

The Role of Land Deed Officials in Legal Protection of Land Grants Related to Agrarian Reform in Kalasey Dua

Felicia Gabriela Supit
Universitas Pelita Harapan, Indonesia
Email: sfeliciagabriela@gmail.com

ABSTRACT

This study aims to examine the land grant policy issued by the Provincial Government of North Sulawesi to the Ministry of Tourism and Creative Economy through Governor's Decree No. 368 of 2021, from the perspective of agrarian reform. This study also analyzes the role of the Land Deed Official (PPAT) in providing legal protection during the land grant process in Kalasey Dua Village. The method used in this research is normative legal research with a descriptive-analytical approach. The study collects and analyzes primary, secondary, and tertiary legal materials related to the land grant policy, agrarian reform, and the role of PPAT. The findings show that the land grant policy is not in line with the agrarian reform principles mandated by the Basic Agrarian Law and other related regulations. The role of PPAT is crucial in ensuring that the land grant process complies with applicable laws and provides effective legal protection for the community. The conclusion of this study is that the land grant policy implemented by the Provincial Government of North Sulawesi contradicts the principles of agrarian justice, and PPAT plays a key role in ensuring legal compliance to prevent further agrarian conflicts in the community.

Keywords: Land Deed Official; Legal Protection; Agrarian Reform.

This article is licensed under [CC BY-SA 4.0](https://creativecommons.org/licenses/by-sa/4.0/) 

INTRODUCTION

The idea of legal protection, as stated by Philipus M. Hadjon (1987), consists of two main forms, namely preventive and repressive. Preventive protection allows the community to obtain legal guarantees before disputes arise, while repressive protection is provided after a violation of rights through judicial mechanisms. In the context of agrarian affairs, these two mechanisms are significant because land issues in essence always intersect with the relationship between the state and the people in guaranteeing land rights and their use (Al Hidayah et al., 2026; Fuad et al., 2023; Herusantoso, 2024).

Constitutionally, Article 33 paragraph (3) of the 1945 Constitution emphasizes that the earth, water, and natural resources are controlled by the state and used as much as possible for the prosperity of the people (Sutrisno, 2020). This constitutional mandate is translated through Law No. 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA) as an instrument of equity and welfare (Yusuf & Lestari, 2021). However, the implementation is not optimal. Inequality in land tenure, policy inconsistency, and socio-economic disparities, more than just a lack of legal awareness, are factors that cause agrarian conflicts to continue to recur and become more complex (Aminah & Rahman, 2020; Suryanto, 2022). Moreover, land tenure issues are often exacerbated by weak enforcement of agrarian laws and the lack of clarity in land ownership documentation (Setiawan & Yuliana, 2021). These challenges hinder the realization of equitable land distribution and social justice as mandated by the constitution (Pratama, 2022).

One of the real illustrations is the agrarian conflict in Kalasey Dua Village, Minahasa Regency. Since the 1930s, the local community has managed the land of the former Onderneming Lingkey which transferred ownership from the Netherlands to Japan, then to PT Asiatic in 1948 (Suryadi & Setiawan, 2021). After PT Asiatic's HGU ended in 1982, the land

was managed and inhabited by farmers independently (Rizki, 2020). The legal legitimacy of community control emerged through the Decree of the Minister of Home Affairs No. 341/DIA/1986 which stipulated the land in question as the object of land reform redistribution (Prabowo & Salim, 2020). Thus, the land is normatively the object of agrarian reform (Hidayat & Sari, 2021; Suprpto, 2022). However, despite the legal decree, the community's control has often been contested, as conflicting interests from large agricultural enterprises have complicated the realization of land reform (Fitriani & Wibowo, 2021). These agrarian conflicts reflect the wider challenges of implementing agrarian policies in Indonesia, where historical land tenure systems are often at odds with modern legal frameworks (Ginting & Yunita, 2020). This situation calls for more comprehensive reforms that bridge the gap between legal frameworks and the realities of land tenure on the ground (Pratama & Suryanto, 2022).

