


# Land Law Reform in Indonesia and Nigeria: Towards Equitable Agrarian Governance

Pandapotan Damanik<sup>1\*</sup>, Uche Nnawulezi<sup>2</sup>

<sup>1</sup> Faculty of Law, Universitas Simalungun, Pematangsiantar, Indonesia.

<sup>2</sup> College of Law, Bowen University, Iwo, Nigeria.

 : pandamfkh@gmail.com

Corresponding Author\*



## Abstract

**Introduction:** Land inequality remains a major challenge in developing nations, particularly in Indonesia and Nigeria, where unequal land distribution has deep social and economic implications. Both countries have undertaken land law reforms to promote fair access and sustainable resource management. Understanding how these reforms operate within distinct legal and historical contexts is essential for achieving equitable agrarian governance.

**Purposes of the Research:** Analyze and compare the land law reform processes in Indonesia and Nigeria to assess their contribution to achieving justice in agrarian governance. It seeks to identify key similarities and differences in reform approaches, evaluate their socio-legal impacts, and explore policy strategies that strengthen land rights, social inclusion, and rural welfare.

**Methods of the Research:** A qualitative comparative legal analysis was employed, focusing on legal frameworks, policy implementation, and institutional mechanisms in both countries. Data were collected through literature review, document analysis, and secondary sources such as academic journals and government reports. The comparative framework allows examination of each country's reform trajectory and its effectiveness in promoting fair and sustainable agrarian governance.

**Results Main Findings of the Research:** The findings reveal that although both countries differ in their historical and legal contexts, they face similar challenges namely, land ownership concentration among economic elites and weak protection of indigenous and smallholder farmers' rights. Indonesia has shown progress through land redistribution and asset legalization programs, while Nigeria emphasizes decentralized land management and community-based access policies. The study concludes that achieving equitable agrarian governance depends on the integration of legal reform, public participation, and policy transparency.

**Keywords:** Agrarian Governance; Land Law Reform; Indonesia and Nigeria; Social Justice.

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## INTRODUCTION

Land tenure inequality is a fundamental problem faced by many developing countries, including Indonesia and Nigeria. Land not only serves as an economic resource but also has social, political, and cultural dimensions that influence power structures and community welfare. Unequal access to land has led to agrarian conflicts, rural poverty, and prolonged social injustice. In this context, land law reform is an important instrument for realizing fair and sustainable agrarian governance. Efforts to reform land law in many developing countries have emerged as a solution to address these inequalities. However, significant challenges still arise, such as weak policy implementation, corruption within the agrarian bureaucracy, and resistance from large capital owners. Furthermore, many land

redistribution policies do not consider the socio-cultural dimensions of local communities, making substantive justice difficult to achieve<sup>1</sup>.

Unequal access to land has led to agrarian conflicts, rural poverty, and prolonged social injustice. The issue of agrarian inequality not only requires technical legal reforms but also a just agrarian governance approach that integrates the principles of participation, transparency, and recognition of the rights of indigenous peoples and small farmers, in this context, a comparative study between Indonesia and Nigeria becomes relevant to understand how two developing countries with different historical backgrounds and legal systems face similar challenges in achieving a fairer distribution of land. Land law reforms in Indonesia and Nigeria represent state efforts to correct the historical legacy of inequality and legal uncertainty over land. Both Indonesia and Nigeria share similarities in facing challenges in creating inclusive and equitable agrarian governance, despite having different legal systems and social contexts<sup>2</sup>. Land reform in Indonesia began to gain momentum since the enactment of the Basic Agrarian Law in 1960, which affirmed the principle of "land for the greatest prosperity of the people." However, its implementation is often hampered by overlapping regulations, legal dualism between customary law and state law, and the dominance of corporate interests in the plantation and mining sectors. Recent efforts through the Agrarian Reform Program and Complete Systematic Land Registration show progress in asset legalization but still face structural obstacles such as bureaucracy and unresolved tenurial conflicts<sup>3</sup>.

Land law reform in Nigeria is focused through the Land Use Act (LUA) of 1978, which grants significant authority to state governments in managing and distributing land. This policy aims to create more equitable access and encourage agricultural investment, but in practice, it has led to the centralization of power and abuse of authority, as land management decisions often do not consider the rights of local communities. Some subsequent reforms, such as the Land Reform Implementation Committee (2009), seek to address these weaknesses by strengthening the land registration system and transparency in land administration<sup>4</sup>.

Both Indonesia and Nigeria are now in a transition phase towards a more participatory, transparent, and socially just land system. While policy directions show progress, their effectiveness heavily relies on the synergy between legal reform, political commitment, and civil society participation. Therefore, a comparative study of the two countries is essential to assess how the characteristics of the legal system and political dynamics influence the success of land reform in creating equitable agrarian governance.

The novelty of this article lies in its cross-country comparative analysis, examining land law reforms in two Global South countries: Indonesia and Nigeria. These two countries have different colonial histories, legal systems, and socio-political contexts, but face similar agrarian problems. This approach is rarely used in agrarian governance studies, which are generally single-country analyses. In addition, this research provides a conceptual

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<sup>1</sup> Yuyun Kadarlia, "Agrarian Reform Improving Welfare and Social Justice in Rural Areas," in *Proceeding 2nd International Conference on Law, Economy, Social and Sharia* 2, 2024, <https://icless.net/>.

<sup>2</sup> Gustavo de L.T. Oliveira, Ben M. McKay, and Juan Liu, "Beyond Land Grabs: New Insights on Land Struggles and Global Agrarian Change," *Globalizations* 18, no. 3 (2021): 321–38, doi:10.1080/14747731.2020.1843842.

<sup>3</sup> Ni Ketut Suartining and Benny Djaja, "Land Rights in The Land Law System in Indonesia According to The Basic Agrarian Law Number 5 of 1960," *Journal of Social Research*, 2023, <http://ijsr.internationaljournallabs.com/index.php/ijsr>.

