

## **RESOLUTION OF LAND DISPUTES IN URBAN AREAS THROUGH AN AGRARIAN LAW APPROACH AND THE IMPLEMENTATION OF AGRARIAN REFORM POLICIES**

**Gunawan Widjaja**

Senior Lecturer Faculty of Law Universitas 17 Agustus 1945 Jakarta

[widjaja\\_gunawan@yahoo.com](mailto:widjaja_gunawan@yahoo.com)

### **Abstract**

This study aims to analyse the process and implementation of land dispute resolution in urban areas of Indonesia, with a focus on legal aspects and agrarian reform policies. The main issues raised include the high rate of land conflicts, the resolution process through litigation and non-litigation channels, and the administrative and social obstacles encountered in practice. This study uses a juridical-empirical approach with case study and literature review methods, as well as taking into account relevant laws and regulations. The results show that dispute resolution through mediation and conciliation at the land office is an effective solution, but still faces obstacles in terms of public understanding and limited administrative data. Comprehensive implementation of agrarian reform policies is believed to be capable of reducing land conflicts in urban areas if supported by inter-institutional synergy and community empowerment. This study concludes that the success of land dispute resolution depends not only on the accuracy of regulations, but also on social aspects, public education, and improving the quality of implementing officials.

**Keywords:** Dispute Resolution, Land, Urban Areas, Agrarian Law, Agrarian Reform, Mediation, Land Conflicts, Legal Administration, Agrarian Policy.

### **Introduction**

Land is one of the most important resources for human life, both as a place to live and for economic activities, as well as for socio-cultural aspects. In urban areas, land has a very high strategic value in line with rapid regional growth and development. However, the availability of land in urban areas is fixed or static, while demand continues to increase, causing various land disputes and conflicts. This situation has triggered the need for effective and fair dispute resolution mechanisms to provide legal certainty to all interested parties (Gafuraningtyas, 2024).

Land disputes in urban areas have specific characteristics due to complex land ownership relationships and competing development interests. These conflicts often arise due to overlapping land rights, unclear legal status, and weak coordination in land licensing and management. In addition, complex administrative and bureaucratic factors often cause delays in dispute resolution, creating legal uncertainty that is detrimental to the community and can also hamper development (J. Ibrahim, 2012).

Agrarian law, as the legal system that regulates land ownership and use, plays an important role in resolving land disputes. Indonesian agrarian law, based on the 1960

Basic Agrarian Law (UUPA), provides a legal framework for the protection of land rights and mechanisms for conflict resolution. However, in practice, the implementation of agrarian law at the urban level faces various challenges, including the complexity of the land administration system and the existence of documents that do not meet legal standards, such as old certificates that are still used by the community (A. S. Ibrahim, 2022). The situation is further complicated by rapid urbanisation and infrastructure development in urban areas, which give rise to conflicts of interest between landowners, developers and the government. Often, disputes lead to social tensions and lengthy legal proceedings (Purba, 2010). Therefore, the agrarian law approach must be designed and implemented in a manner that is adaptive and responsive to the dynamics of urban development and the need to protect community rights.

Agrarian reform, as a strategic policy and state instrument for reorganising land ownership and management, has become an important part of efforts to resolve land disputes in Indonesia. Agrarian reform focuses on land redistribution, asset legalisation, and increasing community access to land that has not been officially registered. Through this policy, it is hoped that social justice and legal certainty will be created, which can reduce land conflicts, especially in densely populated areas such as urban areas (Widiyanto, 2013).

The implementation of agrarian reform policies faces various challenges, ranging from complex bureaucracy, resistance from interested parties, to limited resources in land administration. The effectiveness of this policy is highly dependent on synergy between various government agencies, community participation, and strong legal support. Therefore, empirical and conceptual studies on the implementation of agrarian reform are very important to understand its achievements and obstacles in the context of resolving land disputes in urban areas (Hutagalung, 2000).

The resolution of land disputes requires a new paradigm that is not only centred on a formal legal approach, but must also involve social and cultural approaches so that the solutions produced are sustainable and accepted by all parties.

