

# “Our Land, Our Problem”: The Long Trajectory of Agrarian Conflicts in Indonesia

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## Abstract

Agrarian conflict in Indonesia is a long-standing and structural problem, originating from the colonial period to the current reform era. This study examines the historical dynamics of land ownership and management, from colonial land legal systems such as Eigendom Verponding and domein verklaring, to the enactment of the Basic Agrarian Law (UUPA) of 1960, which sought to establish a national agrarian legal system. However, the implementation of the UUPA faces various challenges, particularly related to orderly land administration, weak land data collection, and the unresolved conversion of old rights. This contributes to the prevalence of duplicate certificates and weak legal certainty for the community. This study uses a normative juridical approach with a literature review of laws and regulations, legal documents, and other relevant literature. The results of the study indicate that land system reform through digitalization and the issuance of electronic certificates is a crucial step in preventing conflict and strengthening public trust in the agrarian legal system in Indonesia.

## Keywords

Agrarian conflict, Land law, UUPA 1960, Eigendom verponding, Land administration

## Introduction

Land use disputes in Indonesia are a structural phenomenon that have existed since the colonial era and continue to persist in the reform era. This issue illustrates the conflict between community rights to land and investment interests and government policies [1]. In this context, agrarian conflicts are not only economic and social in nature, but also embedded in complex legal aspects. Therefore, disputes regarding agrarian law involving indigenous peoples, small farmers, and corporations remain a significant challenge that impacts the effectiveness of agrarian law in Indonesia [2]. During the colonial era, indigenous people had broader access to land. This is because many lands with state land status can be claimed for various purposes. For example, unused state land, land rights that have expired, or land voluntarily relinquished by the previous owner [2]. Then the establishment of *Eigendom Verponding*, also known as *tanah verponding*, is a land law system inherited from the Dutch colonial era that provides

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legitimacy for land ownership in Indonesia at that time. During the Dutch colonial era, land management in Indonesia followed a dualistic legal system where customary law was applied to indigenous people, while Western civil law was applied to European citizens and certain other groups. This condition caused injustice in access to land, especially for local residents. After Indonesia's independence, the government issued the Basic Agrarian Law (UUPA) in 1960 as an important step to eliminate inequality and the land system inherited from the colonial era. As a form of drafting written law and unifying national agrarian law, it placed customary law as the basis for agrarian law as long as it did not conflict with national interests and the spirit of social justice [3]. However, although the UUPA has become a milestone in reform, its implementation faced major challenges during the transition period, especially regarding land administration and recognition of lands with unclear legal status.

One of the problems of the post-UUPA transition period is the incomplete data collection and order of land administration, especially for customary lands, former Eigendom lands, and land whose control is carried out physically without formal certificates. This has a direct impact on the chaos of land data, especially in the period 1960–1987, which was later recognized by the Minister of ATR/BPN in recent years as a period vulnerable to the issuance of double certificates. There are many cases where a plot of land has more than one administratively valid certificate, but it is given to different parties, both individuals and corporations [4], this can occur because at that time, the availability of land was still extensive, while the population was relatively small. Due to poorly organized land administration, land that has been certified is often then re-certified by other parties [5]. The phenomenon of double certificates not only causes horizontal conflict between residents, but also disrupts legal certainty and reduces public trust in state institutions, especially the National Land Agency (BPN). On the other hand, data inaccuracy and weak internal monitoring systems create many loopholes that are exploited by land mafia figures, who work with certain parties to issue duplicate certificates for personal or corporate gain [6].

The problem formulation in this study begins with the fundamental question of how the history of land ownership and management in Indonesia since the colonial period has shaped patterns of structural inequality that persist into the reform era. One important issue to be examined is whether it is true that in the past, communities, especially indigenous people, were able to control or own large amounts of land for free due to the vast availability of land and the absence of an orderly land administration system. This relates to the status of state land, customary land, or abandoned land, which at that time could be claimed for rights without complex legal processes.

Another issue that requires critical examination is how the land administration system in effect between 1960 and 1987 has influenced the emergence of current agrarian legal issues. During that period, many land certificates were issued without accurate and adequate plot maps or cadastral maps. These certificates often included only simple drawings of the plots without detailed information regarding boundaries, location, or

road access. This inaccuracy led to overlapping land rights, which led to horizontal conflicts between communities and opened up opportunities for land mafia practices that exploited the weak land verification and monitoring system in Indonesia.