<sup>4</sup> Kehinde H Babalola and Simon A Hull, "Examining the Land Use Act of 1978 and Its Effects on Tenure Security in Nigeria: A Case Study of Ekiti State, Nigeria," *Pioneer in Peer-Reviewed*, 2019, doi:10.17159/1727.

contribution by developing a framework for equitable agrarian governance that combines the principles of social justice with good governance theory in an agrarian context: 1) How do the differences and similarities in the legal frameworks and implementation of land reforms in Indonesia and Nigeria affect the creation of equitable agrarian governance?; 2) To what extent have land law reforms in Indonesia and Nigeria been able to reduce agrarian inequality and strengthen community rights to access and control over land?. The purpose of this research is to examine and compare the land law frameworks in Indonesia and Nigeria. It also aims to evaluate the extent to which legal reforms support equitable agrarian governance and to provide policy recommendations based on the principles of social justice and sustainability.

## METHODS OF THE RESEARCH

This research employs a descriptive qualitative approach with a comparative legal analysis method to understand and compare land law reforms in Indonesia and Nigeria within the context of achieving equitable agrarian governance. This approach was chosen because the research does not focus on hypothesis testing but on describing and deeply analyzing the legal and agrarian policy realities in both countries. A descriptive method is used to systematically, factually, and accurately describe the legal frameworks, policies, and implementation practices of land reform. Through a comparative approach, this research seeks to identify similarities and differences in the legal systems, institutional structures, and agrarian policy orientations implemented by Indonesia and Nigeria. The research data comes from secondary data obtained through library research. Data sources include laws and regulations, such as the Basic Agrarian Law of 1960 in Indonesia and the Land Use Act of 1978 in Nigeria, as well as government policy documents, reports from international organizations (such as the FAO and World Bank), and previous research findings from scientific journals related to land governance and agrarian justice

## RESULTS AND DISCUSSION

### A. Land Legal and Policy Framework in Indonesia and Nigeria

Agrarian reform, both in Indonesia and Nigeria, is rooted in the historical experience of land tenure inequality inherited from colonialism. In this context, land is not only seen as an economic resource but also as a symbol of identity, power, and social legitimacy. Therefore, agrarian reform in both countries has a strong philosophical and moral dimension, namely the effort to restore the social function of land for the welfare of the people.

The philosophical foundation of agrarian reform in Indonesia is based on Pancasila and the 1945 Constitution, particularly Article 33 paragraph (3), which states that land, water, and natural resources are controlled by the state and used for the greatest prosperity of the people. This principle is embodied in the Basic Agrarian Law of 1960, which affirms the concept of land for the people and rejects monopolies of ownership that are inconsistent with the principles of social justice. Historically, the Basic Agrarian Law 1960 was born as a reaction to the Dutch colonial legal system (*Agrarische Wet 1870*), which was capitalistic and exploitative<sup>5</sup>. Meanwhile, in Nigeria, land law reform is rooted in a similar experience

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<sup>5</sup> Triana Rejekiningsih, Chatarina Muryani, and Diana Lukitasari, "Study of The History and Dynamics of The Agrarian Policy In Transforming The Indonesia's Agrarian Reform," *Yustisia* 8 (2019), <https://Creativecommons.org/licences/by/4.0>.

from the British colonial system, which placed land under the control of elites and foreign companies. After independence, the state sought to restructure land ownership through the Land Use Act of 1978, which philosophically departs from the idea of state trusteeship of land, meaning that land is a common property that must be managed by the state for the benefit of the people. However, in practice, this concept has often drawn criticism for strengthening the centralization of state power over land without equitable distribution<sup>6</sup>.

Both countries share a philosophically aligned goal of realizing agrarian justice and popular sovereignty over natural resources. However, historically, differences in political and legal systems have caused the direction of agrarian reform to evolve differently. Indonesia emphasizes the social function of land and equitable distribution, while Nigeria highlights efficiency and state administrative control.

The land law framework in Indonesia is built on the foundation of the Basic Agrarian Law Number 5 of 1960, which serves as the main legal umbrella for all national agrarian policies. The Basic Agrarian Law is a legal instrument that affirms the state's role as the primary controller and regulator of land resources with the aim of realizing social justice, welfare, and equitable access to land for all citizens. In its legal structure, the Basic Agrarian Law introduces the important principle that land has a social function, meaning that private ownership of land must not conflict with the interests of the wider community<sup>7</sup>. This principle forms the basis for land redistribution policies and the restructuring of ownership to address agrarian inequalities that have existed since the colonial era. In addition, the Basic Agrarian Law also affirms the recognition of customary rights of indigenous peoples, although its implementation still faces challenges in a modern legal system that tends to be centralized<sup>8</sup>.

The agrarian legal framework was subsequently strengthened through various derivative regulations, such as Government Regulation Number 224 of 1961 concerning the Implementation of Land Distribution and Compensation, as well as the National Agrarian Reform policy, which is part of the sustainable development agenda, the National Agrarian Reform includes two main aspects: land asset redistribution and access arrangement. The aim is to integrate economic, social, and environmental dimensions in the management of agrarian resources<sup>9</sup>. Nevertheless, the implementation of land law in Indonesia still faces a number of structural challenges, such as overlapping regulations, dualism of authority between the central and regional governments, and ownership conflicts between communities and large corporations. This indicates that although the Basic Agrarian Law has normatively established a legal framework oriented towards justice, its implementation still requires institutional reform and consistent law enforcement to achieve the ideals of equitable and inclusive agrarian governance<sup>10</sup>. The land law framework in Nigeria is based on the Land Use Act (LUA) of 1978, which is the primary law governing the ownership, use, and management of land throughout the country. This law marked a major change in the

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<sup>6</sup> Ogochukwu Okanya and Ifeoma Nwakoby, "Managing Nigeria's Natural Resources for Sustainable Development," *International Journal of Academic Management Science Research* 3 (2019), [www.ijeais.org/ijamsr](http://www.ijeais.org/ijamsr).

<sup>7</sup> Eril Boli and Muh Nur Hidayat M, "Agrarian Law Reform in Indonesia: Between Legal Certainty and Social Justice," *Indonesian Civil Law Review* 1, no. 1 (2025): 53–68.

<sup>8</sup> Damianus Krismantoro, "Exploring Agrarian Reform Laws in Indonesia," *Journal of Ecohumanism* 3, no. 8 (December 24, 2024), doi:10.62754/joe.v3i8.5504.