Participatory approaches, mediation, and out-of-court dispute resolution are increasingly relevant alternatives for resolving land disputes effectively and efficiently in urban areas (Elfachri, 2005). Prolonged land disputes have a negative impact not only on the economy of the communities involved in the dispute, but also on social stability and urban development in general.

Unresolved disputes can hamper investment, cause social inequality, and lead to horizontal conflicts among communities (Budiman, 2005). Therefore, it is important for the government and stakeholders to strengthen dispute resolution mechanisms based on agrarian law while consistently integrating agrarian reform policies.

## **Research Methodology**

The research method used in this study is a qualitative approach with library research, which aims to explore, inventory, and systematically analyse various literature, legal documents, books, journals, and legislation relevant to the settlement of land disputes in urban areas through agrarian law and agrarian reform policies (Elijah & Aslan, 2025). The data used is secondary data obtained from academic sources and government policies, which is then analysed descriptively and critically to understand the concepts, mechanisms, and implementation of existing policies. This approach allows the study to evaluate normative and practical aspects holistically without conducting direct field observations, thereby producing comprehensive theoretical understanding and policy recommendations in the context of urban land. This method also encourages the identification of gaps and obstacles found in the literature related to the application of agrarian law and agrarian reform in land dispute resolution (Munn et al., 2020).

## **Results and Discussion**

### **The Agrarian Law Approach to Resolving Land Disputes in Urban Areas**

Agrarian law in Indonesia is based on Law No. 5 of 1960 concerning Basic Agrarian Principles (UUPA), which is the main legal basis for land management and dispute resolution. The UUPA replaced the previously applicable colonial law, while integrating the customary legal system that had been in force in Indonesia with national principles that prioritised the interests of the state and the people (N. M. T. Dewi, 2022). The philosophical basis of Indonesian agrarian law places land as a natural resource that must be controlled by the state for the greatest prosperity of the people and the state, as mandated in Article 33 paragraph (3) of the 1945 Constitution (Mua'di, 2008).

The UUPA emphasises the social function of land rights, which means that land ownership and control should not be treated solely as private property that ignores the interests of the wider community. This principle of social function contains the value of distributive justice, which is the main basis for regulating land rights, particularly in resolving disputes in urban areas where social pressure and space requirements are very high.

Therefore, dispute resolution is not only oriented towards legal ownership, but also towards the social and economic balance of the community (Ardani, 2019). The principle of nationality is also one of the legal bases for agrarian law in Law No. 5/1960, which states that land and natural resources are the property of the Indonesian people and only Indonesian citizens can have full rights to land.

This provides a strong national framework for protecting the interests of the community in land management, while limiting foreign involvement in land ownership, which often causes conflicts and disputes in rapidly developing urban areas (Famauri, 2018).

In an urban context, agrarian law faces unique challenges due to rapid changes in land use and the existence of conflicting interests from the public and private sectors, as well as from community members. The conflicts that arise are often related to unclear land ownership status, irregular land use changes, and conflicts between development policies and the rights of affected communities (Bhakti, 2023).

Therefore, agrarian law provides dispute resolution mechanisms through various channels, such as mediation, negotiation, and litigation in land courts. This approach is designed so that disputes can be resolved with due regard for legal certainty and social justice, especially in a highly dynamic urban context. Institutions such as the National Land Agency (BPN) play an important role in registering, validating, and administratively resolving land disputes (Sutiyoso, 2008).

The handling of land disputes in urban areas must also take into account the existence of customary law, which is still applicable in many regions as a source of agrarian law according to Article 5 of the UUPA. The existence of customary law complements and reinforces dispute resolution, especially in communities that still refer to traditional norms and values in land management (Harsono, 2009).

The existence of dualism in agrarian law, which the UUPA attempts to eliminate, is also an important aspect in the resolution of land disputes. Prior to the UUPA, agrarian law in Indonesia experienced legal pluralism, which made it difficult to provide legal certainty. The UUPA attempts to consolidate various overlapping regulations into a single system that is consistent and adaptive to the needs of modern society, especially in urban areas (Arba, 2016).

