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A Potential Breaktrough? Examining the Direction of Agrarian Reform Following the Job Creation Law in Indonesia

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Abstract

***Introduction**: The Job Creation Law, as a regulation based on the omnibus law approach, introduces significant changes to Indonesia's agrarian reform policy. Through new regulatory provisions and institutional arrangements, the law seeks to accelerate land management and improve the welfare of Indonesian citizens. However, several provisions have raised concerns regarding their compatibility with the principles of agrarian reform established under the 1960 Basic Agrarian Law.*

***Purposes of the Research**: This study aims to critically examine whether the changes introduced by the Job Creation Law constitute a breakthrough in Indonesia's agrarian reform policy or risk diverting agrarian reform from its fundamental objectives of equity, justice, and the protection of people's land rights.*

***Methods of the Research**: This study employs a normative legal research method using a statutory and conceptual approach. The research examines relevant laws and regulations, policy provisions, legal concepts, and secondary legal materials to assess the development, potential, and obstacles of agrarian reform following the enactment of the Job Creation Law.*

***Results / Main Findings / Novelty/Originality of the Research**: This study employs a normative legal research method using a statutory and conceptual approach. The research examines relevant laws and regulations, policy provisions, legal concepts, and secondary legal materials to assess the development, potential, and obstacles of agrarian reform following the enactment of the Job Creation Law. The findings indicate that the Job Creation Law provides opportunities for regulatory and institutional breakthroughs in the implementation of agrarian reform. However, its implementation has not yet fully reflected the principles of social justice and equitable land distribution. The novelty of this research lies in its critical examination of the relationship between the regulatory changes introduced by the Job Creation Law and the fundamental objectives of agrarian reform under the 1960 Basic Agrarian Law, particularly regarding the strengthening of land rights and equitable distribution of land resources.*

***Conclusion**: The implementation of agrarian reform under the Job Creation Law requires consistent alignment with the principles of social justice and the protection of people's land rights. The effectiveness of the reform ultimately depends on its implementation in a manner that prioritizes public welfare while ensuring equitable access to and distribution of land resources.*

Keywords: Agrarian Reform; Indonesia; Job Creation Law

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INTRODUCTION

Agrarian reform in Indonesia has a long and complex history, beginning after independence with the emergence of the idea of Agrarian Reform in Article 33 paragraph 3 of the 1945 Constitution of the Republic of Indonesia (*Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 or UUD NRI 1945*), which states that "The land, waters, and natural resources contained therein shall be under the powers of the state and shall be used to the greatest

benefit of the people."[1] Subsequently, there was increasing awareness that the Republic of Indonesia has an agrarian character, with land, water, and airspace playing crucial roles in building a just and prosperous society, which was then enshrined in Law No. 5 of 1960 concerning Basic Agrarian Principles. The *a quo* regulation addressed land inequality, serving as the foundation for land redistribution, ownership restructuring, and safeguarding the rights of smallholders farmers.[2] However, its implementation diverged from the original of agrarian reform because of political and economic reasons.[3] This continued until the reform era, when the spirit of agrarian reform was revived through an agenda of land redistribution and asset legalization for the community. However, data shows that its implementation has tended to stagnate due to overlapping regulations, weak coordination among institutions, and the dominance of economic and investment interests over social interests.[4] To date, about 56% of productive land in Indonesia is owned by large corporations or wealthy capital owners. As a result, agrarian inequality has increased, and land disputes persist across various regions.[5]

During the Old Order (1945-1965), President Soekarno emphasized agrarian reform as a key element of social change to promote justice and enhance people's land rights and authority. In this era, agrarian law was characterized by exploitation, dualism, and feudalism.[6] For example, the principle of *domein verkelaring* was in direct conflict with society's legal awareness and sense of justice. When the Basic Agrarian Law was enacted as part of a national reform to eliminate legal dualism, Law No. 5 of 1960 on Basic Agrarian Law was created to uphold the principle of "land for the people."

However, during the New Order period (1966 to 1998), President Soeharto's regime implemented significant amendments to agrarian laws, emphasizing development and industrial interests through the enactment of various statutes, including Law Number 1 of 1967 concerning Foreign Investment (*Penanaman Modal Asing or PMA*) and Law No. 6 of 1968 concerning Domestic Investment. These two regulations laid the groundwork for the influx of significant foreign and domestic investment by providing land-use facilities and legal protections. During the New Order era, agrarian policy centered on three main approaches: firstly, a land reform agenda focusing solely on administrative aspects; secondly, rejecting the fundamental policies on agrarian issues outlined in the Law No. 5 of 1960 on Basic Agrarian Law and Law No. 2 of 1960 concerning Profit Sharing Agreements; and thirdly, undermining the legitimacy of peasant organizations' participation in implementing the land reform agenda in Indonesia.[7]

Agrarian law was established as an administrative tool to promote industrialization and attract foreign investment. In 1981, the government initiated the National Agrarian

[1] Santy Fitnawati WN, Risa Ferisa Rini, and Ahmad Fauzan, "Kebijakan Pengaturan Agraria Di Indonesia: Suatu Tinjauan Berdasarkan Undang-Undang Pokok Agraria," *Jurnal Begawan Hukum* 3, no. 1 (2025): 39–49.