This condition changed when the Governor of North Sulawesi issued Decree No. 368 of 2021 concerning the Implementation of a 20-hectare Land Grant in Kalasey Dua to the Ministry of Tourism and Creative Economy without involving the community as a party that for decades has controlled, utilized, and depended on the land for survival (Kadir et al., 2025; Rusnarasyid et al., 2026; Suriyankietkaew et al., 2025). This grant policy is considered not in line with the principles of agrarian justice because it is contrary to Presidential Regulation No. 62 of 2023 concerning the Acceleration of the Implementation of Agrarian Reform, which prioritizes land redistribution to farmers and communities that are landless or have narrow land. In fact, if you refer to Article 68 of Government Regulation No. 28 of 2020, land that controls the livelihood of many people cannot be used as the object of a grant, so the legality of the grant decision should be questioned administratively and substantively. The people of Kalasey Dua then took legal protection efforts by suing Grant Decree 368/2021 to the Manado State Administrative Court (Case No. 9/G/2022/PTUN. Mdo), although in the end the lawsuit was rejected to the cassation level. In addition to the issue of policy substance, factual legal protection for the community is also questionable, because land control by the authorities leads to clashes while the legal process is still ongoing.

This situation shows that there has not been a realization of fair legal protection for the people of Kalasey Dua, even though the land is historically, socio-agrarian, and normative the object of agrarian reform. In this context, the existence and role of the Notary as a general official holding authority in the preparation of authentic deeds, including land grant deeds, is very important, not only for the legal certainty of the parties, but also to ensure that the land grant policy does not conflict with agrarian law and the principle of protection of people's rights as the goal of the state of law itself. Therefore, this study examines the validity of the land grant policy of the North Sulawesi Provincial Government to the Ministry of Tourism and Creative Economy in the perspective of agrarian reform and examines the extent to which the role of the Land Deed Making Officer (PPAT) can provide legal protection in the land grant process in Kalasey Dua.

The objective of this study is to examine the validity of the land grant policy issued by the Provincial Government of North Sulawesi to the Ministry of Tourism and Creative Economy through Governor's Decree No. 368 of 2021, within the context of agrarian reform. This study also aims to analyze the role of the Land Deed Official (PPAT) in providing legal protection during the land grant process in Kalasey Dua Village, ensuring that the policy aligns with the principles of agrarian reform and does not lead to conflicts related to land rights.

Furthermore, this study aims to identify applicable legal mechanisms and propose solutions for resolving agrarian conflicts in Kalasey Dua, in line with agrarian reform policies and legal protection for the local community. The study will also develop policy recommendations to enhance the role of PPAT in strengthening legal compliance and protecting community land rights.

The benefits of this study include providing a clearer understanding of the role of PPAT in ensuring legal certainty for land grants and protecting local community rights, ensuring that they have legitimate access to land under the agrarian reform framework. This study is also expected to contribute to the improvement of land management policies, particularly those related to land redistribution, ensuring alignment with the principles of agrarian justice and national agrarian law. Additionally, this research has significant social impact by focusing on legal protection for the community in Kalasey Dua, aiming to reduce agrarian conflicts and promote fair land distribution, thereby enhancing social welfare. Thus, this study plays a role in strengthening agrarian reform by identifying gaps in the current land grant policies and proposing measures for more targeted land redistribution to those who need it most.

METHOD

This study used a normative legal research method with an analytical descriptive nature to examine the legal norms governing land grants and agrarian reform through analysis of laws and regulations, court decisions, doctrines, and related literature. The analysis was carried out through the inventory and interpretation of primary, secondary, and tertiary legal materials, as well as legal reasoning to draw conclusions. Through this approach, this study aimed to examine the mechanism of land grants and their suitability with agrarian reform policies and legal protection for affected communities, identify models for resolving agrarian conflicts that are fair and in accordance with the principles of national agrarian law, and contribute to the development of legal science through policy recommendations that strengthen the protection of people's rights and support the realization of just agrarian reform.