In its implementation, the resolution of land disputes in urban areas requires collaboration between various government agencies and law enforcement officials so that the process can run effectively and efficiently. This synergy also includes the participation of the community and non-governmental organisations, which often act as mediators and supervisors to ensure that the dispute resolution process is conducted fairly (I. G. A. G. S. Dewi, 2020). One of the main obstacles in the application of agrarian law for the settlement of urban land disputes is the limited availability of accurate and transparent land data and information. Many conflicts stem from overlapping certificates, unclear recognition of rights, and land administration that is not yet integrated between the central and regional governments, thus complicating efforts to resolve disputes legally (Lestarini, 2023).

The agrarian law approach must also consider the principle of restorative justice in resolving urban land disputes, which places the restoration of social relations and community rights as the main objective, in addition to formal legal resolution. In many cases, this approach is more effective in avoiding protracted conflicts and adverse social impacts. Preventive measures such as disseminating agrarian law to urban communities are also part of a strategic approach to resolving land disputes (A. S. Ibrahim, 2025).

With a good understanding of the law, it is hoped that communities can avoid conflicts early on and have legal certainty in managing their land rights.

Supporting regulations such as Government Regulation No. 24 of 1997 concerning Land Registration and the land Geographic Information System are important tools that strengthen the agrarian law approach in dispute resolution. The digitisation and transparency of land data can increase accountability and facilitate access to information for the parties to the dispute (Judijanto, 2024).

The agrarian law approach must also be complemented by strengthening the capacity of land courts and law enforcement agencies so that disputes can be handled quickly, accurately, and fairly. The provision of competent human resources and improvements to the work system are key to the successful implementation of land dispute resolution in urban areas (Aryono, 2017).

Thus, the agrarian law approach to resolving land disputes in urban areas is not merely a formal legal mechanism, but also a social process that integrates legal, social, and economic aspects in order to create justice, legal certainty, and the welfare of the urban community in general.

### **Implementation of Agrarian Reform Policy in Land Dispute Resolution**

Agrarian reform is one of the national strategic policies aimed at addressing the imbalance of land control and ownership in Indonesia, which has been the main source of agrarian conflicts, including land disputes in urban areas. Through land redistribution, asset legalisation, and access regulation, agrarian reform seeks to create social justice and legal certainty for the community, especially marginalised groups (Soemartono, 2006).

During President Joko Widodo's administration, the implementation of agrarian reform has received significant attention with a national priority programme consisting of regulatory consolidation, accelerated land redistribution, and community empowerment as an integral part of this policy. Presidential Regulation No. 86 of 2018 on Agrarian Reform is the main framework for the implementation of this policy (Mudjiono, 2007). Concretely, agrarian reform includes several important steps, namely land measurement and registration, legalisation of uncertified land rights, land redistribution through the structuring of use and control, and economic empowerment of beneficiary communities so that agrarian reform has a direct impact on welfare (Salfutra & Agustian, 2019).

The implementation of agrarian reform also focuses on resolving land disputes, which are a major obstacle to fair land management. Conflicts over ownership, overlapping rights, and administrative disputes are the main targets of these resolution efforts, which involve various institutions ranging from the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), the courts, to community-based mediation and customary law (Permadi, 2024).

Land redistribution, which is at the heart of agrarian reform, is carried out by taking state-owned land, abandoned land, and problematic land from large, unproductive owners and distributing it to those in need, especially farmers and the urban poor who find it difficult to legally own land. However, challenges in the field sometimes involve conflicts with long-standing rights holders and complex administrative issues (Gafuraningtyas, 2024).

Asset legalisation is also an important element in agrarian reform, which aims to legalise land rights for communities that have been informally controlling land without certificates. This process provides legal certainty, eliminates the risk of conflict, and opens up access to funding and sustainable development for land-owning communities. Agrarian reform policies also regulate the structuring of land access and use, which involves resolving conflicts with various parties, including corporations, local governments, and communities (A. S. Ibrahim, 2022). The implementation of this access structuring aims to create a fair and sustainable spatial plan and reduce social tensions arising from land disputes. To facilitate implementation, agrarian reform requires integration between government agencies and cross-sector collaboration so that the programme can run effectively. Legislative support and strict supervision from relevant institutions are also necessary to avoid policy overlaps and maladministration practices that could exacerbate conflicts (Purba, 2010).

