. However, the challenges in implementing this policy are still great, considering the conflict between economic needs, population growth, and environmental sustainability. Thus, the transformation of Indonesia's agrarian law in the future is expected to be able to better accommodate the interests of various parties, prioritize social justice, and preserve the environment for future generations.

The Principle of State Sovereignty over Land: A Comparative Study between Indonesia and ASEAN Countries

In Indonesia, the principle of state control over land is an important legal basis regulated in Article 33 paragraph (3) of the 1945 Constitution. The concept of state control over land is further elaborated in the Basic Agrarian Law (UUPA) No. 5 of 1960. The UUPA stipulates that the state has the right to regulate, manage, and supervise the use of land in order to meet the needs of the community in a fair and sustainable manner (Ramisan, 2023). In this case, the state acts as a responsible manager to ensure that the land is utilized in a way that prioritizes not only economic interests, but also social and environmental aspects. This includes the granting of land rights, land redistribution, and control of land allocation and utilization (Pinontoan et al., 2024).

In practice, state control of land often faces challenges, including agrarian conflicts, inequality of land tenure, and uncontrolled exploitation. Therefore, policies and regulations made by the government must ensure that the principles of social justice and sustainability are a priority. Through a participatory and transparent approach, the state can ensure that land management truly provides equitable benefits to all levels of society,

in line with the goal of people's prosperity as mandated by the constitution (Widyaningrum & Hamidi, 2024).

ASEAN countries have diverse approaches to land tenure, depending on their legal systems and colonial history. The following are policies regarding agrarian law in several countries in ASEAN.

1. Philippines

In the Philippines, land tenure is governed by the principle of the "Regalian Doctrine," which dates back to the Spanish colonial era. This doctrine stipulates that all public land is under state sovereignty, so only land that has been granted rights by the state can be privately owned (Perkinson, 2024). This policy allows the government to control land use and ensure that land resources are used for the national interest. However, the application of this doctrine is also often a source of conflict, especially related to the customary rights of indigenous peoples who claim ownership of their traditional territories (Mulyoto et al., 2024).

To address this challenge, the Philippines has legislation such as the Indigenous Peoples' Rights Act (IPRA) that provides protection to indigenous rights to land (Ampater et al., 2024). In addition, the government has implemented a land redistribution program through the Comprehensive Agrarian Reform Program (CARP) to reduce inequality in land tenure. However, the implementation of this policy often faces obstacles, such as slow bureaucracy and pressure from large landowners, so that the goal of land justice redistribution has not been fully achieved (Dy, 2021).

2. Malaysia

In Malaysia, land tenure is governed by the Federal Constitution, where land is the authority of the state, not the federal government. This creates significant variation in land policy and management in each state. Each state has the exclusive right to regulate the granting of land rights, land use, and land-related taxes. This system allows for flexibility in land management according to local needs, but it can also lead to inconsistencies in policies across the country (Choon et al., 2023).

Malaysia also has a strong focus on land management for economic development. Policies such as the Land Acquisition Act allow the government to expropriate land for infrastructure and development projects (Salleh et al., 2024). However, as in the Philippines, conflicts related to land tenure also occur, especially with indigenous peoples who often lose their traditional land due to plantation expansion and infrastructure development. The government has tried to address this issue through the recognition of customary land rights, although its implementation still faces many challenges.

3. Singapore

Singapore has a unique approach to land tenure, where about 90% of the total land is owned by the state. This policy allows the government to effectively manage land in accordance with the needs of national development. Government bodies such as the Housing and Development Board (HDB) play a key role in managing land for public housing, which is a key pillar of Singapore's housing policy. With centralized land

ownership, the government is able to efficiently plan and regulate urban spatial planning to meet the needs of economic and social growth (Wang, 2023).

However, this approach also poses challenges, especially related to high land prices and limited space availability. To address these issues, Singapore continues to innovate through vertical space use, land reclamation, and strict land use policies (Zhang et al., 2020). State ownership of land provides great flexibility in planning, but it also requires careful management to ensure sustainability in the use of limited land resources (Diehl et al., 2020).