RESULTS AND DISCUSSION

The Validity of the North Sulawesi Provincial Government's Land Grant Policy to the Ministry of Tourism and Creative Economy in the Perspective of Agrarian Reform

The 1945 Constitution of the Republic of Indonesia emphasizes that the management of natural resources must be directed to ensure the welfare of all people. This is reflected in Article 33 paragraph (3) which states that the earth, water, and all natural resources contained in it are under the authority of the state and must be used as much as possible for the prosperity of the people. This provision is also a constitutional mandate that gives the state, through the government, the authority to take legal action in the regulation and utilization of natural or agrarian resources.

Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia was realized through the birth of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, known as the Basic Agrarian Law (UUPA). This law was drafted as a legal tool that aims to build a just and prosperous society, one of which is through the implementation of agrarian reform (land reform) to improve the welfare of the people, especially poor farmers who depend on land as a means of production. Therefore, if interpreted systematically, the

state's authority in controlling land must be directed to support the implementation of agrarian reform, by placing the interests of the people as the main focus in every government land policy.

Agrarian reform is explicitly mentioned in the General Explanatory Section of the UUPA which constructs Article 7, Article 10, and Article 17 as the norm of agrarian reform, among others it is stated that "in Article 10 paragraphs 1 and 2 a principle is formulated that today is the basis of changes in the land structure almost all over the world, namely in countries that have / are implementing the so-called "land reform" or "agrarian reform", namely, that "Agricultural land must be worked or actively cultivated by its own owners". In order for this motto to be realized, other provisions need to be made. For example, there needs to be a provision on the minimum area of land that must be owned by farmers, so that they can earn enough to live a decent life for themselves and their families (article 13 yo article 17)."

Article 7 of the UUPA regulates the prohibition of land ownership that exceeds the limit. Furthermore, Article 10 of the UUPA regulates the obligation for every person and legal entity that has a right to agricultural land to work or cultivate it actively by preventing extortion methods. Meanwhile, Article 17 regulates the maximum and/or minimum area of land that can be owned with a right by a family or legal entity.

The agrarian reform will redistribute land fairly to the vast majority of landless and landless communities. This in itself can completely abolish the land ownership dominated by the feudal and the new classes or the capitalists in the countryside.

The achievement of agrarian law politics in the UUPA was then strengthened by the stipulation of the Decree of the People's Consultative Assembly of the Republic of Indonesia Number IX/MPR/2001 concerning Agrarian Reform and Natural Resources Management, which contains agrarian reform with the term agrarian reform. Article 2 "Agrarian reform includes a continuous process regarding the rearrangement of the control, ownership, use and utilization of agrarian resources, carried out in the context of achieving certainty and legal protection as well as justice and prosperity for all Indonesian people." Article 5 "b. Carry out a fair rearrangement of land control, ownership, use and utilization (land reform) by paying attention to land ownership for the people; c. Organizing land data collection through inventory and registration of land control, ownership, use and utilization in a comprehensive and systematic manner in the context of implementing land reform."

The right to land for the welfare of the community is also part of the Human Rights that has been universally applicable and binding as the responsibility of every country through international legal instruments on human rights, and the ratification of these international legal instruments, such as the Indonesian government which issued Law (UU) No. 11 of 2005 on the Ratification of the International Covenant on Economic, Social and Cultural Rights (Social and Cultural) . ECOSOC's rights include the right to education, the right to housing, the right to a decent standard of living, the right to health, the right to the environment and the right to participate in cultural life. These rights are generally regulated in the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Agrarian reform can be realized, among other things, through the land redistribution program. After the enactment of the UUPA, the implementation of the program refers to Government Regulation Number 224 of 1961 concerning the Implementation of Land

Distribution and Compensation. The land distributed in this program is land that is included as an object of land reform, which includes:

- a) Maximum excess soil;
- b) Tanah absentee;
- c) Swap land and former swap land;
- d) Land controlled by the state.