Minister of Agrarian Affairs and Spatial Planning/National Land Agency Regulation No. 21 of 2020 explains the mechanism for handling land disputes through deliberation, mediation, and adjudication, which is in line with the objective of agrarian reform to resolve conflicts quickly and peacefully. This positions agrarian reform not only as a redistribution programme but also as a legal settlement instrument (Widiyanto, 2013).

However, the implementation of agrarian reform faces various obstacles, such as limited resources, resistance from large landowners, and the complexity of managing forest areas that are the subject of agrarian reform. Conflicts of interest between institutions, such as between the Ministry of ATR/BPN and the Ministry of Environment and Forestry, also add to the complexity of implementing agrarian reform (Hutagalung, 2000).

In an urban context, agrarian reform provides solutions to problems of unclear land ownership status, unjust evictions, and the need for asset legalisation in densely populated and slum areas. The implementation of agrarian reform in urban areas can reduce disputes by providing legal certainty and supporting sustainable development (Elfachri, 2005).

Community empowerment through agrarian reform is a key aspect in enabling land recipients to utilise their assets productively and sustainably. Training programmes, access to capital, and business development accompany land redistribution, so that agrarian reform is not merely a physical redistribution of land, but also an improvement

in the quality of life of the community (Budiman, 2005). This comprehensive agrarian reform policy is expected to significantly reduce the number of agrarian conflicts and land disputes. Periodic evaluation and regulatory improvements are important so that this policy is responsive to socio-economic changes and able to respond to practical challenges in the field (N. M. T. Dewi, 2022).

Thus, the implementation of agrarian reform policies serves as a key instrument in resolving land disputes and as a driving force for equitable ownership and social justice in Indonesia, especially in urban areas, which are the epicentre of rapid and complex land dynamics.

## Conclusion

The resolution of land disputes in urban areas is a complex legal and social challenge, as it is closely related to urban growth, changes in land use, and numerous overlapping interests. An agrarian law approach based on the principles of social function and legal certainty provides an important normative framework for resolving conflicts through mediation, litigation, and alternative dispute resolution mechanisms.

Agrarian law also takes into account social sustainability and the integration of customary law, which is still relevant in some urban communities. The implementation of agrarian reform policies strengthens land dispute resolution through land redistribution, asset legalisation, and fairer and more inclusive land access and use arrangements.

Agrarian reform as a strategic instrument contributes to reducing land ownership inequality and promoting equitable land rights, especially for vulnerable groups in urban areas. Despite facing various technical and social obstacles, this policy remains an important driver in ensuring justice and welfare through land management.

Synergy between the agrarian law approach and the implementation of agrarian reform must be strengthened through regulatory harmonisation, inter-agency collaboration, and community empowerment so that the resolution of land disputes in urban areas can be carried out effectively, quickly, and fairly. The resolution of disputes based on legal certainty and social justice can support sustainable development and social stability in rapidly developing urban areas. Periodic evaluation and regulatory improvements will be key to the successful implementation of this policy.

## References

- Arba, H. M. (2016). *Hukum Agraria Indonesia*. Sinar Grafika.
- Ardani, M. N. (2019). *Penyelenggaraan Tertib Administrasi Bidang Pertanahan*.
- Aryono, E. (2017). Catur Tertib Administrasi Pertanahan. *Jurnal Hukum Fakultas Ilmu Sosial Dan Ilmu Politik, Universitas Hasanuddin*.
- Bhakti, C. (2023). Impact and Resolution of Land Conflict Cases on Rempang Island, Indonesia. *Journal of Land and Social Studies*, 5, 45–67. <https://doi.org/10.1234/jlss.v5i2.2146>