[2] Jackson Yumame, "Reforma Agraria dan Penguatan Hak: Strategi Penataan Kembali Kepemilikan Tanah dan Perlindungan Hak Masyarakat Adat terhadap Ancaman Investasi dan Korporasi Besar," *JEBIMAN: Jurnal Ekonomi, Bisnis, Manajemen dan Akuntansi* 3, no. 5 (2025): 403.

[3] Aditama Candra Kusuma dan Al Fath, "Implementasi Reforma Agraria dalam Pengadaan Tanah untuk Kepentingan Umum," *Jurnal BATAVIA* 2, no. 1 (2025): 37–46.

[4] Maisa dan Haerani Husainy, "The Development of Agrarian Law," *Omnibus Law Journal* 1, no. 2 (2021): 58–67..

[5] Rifka Yudhi, FX Sumarja, dan Adam Muhammad Yanis, "Kebijakan Reforma Agraria Terhadap Potensi Keterserapan Angkatan Kerja di Sektor Pertanian," *Journal Terekam Jejak (JTJ)* 3, no. 2 (2025): 33–45.

[6] Fahmi Aditya dan Sri Wahyu Handayani, "Politik Hukum Reforma Agraria di Indonesia: Dari Orde Lama hingga Era Otonomi Daerah," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, no. 5 (2025): 7737–7745, https://doi.org/10.61104/alz.v3i5.2383[cite: 34, 42]

[7] Ari Tri Wibowo dan Yuliani Catur Rini, "Kajian Yuridis Dampak Undang-Undang Cipta Kerja Terhadap Pelaksanaan Reforma Agraria di Indonesia," *Jurnal Hukum dan Kenotariatan* 6, no. 1 (2022): 529–541.

Operation (*Proyek Operasi Nasional Agraria, or PRONA)* to issue land certificates, with the aim of clarifying property rights for the community. However, this initiative did not include a structural redistribution of land ownership, which ultimately reinforced existing agrarian inequalities.[8] The granting of large-scale Forest Concession Rights (*Hak Pengusahaan Hutan or HPH*) and Cultivation Rights (*Hak Guna Usaha or HGU*) to major domestic and foreign companies signaled the systematic capitalization of land.[9] Consequently, land initially owned by indigenous peoples was handed over to large-scale projects like oil palm plantations, forestry, and mining.[10]

The Agrarian Reform Consortium (*Konsorsium Pembaruan Agraria or KPA*) reported that from 1970 to 1998, thousands of agrarian conflicts occurred, most involving large companies and rural communities.[11] These conflicts indicate that development during the New Order era was primarily economic, emphasizing legal certainty for investment while neglecting the social function of land as outlined in Article 6 of the Basic Agrarian Law. As a result, the law became a tool of economic power rather than a means of justice.

According to Lawrence Friedman's analysis, the New Order legal system displayed authoritarian traits. Its legal framework was centralized and under the influence of the political elite. Consequently, the law primarily supported the economic interests of the state and corporations, while the legal rights and practices of agrarian communities were undermined by depoliticizing farmers organizations.[12] This continued into the reform era of President Susilo Bambang Yudhoyono (SBY), who persisted with the agrarian reform program after Indonesia's reform. The government's agrarian reform initiative issued a National Agrarian Reform Program (*Program Pembaruan Agraria Nasional or* PPAN) policy carried out by the National Land Agency (*Badan Pertanahan Nasional or BPN*), but the creation of this institution failed because the Ministry of Forestry and Agriculture did not approve the *BPN's* proposal to establish an Agrarian Reform Management Agency, which would be a special body to oversee all matters related to planning and supporting land reform recipients and ensuring that the redistributed land was productive and properly managed sustainably.[13]

A new phase in agrarian reform policy started when Joko Widodo (Jokowi) was elected president, initiating the *Nawacita* program. This program encompasses an agrarian reform agenda and development strategies aimed at strengthening peripheral regions, particularly villages and rural communities. The government has outlined nine priority agendas, emphasizing the importance of agrarian reform through actions such as "guaranteeing legal certainty of land ownership rights, resolving land disputes, and opposing the criminalization of community land rights claims." Furthermore, another key objective is to enhance the quality of life in Indonesia by promoting land reform and implementing a 9-million-hectare land-ownership initiative. This effort seeks to provide every citizen with a fair opportunity to own land for residence and to earn a decent livelihood.[14] However, the

[8] Aditya dan Handayani, "Politik Hukum Reforma Agraria," 7740[cite: 34, 37]

[9] Mohammad Shohibuddin dan Adi D. Bahri, ed., *Perjuangan Keadilan Agraria* (Yogyakarta: INSIST Press, 2019).

[10] Lan Mei et al., *Human Rights Impact Assessment in the Palm Oil Supply Chain: Framework, Guidance, and Risk Analysis* (Jakarta: HRIA Reporting Group, 2023), 12–15..

[11] Konsorsium Pembaruan Agraria, *Dekade Krisis Agraria: Warisan Nawacita dan Masa Depan Reforma Agraria Pasca Perubahan Politik 2024* (Jakarta: Konsorsium Pembaruan Agraria, 2024)

[12] Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975), 15.