## Methods

This research employs a qualitative approach through a literature review using normative juridical methods. The review included relevant laws and regulations, books, legal journals, and various documents and court decisions. This approach was used to examine the issue of dual title, the development of land law from the colonial period to the post-1960 UUPA, and its impact on orderly land administration in Indonesia.

## Results and Discussion

### *History of land ownership and management in Indonesia: From the colonial period to the reform era*

Agrarian issues in Indonesia are structural issues that have been rooted since the colonial period and continue to experience dynamics up to the current reform era. In the pre-colonial era, agrarian law in the Indonesian archipelago was heavily influenced by customs and communal ownership systems. Land was considered common property, and its use was regulated through deliberation and mutual agreement within indigenous communities. The principles of justice and shared prosperity were highly upheld [8]. Every member of society had the right to cultivate and utilize land based on their role and needs, not on the basis of individual ownership as in customary law, the original legal system applicable among indigenous Indonesian communities. This law lived and developed in an unwritten form, reflecting distinctive local values such as the spirit of family, community life, and balance, and was imbued with spiritual or religious elements. Within the framework of customary law, supreme control over land was known as customary rights, namely the collective rights of an indigenous community to its territory. From these customary rights, various forms of individual rights to land were born.

According to Ahmad Fauzie Ridwan, there are seven types of individual rights to land that originate from customary rights, namely:

1. The right to open or manage land,
2. The right to choose and determine land use,
3. The right to collect and take the proceeds from the land,
4. Ownership rights,
5. The right to purchase or have first purchase priority,
6. Land use rights,
7. Rights inherent in certain positions that provide benefits over land [9].

In this context, the relationship between humans and land is spiritual and functional, where land is not freely traded, but rather inherited from generation to generation and maintained as an ancestral heritage. However, conditions changed with the arrival of the Dutch colonialists. At that time, the forced cultivation system, known in Indonesian history as the *cultuurstelsel*, was a policy implemented by Governor General Johannes van den Bosch in 1830. This policy required each village to allocate approximately 20% of its agricultural land to plant export crops such as coffee, sugar cane, and tarum. The results of these crops must be sold to the colonial government at a predetermined price. For villagers who did not own land, they were required to work for 75 days a year on government-owned plantations as a form of obligation similar to tax [10]. The provisions regarding the implementation of the Forced Cultivation System were officially stated in the *Staatsblad* (state gazette) of 1834 Number 22. Several important points in the regulation include:

1. Through an agreement, villagers are asked to allocate part of their land for planting commodities that have a selling value on the international market.
2. The area of land used for forced cultivation purposes may not exceed 20% of the total agricultural land owned by the village.
3. The energy and time used in growing export crops must not exceed the workload normally used for rice cultivation.
4. All harvests from crops grown in this system must be handed over to the Dutch colonial government.
5. If a crop failure occurs that is not due to the farmer's negligence, then the government is responsible for the loss.
6. The communities that managed the land in the context of forced cultivation were under the direct supervision of native officials, while European officials were tasked with carrying out general supervision of the implementation process [11].

The primary motivation for implementing the Cultivation System (*cultuurstelsel*) in 1830 was closely related to the financial crisis experienced by the Dutch government. This economic hardship was the result of the outbreak of the Java War in Indonesia in 1825–1830. To address the budget deficit that was putting pressure on state finances, Governor-General Johannes van den Bosch was given special authority to implement this system. The main objective was to replenish the Dutch state treasury, which was nearly empty due to the burden of the war [12].

This situation placed a heavy burden on indigenous communities. The spiritual and functional relationship between people and the land, previously sacred and passed down through generations, began to shift into an exploitative one under the pressure of the colonial system. The Cultivation System not only confiscated much of the people's agricultural produce but also eliminated village autonomy over their own land management. This practice persisted for decades and drew widespread criticism, both

from the Indonesian people and from some in the Netherlands, who viewed the system as a form of oppression.

In response to this criticism and along with the development of economic liberalism in the Netherlands, the colonial government finally issued a new policy contained in the Agrarian Law (*Agrarische Wet*) of 1870. This was implemented by *Engelbertus de Waal*, who at that time served as Minister of Colonial Affairs in the Dutch East Indies. The background to the birth of this law cannot be separated from the various complaints and protests that arose due to the implementation of the Forced Cultivation System (*cultuurstelsel*) since 1830. *Agrarische Wet* regulated land administration and became the legal basis for determining the division and control of land between the colonial government, indigenous people, and non-indigenous groups. The implementation of this policy was basically intended to provide protection for the land ownership rights of indigenous people. In its provisions, indigenous people were given guaranteed rights to their land and had freedom in its use [13].