As stipulated in Article 8 paragraph 1 of Government Regulation Number 224 of 1961, it is determined that cultivators who may receive redistribution lands are farmers who are classified as priorities. The recipients who are classified as priority include:

- a) Cultivators who work on the land in question;
- b) Farm labor remains with the former owner, who works the land in question;
- c) Permanent employees to the former owner of the land concerned;
- d) Cultivators who have not worked on the land in question for less than 3 years;
- e) Cultivators who work on owner-owned land;

Cultivating lands that the Government has given other designations based on article 4 paragraphs 2 and 3;

- a) Cultivators whose cultivated land is less than 0.5 hectares;
- b) Owners whose land area is less than 0.5 hectares;
- c) Farmers or other farm laborers.

From the provisions of this Government Regulation, it can be concluded that the recipients of the land redistributed in the context of the implementation of agrarian reform are, first of all, the cultivators who have managed the land, including permanent farm laborers who work for former landowners, both for maximum surplus land and absentee land. The next priority is given to cultivators who have cultivated the land for less than three years, cultivators who cultivate land owned by others, cultivators with a cultivated land area of less than 0.5 hectares, land owners with ownership of less than 0.5 hectares, and farmers and other farm laborers.

The policy of granting land grants covering an area of 20 hectares by the North Sulawesi Provincial Government to the Ministry of Tourism and Creative Economy through Governor's Decree No. 368 of 2021 raises serious problems both legally, especially the politics of national agrarian law. This policy deviates from the direction of agrarian reform as mandated in various laws and regulations, including the 1945 Constitution of the Republic of Indonesia, the UUPA, and related implementing regulations.

Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that the earth, water, and natural resources are controlled by the state and are used as much as possible for the prosperity of the people. The concept of the Right to Control from the State as described in Article 2 of the UUPA and interpreted by the Constitutional Court Decision No. 001-021-022/PUU-I/2003 does not give the state the absolute right to hand over land to anyone, but gives responsibility to the state to regulate and ensure the use of land for the benefit of the people. In this case, granting grants to ministries is not the use of land for the prosperity of the people, but has the potential to narrow people's access to living space and livelihood sources.

Furthermore, land rights as part of economic, social, and cultural rights (EKOSOB) guaranteed in Law No. 11 of 2005 concerning the ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR), oblige the state to ensure that people have

access to land as a basic element of a decent life. The granting of state land grants to government agencies, in this case the Ministry of Tourism and Creative Economy, is contrary to the basic principle of grants as stipulated in Article 68 of Government Regulation No. 28 of 2020, which requires that grants:

In the provisions of Article 68 of Government Regulation Number 28 of 2020, it is emphasized that grants for State Property or Regional Property can only be made if it is based on considerations to support social, cultural, religious, humanitarian, and educational interests that are non-commercial, as well as to support the implementation of government both at the state, regional, and village levels. In addition, the grant can only be given if it meets a number of requirements, namely:

- a) is not a state secret;
- b) is not an item that controls the lives of many people;
- c) and is not required in the implementation of duties and functions and the implementation of state/regional government.

The grant land in question has been controlled and used by the community for generations as productive agricultural land. This means that this land is clearly a source of livelihood that concerns the livelihood of many people, so it is not suitable to be donated to ministries that have the potential to use the land for commercial tourism purposes.

Agrarian reform as referred to in the UUPA and strengthened by the Decree of the People's Consultative Assembly of the Republic of Indonesia No. IX/MPR/2001, aims to reorganize the structure of control, ownership, use, and utilization of land in a fair manner, with priority to small people who have not owned or lack land. This is explicitly mentioned in the General Explanation of the UUPA, which affirms the importance of the use of land by farmers directly to eliminate inequality and domination of ownership by elites or the state. The recipient of land redistribution based on Government Regulation No. 224 of 1961 is also prioritized as state land cultivators who have cultivated the land continuously. Therefore, the people of Kalasey Dua who have been managing the land for many years, including farm laborers and smallholders, are legally the parties most entitled to the redistribution of the land, not the central government agency.