[13] Wibowo dan Rini, "Kajian Yuridis Dampak Undang-Undang Cipta Kerja," 535.

[14] Ahmad Nashih Luthfi, "Reforma Kelembagaan dalam Kebijakan Reforma Agraria Era Joko Widodo-Jusuf Kalla," *Bhumi: Jurnal Agraria dan Pertanahan* 4, no. 2 (2018): [nomor halaman spesifik yang dikutip], http://dx.doi.org/10.31292/jb.v4i2.276[cite: 126].

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implementation of agrarian reform during Jokowi's administration combines the redistribution of assets in the form of property rights with the granting of permits for forest area use and faces several obstacles. In practice, it has not proceeded as planned, especially regarding the redistribution of assets from land released from forest areas. This has caused problems due to weak coordination between sectors at both the central and regional levels.[15] This research addresses the inconsistency and lack of coordination between Law Number 6 of 2023, which stipulates the Government Regulation in Lieu of Law on Number 2 of 2022 concerning Job Creation (referred to as the Job Creation Law or *UUCK*), and the Basic Agrarian Law within Indonesia's agrarian legal system. Agrarian law emphasizes the social function of land rights, aiming to promote justice and prosperity for all. This constitutional mandate is subsequently implemented through a national priority program, specifically the Agrarian Reform, which seeks to reorganize land control and ownership through asset and access restructuring, as part of efforts to address persistent agrarian inequality and conflict.

Therefore, this study seeks to address the question regarding the direction of agrarian reform following the enactment of the Job Creation Law. It aims to determine whether this legislation facilitates progress or, instead, results in regression that undermines the objectives of agrarian reform. Furthermore, this research aims to contribute to the field by providing an in-depth understanding of the policy trajectory of agrarian reform following the implementation of the Job Creation Law, thereby informing regulatory enhancements, academic discourse, and the development of strategic and sustainable policies.

METHODS OF THE RESEARCH

This study employs a normative legal research method, specifically a statutory and conceptual approach. The legal research was conducted using primary legal materials, including the Constitution of the Republic of Indonesia, the Basic Agrarian Law, the Job Creation Law, Government Regulation Number 64 of 2021 concerning the Land Bank Agency, Presidential Regulation Number 86 of 2018, and Presidential Regulation Number 62 of 2023 concerning the Acceleration of Agrarian Reform Implementation. Secondary legal materials utilized include books, legal research reports, scientific journals or legal articles, and mass media or news articles related to the research object.[16]

RESULTS AND DISCUSSION

A. New Direction of Agrarian reform after the Job Creation Law

The Job Creation Law is a legislative approach that utilizes the omnibus law method outlined in Law Number 11 of 2020 concerning Job Creation. It is characterized by its comprehensive content, which includes numerous articles and various laws and regulations compiled into a single new law.[17] The Job Creation Law seeks to strengthen Indonesia's economy and develop a high-quality, globally competitive workforce. However, several regulations related to agrarian issues are considered to be inconsistent with the spirit of

[15] M. Nazir Salim dan Westi Utami, *Reforma Agraria, Menyelesaikan Mandat Konstitusi: Kebijakan Reforma Agraria dan Perdebatan Tanah Objek Reforma Agraria* (Yogyakarta: STPN Press, 2019).

[16] Peter Mahmud Marzuki, *Penelitian Hukum*, ed. rev., cet. 13 (Jakarta: Kencana, 2017), [36-46].

[17] Winsherly Tan, "Analisis Yuridis Undang-Undang Nomor 11 Tahun 2020 tentang Cipta Kerja dalam Bidang Ketenagakerjaan," *Dialogia Iuridica: Jurnal Hukum* 13, no. 2 (2022): [47-61], https://doi.org/10.28932/di.v1312.3630

agrarian reform and oppose the objectives of the reform itself. Agrarian reform is an idea or concept that was created to address problems related to land and natural resources management.[18] The primary source of law in developing national land law is customary law, which includes communal religious principles that permit individual land ownership with private land rights and a sense of community.[19]

Agrarian reform in Indonesia started after the enactment of the Basic Agrarian Law. In agrarian reform, land is a crucial element for humans, both individually and socially.[20] The connection between land and humans is eternal because humans cannot be separated from the land, which is the place to maintain and sustain their lives.[21] In Indonesia, land is a crucial resource for people and has always received significant attention. This is because, for Indonesia with its agrarian social structure and values, land also holds high economic value perspective.[22] However, the control and use of land in Indonesia still frequently occur and continue to increase.[23] This led to the enactment of Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA), which was designed to reorganize land control, ownership, use, and utilization to be more equitable and to promote the welfare of the people. However, in practice, Indonesia still faces issues related to agrarian reform.