<sup>9</sup> Hariadi Kartodihardjo and Eko Cahyono, "Agrarian Reform in Indonesia: Analyze Concepts and Their Implementation from a Governance Perspective," *Jurnal Manajemen Hutan Tropika* 27 (2021): 1–8, doi:10.7226/jtfm.27.te.1.

<sup>10</sup> Rejekiingsih, Muryani, and Lukitasari, "Study of The History and Dynamics of The Agrarian Policy in Transforming the Indonesia's Agrarian Reform."



Nigerian land system, placing all land under the control and trust of the state (state trusteeship of land). Through this mechanism, the state is represented by the governors in each state, who have full authority to allocate and regulate land use<sup>11</sup>.

LUA of 1978 emerged as a response to the unequal distribution of land and feudalistic land practices inherited from the British colonial era, where land control tended to be concentrated in the hands of traditional elites and foreign companies. Philosophically, this policy aims to create equitable access to land, support economic development, and prevent speculation and excessive land control<sup>12</sup>. Thus, the Nigerian land law approach places the state as the central actor in controlling agrarian resources. However, in practice, this highly centralized and bureaucratic system raises a number of new problems. The broad authority granted to governors is often abused, leading to corruption and manipulation in the granting of land permits. In addition, the weak land registration and administration system causes legal uncertainty for landowners and land users, especially for rural communities and indigenous groups whose land is not formally documented<sup>13</sup>.

Another aspect of the LUA of 1978 has also completely failed to realize the social justice that was its initial goal. Many studies show that the centralization of power over land has actually widened the gap, as local communities lose autonomy in managing their land. Further reform efforts, such as the National Land Policy and the Land Administration Reform Initiative, have been proposed to strengthen transparency and accountability, but their effectiveness is still limited<sup>14</sup>. Overall, the land law framework in Nigeria presents a contradiction between the idealism of equality and the reality of centralized power. Although the LUA 1978 was designed to create more equitable access to land, in practice, the system often reinforces state dominance and disregards the rights of local communities. Therefore, land law reform in Nigeria requires a reorientation of policy towards decentralization and recognition of community rights so that agrarian justice can truly be realized<sup>15</sup>.

A comparison of the principles and orientations of land policy between Indonesia and Nigeria shows two approaches that both start from the spirit of reform but develop in different directions according to the political, social, and legal contexts of each country. Both have a basic vision to create equitable access to land and improve the welfare of the people, but the mechanisms and philosophies of implementation show fundamental differences. The orientation of agrarian policy in Indonesia is more based on social justice and community empowerment, with the principle that land has a social function and must be used as much as possible for the prosperity of the people. The state acts as a regulator and protector of rights, not as the absolute owner of the land. Agrarian reform policies are directed at land redistribution, access arrangement, and recognition of the rights of indigenous peoples, which place popular participation at the core of agrarian governance. Thus, Indonesia's policy orientation is people-centered and seeks to achieve a balance between legal, social, and economic aspects<sup>16</sup>.

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<sup>11</sup> Okanya and Nwakoby, "Managing Nigeria's Natural Resources for Sustainable Development."

<sup>12</sup> Lawrence Oyelade Oyeniran, "Critical Examination of Land Reforms in Nigeria: Issues, Challenges and Solutions," *African Journal of Law, Ethics and Education* 8 (2025), <https://ajleejournal.com>.

<sup>13</sup> Okanya and Nwakoby, "Managing Nigeria's Natural Resources for Sustainable Development."

<sup>14</sup> Babalola and Hull, "Examining the Land Use Act of 1978 and Its Effects on Tenure Security in Nigeria: A Case Study of Ekiti State, Nigeria."

<sup>15</sup> Okanya and Nwakoby, "Managing Nigeria's Natural Resources for Sustainable Development."

<sup>16</sup> Liao, Liu, and Agrawal, "Sustainability Governance for Agrarian Transformation under Climate Change."

The orientation of agrarian policy in Nigeria places the state as the primary holder of power over land with the aim of efficiency and administrative control. The main principle of the Land Use Act of 1978 emphasizes that land is a national asset managed by the state for the public interest. This approach is state-centered, where agrarian justice is expected to be achieved through top-down planning and regulation<sup>17</sup>. However, this orientation often results in the centralization of power and hinders community participation in decision-making, which has implications for weak accountability and increased ownership conflicts. Despite the differences in orientation, both countries have a common ground in efforts to restructure the unequal agrarian structure and strengthen the legal legitimacy of land control. The difference lies in the implementation strategy, namely Indonesia prioritizes distributive and participatory justice, while Nigeria emphasizes administrative stability and economic efficiency. From this comparison, it can be concluded that the ideal agrarian governance model needs to integrate the social justice aspects of Indonesia with the policy efficiency aspects of Nigeria, so that a land law system is formed that is both just and adaptive to development needs<sup>18</sup>.

## **B. Implementation of Reforms and Structural Challenges**

The implementation of agrarian reform in Indonesia is a continuation of the mandate of the Basic Agrarian Law of 1960, which places land as a means of equitable welfare and social justice. In terms of implementation, the agrarian reform program is carried out through the National Agrarian Reform policy, which focuses on two main pillars: asset reform and access reform. The asset redistribution pillar is realized through the distribution of land to the poor, landless farmers, and indigenous communities who have been marginalized from the formal ownership system<sup>19</sup>. The government, through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, facilitates land legalization and land certification as a step towards creating agrarian legal certainty. Meanwhile, access arrangement includes the economic empowerment of land recipients, such as capital support, training, and strengthening local institutions so that land can be managed productively and sustainably<sup>20</sup>.

The implementation of agrarian reform in Indonesia faces various structural obstacles. One of the main challenges is the overlapping of permits and land ownership claims, especially in areas controlled by large corporations or forest areas. In addition, the lack of synchronization of land data between ministries and local governments causes delays in the redistribution process and the potential for administrative conflicts. Agrarian conflicts also still often arise due to the state's lack of firmness in mediating clashes between economic interests and the rights of indigenous peoples. Empirically, the success of agrarian reform in Indonesia is still partial and sectoral. On the one hand, the land certification program through Complete Systematic Land Registration has succeeded in increasing legal certainty for millions of citizens. However, on the other hand, the reform has not fully touched the root of the structural inequality of land ownership that places most of the agrarian assets

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<sup>17</sup> Babalola and Hull, "Examining the Land Use Act of 1978 and Its Effects on Tenure Security in Nigeria: A Case Study of Ekiti State, Nigeria."