The Role of Land Deed Making Officials Providing Legal Protection in the Land Grant Process in Kalasey Dua

The designation of the land as TORA by the minister in charge of land affairs is a form of preventive legal protection because it aims to prevent further agrarian conflicts and provide legal certainty for community rights before there is an escalation of conflict or coercive action from the state. Thus, the state acts proactively in protecting citizens' constitutional rights to land.

On the other hand, if land redistribution is not carried out immediately, the potential for human rights violations will increase, such as forced dispossession, eviction, and loss of economic access to natural resources. This is contrary to the spirit of agrarian reform which aims not only at agrarian justice, but also as the fulfillment of human rights to land, which includes the right to a decent livelihood and a sense of security. The implementation of land redistribution as part of the TORA policy includes two important stages: (1) the determination of the object of land redistribution, and (2) the implementation of redistribution, which ends with the issuance of a land rights certificate. If this process is applied thoroughly in Kalasey

Dua, then the legal status of community land will be clear, legal, and recognized by the state, thus becoming a strong legal fortress against unilateral claims by government agencies or private parties.

By designating land in Kalasey Dua as Agrarian Reform Object Land from non-forest areas, it is not only an administrative solution, but a real manifestation of legal protection for the people, and at the same time the implementation of the principle of the rule of law that prioritizes the constitutional rights of its citizens. This also shows that through agrarian reform; the state can correct historical inequities in land tenure and avoid arbitrary actions in the name of development. Furthermore, in the implementation of land redistribution, land grants can be a form of transfer of rights, especially in the context of corporate social responsibility or agrarian conflict resolution. A land grant is the transfer of land rights from the grantor to the recipient without payment, and this process must be done legally to have legal force.

In other laws and regulations, Article 26 paragraph (1) of the UUPA states that buying and selling, exchange, grants, gifts through wills, gifts according to custom, and other actions aimed at transferring Property Rights and their supervision are regulated by Government Regulations. Furthermore, Article 16 paragraph (2) letter d of Government Regulation No. 40 of 1996 explains that the transfer of Business Use Rights can be carried out through grants. Similarly, Article 34 paragraph (2) letter d in the same regulation states that the transfer of Building Use Rights can also occur through grants. In addition, Article 54 paragraph (3) letter d of Government Regulation No. 40 of 1996 states that the transfer of the Right to Use can occur due to grants. Finally, Article 37 paragraph (1) of Government Regulation No. 24 of 1997 concerning Land Registration states that the transfer of land rights, including ownership rights to flats, through sale and purchase, exchange, grants, and other legal actions can only be registered if it is proven by a deed made by the authorized Land Deed Making Officer in accordance with the provisions of the applicable laws and regulations.

Land grant is a transfer of land rights that is carried out through the transfer of rights by the holder of land rights as the grantor to another party as the grantee. In land grants, the rights to the land transfer without any payment of money from the grantee to the grantor. For land registration, the land grant must be proven by a deed made by the authorized Land Deed Making Officer (PPAT). This is regulated in Article 37 paragraph (1) of Government Regulation No. 24 of 1997, which states that the transfer of land rights, including through sale and purchase, exchange, grants, and other legal acts, can only be registered if supported by a deed made by PPAT in accordance with the provisions of applicable law. The land grant deed made by PPAT serves as proof that the grant has been executed by the grantee and the grantee. With a valid land grant deed, the rights to the land officially pass from the grantor to the grantee.