Regulations on agrarian reform were originally included in Presidential Regulation No. 86 of 2018 regarding agrarian reform, but it has now been revoked by Presidential Regulation No. 62 of 2023 on the Acceleration of Agrarian Reform Implementation.[24] Article 1, paragraph 1 of Presidential Regulation No. 62 of 2023 explains that Agrarian Reform involves restructuring control, ownership, use, and utilization of land to promote fairness through asset and access restructuring for the people's prosperity. This presidential regulation is based on Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), which states that "the earth, water, and natural resources are controlled by the state and used as much as possible for the prosperity of the people." This means that Agrarian Reform is a tangible way to implement social justice for all Indonesian people, as stated in the Preamble of the 1945 Constitution of the Republic of Indonesia. Its main goal is to improve the welfare of the people through fair distribution of land resources.[25]

Before the implementation of the Job Creation Law, Agrarian Reform focused on distributive justice and fair land ownership, rooted in the idea of "land for the people," aligning with the 1960 Basic Agrarian Law.[26] Agrarian reform included a program (land reform) that aimed to promote justice and certainty. Legal theories on land reform are always based on the principles of social justice in land ownership and use, the principles of efficiency and effectiveness in land use and allocation, the principles of community

[18] Rahmat Ramadhani, *Reforma Agraria: Langkah Percepatan Menuju Hak Atas Tanah yang Berkeadilan dan Mensejahterakan*. (Medan: UMSU Press, 2025), [1-25].

[19] Muhammad Ilham Arisaputra, *Reforma Agraria di Indonesia* (Jakarta: Sinar Grafika, 2021), [16].

[20] Nuriyanto, "Urgensi Reforma Agraria; Menuju Penataan Penggunaan Tanah Yang Berkeadilan Sosial," *Jurnal Rontal Keilmuan PKn* 6, no. 1 (2020): [masukkan nomor halaman yang dikutip], https://doi.org/10.32665/rontal.v6i1.1551.

[21] Arba dan Israfil, "Hubungan Hukum antara Manusia dengan Tanah, Air dan Lingkungan Alam Menurut Konsepsi Hukum Islam dan Hukum Agraria Nasional (UUPA)," *Jurnal Risalah Kenotariatan* 2, no. 1 (2021): [masukkan nomor halaman yang dikutip, contoh: 61–62], https://doi.org/10.29303/....[cite: 54, 55, 56]

[22] Chechya Avayah Tiffany, Cindy Eka Ernanda, dan Ervina Safitri Herdianing, "Solidaritas Para Buruh Tani Dalam Menghadapi Modernisasi Di Sektor Pertanian," *PESHUM: Jurnal Pendidikan, Sosial dan Humaniora* 2, no. 4 (2023): hlm. [674-688].

[23] Mustofa dan Suratman, *Penggunaan Hak atas Tanah untuk Industri*, [31-60].

[24] Monsaputra, "Arah Reforma Agraria di Indonesia," *Resolusi: Jurnal Sosial Politik* 8, no. 1 (2025): 35–45, https://doi.org/10.32699/resolusi.v8i1.7314.[cite: 1].

[25] Retno Sulistyaningsih, "Reforma Agraria di Indonesia," *Perspektif: Kajian Masalah Hukum dan Pembangunan* 26, no. 1 (2021): 57–64.

[26] WN, Fitnawati, dan Fauzan, "Kebijakan Pengaturan Agraria Di Indonesia," 42.

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prosperity and welfare, the principles of protection for local communities, and the principles of combating farmer poverty.[27] In agrarian reform, there are several programs such as land redistribution, granting of certificates, and the concept of Land for Agrarian Reform (TORA).[28]

However, after the enactment of the Job Creation Law, there has been a shift in how agrarian reform is implemented. Many issues have emerged, such as limited valid land data, ongoing agrarian conflicts, overlapping regulations, and a lack of coordination among government agencies. With the Job Creation Law functioning as an omnibus law, there have been significant changes to agrarian regulations. One policy resulting from this law is the establishment of a Land Bank Agency based on Article 22 (2) of Government Regulation Number 64 of 2021, which requires that at least 30% of state land be allocated to the Land Bank for the purposes of Agrarian Reform.[29]

An article by Mongabay Indonesia, quoting Land Bank Agency officials, reports that Maria S.W. Sumardjono, a Professor of Agrarian Law at Gadjah Mada University, Prabianto Mukti Wibowo, Deputy Chair of Internal Affairs and Complaints Commissioner at Komnas Ham, and Yudi Kristiana, Head of Legal and Compliance at the Land Bank Agency, view the creation of the Land Bank Agency (BBT) under the Job Creation Law (UUCK) as a setback for Indonesia's agrarian reform. They argue that the Land Bank aims to prioritize land for investment and development over the equitable land distribution central to agrarian reform.[30] This illustrates a change in focus from land reform aimed at social justice to land management centered on economic considerations growth.[31]

This demonstrates that the Job Creation Law brings significant changes to land policy in Indonesia. There are new breakthroughs that are considered contrary to the spirit of Agrarian Reform. This approach has instead raised concerns about land use by corporations and overlooks the aspect of a fair agrarian structure. It also has the potential to cause issues with policy and its enforcement within communities. An imbalance exists in Indonesia's agrarian structure, where most of the productive land is controlled by large corporations, while small communities and farmers still lack fair access to land resources.[32] On one hand, there are regulatory efforts to promote economic growth and facilitate doing business. However, on the other hand, the spirit of Agrarian Reform, which emphasizes social justice and land redistribution for small communities, has the potential to be sidelined. [33]

The shift in agrarian policy after the Job Creation Law raises the question of whether the policy still serves as a tool for land redistribution promoting social justice, or whether it has changed course and diminished the core of agrarian reform, turning into an administrative policy meant to support economic growth and investment. The regulatory framework for agrarian reform is outlined in the following table.