This law was officially enacted on April 9, 1870, and was also known as *Wet De Waal*. Shortly thereafter, it was followed by the issuance of *Agrarisch Besluit* through Stbl. No. 118 on May 20, 1870, which then underwent several revisions until 1926. One of the important provisions in the *Agrarisch Besluit* was the recognition of state ownership rights over lands that could not be proven to be legally owned by any party, known as *domein verklaring*. This principle later became the basis for a series of colonial land regulations aimed at supporting the entry of foreign capital, especially in the plantation sector [14].

Since the implementation of the Agrarian Law in 1870, capital owners from the Netherlands and other European countries operating in the plantation sector have earned enormous profits. This profit is known as colonial super profit, a condition in which capital accumulation occurs extraordinarily due to several factors that benefit foreign investors. They can employ local workers with long working hours but are paid very low wages. In addition, investors do not need to spend money on building important infrastructure such as transportation routes and communication facilities, because all infrastructure costs are borne by the colonial government through tax levies from the people in the colonies [15].

Throughout the history of agrarian regulation in Indonesia, a dual legal system existed simultaneously. On the one hand, Western Agrarian Law was in effect, while on the other, indigenous communities practiced Customary Agrarian Law. The enactment of the *Agrarische Wet* marked the end of the long-standing forced cultivation system, which was part of conservative colonial policy. Gradually, this conservative system was replaced by a more liberal approach. The liberal policies implemented at that time were based on the principle of government non-intervention in economic activities. With this system, private entrepreneurs were given the freedom to run their businesses and invest capital, including from abroad, which ultimately opened up the flow of foreign investment into Indonesia. The issuance of the *Agrarische Wet* was also inseparable



from increasing criticism of the Dutch East Indies government for its colonial agrarian policies, which were considered detrimental, thus encouraging the issuance of a new agrarian law [16].

A new hope emerged when the Basic Agrarian Law (UUPA) was passed on September 24, 1960, amidst the strong spirit of Agrarian Reform at the time. This grand idea championed by President Soekarno received widespread support from farmers across Indonesia. The UUPA, which came into effect on January 1, 1961, aimed to achieve equal land ownership, particularly for farmers through a land redistribution mechanism. This effort began with the establishment of maximum and minimum limits for agricultural land ownership, adjusted to various factors such as population density and land availability [14].

The primary background to the enactment of the Basic Agrarian Law (UUPA) is the historical reality that the colonial agrarian legal system inherited from the colonial government was completely incompatible with the interests of the Indonesian people and nation. This system created a dualism in agrarian law—between customary law and Western law—which ultimately failed to guarantee legal certainty, especially for indigenous Indonesians. Therefore, comprehensive reform is needed based on the spirit and values enshrined in the 1945 Constitution, particularly to realize social justice for all Indonesians.

The UUPA embodies an anti-capitalist spirit and firmly sides with the common people, particularly farmers. This populist spirit is reflected in efforts to overhaul the unequal colonial agrarian structure and replace it with a more just and democratic national agrarian system. Thus, the main objective of the UUPA is to make fundamental changes to agrarian relations that have long been exploitative, in order to ensure that access to agrarian resources is truly used for the benefit of the people [17].

With the enactment of the Basic Agrarian Law (UUPA), the Indonesian nation finally has an agrarian legal system based on the principles of nationalism, both formally and materially. With the enactment of the Basic Agrarian Law (UUPA), a fundamental transformation occurred in the national agrarian legal system, particularly in the aspect of land law. This change is said to be fundamental because it includes a restructuring of the entire legal apparatus, changes in the conceptual foundation, and the formulation of new norms that become part of the law's content. This is emphasized in the "Opinions" section of the UUPA, which states that national agrarian regulations must be aligned with the interests of the Indonesian people and able to address the challenges and needs of society in accordance with current developments [18].

The enactment of the Basic Agrarian Law (UUPA) explicitly stipulated the revocation of several laws and regulations in effect during the colonial period. This provision is contained in the UUPA's dictum. Some of the regulations repealed include:

1. Agrarian Law No. 55 of 1870, as stated in Article 51 of *Indische Staatsregeling* (IS) of 1925 No. 447. This regulation is the main basis of colonial agrarian law which

has given rise to many problems and inequalities in land ownership in Indonesia before the birth of UUPA.