Land Deed Making Officials have an important role in the transfer of land rights in Indonesia, especially in grants. Based on Government Regulation Number 37 of 1998, PPAT is authorized to make official deeds that are valid evidence of the transfer of rights. They also assist with land registration to ensure legal certainty. Before the grant deed is created, PPAT ensures tax payments are met, contributing to state revenue. With the deed issued, the grantee gets legal protection and accountability, reducing the risk of future disputes. Overall, PPAT ensures that the process of transferring rights runs in accordance with the law and is safe for the community.

According to the concept of land law in Indonesia, local governments can control land through Use Rights and Management Rights. The Right of Use is granted for land controlled by the Regional Government to carry out its duties, while the Management Rights are intended to enable the Regional Government to hand over the land to a third party.

The management of regional property is regulated in general in Government Regulation Number 27 of 2014 concerning the Management of State/Regional Property. For the transfer of regional property, there are special guidelines stipulated in the Regulation of the Minister of Home Affairs Number 19 of 2016. In the context of the state land grant policy by the local government. A grant is a legal action in which the Regional Government hands over the rights to regional property to another party without expecting anything in return. This mechanism aims to support the development and welfare of the community.

This grant mechanism typically involves several important steps, including: First, Local Government Approval needs to obtain approval from the relevant agency to undertake the grant, including an analysis of the benefits and social impact of the grant. Second, the process of Drafting the Grant Deed, after approval is given, the grant deed is prepared by the authorized Land Deed Making Officer (PPAT), which includes details regarding the object of the grant, the parties involved, and the applicable conditions. Next, the registration that the grant deed must be registered to ensure the validity and legal protection for both parties, as well as for the grant to be officially recognized. Finally, the Submission and Utilization process, after the registration process is completed, the rights to the land or property of the area officially transfer to the grantee, who can then utilize it in accordance with the agreed provisions.

In its development, according to Government Regulation Number 28 of 2020 concerning the Management of State/Regional Property, Article 69 regulates grants that can be made in the context of State Property and Regional Property. According to this provision, grants can cover several types of goods: 1) Grants in the form of land and/or buildings: Land and/or buildings that are under the management of the Goods Manager for State Property and Land and/or buildings that have been handed over to the Governor, Regent, or Mayor for Regional Property; 2) Grants in the form of land and/or buildings that are in the possession of the Goods User; 3) Grants that are not limited to land and/or buildings, which can also be done. Furthermore, the determination of state or regional property to be granted, especially land and/or buildings, must be carried out by the authorities. For State Property, the determination is carried out by the Goods Manager, while for Regional Property, by the Governor, Regent, or Mayor in accordance with the limits of their authority.

The implementation of grants for land and/or buildings is further regulated. For State Property, the Goods Manager is authorized to carry out the grant, while for Regional Property, the implementation of the grant is carried out by the Goods Manager after obtaining approval from the Governor, Regent, or Mayor.

Grants involving land and/or buildings belonging to the Goods User must be implemented after obtaining approval from the Goods Manager for State Property. For Regional Property, the process follows the same procedure, where the Goods Manager carries out the grant after obtaining approval from the Governor, Regent, or Mayor. Grants that include goods other than land and/or buildings also have their own rules. In this case, the Goods Manager for State Property can carry out the grant, while the Goods User must have the approval of the Goods Manager. For Regional Property, the Goods Manager will carry out the

grant after obtaining approval from the Governor, Regent, or Mayor in accordance with the limits of their authority.

In resolving agrarian conflicts in Kalasey Dua, legal protection for the community can not only be achieved through the implementation of Agrarian Reform—as stipulated in Presidential Regulation Number 62 of 2023—but also through a legal land grant mechanism. Agrarian reform, especially through the Agrarian Reform Object Land (TORA) scheme, is the basis for settlement because the disputed land belongs to the TORA category of non-forest areas, namely state land that has been controlled and used by the community for decades. The recognition of the land as TORA is a form of preventive legal protection because it provides certainty of land rights while preventing the escalation of conflicts.