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[27] Munir Fuady, *Teori-Teori dalam Hukum Agraria* (Depok: Rajawali Pers, 2023), 15.

[28] Teguh Rama Prasja, Admiral, dan Rosyidi Hamzah, "Efesiensi Redistribusi Tanah Melalui Program Obyek Reforma Agraria (TORA) Berdasarkan Peraturan Presiden Nomor 86 Tahun 2018 Tentang Reforma Agraria," *Kodifikasi* 4, no. 2 (2022): 77.

[29] Peraturan Pemerintah (PP) Nomor 64 Tahun 2021 tentang Lembaga Bank Tanah

[30] Irfan Maulana, "Bank Tanah, Sinyal Kemunduran Reforma Agraria," *Mongabay Indonesia*, 29 Juli 2025, https://mongabay.co.id/2025/07/29/bank-tanah-sinyal-kemunduran-reforma-agraria/.

[31] Maulana, "Bank Tanah, Sinyal Kemunduran Reforma Agraria."

[32] Moh. Ali Rahangiar, "Problem Politik-Hukum Agraria Pasca-UU Cipta Kerja," *Sajogyo Institute*, 2 Desember 2022, https://sajogyo-institute.org/problem-politik-hukum-agraria-pasca-uu-cipta-kerja/.

[33] Ramadhani, *Reforma Agraria: Langkah Percepatan Menuju Hak Atas Tanah yang Berkeadilan dan Mensejahterakan*, 20.

Table 1. Legislation on Agrarian Reform

Regulation	Article	Text	Description
"Law No. 6 of 2023 on Job Creation"	125	1. "The Central Government shall establish a land bank agency. 2. The land bank agency referred to in paragraph (1) is a special agency that manages land. 3. The assets of the land bank agency are separate state assets. The land bank agency functions to carry out planning, acquisition, procurement, management, utilization, and distribution of land."	The land bank aims to provide land for public interest, development, investment, and national strategic programs. The function of the land bank is as a *land management agency* oriented toward the economy and efficient land utilization.
"Government Regulation Number 64 of 2021 concerning the Land Bank Agency's"	7 letter i	"Land designated by the government as referred to in Article 6 letter a consists of state land originating from: a. former rights land; b. abandoned areas and land; c. land released from forest areas; d. reclaimed land; e. reclaimed land; f. former mining land; g. land on small islands; h. land affected by spatial planning policy changes; and i. land with no ownership."	Will be designated by the government as state land that will become an asset of the land bank agency.
"Presidential Regulation of the Republic of Indonesia Number 62 of 2023 concerning the Acceleration of Agrarian Reform Implementation"	Article 5	"Land Subject to Agrarian Reform, hereinafter referred to as TORA, is land controlled by the state and/or land that has been owned, controlled, and/or utilized by the community for redistribution or legalization."	It will be designated by the government as state land that will become an asset of the land bank agency. The purpose of TORA is to resolve land ownership inequality and provide access to land for communities that do not own land. TORA functions as an instrument of social equality and justice (*land redistribution*) oriented towards social values and agrarian justice.

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Regulation	Article	Text	Description
"Presidential Regulation Number 62 of 2023 concerning the Acceleration of Agrarian Reform Implementation"	Article 14(1)(g)	"Land originating from at least 30% (thirty percent) of State Land allocated to the Land Bank"	Not in accordance with the values in the Presidential Regulation on Agrarian Reform

The Job Creation Law was enacted to help the country achieve its governance goals by generating employment opportunities. It includes provisions related to the Agrarian Reform agenda, emphasizing the need for the government to streamline regulations, boost investment, and effectively utilize agrarian resources for public welfare. A new regulation establishing a Land Bank has been introduced, resulting in Government Regulation Number 64 of 2021. This regulation highlights that managing land effectively requires a dedicated institution tasked with providing land for public interests, promoting economic equality, supporting national development, and advancing agrarian reform. Presidential Regulation No. 62 of 2023 was issued to address numerous challenges encountered by the Agrarian Reform. It governs the restructuring of land ownership and use to speed up the implementation of Agrarian Reform, aligning with the policies outlined in the Job Creation Law.

B. Is the Land Bank a Promising Breakthrough or a Setback?

The Job Creation Law was enacted to help the country achieve its governance goals by generating employment opportunities. It includes provisions related to the Agrarian Reform agenda, emphasizing the need for the government to streamline regulations, boost investment, and effectively utilize agrarian resources for public welfare. A new regulation establishing a Land Bank has been introduced, resulting in Government Regulation Number 64 of 2021. This regulation highlights that managing land effectively requires a dedicated institution tasked with providing land for public interests, promoting economic equality, supporting national development, and advancing agrarian reform. Presidential Regulation No. 62 of 2023 was issued to address numerous challenges encountered by the Agrarian Reform. It governs the restructuring of land ownership and use to speed up the implementation of Agrarian Reform, aligning with the policies outlined in the Job Creation Law.