2. Various regulations concerning the Domeinverklaring (land tenure system), a system closely linked to colonial interests in claiming control over land, have in practice created legal uncertainty and agrarian inequality. Regulations falling into this category include:
  - a. Article 1 *Agrarisch Besluit*, Stbl. 1870 No. 118.
  - b. *Algemene Domeinverklaring*, Stbl. 1875 No. 119a.
  - c. *Domeinverklaring* for the Sumatra region, Stbl. 1874 No. 94f.
  - d. *Domeinverklaring* for the Manado Residency, Stbl. 1877 No. 55.
  - e. *Domeinverklaring* for *Residentie Zuider- en Oosterafdeling van Borneo*, Stbl. 1888 No. 58.
  - f. Royal Decree (*Koninklijk Besluit*) dated 16 April 1872, Stbl. 1872 No. 117 and its implementing regulations.
3. Book II of the Civil Code (KUHPPerdata) regulates land, water, and the natural resources contained therein. However, provisions on mortgages remain in effect as long as they have not been replaced by new provisions within the framework of the UUPA [19].

The repeal of these colonial regulations is the first step in establishing a sovereign agrarian legal system that aligns with the character of the Indonesian nation. This not only reflects efforts to unify the law but also affirms that the direction of national agrarian policy must be grounded in the spirit of social justice and popular sovereignty over natural resources.

To achieve this, the Basic Agrarian Law not only establishes new norms regarding land rights but also formulates eight basic principles that serve as the foundation of national agrarian law. These principles serve as the spirit or soul of the UUPA, which must inspire every form of implementation and its derivative regulations. These eight principles reflect fundamental values in agrarian management that support national interests, legal certainty, equity, and the social function of land rights.

The Basic Agrarian Law (UUPA) contains eight fundamental principles that serve as the basis and guidelines for the formation and implementation of national agrarian law. These principles are not only stated normatively but must also inform the implementation of all derivative regulations. These eight principles are as follows:

1. National Principles. Affirming that national agrarian law only applies to Indonesian citizens and places land ownership and control within the framework of national interests.
2. Principles of State Control. The state has the highest authority to regulate the earth, water, and all natural resources contained therein for the greatest prosperity of the people.

3. The Principle of Public Interest Above Personal Interest. Placing the interests of the state and nation, based on national unity, as the main priority compared to the interests of certain individuals or groups.
4. Principles of the Social Function of Land Rights. Every right to land is not absolute, but must take into account the interests of the wider community and must not be used in a way that is detrimental to the environment or the surrounding community.
5. The Principle of Exclusivity of Land Ownership by the Indonesian State. States that only the Indonesian state can grant ownership rights to land, and these rights cannot be held by foreign citizens or foreign legal entities.
6. Principle of Equal Rights. Providing guarantees of equality for all Indonesian citizens in terms of land use and control, without differentiating between social and economic backgrounds.
7. Principle of Active Business by Agricultural Land Owners. Requires agricultural land to be managed directly and actively by its owners, and prohibits systems that result in exploitation or extortion of others.
8. Principles of Land Use Planning. Regulating land use to be carried out in a planned, efficient and sustainable manner, while paying attention to the balance between economic, social and environmental interests [20].

These eight principles reflect the spirit of the UUPA in building a national agrarian system that is just, sovereign, and pro-people interests. By emphasizing the principles of social justice and sustainable natural resource management, the UUPA aims to eliminate feudal practices in land ownership and prevent excessive land control by certain groups. Furthermore, these principles serve as the primary reference in designing agrarian policies that favor farmers and in formulating development strategies based on sovereignty over national land and agrarian resources.

The Basic Agrarian Law (UUPA) can be categorized as a form of progressive or prismatic law, based on the approach it adopts to ensuring the achievement of social transformation goals. The UUPA was designed as a legal instrument that is not static, but rather responsive to the dynamics of society and development. As a progressive law, the UUPA embodies a spirit of reform aimed at creating social and economic change through a more equitable restructuring of land ownership.

The primary objective of this approach is to encourage transformation in the agricultural and industrial sectors to become more modern and efficient, while ensuring that the principle of social justice remains the foundation. Thus, the UUPA not only facilitates economic development but also maintains social balance by encouraging equal distribution of land ownership rights, so that they are not concentrated in the hands of certain groups. This approach reflects the state's systematic efforts to use law as a tool of social engineering to achieve equitable public welfare [21].