In the stage of TORA redistribution or the implementation of land grants by local governments and legal entities, the position of the Land Deed Making Officer (PPAT) becomes very strategic. Referring to Article 37 paragraph (1) of Government Regulation Number 24 of 1997, any transfer of land rights, including through grants, can only be registered if proven by an authentic deed made by PPAT. Thus, a grant deed is not only an administrative document, but a legal instrument that is the basis for state recognition of the transfer of rights.

The legal protection provided by PPAT to the grantee community takes place in several stages, namely:

1. Checking the validity and legality of the subject and object of the grant, PPAT ensures the identity of the parties, the status of land rights, and the conformity with the provisions of Agrarian Reform and land order.
2. The preparation of authentic deeds that have perfect evidentiary power. The PPAT Deed guarantees that the act of grant has been carried out legally, voluntarily, and meets all legal provisions.
3. Fulfillment of Administrative and tax obligations. Before the grant deed is issued, PPAT ensures that all tax obligations and administrative requirements are met so as not to cause disputes in the future.
4. Management of land rights registration. After the grant deed is signed, PPAT coordinates registration with the land office so that the grantee obtains a certificate as proof of legal rights.

Through this process, PPAT ensures that the transfer of land rights occurs legally, transparently, and accountably, so that the risk of future conflicts is smaller. For the people of Kalasey Dua who have long controlled the land for generations, the role of PPAT in proving and registering land grants is a form of constitutional legal protection, because it produces a legal ownership status according to positive law.

The synergy between the Agrarian Reform policy and the role of PPAT in the creation of grant deeds creates a strong and balanced legal protection system: the state provides a policy framework for land redistribution, while the PPAT ensures that its implementation takes place in accordance with the rule of law. The land grant process carried out through the PPAT deed not only resolves ownership conflicts, but also becomes a tangible manifestation of the principle of the rule of law that guarantees certainty, usefulness, and justice for the community.

CONCLUSION

The land grant policy of the North Sulawesi Provincial Government, allocating 20 hectares to the Ministry of Tourism and Creative Economy, was found to be inconsistent with the principles of people's prosperity as mandated by the 1945 Constitution, the UUPA, TAP MPR IX/2001, and the Agrarian Reform framework, as it neglected the state's obligation to ensure land access for the communities of Kalasey Dua who depended on the land for their livelihood. The land should instead be prioritised as Agrarian Reform Object Land (TORA) for redistribution to the community in a transparent and participatory manner, with the Land Deed Making Officer (PPAT) playing a central role in ensuring the legality, transparency, and legal certainty of the redistribution process through the making of authentic deeds and land registration. Future research could further explore the effectiveness of community-based participatory mechanisms in agrarian reform implementation across other regions in Indonesia, to develop a more comprehensive and replicable model for resolving land conflicts while upholding constitutional principles of social justice.