<sup>18</sup> Boli and Hidayat M, "Agrarian Law Reform in Indonesia: Between Legal Certainty and Social Justice."

<sup>19</sup> Rejekiingsih, Muryani, and Lukitasari, "Study of The History and Dynamics of The Agrarian Policy in Transforming the Indonesia's Agrarian Reform."

<sup>20</sup> Embun Sari et al., "Comparison of Land Law Systems: A Study on Compensation Arrangements and Reappraisal of Land Acquisition for Public Interest between Indonesia and Malaysia," *International Journal of Criminology and Sociology* 10 (2021): 872-80.

under the control of a handful of parties<sup>21</sup>. The implementation of land reform in Nigeria is rooted in the implementation of the LUA of 1978, which became a major milestone in the structuring of land ownership and management systems. This reform aimed to eliminate historical inequalities arising from the British colonial system, where land was largely controlled by traditional elites and foreign companies. Through the LUA, all land was declared to be under state control, with governors in each state given the authority to allocate land to citizens and legal entities based on statutory rights of occupancy<sup>22</sup>.

This system, in its implementation, is intended to create equitable access to land, increase the efficiency of land use, and support national economic growth. However, at the implementation level, land reform in Nigeria faces various serious obstacles. One of the main obstacles is excessive bureaucratization in the permitting process, where every land transaction must obtain the approval of the governor or state authority. This condition creates loopholes for administrative corruption, slows down investment, and weakens public trust in land institutions<sup>23</sup>. In addition, a lack of transparency in the land registration system is an important factor hindering the effectiveness of reform. Many areas, especially rural areas and indigenous communities, are still not officially recorded in the administrative system, so their rights to land are vulnerable to being ignored. This legal uncertainty often triggers ownership conflicts between local communities, the government, and private actors<sup>24</sup>.

Modernization efforts have been made through programs such as the Land Administration Reform Initiative and the National Land Policy Framework, which focus on digitizing land registration and improving accountability. However, the results are still limited due to weak institutional capacity and resistance from political elites who benefit from the status quo. In this context, Nigerian land reform is still struggling to achieve a balance between administrative efficiency and social justice, where the state remains the dominant actor in land management, while communities have not gained adequate control over their agrarian resources. Thus, the implementation of land reform in Nigeria reveals a paradox, namely that although designed for equality, the overly centralized policy structure actually reinforces power asymmetries and the marginalization of grassroots communities. Therefore, the step towards equitable agrarian governance requires a fundamental transformation in the legal and institutional system so that the people's rights to land can be effectively protected<sup>25</sup>.

The structural challenges in agrarian governance in developing countries such as Indonesia and Nigeria reflect fundamental problems that go beyond formal legal aspects, encompassing institutional, political, economic, and social dimensions. The root of the problem lies in the lack of synchronization between national policies and implementation at the local level, which results in inconsistencies in the implementation of agrarian reform. Differences in interpretation and interests between levels of government often cause policies to lose effectiveness and a sense of alignment with small communities. One of the main

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<sup>21</sup> Kartodihardjo and Cahyono, "Agrarian Reform in Indonesia: Analyze Concepts and Their Implementation from a Governance Perspective."

<sup>22</sup> Chidi Pensive and Njoku Chinonyerem Uche, "Land Use Act: A Re-Enactment of Colonial Land Policy in Post-Colonial Nigeria," *AKU: An African Journal of Contemporary Research* 3, no. 1 (2022): 2814–0753.

<sup>23</sup> Babalola and Hull, "Examining the Land Use Act of 1978 and Its Effects on Tenure Security in Nigeria: A Case Study of Ekiti State, Nigeria."

<sup>24</sup> Ugonabo, Egolum, and Sado, "Nigerian Land Policy: Issues, Challenges and The Way Forward."

<sup>25</sup> Pensive and Chinonyerem Uche, "Land Use Act: A Re-Enactment of Colonial Land Policy in Post-Colonial Nigeria."

obstacles is the weak institutional capacity in land administration. Many land agencies in both countries still face limitations in human resources, technology, and information systems. As a result, the process of data collection, certification, and land mapping becomes slow and inaccurate. On the other hand, a lack of transparency and accountability in the land bureaucracy opens the door for corrupt practices, manipulation of permits, and abuse of authority, which leads to low public trust in state institutions<sup>26</sup>.

The structural inequality factor in land ownership, apart from institutional factors, is also a serious challenge. In many areas, land is still concentrated in the hands of political elites, large corporations, or foreign investors, while indigenous peoples and small farmers remain in subordinate positions. This inequality deepens the social and economic gap and triggers prolonged agrarian conflicts. In the context of globalization, the expansion of extractive industries and infrastructure projects often sacrifices the rights of local communities without fair compensation mechanisms<sup>27</sup>.

The socio-cultural aspect is the next aspect that complicates agrarian governance. Traditional value systems and customary laws that exist in society are often not accommodated within the framework of national law. This disharmony creates a dualism of legal systems that hinders conflict resolution and recognition of the collective rights of indigenous peoples. Thus, the structural challenges in agrarian governance do not only stem from legal deficiencies, but also from the imbalance of power between the state and citizens, as well as the weak participatory mechanisms in decision-making. To realize equitable agrarian governance, institutional reforms are needed that are oriented towards transparency, decentralization, and recognition of the rights of local communities as the main subjects of agrarian resource management<sup>28</sup>.