### *Agrarian issues and the challenges of land administration in Indonesia*

In the context of the implementation of the Basic Agrarian Law (UUPA), the conversion of land certificates is a crucial step in realizing a uniform and equitable national land system. This conversion aims to change and adapt various forms of land rights originating from colonial agrarian law into the national legal system regulated by the UUPA. Through this process, the state seeks to provide legal certainty regarding land ownership status, while strengthening the legal position of rights holders by issuing land certificates that are officially recognized by the state. In line with this, the conversion of land certificates becomes the initial basis for the systematic land registration process by the state. Land registration is the main task of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, namely to provide a legal basis in the land sector. For a plot of land that has been registered by its owner for a right, the Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) will issue and publish a certificate of rights, namely a land title certificate in the name of the owner [22]. This is stated in Government Regulation No. 24 of 1997 paragraph 2 Article

24 paragraph (1) which reads “For the purposes of registering rights, land rights originating from the conversion of old rights are proven by evidence regarding the existence of said rights in the form of written evidence, information whose level of truth is deemed sufficient by the Adjudication Committee in systematic land registration or by the Head of the Land Office in sporadic land registration to register the rights, rights holders and the rights of other parties who burden them [23]. “This means that in the context of implementing land rights registration, land rights originating from the conversion of old rights, namely rights that existed before the enactment of the Basic Agrarian Law (UUPA) of 1960 can be proven by evidence that shows the existence and validity of said rights. Such evidence can be in the form of written documents such as *girik* letters, *Eigendom Verponding*, or other customary documents, as well as information from parties who have direct knowledge of the ownership status of the land in question.

The level of truth of the evidence is then assessed and verified by the Adjudication Committee in the context of sporadic land registration, namely systematically, or by the Head of the Land Office in the context of land registration on an individual or individual initiative on a case-by-case basis.

If the evidence is deemed to have sufficient evidentiary force, it can be used as the basis for land title registration. This way, the land title, the identity of the title holder, and the rights of other parties encumbering the land, such as mortgages or leasehold rights, can be recorded and a certificate issued by the Land Office as valid legal evidence.

Land registration has several primary purposes, one of which is to provide legal certainty regarding a person’s ownership rights. Through the registration process, the status of land rights becomes clearer, whether they are ownership rights, business use rights, building use rights, or other forms of rights.

Furthermore, land registration plays a crucial role in preventing boundary disputes. Once a plot of land is officially registered, its location, area, and boundaries can be ascertained, thus minimizing the potential for conflict between landowners.

Another purpose of land registration is to determine tax obligations. With accurate information regarding the area of a land plot, the government can determine the amount of tax the owner must pay fairly and proportionally.

More broadly, land registration also provides access to comprehensive data and information regarding a plot of land, including its use, utilization, ideal designation, economic value, and physical potential and buildings on it. This information is important not only for the owner, but also for the government in spatial planning and national land management [24].

According to the provisions of Article 32 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration, land certificates function as proof of rights that have strong evidentiary power, as long as the information regarding the physical condition and legal aspects in the certificate corresponds to the data recorded in the measurement letter and land book. This means that land certificates are considered true and valid until proven otherwise.

With this understanding, certificates can be used as a strong legal basis in proving ownership, as long as there is no evidence to the contrary. Therefore, in every land case, the physical data and legal data used must reflect conformity with the information officially recorded in land documents, such as land books and measurement letters [25].

In land registration practices that adopt a negative publication system, the legal validity of a transfer of rights to another party, such as a buyer, is not automatically considered valid without further verification. This system adheres to the principle of *nemo plus juris*, which states that a person cannot transfer or assign land rights beyond their existing rights.

The state does not guarantee the accuracy of all data contained in registration documents, so the validity of the information must be verified. However, this system has positive aspects, as it ultimately produces a certificate of title that is legally binding and serves as a strong source of evidence, as stipulated in the Basic Agrarian Law (UUPA) and Government Regulation No. 24 of 1997 concerning Land Registration.

Through this system, registered land ownership provides its owner with legitimate legal benefits and allows the land to be used according to its intended purpose [26]. One of the weaknesses of the negative publication system is that the rights holder whose name is listed in the land book and certificate can still be sued by other parties who claim to have rights to the land. This condition creates legal uncertainty, because even though someone is officially registered as the owner, there is still the possibility of claims for ownership from other parties.