State control of land in the ASEAN region, including Indonesia, faces increasingly complex global challenges such as rapid urbanization, climate change, and the demands of sustainable development. Urbanization has increased the need for land for housing, infrastructure, and industrial estates, while climate change poses risks such as land degradation, flooding, and biodiversity loss. Land management policies need to respond to these dynamics with an approach that not only supports economic development, but also protects the environment and community welfare (Shi et al., 2020).

For this reason, land tenure policies are expected to be more inclusive by integrating the rights of indigenous peoples, environmental protection, and community participation in the land management process. Recognition of indigenous rights, such as the one done in the Philippines through the Indigenous Peoples' Rights Act (IPRA), is an important example of steps to reduce agrarian conflicts. In addition, countries in ASEAN can adopt best practices such as integrated urban planning in Singapore, which prioritizes efficient and sustainable land use. Community participation is also key to ensuring that land policies are not only top-down but also reflect local needs and aspirations.

Advantages and Disadvantages of Indonesia's National Agrarian Law System in the ASEAN Regional Context

Indonesia's agrarian legal system interacts with regional policies such as the ASEAN Economic Community (AEC) which focuses on harmonizing regulations to facilitate cross-border trade and investment. It also involves cooperation between countries in terms of natural resource management that crosses national borders, as well as efforts to address issues such as climate change, food security, and environmental sustainability within the ASEAN framework (Darajati, 2020). Some of the advantages of Indonesia's national agrarian law system are as follows.

1. Integration of Social Justice Principles

Indonesia's agrarian legal system has advantages in reflecting the principles of social justice contained in UUPA No. 5 of 1960. Article 33 paragraph (3) of the 1945 Constitution affirms that the earth, water, and natural resources are controlled by the state for the prosperity of the people (Putri & Yulia, 2024). This provides a solid foundation for agrarian policies that aim to reduce social inequalities in land ownership. Indonesia prioritizes the welfare of the community in land use and distribution policies, which is different from several other ASEAN countries that are more concerned with land market liberalization.

This principle is reflected in the land redistribution policy which aims to provide fairer access to the community, especially small farmers and communities affected by land distribution inequality. In the ASEAN regional context, Indonesia's agrarian legal system focuses more on the fair distribution of land, which is an advantage in achieving people's welfare (Kadriah, 2024). Other countries such as Malaysia tend to prioritize economic stability through policies that focus more on efficient and controlled land management, so the principles of social justice are not as strong as in Indonesia.

2. Recognition of Indigenous Peoples' Rights

One of the main advantages of Indonesia's agrarian legal system is the recognition of indigenous peoples' rights to their customary lands. The Basic Agrarian Law provides space for indigenous peoples to have rights to their land that has been managed for generations (Ramadhani et al., 2024). This is an added value because Indonesia appreciates cultural diversity and local wisdom in natural resource management, which is not always accommodated in other ASEAN countries that focus more on individual or corporate ownership.

In practice, the recognition of indigenous peoples' rights is also a solution to prevent land grabbing that often occurs in many developing countries (Hilmy, 2020). Countries such as Singapore or Malaysia that are more oriented towards organised and formal land ownership often ignore the rights of indigenous peoples. Therefore, Indonesia's agrarian legal system offers an alternative in maintaining a balance between the development and preservation of traditional rights rooted in local culture.

3. Potential for Holistic Management

Indonesia's agrarian legal system provides potential for holistic management of natural resources, as the state plays a leading role in regulating and supervising the use of land, water, and other natural resources. In this case, Indonesia has the opportunity to integrate agrarian policies with the agriculture, forestry, and environment sectors as a whole (Maulana et al., 2024). This is different from some ASEAN countries that have separate arrangements between sectors, which sometimes leads to policies that are not synergistic. This policy allows Indonesia to plan for sustainable development and maintain ecological balance, as well as address problems arising from overexploitation.

In addition to the advantages, there are also weaknesses of Indonesia's national agrarian legal system which can be explained as follows.