A comparison between the implementation of agrarian reform in Indonesia and Nigeria shows that both countries face relatively similar problems in terms of agrarian institutions and politics, even though they start from different legal systems and policy orientations. Both seek to correct the inequality in the distribution of land inherited from colonialism and strengthen the legitimacy of the state in the management of agrarian resources, but the achievements of the reforms are still limited by structural obstacles and weak governance. From the policy implementation side, Indonesia stands out with a participatory model through the National Agrarian Reform, which places the community as the direct recipient of the benefits of land redistribution and legalization. This approach, although not perfect, demonstrates efforts to expand public access to agrarian resources through more inclusive legal mechanisms. Meanwhile, Nigeria still applies a centralistic system under the Land Use Act 1978, which gives great authority to state governments. As a result, the implementation of reform in Nigeria is more administrative than transformative, with very limited community involvement<sup>29</sup>.

Regarding the aspect of institutional challenges, both countries face the same problems of inter-agency coordination, weak land registration systems, and inefficient bureaucratic practices. However, the level of transparency and accountability is relatively more

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<sup>26</sup> Oliveira, McKay, and Liu, "Beyond Land Grabs: New Insights on Land Struggles and Global Agrarian Change."

<sup>27</sup> Ugonabo, Egolum, and Sado, "Nigerian Land Policy: Issues, Challenges and The Way Forward."

<sup>28</sup> Ridho Aulia Husein and Zainal Arifin Hoesin, "Comparative Study of The National Agrarian Legal System with Countries In Asean (Study of Law Number 5 of 1960 And Government Regulation Number 18 of 2021)," *Advances in Social Humanities Research* 3, no. 1 (2025).

<sup>29</sup> Babalola and Hull, "Examining the Land Use Act of 1978 and Its Effects on Tenure Security in Nigeria: A Case Study of Ekiti State, Nigeria."



developed in Indonesia through the digitization of land data, while Nigeria is still struggling against corruption in the permitting and land distribution process. This confirms that the effectiveness of agrarian reform is highly determined by the extent to which the state is able to build an open and valid data-based administrative system. From a social and political dimension, Indonesia faces challenges in harmonizing national law with customary law, while Nigeria is more trapped in tensions between local political power and the economic interests of the elite. This means that in Indonesia the main issue lies in the recognition of legal pluralism, while in Nigeria the problem revolves around the centralization of power and unequal access to land resources<sup>30</sup>.

Comparatively, it can be concluded that Indonesia is more advanced in pursuing distributive justice through community-based policies, while Nigeria still emphasizes state control as an instrument of equalization. Both models have their respective advantages and disadvantages: Indonesia excels in the participatory aspect but is weak in implementation consistency; Nigeria is administratively efficient but pays less attention to social justice. Therefore, an ideal agrarian governance model can be built through a synthesis of the two approaches, namely combining the principles of social justice and community-based decentralization as in Indonesia with the efficiency and uniformity of administration as in Nigeria.

### C. The Impact of Reform on Justice and Land Access

One of the main objectives of agrarian reform in developing countries is to create legal certainty over land ownership and control rights. In Indonesia and Nigeria, this dimension is an important focus because the long history of legal dualism - between customary law and state law - has created uncertainty, conflict, and marginalization of local community rights. Reforms in both countries seek to strengthen the legal basis of land ownership so that every citizen obtains clear legal protection for their agrarian assets. In Indonesia, increasing legal certainty is realized through the Complete Systematic Land Registration program and the National Agrarian Reform, which aim to accelerate land legalization and provide land certificates to the community. This program not only strengthens the legal status of ownership but also functions as an instrument of economic empowerment, because land certificates can be used as collateral to obtain access to capital. In addition, recognition of the rights of indigenous peoples has begun to receive attention through various regulations such as the Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Number 9 of 2015 concerning procedures for determining communal rights of indigenous law communities. This effort demonstrates a paradigm shift from state control towards recognition of legal pluralism and social justice<sup>31</sup>.

For comparison, in Nigeria, legal certainty is pursued through the implementation of the LUA 1978, which places all land under state control. In this system, formal ownership rights are not granted in the form of freehold, but rather through a right of occupancy, which is a right of use authorized by the state government. Theoretically, this system aims to prevent land speculation and ensure fair distribution. However, in practice, the complex and bureaucratic permitting process creates new uncertainties, as many rights of indigenous and rural communities are not formally recorded, making them vulnerable to displacement by

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<sup>30</sup> Fitra Alvian and Dian Aries Mujiburohman, "Implementasi Reforma Agraria Pada Era Pemerintahan Presiden Joko Widodo," *Jurnal Tunas Agraria* 5, no. 2 (2022).

<sup>31</sup> Suartining and Djaja, "Land Rights in The Land Law System in Indonesia According to The Basic Agrarian Law Number 5 of 1960."

commercial and government projects<sup>32</sup>. A comparison of the two countries shows that although both seek to strengthen the legality of land rights, the approaches taken differ fundamentally. Indonesia emphasizes the legalization of community rights and the protection of ownership through public participation, while Nigeria relies on state control as a guardian of stability and administrative efficiency. In this context, Indonesia has been relatively more successful in building legal trust and social legitimacy, while Nigeria still faces problems of centralization of power and weak recognition of communal rights. Thus, increasing legal certainty over land is not only determined by the existence of formal regulations but also by implementation mechanisms that are inclusive and participatory. Without genuine recognition of the rights of local communities and customary law systems, agrarian reform will remain procedural and fail to realize the substantive justice that is the main essence of equitable agrarian governance<sup>33</sup>.

Changes in the distribution of and access to agrarian resources are a key indicator of the success of land reform in developing countries. Both Indonesia and Nigeria have taken various steps to expand public access to land as a source of livelihood and economic capital. However, the results show that structural changes in the distribution of land ownership are still slow and uneven, influenced by complex political, economic, and institutional factors. In Indonesia, the land redistribution policy, which is part of the National Agrarian Reform, focuses on granting ownership rights to poor communities, small farmers, and indigenous communities. This program is expected to reduce the inequality in land ownership that has been controlled by large companies and the state. Although there has been an increase in the amount of land certified for the people, its impact on the equitable distribution of agrarian land nationally is still limited. Many cases show that redistributed land is often located in areas with low economic value or is not accompanied by adequate capital support and market access. As a result, formal ownership does not always lead to increased welfare<sup>34</sup>. Nigeria is pursuing reform through a land allocation system by state governments, where land is managed and distributed based on usage permits. This system allows the government to control land allocation for development purposes, but in practice, it often strengthens exclusive access for powerful groups and economic elites. The non-transparent allocation mechanism makes it difficult for rural communities to obtain productive land. In many areas, traditional communities lose access to their customary land due to land conversion policies for investment and infrastructure purposes<sup>35</sup>.