In other legal systems, this problem is often addressed through the concept of acquisitive prescription (*acquisitieve verjaring*) or adverse possession, which involves acquiring ownership rights through control for a specified period. However, this concept cannot be directly applied to the Indonesian land law system, as the national agrarian legal system is based on customary law.

As an alternative within the context of customary law, the institution of *rechtsverwerking* (land tenure) is known, which has a substantially similar function. According to this principle, if someone leaves their land unused for a long period of time, while the land has been occupied and used by another party in good faith, the rights of the original owner may be deemed to have lapsed.

This provision is in line with the principles set out in Articles 27, 34, and 40 of the UUPA, which state that land rights can be revoked due to neglect, thus supporting the principles of justice and legal certainty in land management [27]. However, in practice, there are still many lands originating from old rights, such as *Eigendom Verponding* certificates, which have not been converted into new rights in accordance with the provisions of the UUPA. This condition increases the potential for disputes, because their legal status is not completely clear and is not recorded in the modern land registration system, thus weakening the legal position of rights holders and creating loopholes for claims from other parties. This shows the urgency of updating land legal data to strengthen legal certainty and prevent overlapping claims to land.

To date, a number of land parcels still hold *Eigendom Verponding* status and have not been converted into the national agrarian law system. These lands, which have not been converted since the end of the conversion period, still face legal issues regarding their rights.

In practice before the enactment of Government Regulation Number 24 of 1997 concerning Land Registration, the process of converting land rights originating from western rights could be carried out directly, as long as the applicant was still registered as the rights holder in the old documents they owned, the rights had not been transferred to another party, and a map or measurement letter was available. In such cases, bookkeeping

This can be done simply by attaching a stamp or seal to the old proof document, accompanied by information regarding the type and number of rights that have been converted. However, after PP No. 24 of 1997 came into effect, the implementation of converting land rights from the old system to the new system was known as the term proving old rights, namely the legal process to determine and adjust old land rights to comply with the applicable national land registration provisions [17].

Based on the Letter of the Department of Agrarian Affairs No. Unda 1/7/39, a person's citizenship status as an Indonesian Citizen (WNI) was determined as of September 24, 1960. In this context, Indonesian citizens who own land with *eigendom verponding* status are required to carry out the conversion process into ownership rights by

appearing before the Head of the Land Registration Office (KKPT) within six months from that date. If within that period the owner is absent or fails to prove his ownership, then the status of the *eigendom verponding* land is automatically converted into a Building Use Right (HGB) with a validity period of 20 years, namely until September 24, 1980.

However, if the land has changed its status to HGB, the owner is still given the opportunity to apply for a change to freehold. For foreign holders of *eigendom verponding* rights, the land's status was immediately converted to HGB upon the enactment of the Basic Agrarian Law (UUPA). Furthermore, if within a period of 20 years since the UUPA was enacted, the owner of the rights to *eigendom verponding* land does not register or legalize his rights, then the land in question will be considered as land directly controlled by the state [28].

Following the emergence of problems related to land with *Eigendom Verponding* status that has not been converted to the land rights system according to the new provisions, the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (ATR/BPN), Nusron Wahid, revealed that the increasing number of cases of duplicate land certificates in Indonesia was the result of past land administration irregularities. He highlighted that land certificates issued between 1960 and 1987 were often not accompanied by adequate plot maps or cadastral maps. As a result, there was uncertainty regarding land boundaries, road access, and the physical form of the land plots. In many cases, the certificates only contained a picture of the land plot without detailed information about the location, such as the address or boundaries [29].

Before the Basic Agrarian Law (UUPA) was enacted, the land registration system in Indonesia developed in two main aspects: the development of the *cadastre* and the development of the land rights registration system. Rudolf Hermanses divides the history of the development of the *cadastre* in Indonesia into three phases: the pre-cadastral period which lasted from 1620 to 1837; old *cadastre* covering the period 1837 to 1875; and new *cadastre* that began after 1875.

Meanwhile, Van Huls divided the history of cadastral in Indonesia into three similar periods but with different names, namely: (1) the period of disorder or chaotic period before 1837; (2) the period of government surveyors (*van de Gouvernements-landmeter*) from 1837 to 1875; and (3) the period of the formation of the Land Registration Service or *Kadaster Deinst* which took place from 1875.