1. Legal Dualism

One of the weaknesses of Indonesia's agrarian legal system is the legal dualism between customary law and national law. Although the UUPA has recognized the rights of indigenous peoples, the application of customary law is often at odds with state law, leading to ambiguity in land ownership status (Palenewen, 2022). In some areas, indigenous peoples feel their rights are neglected because of the overlap between customary land and state land, which often leads to agrarian conflicts.

This legal dualism also slows down the process of resolving land disputes and exacerbates legal uncertainty. This is a big challenge, especially in areas that have

strong customary rights, but are not supported by clear rules at the national level (Indrawati, 2024).

2. Weak Implementation

Although Indonesia's agrarian legal system already has a strong foundation, policy implementation is often hampered by various obstacles, such as complicated bureaucracy, corruption, and a lack of transparency in land management (Faradhiba & Subekti, 2023). This creates uncertainty for the public and investors, and complicates the state's efforts to ensure legal and equitable land ownership. This slow and bureaucratic administrative process is a major obstacle in efforts to resolve land disputes (Yasmin et al., 2024).

Countries such as Singapore and Malaysia, which have more efficient and transparent land management systems, have succeeded in creating an environment that is more conducive to economic growth and social stability. Indonesia's agrarian legal system, which still relies on a more centralistic approach, often encounters difficulties in responding to the evolving needs and dynamics of society. Therefore, reforms are needed to improve the law implementation process to make it more efficient and effective.

3. Land Ownership Inequality

One of the major problems faced by Indonesia is inequality in land distribution. Although the UUPA aims to create social justice, the reality is that much land is still controlled by a few, such as large corporations and wealthy individuals, while small farmers and poor people still struggle to get access to proper land. This inequality contributes to increased poverty and social instability, as well as worsening economic disparities between community groups (Wijayanti & Aisyah, 2022).

In other ASEAN countries, such as Malaysia, land redistribution policies are more targeted and systematic, which helps reduce inequality in land ownership. In Malaysia, for example, the government has successfully implemented policies that support smallholder farmers through a more structured agrarian reform program. Land ownership inequality in Indonesia shows the need for more effective agrarian reform to ensure equitable land distribution for all levels of society

Conclusion

Indonesia's agrarian legal system is regulated by Law Number 5 of 1960 (UUPA) which emphasizes the principle of land tenure by the state for the prosperity of the people. The UUPA also recognizes the customary rights of indigenous peoples, although its implementation often faces challenges. In practice, many lands have not been registered or have an unclear legal status, thus causing agrarian disputes. In response, Government Regulation Number 18 of 2021, as part of the Job Creation Law, seeks to simplify agrarian regulations to improve administrative and investment efficiency, although this move also raises concerns about the potential for neglect of indigenous peoples' rights.

In land tenure, Indonesia follows the principle of state control as stipulated in Article 33 paragraph (3) of the 1945 Constitution, which ensures that land is used for

social and environmental purposes. However, challenges in land management, such as agrarian conflicts and land tenure inequality, remain. At the ASEAN level, countries such as the Philippines and Malaysia have different approaches to land tenure. The Philippines follows the "Regalian Doctrine" which states that all public lands are under state sovereignty, while Malaysia gives land management authority to the states, resulting in policies that vary between regions. Singapore, on the other hand, has a unique approach with state ownership of almost all of its land, allowing for efficient urban planning.

The advantages of Indonesia's agrarian legal system lie in the application of social justice principles, recognition of the rights of indigenous peoples, and the potential for holistic management of natural resources. Indonesia focuses on equitable land redistribution and the preservation of traditional rights, which are not always accommodated in other ASEAN countries that are more oriented towards land management for economic purposes. However, there are weaknesses, such as the legal dualism between customary law and state law which often leads to unclear land ownership status. In addition, the implementation of agrarian policies in Indonesia is often hampered by bureaucracy, corruption, and lack of transparency, which adds to legal uncertainty and exacerbates agrarian conflicts.

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