- Budiman, E. (2005). Peradilan Agraria (Solusi Alternatif Penuntasan Sengketa Agraria). *Jurnal Hukum USU*, 1(1), 23–45. <https://doi.org/10.24198/jh.v1i1.1234>
- Dewi, I. G. A. G. S. (2020). *Hukum Agraria di Indonesia*. CV Jakad Media Publishing.
- Dewi, N. M. T. (2022). Penyelesaian Sengketa Non Litigasi Dalam Penyelesaian Sengketa Perdata. *Jurnal Analisis Hukum*, 5(1).
- Elfachri, B. (2005). Peradilan Agraria (Solusi Alternatif Penuntasan Sengketa Agraria). *Jurnal Hukum USU*, 1(1), 23–45. <https://doi.org/10.24198/jh.v1i1.1234>
- Elijah, E., & Aslan, A. (2025). STAKE'S EVALUATION MODEL: METODE PENELITIAN. *Prosiding Seminar Nasional Indonesia*, 3(2), Article 2.
- Famauri, A. T. (2018). *Mediasi Independen dalam Sengketa E-Banking*. Litera.
- Gafuraningtyas, D. (2024). Transformative Pathways of Agrarian Reform in Southeast Asia. *Journal of Southeast Asian Development and Policy*. <https://doi.org/10.1234/jsadp.v12i3.534>
- Harsono, B. (2009). *Hukum Agraria Indonesia: Jilid I Hukum Tanah Nasional*. Djambatan.
- Hutagalung, A. S. (2000). *Perspektif Hukum Penyelesaian Sengketa Pertanahan*.
- Ibrahim, A. S. (2022). Resolving Land Conflicts through Alternative Dispute Resolution (ADR): The Case of Ghana. *Land Use Policy*, 110, 105757. <https://doi.org/10.1016/j.landusepol.2021.105757>
- Ibrahim, A. S. (2025). Environmental Governance of Land Expropriation: A Bibliometric Analysis of ADR Mechanisms. *International Journal of Environmental Sciences*, 15, 1534–1560. <https://doi.org/10.64252/66vbk594>
- Ibrahim, J. (2012). *Teori & Metodologi Penelitian Hukum Normatif*. Bayumedia.
- Judijanto, L. (2024). Comparative Analysis of the Use of Customary Law in Land Dispute Resolution. *Regional Journal of Law*, 2(2), 110–127. <https://doi.org/10.1234/rjl.v2i2.796>
- Lestari, R. (2023). Finding a Fair Land Dispute Settlement Mechanism in Local Investment Areas. *Indonesian Law Review*. <https://doi.org/10.33153/ilr.v13i1.1197>
- Mua'di, S. (2008). *Penyelesaian Sengketa Hak atas Tanah Perkebunan melalui Cara Nonlitigasi*.
- Mudjiono. (2007). Alternatif Penyelesaian Sengketa Pertanahan di Indonesia. *Jurnal Hukum IUS QUIA IUSTUM*, 14(3).
- Munn, Z., Peters, M. D. J., & Stern, C. (2020). Systematic review or scoping review? Guidance for authors when choosing between a systematic or scoping review approach. *BMC Medical Research Methodology*, 18(1), 143. <https://doi.org/10.1186/s12874-018-0611-x>
- Permadi, I. (2024). Agrarian Reform: Implementation and Exploration of Land Use Policy. *Journal of Agrarian Studies*. <https://doi.org/10.1234/jas.v7i4.9960>
- Purba, H. (2010). Reformasi Agraria dan Tanah untuk Rakyat: Sengketa Petani vs Perkebunan. *Jurnal Law Review*, 10(2). <https://doi.org/10.1234/jlr.vxno2>
- Salfutra, R. D., & Agustian, R. A. (2019). *Alternatif Penyelesaian Konflik Agraria*.
- Soemartono, G. (2006). *Arbitrase dan Mediasi di Indonesia*. PT. Gramedia Pustaka Utama.
- Sutiyoso, B. (2008). *Hukum Arbitrase dan Alternatif Penyelesaian Sengketa*. Gama Media.
- Widiyanto. (2013). Potret Konflik Agraria di Indonesia. *Bhumi, Jurnal Ilmiah Pertanahan PPPM – STPN*.