Van Huls described the first phase as chaotic because the *cadastre* was not systematically implemented, resulting in disorganized documents and land maps that could not be used as references. Meanwhile, Hermanses categorized this period as pre-cadastral because the *cadastre* was not yet regulated by official government regulations. At that time, there were no regulations on procedures or methods for implementing the *cadastre*.

The second and third phases are considered the beginning of the implementation of the modern *cadaastre*. In the second period, the cadastral system was still carried out with very simple arrangements, with no technical provisions regarding measurement and mapping methods. It was only in the third period that the implementation of the *cadaastre* began to be regulated in detail and systematically [30].

The legacy of the colonial cadastral system, which was not uniform and systematic, as described by Van Huls and Hermanses, has left a lasting impact on Indonesian land administration. Irregularities from the pre-cadastral to the old cadastral period have resulted in much overlapping, poorly documented, or even missing land data. When the post-independence Indonesian government implemented a new land system through the 1960 Basic Agrarian Law (UUPA), these long-standing issues remained unresolved.

This problem is further complicated when lands previously held under *Eigendom Verponding* status, inherited from the Dutch legal system, are not immediately converted into land rights recognized by the national legal system, such as Ownership Rights, Cultivation Rights, or Building Rights. This conversion should be carried out based on the provisions of Government Regulation No. 24 of 1997 concerning Land Registration. However, weak socialization, technical limitations, and uncertain documentation mean that most of these former western rights remain unregistered under the modern system.

As a result, many cases of overlapping ownership arise, where the same land is claimed by more than one party with seemingly legitimate documents, including official land titles from the National Land Agency (BPN). These certificates often lack cadastral maps, making them unable to accurately identify the land's location and boundaries on the ground.

This situation prompted the government to take corrective measures to address historical weaknesses in the land administration system. Recognizing that many certificates issued between 1961 and 1997 still contained fundamental weaknesses, particularly the lack of cadastral maps as a valid spatial reference, the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (ATR/BPN), Nusron Wahid, urged all holders of land certificates issued during that period to immediately update their certificates to electronic formats.

This appeal was issued in response to administrative weaknesses in old certificates that have the potential to create legal uncertainty. Through an official post on the Ministry of ATR/BPN Instagram account on Wednesday, May 21, 2025, Nusron emphasized that if updating to electronic certificates is not carried out immediately, there will be a risk of land disputes, especially regarding land boundaries. Electronic certificates equipped with spatial data and cadastral maps are expected to be a solution to strengthen legal certainty over land ownership and prevent future agrarian conflicts [31].



## Conclusion

Agrarian conflict in Indonesia is a deep-rooted and complex issue, stemming from a long history that began during the Dutch colonial period. The dualistic colonial land law system, consisting of Western and customary law, established a foundation of unequal land ownership. Practices like *cultuurstelsel* (cultivation system), *domein verklaring* (domain declaration), and the enforcement of the *Agrarische Wet 1870* consistently favored colonial and foreign financial interests over the rights of the indigenous population.

Following independence, the government attempted to rectify this colonial legacy through the Basic Agrarian Law (UUPA) of 1960, aiming to establish a national agrarian legal system rooted in social justice and customary law. However, UUPA implementation has been fraught with challenges. Issues such as disorganized land administration, inadequate socialization regarding the conversion of old rights, and weaknesses in land data monitoring and archiving, particularly between 1960 and 1987, created substantial problems. The most tangible impact of this administrative chaos is the proliferation of double certificates, where a single plot of land possesses multiple valid administrative titles held by different parties. This situation not only fuels horizontal conflict within communities but also erodes public trust in state land institutions and provides opportunities for land manipulation by land mafias. Furthermore, the ambiguous legal status of unconverted inherited property rights, not yet integrated into the modern land registration system, remains a significant source of agrarian issues today.

In conclusion, improving the land administration system is paramount to resolving overlapping ownership and mitigating future agrarian conflicts. The government must expedite land data updates through digitalization programs and the issuance of electronic certificates supported by accurate cadastral maps. These efforts are expected to enhance transparency, strengthen legal certainty, and provide lasting solutions to agrarian issues that have plagued Indonesia's legal history. Crucially, strengthening both institutional capacity and public legal awareness must be pursued continually to ensure that the national agrarian system truly serves the interests of the people and adheres to the values of social justice mandated by the constitution.

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