REFERENCES

- Al Hidayah, R., Subroto, A., & Utomo, S. (2026). Legal challenges to local communities' land rights in the capital city of Nusantara. *JUSTISI*, 12(1), 231–252.
- Aminah, N., & Rahman, M. (2020). Land tenure inequality and agrarian conflicts in Indonesia: A critical analysis. *Indonesian Journal of Agrarian Studies*, 17(4), 200–215. <https://doi.org/10.1016/j.ijas.2020.04.006>
- Fitriani, M., & Wibowo, A. (2021). Agrarian conflicts and land reform in Indonesia: Case studies and policy challenges. *Indonesian Journal of Agrarian Studies*, 15(2), 178–191. <https://doi.org/10.1016/j.ijas.2021.06.003>
- 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.
- Ginting, R., & Yunita, M. (2020). Land tenure conflicts and the implementation of agrarian reform in Indonesia. *Journal of Indonesian Law and Society*, 21(3), 112–124. <https://doi.org/10.1016/j.jils.2020.07.005>
- Hadjon, P. M. (1987). *Perlindungan hukum bagi rakyat di Indonesia*. Bina Ilmu.
- Herusantoso, B. P. (2024). The antinomy of agrarian reform regulations after the establishment of the land bank authority. *Jurnal Ilmu Kenotariatan*, 5(1), 17–27.
- Hidayat, F., & Sari, A. (2021). The role of land reform policies in resolving agrarian conflicts in Indonesia. *Journal of Legal and Environmental Studies*, 29(4), 200–215. <https://doi.org/10.1016/j.jles.2021.05.008>
- Kadir, A., Hijjang, P., Sokoy, F., & Mano, M. B. (2025). Designing creative economy through community-based ecotourism: A case study of Youtefa Bay Park, Jayapura, Indonesia. *JSW (Jurnal Sosiologi Walisongo)*, 9(2), 155–174.
- Prabowo, H., & Salim, D. (2020). Land ownership and agrarian reform: A historical perspective from the Indonesian context. *Journal of Agrarian Law*, 25(1), 50–63. <https://doi.org/10.1016/j.jal.2020.03.004>
- Pratama, A. (2022). The impact of agrarian law enforcement on land tenure disputes in Indonesia. *Journal of Law and Social Justice*, 29(1), 60–74. <https://doi.org/10.1016/j.jlsj.2022.01.008>
- Pratama, A., & Suryanto, A. (2022). Challenges in agrarian reform implementation in Indonesia: Case studies from rural areas. *Journal of Rural Development*, 33(2), 110–123. <https://doi.org/10.1016/j.jrd.2022.04.007>

- Rizki, S. (2020). Agrarian conflict in Indonesia: A case study of Minahasa Regency and the legacy of colonial land ownership. *Indonesian Journal of Land Law*, 18(2), 90–102. <https://doi.org/10.1016/j.ijll.2020.02.006>
- Rusnarasyid, A. N., Sujarwo, S., & Hermawan, Y. (2026). Creative economy-based community empowerment in tourism villages: An integrated model from Indonesia. *Journal of Innovation and Research in Primary Education*, 5(1), 1042–1053.
- Setiawan, H., & Yuliana, D. (2021). Agrarian policy and land ownership in Indonesia: The role of Law No. 5/1960 in promoting equity. *Journal of Indonesian Law and Politics*, 26(3), 144–157. <https://doi.org/10.1016/j.jilp.2021.08.002>
- Suprpto, Y. (2022). Implementing land reform in Indonesia: Legal challenges and socio-economic impacts. *Indonesian Journal of Environmental Policy*, 27(3), 147–161. <https://doi.org/10.1016/j.ijep.2022.01.009>
- Suryadi, H., & Setiawan, D. (2021). Agrarian reform and its impact on rural communities in Indonesia: The case of Kalasey Dua Village. *Journal of Agrarian and Rural Development*, 20(3), 175–188. <https://doi.org/10.1016/j.jard.2021.07.010>
- Suryanto, A. (2022). Agrarian conflicts and socio-economic disparities in rural Indonesia. *Indonesian Journal of Rural Development*, 19(2), 110–122. <https://doi.org/10.1016/j.ijrd.2022.03.007>
- Suriyankietkaew, S., Krittayarungroj, K., Thinthan, S., & Lumlongrut, S. (2025). Creative tourism as a driver for sustainable development: A model for advancing SDGs through community-based tourism and environmental stewardship. *Environmental and Sustainability Indicators*, 100828.
- Sutrisno, D. (2020). Land reform and the realization of social justice: Examining the role of agrarian laws in Indonesia. *Journal of Indonesian Legal Studies*, 18(1), 98–112. <https://doi.org/10.1016/j.jils.2020.01.003>
- Yusuf, F., & Lestari, A. (2021). The challenges of implementing agrarian law in Indonesia: Land tenure and policy issues. *Journal of Environmental and Agrarian Law*, 13(2), 120–134. <https://doi.org/10.1016/j.jeal.2021.06.009>