A comparison of the two countries shows different orientations in managing access to agrarian resources. Indonesia emphasizes social redistribution based on justice, while Nigeria tends to maintain state control over land under the guise of development efficiency. However, both face similar obstacles, namely a weak data collection system and a lack of integration between central policy and local implementation. As a result, changes in land distribution have not significantly changed the structure of agrarian inequality that has been rooted since colonial times. Agrarian reform not only impacts legal and governance aspects but also has significant socio-economic consequences for society. In Indonesia and Nigeria,

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<sup>32</sup> Babalola and Hull, "Examining the Land Use Act of 1978 and Its Effects on Tenure Security in Nigeria: A Case Study of Ekiti State, Nigeria."

<sup>33</sup> Liao, Liu, and Agrawal, "Sustainability Governance for Agrarian Transformation under Climate Change."

<sup>34</sup> Rejekiingsih, Muryani, and Lukitasari, "Study of The History and Dynamics of The Agrarian Policy in Transforming The Indonesia's Agrarian Reform."

<sup>35</sup> Babalola and Hull, "Examining the Land Use Act of 1978 and Its Effects on Tenure Security in Nigeria: A Case Study of Ekiti State, Nigeria."

land reform is intended to reduce social inequality, strengthen the people's economy, and promote sustainable development. However, the achievements of both show variations influenced by institutional capacity, economic policy support, and the level of community participation. In Indonesia, land legalization and redistribution through the National Agrarian Reform policy have had a positive social impact on poor communities in rural areas. Legitimate land ownership increases security, strengthens the community's bargaining position, and reduces vulnerability to conflict. Economically, land certification opens access to formal financing sources, allowing farmers to develop productive businesses. However, these benefits have not been evenly distributed due to limited post-reform support, such as a lack of technical assistance, agricultural infrastructure, and market access. Thus, the economic impact tends to stop at increasing assets and has not fully transformed into sustainable welfare<sup>36</sup>.

Nigeria experiences a gap between the economic potential of agrarian land and the realization of social welfare. The highly centralized land system limits local innovation and economic access for rural communities. Many land development projects are oriented towards the interests of investors rather than the empowerment of the people. As a result, even though reforms are carried out on the grounds of equity, the effect is to strengthen a dualistic economic structure in which political elites and business actors gain more profit than small farmers. Dependence on state permits also creates high social costs in the form of marginalization of indigenous communities and the loss of traditional livelihoods<sup>37</sup>. This comparison shows that the success of agrarian reform is not sufficiently measured by land redistribution alone, but rather by the socio-economic transformation it produces. Indonesia relatively shows a positive direction of change towards community empowerment, while Nigeria is still trapped in an elitist and exploitative development model. In the context of social justice, agrarian reform ideally not only regulates who owns the land but also how the land is used to improve economic independence, food security, and collective welfare. Thus, the socio-economic implications of agrarian reform confirm that land has a dual function as a means of production and a symbol of social justice. Without the support of inclusive economic policies and social protection mechanisms, agrarian reform risks becoming a legal-formal process alone that fails to significantly change the structure of inequality<sup>38</sup>.

Substantive justice in agrarian reform emphasizes the achievement of real justice in the distribution of benefits, access, and protection of land rights, not just the fulfillment of formal legal procedures. In this context, an evaluation of the implementation of reform in Indonesia and Nigeria reveals the extent to which land policies are able to reflect the principles of social justice and economic equality that are the main objectives of the agrarian agenda. In Indonesia, although various policies such as the National Agrarian Reform and the legalization of land rights have strengthened the legal position of small communities, the application of substantive justice still faces systemic obstacles. Reform tends to emphasize administrative legal certainty more than the equalization of economic outcomes. Many recipients of land redistribution have not enjoyed significant improvements in welfare due to limited support for access to capital, markets, and technology. On the other hand, large-scale land control by corporations and plantations continues to dominate, so

<sup>36</sup> Suartining and Djaja, "Land Rights in The Land Law System in Indonesia According to The Basic Agrarian Law Number 5 of 1960."

<sup>37</sup> Pensive and Chinonyerem Uche, "Land Use Act: A Re-Enactment of Colonial Land Policy in Post-Colonial Nigeria."

<sup>38</sup> Liao, Liu, and Agrawal, "Sustainability Governance for Agrarian Transformation under Climate Change."

structural inequalities have not changed much. This shows that although there has been progress in the aspect of legality, the dimension of substantive justice has not been fully realized<sup>39</sup>.

Meanwhile, in Nigeria, substantive justice is even more difficult to achieve because the land system centered on the state through the Land Use Act 1978 actually creates inequality in access and community participation. The government's control mechanism over land reduces the autonomy of local communities and strengthens the power structure of the elite. As a result, the reform does not benefit vulnerable groups such as small farmers, women, and indigenous peoples. In the context of substantive justice, Nigeria is still at the stage of procedural justice, where policies appear egalitarian in law but are biased in implementation. Substantive justice demands partiality towards marginalized groups, something that has not been fully accommodated in the practice of land reform in that country<sup>40</sup>.

A comparison of the two countries shows that substantive justice can only be achieved when agrarian reform is oriented towards the transformation of socio-economic relations and the recognition of the collective rights of local communities. Indonesia shows a more progressive direction with the strengthening of the role of indigenous peoples and redistribution policies, although it is still partial<sup>41</sup>. Conversely, Nigeria needs to reformulate its land law paradigm to be more participatory and decentralizing, so that land is not merely an instrument of power, but a means of social justice that lives in practice<sup>42</sup>. Thus, the evaluation of substantive justice in agrarian reform affirms that the success of agrarian policy is not sufficiently measured by legality and administrative efficiency, but by the extent to which the policy is able to reduce inequality, empower communities, and strengthen socio-ecological solidarity. Without a clear commitment to substantive justice, agrarian reform risks becoming legal rhetoric without real social transformation.