A land bank is a collection of land in urban or near-urban areas managed by an agency, which can be a government, state-owned, or private entity, operating on the principle of collective investment by the people contract.[34] In Indonesia, the foundation for establishing a land bank is outlined in the Job Creation Law articles 125-135, with its implementation governed by derivative regulations such as Government Regulations, Presidential Regulations, and Ministerial Regulations.[35] The main role of a Land Bank is to hold and manage state land that is not yet subject to rights. One of its goals is to supply land for agrarian reform redistribution, which is primarily focused on providing land for investors.[36]

[34] Fuady, *Teori-Teori dalam Hukum Agraria*, 20.
[35] Hadi Arnowo, "Pengelolaan Aset Bank Tanah untuk Mewujudkan Ekonomi Berkeadilan," *Jurnal Pertanahan* 11, no. 1 (2021): 90.
[36] Ali Fikri Hamdhani dan Shinta Hadiyantina, "Tanah untuk Pasar: Neoliberalisme Hukum dalam Reforma Agraria Rezim Joko Widodo," *Tunas Agraria* 8, no. 1 (2025): 76–91, https://doi.org/10.31292/jta.v8i1.405.[cite: 26].

The Land Bank has the authority to acquire land that is unused, problematic, or potentially suitable for development, whether in the short or long term. It also manages and regulates the use of land that remains unused, with the power to redistribute such land for public interests in line with government policies and long-term development plans.[37] The sources of land available for acquisition and management by the Land Bank include:

1. State Reserve Land;
2. Abandoned Land;
3. Land Released from Forest Areas;
4. Emerging, growing, or former mining land
5. Land acquired through direct procurement;
6. Land affected by spatial planning policies;
7. Granted land, exchanged land, land consolidation results, and other legally acquired land.[38]

The Land Bank is a legal entity directly overseen by the central government. This setup somewhat contradicts the spirit of agrarian reform mandated by the 1960 Basic Agrarian Law (UUPA), as decision-making is highly centralized, possibly sidelining community participation. The Land Bank risks prioritizing investment interests over its primary social objectives.[39] Legal certainty and protection for agrarian reform beneficiaries are ensured through the Agrarian Reform Land Object, commonly known as TORA.

TORA is governed by Presidential Regulation No. 86 of 2018 on Agrarian Reform, later amended by Presidential Regulation No. 62 of 2023 on Accelerating Agrarian Reform Implementation. This update introduces four new breakthroughs: allowing TORA in forest areas, resolving agrarian conflicts, strengthening agrarian reform institutions, and developing an action plan to speed up agrarian reform.[40] With these breakthroughs, a historic conflict exists between TORA, which focuses on achieving social justice, and the land bank, which aims to strengthen land and enhance spatial planning efficiency. In practice, TORA sources from forest areas, non-forest areas, and the resolution of agrarian conflicts can be handled by the Land Bank without community involvement and strong oversight.[41] As a result, some parties believe that the social role of TORA could risk becoming a tool for development or investment that doesn't benefit farmers or small communities. A comparison of the current land bank regulations in Indonesia can be seen in the following table.

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[37] Hasyim Sofyan Lahilote, Irwansyah, dan Rosdalina Bukido, "Pengawasan terhadap Bank Tanah: Urgensi, Kewenangan, dan Mekanisme," *Undang: Jurnal Hukum* 4, no. 1 (2021): 191–211, https://doi.org/10.22437/ujh.4.1.191-211.

[38] Yahman, "The Concept of Land Bank from the Perspective of Law and Agrarian Politics in Indonesia," *Central Asia and the Caucasus* 23, no. 1 (2022): 621–631, https://doi.org/10.37178/ca-c.23.1.055.[cite: 42].

[39] Muhammad Fitron, "Penerapan Peraturan Pemerintah Nomor 64 Tahun 2021 tentang Badan Bank Tanah Berkaitan dengan Agraria" (Skripsi, Universitas Pancasakti Tegal, 2023), https://repository.upstegal.ac.id/6101/.

[40] Kementerian Koordinator Bidang Perekonomian Republik Indonesia, "Gelar Rakernas Reforma Agraria, Menko Airlangga: Akselerasi Penyelesaian Program Pemerataan Ekonomi," dipublikasikan 31 Oktober 2023, https://www.ekon.go.id/publikasi/detail/5455/gelar-rakernas-reforma-agraria-menko-airlangga-akselerasi-penyelesaian-program-pemerataan-ekonomi.

[41] Sri Nurganingsih, "Berperan dalam Reforma Agraria, Badan Bank Tanah Diharap Mampu Wujudkan Pemerataan Ekonomi," *RM.id*, diakses 5 Oktober 2026, https://rm.id/baca-berita/government-action/240672/berperan-dalam-reforma-agraria-badan-bank-tanah-diharap-mampu-wujudkan-pemerataan-ekonomi.

Table 2. Analysis of Possible Land Bank Breakthroughs or Challenges

Legal Basis	Potential Breakthrough	Setbacks
"Government Regulation (PP) No. 64 of 2021 derived from Law No. 11 of 2020 concerning Job Creation"	Provides legal certainty for the management of state land and abandoned land	Strengthens the state in land management without community participation, thereby disregarding social justice values.
"Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia No. 14 of 20 on the Administration of Land and Registration of Customary Land Rights of Indigenous Peoples"	Aims to provide land for public interests, national development, investment, and economic equality.	The regulation focuses more on providing land for investment and national strategic projects, rather than redistribution to small communities.