#### **D. Comparative Analysis and Policy Implications**

The comparison of agrarian reform between Indonesia and Nigeria reflects fundamental differences in the ideological orientation, policy approach, and socio-political context that shape the direction of agrarian governance in each country. Although both face similar challenges in the form of unequal land ownership and weak protection of the rights of local communities, the strategies taken show contrasting characteristics between the redistributive model and the state control model. In Indonesia, agrarian reform is rooted in the principles of social justice and equitable access to agrarian resources as enshrined in the 1945 Constitution and the 1960 Basic Agrarian Law. Meanwhile, Nigeria takes a centralistic and legalistic approach through the LUA 1978, which gives full control to the state over all land in its territory.

The policy framework in Indonesia in the 1945 Constitution and the 1960 Basic Agrarian Law places land not merely as an economic asset, but as a means of social equity and collective welfare. The government seeks to realize a fairer distribution of land through the National Agrarian Reform program, which includes redistribution, asset legalization, and

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<sup>39</sup> Rejekiingsih, Muryani, and Lukitasari, "Study of The History and Dynamics of The Agrarian Policy in Transforming the Indonesia's Agrarian Reform."

<sup>40</sup> Ugonabo, Egolum, and Sado, "Nigerian Land Policy: Issues, Challenges and The Way Forward."

<sup>41</sup> Sari et al., "Comparison of Land Law Systems: A Study on Compensation Arrangements and Reappraisal of Land Acquisition for Public Interest between Indonesia and Malaysia."

<sup>42</sup> Pensive and Chinonyerem Uche, "Land Use Act: A Re-Enactment of Colonial Land Policy In Post-Colonial Nigeria."



strengthening the rights of indigenous peoples. The orientation of this reform is bottom-up, emphasizing community participation and protection of vulnerable groups. This approach also demonstrates integration between legal, social, and environmental aspects in agrarian policy, making it relatively more progressive normatively<sup>43</sup>.

The main objective of policies in Nigeria through the LUA 1978 is to increase the efficiency of land allocation and support national economic development. However, this approach has social consequences in the form of marginalization of indigenous communities and unequal access because land rights are determined by administrative permits from state governments. The system prioritizes state control over people empowerment, making substantive justice difficult to achieve. Thus, Nigeria demonstrates an economic-instrumental model of reform, while Indonesia is moving towards a social-egalitarian model.<sup>44</sup>

From an implementation perspective, Indonesia faces challenges in terms of bureaucracy and policy consistency between regions, while Nigeria is constrained by corruption, overlapping authorities, and weak transparency in land management. Both countries show that the success of agrarian reform is not only determined by legal design, but also by the quality of institutions, state capacity, and political will to uphold agrarian justice<sup>45</sup>. This comparison confirms that equitable agrarian reform requires a balance between the role of the state as a regulator and society as the main subject of social change. Indonesia shows progress towards a more inclusive and rights-based agrarian governance model, while Nigeria is still trying to move away from a legalistic paradigm towards a more participatory and just system<sup>46</sup>.

Institutional effectiveness and law enforcement are key factors in determining the success of agrarian reform. Without strong institutional capacity, land policies risk remaining at the normative level without producing real changes in agrarian governance. In this context, both Indonesia and Nigeria face serious challenges in building institutional systems that are transparent, accountable, and oriented towards social justice.

In Indonesia, land institutions under the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency play an important role in the implementation of agrarian reform, including asset legalization, land redistribution, and resolution of agrarian conflicts. However, the effectiveness of this institution is often hampered by bureaucratic fragmentation and overlapping authorities between agencies, especially with the Ministry of Forestry and local governments. In addition, the land administration process is still vulnerable to corruption and data manipulation practices, which impact the public's lack of trust in the agrarian legal system. Nevertheless, Indonesia has shown progress through the digitalization of land registration and the strengthening of the role of the Agrarian Reform Committee as a cross-sectoral coordination forum. These efforts reflect an orientation towards more efficient and transparent governance<sup>47</sup>. In Nigeria, there are more fundamental institutional challenges. The land institutional structure regulated by the Land Use Act places the State Governor as the main authority in granting land use rights, which

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<sup>43</sup> Boli and Hidayat M, "Agrarian Law Reform in Indonesia: Between Legal Certainty and Social Justice."

<sup>44</sup> Babalola and Hull, "Examining the Land Use Act of 1978 and Its Effects on Tenure Security in Nigeria: A Case Study of Ekiti State, Nigeria."

<sup>45</sup> Boli and Hidayat M, "Agrarian Law Reform in Indonesia: Between Legal Certainty and Social Justice."

<sup>46</sup> Oyeniran, "Critical Examination of Land Reforms in Nigeria: Issues, Challenges And Solutions."

<sup>47</sup> Krismantoro, "Exploring Agrarian Reform Laws in Indonesia."

creates a concentration of power and opens the door for abuse of authority. Weak oversight mechanisms and low technical capacity of land institutions cause the land permit granting process to often be non-transparent and full of political interests. On the law enforcement side, the Nigerian judicial system still faces problems of inefficiency, high costs, and elite bias, so land dispute resolution is often protracted or does not side with small communities. As a result, agrarian legal legitimacy becomes weak, and land conflicts are often resolved through informal channels or violence<sup>48</sup>.

This comparison shows that the difference in institutional effectiveness between Indonesia and Nigeria is strongly influenced by the capacity of institutions to implement the principles of good governance. Indonesia has moved towards strengthening participatory governance, although it is still limited to certain administrative areas, while Nigeria is still trapped in a centralistic model with the dominance of local political actors. In the framework of agrarian justice, institutional effectiveness is not only a matter of administrative efficiency, but also the state's ability to guarantee access, accountability, and legal protection for marginalized groups<sup>49</sup>.