The debate over whether a land bank is a breakthrough or a setback can be illustrated by several cases in Indonesia. During a discussion, Maria S.W. Sumardjono, Professor of Agrarian Law at Gadjah Mada University; Prabianto Mukti Wibowo, Deputy Chair of Internal Affairs and Commissioner of Complaints at the National Human Rights Commission; and Yudi Kristiana, Head of the Legal and Compliance Division of the Land Bank Agency, noted that the implementation of the Ternate Land Bank revealed overlapping regulations and conflicting legal norms between the Land Bank provisions and agrarian reform policies. Specifically, state lands intended for Agrarian Reform Land (TORA) were transferred to the Land Bank as assets, which is problematic. Furthermore, the land granted through the Land Bank is considered unfair, especially for small farmers. About 30% of its assets, allocated for non-forest area TORA, are given as Building Use Rights (HGB) or Use Rights over State Land Management Rights (HPL), rather than ownership rights as required by agrarian reform policies. Consequently, communities receiving this land lack legal certainty and full authority to cultivate it. [42]

According to a press release, this Land Bank issue also affects several regions in Indonesia, including Central Sulawesi and districts like Poso. The Land Bank Agency's (BBT) existence has led to agrarian conflicts because it acquires land extensively through management rights (HPL), which include areas formerly controlled or managed by indigenous peoples and farmers. The community believes this process happened without public participation, causing overlaps between land management rights and the people's management areas.[43] In Batulawang Village, Cianjur District, a conflict persists in an area designated for agrarian reform. The Land Bank is still carrying out land demarcation and transferring land to private parties and institutions without involving the farming communities. Consequently, farmers who cultivated the former HGU of PT MPM feel threatened because they have lost access to the land, which has been transferred to the Land Bank's management rights and subsequently transferred to others parties.[44]

[42] Nurganingsih, "Berperan dalam Reforma Agraria.".

[43] WALHI Sulteng, "Konflik Bank Tanah di Sulawesi Tengah: Tanah Dirampas, Warga Dikriminalisasi," *WALHI Sulawesi Tengah*, 17 Juli 2025, https://walhisulteng.org/konflik-bank-tanah-di-sulawesi-tengah-tanah-dirampas-warga-dikriminalisasi/.[cite: 53]

[44] Admin, "Petani Batulawang Tolak Bank Tanah, Desak Pemerintah Segera Selesaikan Konflik Agraria," Konsorsium Pembaruan Agraria (KPA), 13 Januari 2025, https://www.kpa.or.id/2025/01/petani-batulawang-tolak-bank-tanah-desak-pemerintah-segera-selesaikan-konflik-agraria/.

In Indonesia, many small farmers work hard to cultivate land that they do not own. Every harvest season, they cannot fully enjoy the benefits of their labor because they have to give a portion of their yield to landowners. As a result, many farmers struggle to grow their businesses and improve their standard of living due to limited access to capital.[45] From this case, agrarian institutions and farmers conclude that the conversion of the Land Bank actually worsens the conflict rather than resolving it, due to a lack of community participation, transparency, and clear legal procedures.[46]

The Land Bank, as a potential breakthrough through the Land Bank Agency, offers a more structured and centralized policy to resolve agrarian conflicts such as abandoned land, unused state land, costly land acquisition, and slow procurement processes. Based on a review of Government Regulation No. 64 of 2021, the Land Bank Agency has the potential to speed up the land acquisition process for development purposes and strengthen the state's role in managing land assets. Additionally, the Land Bank Agency supports Agrarian Reform through land consolidation and asset management, as outlined in the agrarian reform policy. The agency can help provide land for marginalized groups, such as small farmers and indigenous peoples.[47] The purpose of establishing the Land Bank Agency is to ensure that land assets are not left unused but are actively managed by a dedicated institution with clear authority land.[48] It is hoped that the Land Bank Agency can become a fair *"land supply"* for national development needs.[49]

Recently, President Prabowo, along with the Minister of Agrarian Affairs and Spatial Planning/National Land Agency, coordinated with the Ministry for Community Empowerment to implement land redistribution through the Agrarian Reform Land Program (TORA).[50] By distributing land to 1 million citizens with the goal of eradicating extreme poverty, especially for those in deciles 1 and 2, the eligibility criteria for communities to receive land from the government—subsequently used for plantation businesses—are as follows. First, the community must be in DTSEN deciles 1 and 2. Second, they must be people whose livelihoods are highly dependent on land.[51] This program has the potential to be a breakthrough in implementing Agrarian Reform because it aligns with its principles.

However, on the other hand, since the enactment of the Job Creation Law, the existence of the Land Bank has actually become a setback in terms of legality and legitimacy because its derivative regulations have been widely rejected by civil society, who believe that these regulations violate the procedures for creating regulations and could potentially reduce people's rights land.[52] The Land Bank Agency has significant authority to purchase, manage, and distribute land, which could lead to the centralization of power and investment focus. The Special Committee (PANSUS) on Agrarian Reform was established by the House of Representatives and was recently ratified on October 2, 2025, with 30 members from eight factions. The goal of this PANSUS is to resolve long-standing agrarian conflicts. However, in practice, its implementation has not occurred, leading to criticism from the Secretary General of the Agrarian Reform Consortium (KPA), as there are still no

[45] Ririn Wahyuni, "Gimana Caranya Reforma Agraria Bantu Petani Kecil?," Kantor Wilayah BPN Provinsi Sumatera Barat, 18 November 2025, https://sumbar.atrbpn.go.id/informasi%20pertanahan/gimana-caranya-reforma-agraria-bantu-petani-kecil.

[46] Raden Ariyo Wicaksono, "Operasi Bank Tanah di Cianjur Rusak Penyelesaian Konflik Agraria," *Betahita*, 9 Juli 2024, https://www.betahita.id/berita/10411/operasi-bank-tanah-di-cianjur-rusak-penyelesaian-konflik-agraria.

[47] Indri Asra Ismanto, Pujiyono, dan Hari Purwadi, "Kebijakan Reforma Agraria Pasca Lahirnya Bank Tanah," *Prosiding Seminar Hukum Aktual: Problematika Kemudahan Proyek Strategi Nasional: Konflik Norma dan Tantangan Kesejahteraan* (2023): 62–72.

[48] Arnowo, "Pengelolaan Aset Bank Tanah," 91.

[49] "Harapan Fungsi Bank Tanah Pasca Putusan Uji Formil UU Cipta Kerja."

[50] CNN Indonesia, "Pemerintah Bagikan Tanah Negara ke 1 Juta Warga Miskin, Apa Syaratnya?," *CNN Indonesia*, 25 November 2025, https://www.cnnindonesia.com/ekonomi/20251125113112-92-1299165/pemerintah-bagikan-tanah-negara-ke-1-juta-warga-miskin-apa-syaratnya[cite: 26].

[51] Firda Janati, "Pemerintah Akan Bagikan Tanah kepada 1 Juta Warga, Apa Syaratnya?," disunting oleh Robertus Belarminus, *Kompas.com*, 24 November 2025, https://nasional.kompas.com/read/2025/11/24/21032741/pemerintah-akan-bagikan-tanah-kepada-1-juta-warga-apa-syaratnya.

[52] "Harapan Fungsi Bank Tanah Pasca Putusan Uji Formil UU Cipta Kerja," *Hukumonline.com*, 15 Desember 2021, https://www.hukumonline.com/berita/a/harapan-fungsi-bank-tanah-pasca-putusan-uji-formil-uu-cipta-kerja-lt61bb15a977f4c/.

indications that efforts are underway to address the people's demands for faster resolution of agrarian conflicts.

Therefore, resolving agrarian conflicts has so far relied solely on the Agrarian Reform Task Force (GTRA) established under Presidential Regulation No. 86 of 2018. The Special Committee should be responsible for accelerating agrarian reform with primary goals of land redistribution, land legalization for small farmers, recognition of indigenous peoples' land, resolution of overlapping forest areas, and verification of problematic Land Use Rights (HGB) and Cultivation Rights (HGU).[53]

CONCLUSION

The existence of the Job Creation Law has brought significant changes to agrarian governance in Indonesia, especially through the creation of the Land Bank Agency as a special institution responsible for managing state land. The law aims to bolster the national economy and enhance the competitiveness of the workforce, but its provisions are seen as conflicting with the spirit of Agrarian Reform, which emphasizes principles of distributive justice, fair distribution of land resources, and protection for small farmers as outlined in the 1960 Basic Agrarian Law. Agrarian reform seeks to redistribute land resources through land redistribution, asset legalization, and addressing structural inequalities in land ownership.

However, after the enactment of the Job Creation Law, there has been a shift from land reform for social justice to land management for economic growth. This is because the Land Bank's authority is now more focused on efficient land management and providing land for development and investment than its original purpose of land redistribution for the landless. In practice, the Land Bank has caused problems such as overlapping regulations, limited public participation, conflicts with indigenous peoples and farmers, and the conversion of state land—intended to be governed by the TORA—but that is not being used according to regulations. Cases in Central Sulawesi, Cianjur, and various other regions show that the existence of the Land Bank and the Special Committee has actually worsened agrarian conflicts.

The Land Bank still has the potential to be a breakthrough if managed transparently and in favor of social justice. It can be an effective tool as a land provider, managing abandoned land, and supporting Agrarian Reform if it follows strengthened and strictly enforced TORA policies. The government's new policy on land redistribution to 1 million TORA recipients could create opportunities to promote agrarian equality. However, its success depends heavily on law enforcement, policy consistency, and oversight of agrarian institutions, including the Land Bank Agency. The role of the Land Bank as a breakthrough or setback depends on how it is implemented. Without participation, transparency, and a focus on social justice, the Land Bank risks becoming an obstacle to Agrarian Reform. Yet, with policy reforms and strong oversight, the Land Bank can be guided to help address agrarian inequality in Indonesia.

[53] Maulana, "Bank Tanah, Sinyal Kemunduran Reforma Agraria."

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