Agrarian reform basically aims to create social justice and economic equality through the restructuring of land ownership and expanding public access to agrarian resources. A comparison between Indonesia and Nigeria shows that although both countries have ambitious legal frameworks for reform, the resulting social and economic outcomes are still far from ideal expectations. In Indonesia, the social impact of agrarian reform tends to be positive in the context of rural community empowerment and recognition of the rights of marginalized groups. Legalization of land assets through certification programs provides legal security, reduces conflict, and increases community participation in local development. From an economic perspective, legal land ownership opens up opportunities for access to credit and small investments, which have the potential to increase agricultural productivity and household welfare. However, this impact has not been evenly distributed because most beneficiaries still operate in subsistence economic conditions without adequate infrastructure and capital support. As a result, agrarian reform in Indonesia has more of an impact on social stability than on structural economic transformation<sup>50</sup>. In Nigeria, the social and economic effects of agrarian reform are relatively limited due to the centralization of land control and the weak redistribution of assets. The right of occupancy system regulated in the Land Use Act 1978 limits individual ownership and places rural communities in a position dependent on state permits. This creates social uncertainty and widens the economic gap between the urban elite and agrarian communities. Development oriented towards land exploitation for industrial and commercial interests often sacrifices traditional rights and creates new agrarian conflicts. The economic impact of reform in Nigeria is more pronounced in capitalistic sectors such as mining and large plantations than in empowering small farmers and improving public welfare<sup>51</sup>.

The comparison shows that the success rate of agrarian reform is highly determined by the integration between legal, economic and social policies. Indonesia shows a tendency towards better social equality through the granting of land ownership rights and

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<sup>48</sup> Ugonabo, Egolum, and Sado, "Nigerian Land Policy: Issues, Challenges and The Way Forward."

<sup>49</sup> Oyeniran, "Critical Examination of Land Reforms In Nigeria: Issues, Challenges and Solutions."

<sup>50</sup> Boli and Hidayat M, "Agrarian Law Reform in Indonesia: Between Legal Certainty and Social Justice."

<sup>51</sup> Babalola and Hull, "Examining the Land Use Act of 1978 and Its Effects on Tenure Security in Nigeria: A Case Study of Ekiti State, Nigeria."

strengthening the role of indigenous peoples, while Nigeria is still focused on state control of land as an instrument of macroeconomic development. In the long term, this difference in orientation has implications for the level of economic inclusiveness and social resilience in both countries: Indonesia has been relatively successful in reducing the potential for agrarian conflict, while Nigeria is facing increasing tensions between the state and local communities. Thus, the social and economic impacts of agrarian reform in both countries show that land redistribution is not the ultimate goal, but rather an initial step towards sustainable socio-economic transformation. Without comprehensive policy support including community empowerment, access to finance, and social protection, agrarian reform risks becoming a symbolic policy that fails to address the root causes of structural inequality<sup>52</sup>. The policy implications of the comparison of agrarian reform in Indonesia and Nigeria confirm the importance of a paradigm shift in agrarian governance, from a state control model to a participatory and socially just model. Land reform that is oriented towards substantive justice is not enough to simply restructure regulations or distribute land, but must foster institutional and policy systems that guarantee equal access, legal protection, and economic empowerment of agrarian communities. For Indonesia, the emerging policy implications are the need to strengthen institutional consolidation and cross-sectoral integration between Agrarian Affairs and Spatial Planning/National Land Agency, the Ministry of Agriculture, and local governments to ensure synchronization between agrarian reform and rural development. The land redistribution program must be continued with supporting policies such as farmer economic empowerment, access to capital, and strengthening of community-based cooperatives. In addition, recognition of the rights of indigenous peoples needs to be affirmed more concretely through binding legal mechanisms, not just administrative ones. This step will strengthen the social legitimacy of agrarian reform and ensure that land functions as an instrument for equitable welfare, not just a legal asset<sup>53</sup>.

In Nigeria, the most urgent policy implication is the reformulation of the Land Use Act 1978 to be more in line with the principles of social justice and decentralization of land management. It is necessary to involve local communities in the land decision-making process to reduce state dominance and minimize political patronage practices. In addition, Nigeria needs to strengthen independent and transparent agrarian dispute resolution mechanisms, and expand legally recognized communal ownership schemes. This step will increase public trust in land institutions and expand economic access for poor communities to agrarian resources. From a comparative perspective, the two countries can learn from each other. Indonesia can adopt Nigeria's legal firmness in controlling land use, while maintaining the principle of inclusiveness. Conversely, Nigeria can emulate Indonesia's participatory approach and social justice orientation in designing agrarian policies that are responsive to the needs of local communities<sup>54</sup>. A broader policy implication is that equitable agrarian governance requires a balance between economic efficiency and social ethics, making society not just beneficiaries, but the main actors in land management. The ideal agrarian policy should place land as a source of livelihood and social identity, not just an investment instrument. Therefore, the success of future reforms will depend greatly on

<sup>52</sup> Ugonabo, Egolum, and Sado, "Nigerian Land Policy: Issues, Challenges and The Way Forward."

<sup>53</sup> Rejekiingsih, Muryani, and Lukitasari, "Study of The History and Dynamics of The Agrarian Policy in Transforming the Indonesia's Agrarian Reform."

<sup>54</sup> Ugonabo, Egolum, and Sado, "Nigerian Land Policy: Issues, Challenges and The Way Forward."

political commitment, institutional transparency, and the sustainability of community participation in the entire agrarian governance process.

## CONCLUSION

This research confirms that the success of agrarian reform is not only determined by the existence of regulations, but especially by the ability of the legal and institutional system to realize substantive justice in the land sector. A comparison between Indonesia and Nigeria shows that although both face similar root problems of unequal land control and weak public access to agrarian resources, their policy approaches and orientations differ significantly. Indonesia displays a reform direction that is more oriented towards redistribution, recognition of rights, and community participation, while Nigeria is still dominated by a state control approach and macroeconomic interests. The differences between Indonesia and Nigeria have a direct impact on the level of justice and effectiveness of agrarian policies in each country. Thus, equitable agrarian governance must be based on a balanced division of authority between the state and society, and supported by a legal system that is adaptive, transparent, and favors vulnerable groups. Conceptually, this research concludes that genuine agrarian reform cannot stop at the legal-formal level, but must be a sustainable social process, where land functions as an instrument for economic empowerment, recognition of identity, and equitable welfare. Therefore, future agrarian policies need to be directed towards the integration of legal justice, social justice, and economic sustainability as the foundation of inclusive and equitable agrarian governance.

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