

Legal Analysis of Land Redistribution Policy and Protection of The Rights of Indigenous Communities Syria-Ria Province of North Sumatra

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Abstract

Inequality in land ownership remains a pressing agrarian issue in Indonesia, particularly for indigenous communities whose territories frequently clash with state claims. Land redistribution policies, as part of the agrarian reform agenda, are intended to achieve justice and equal access to land. However, their implementation often faces structural obstacles, particularly in areas with customary rights. This study analyzes the implementation of land redistribution policies and the protection of the rights of the Siria-Ria indigenous community in North Sumatra Province through a normative juridical approach referring to laws and regulations, doctrines, and empirical data. The study findings indicate that the implementation of land redistribution in Siria-Ria Village still does not provide legal certainty due to disharmony between Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) and Law Number 41 of 1999 concerning Forestry (Forestry Law), resulting in overlapping authority between the ATR/BPN and the Ministry of Environment and Forestry. The determination of forest areas through Decree of the Minister of Forestry No. 579/Menhut-II/2014 and the establishment of the food estate program through Decree of the Minister of Environment and Forestry No. 448/2020 and Presidential Decree No. 131 of 2024 have reduced the living space of indigenous peoples and ignored the principle of protecting customary rights as guaranteed in Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia (UUD 1945), Constitutional Court Decision No. 35/PUU-X/2012, and the principle of free, prior, and informed consent (FPIC). Thus, the state needs to harmonize regulations, formally determine customary areas, and implement stronger legal protection so that land redistribution policies can truly realize agrarian justice for the indigenous people of Siria-Ria.

Keywords: Land redistribution; indigenous peoples; customary rights; legal certainty and agrarian reform.

I. INTRODUCTION

Indonesia is known as an agrarian nation, whose people are highly dependent on land as a source of livelihood. Land not only generates economic value but also social, cultural, and political values inherent in the life systems of a social sphere. Therefore, land management and control have always been central issues in national development. However, inequality in land control remains a serious problem, giving rise to various agrarian conflicts in various regions. According to a report by the Agrarian Reform Consortium, in 2024 there were more than 250 cases of agrarian conflicts involving indigenous communities and the state, covering an area of over 600,000 hectares. This fact indicates that the implementation of agrarian reform, a primary goal of the nation since the enactment of the Basic Agrarian Law (UUPA), still tends to be state-centered and often neglects the interests and participation of local communities, including indigenous communities (Darmawan et al., 2023). Agrarian law not only regulates human relations with land, but also encompasses written and unwritten norms that regulate land ownership and use in social life (Ramadhani, 2024). The basic concept of agrarian law encompasses the legal relationship between humans, the state, and the people over the land, water, and natural resources contained within these elements (Laturette et al., 2025). Land redistribution policies are among the primary instruments of agrarian reform aimed at restructuring land ownership structures to create equity and social justice. Based on Presidential Decree Number 86 of 2018 concerning Agrarian Reform, land redistribution is carried out for state land, abandoned land, and land derived from the release of forest areas to be distributed to entitled people.

This policy is expected to create agrarian justice and improve the welfare of the common people, farmers, and indigenous communities. However, its implementation in the field often faces quite complex legal and administrative obstacles, especially due to overlapping regulations between sectors, namely between agrarian law and forestry law (Fadhilah, 2025). One concrete example of the above problem can be found in the case of Siria-Ria Village in Humbang Hasundutan Regency, North Sumatra Province. This village is part of a customary law community whose existence has been recognized through Decree of the

Head of the North Tapanuli Regency Number 138/Kpts/1979. In this decree, the regional government designated the Siria-Ria Village community as an indigenous community with customary rights to a specific area. However, this recognition was not followed by consistent legal provisions at the central level. When Decree of the Minister of Forestry Number SK.579/Menhut-II/2014 was issued, most of the Siria-Ria customary territory was designated as state forest area. As a result, the indigenous community lost legal certainty over their customary land and was unable to receive land redistribution (Labibah et al., 2024). The conflict escalated when the central government launched a food estate program in the area based on Ministerial Decree No. 448 of 2020 and Presidential Regulation No. 131 of 2024. This program aims to increase national food security through large-scale agricultural intensification, but its implementation has instead sparked controversy.

The majority of the land in the project area is in the Siria-Ria customary territory and is managed by private companies such as PT Parna Raya and PT Karya Murni Perkasa (Community Initiative Study and Development Group [KSPPM], 2024) (Parna Raya, 2023). Indigenous communities who previously managed the land for subsistence needs have now lost access to their livelihoods. This demonstrates the tension between the state's economic interests and the protection of indigenous peoples' constitutional rights to land and its natural resources (Community Initiative Study and Development Group [KSPPM], 2024). From the perspective of legal certainty theory, this situation demonstrates the lack of consistency between agrarian legal norms and actual policy implementation. Laws that should guarantee clarity and order actually create new uncertainty due to disharmony between regulations. Meanwhile, from the perspective of agrarian justice theory, land redistribution policies should not only focus on economic equality but also incorporate aspects of historical justice that respect the recognition of indigenous peoples' rights to their ancestral lands (Harsono, 2023). Therefore, a study of land redistribution policies in Siria-Ria Village is crucial to assess the extent to which the state has fulfilled its obligations to realize justice and legal certainty for indigenous peoples. Although various studies have addressed the implementation of agrarian reform and land redistribution issues, the majority of these studies still focus on the technical aspects of land or on agrarian conflicts in general, without paying specific attention to the position of indigenous communities as the most vulnerable subjects. Research on the disharmony between the Basic Agrarian Law and the Forestry Law also generally only discusses its national implications, without in-depth explanations of how this regulatory disharmony directly impacts the loss of customary rights of indigenous communities at the local level.

To date, few studies have thoroughly analyzed the relationship between land redistribution policies, forest area designation, and the food estate program in the context of protecting indigenous peoples' rights, particularly in the case of Siria-Ria, which enjoys regional legal recognition but is marginalized by sectoral policies at the central level. Thus, there remains a gap in research regarding how the agrarian and forestry legal systems interact and create legal uncertainty for indigenous communities in land redistribution practices. This research aims to fill this gap by providing an in-depth legal analysis of land redistribution policies and the protection of the rights of indigenous peoples in Siria-Ria. The legal issues raised in this study include two main aspects, namely (1) How is the legal certainty regarding the implementation of land redistribution policies in the agrarian legal system in Indonesia? and (2) What is the form of legal protection for the rights of indigenous peoples in the implementation of land redistribution policies in Siria-Ria Village, North Sumatra Province?. These two issues are the main focus of the analysis, considering that both are substantively related between the normative level (legal rules) and the empirical level (policy implementation). This research aims to examine the legal context of the implementation of land redistribution policies based on valid laws and regulations and to evaluate the effectiveness of legal protection of indigenous peoples' rights within the context of their implementation. In addition to its theoretical contribution to the development of agrarian law, this study is expected to provide practical benefits for policy makers, government agencies, and indigenous communities in their efforts to realize equitable and sustainable land governance.

II. METHODS

The research method used is a normative legal study through a statutory approach. The data sources used include primary legal materials consisting of the 1945 Constitution, the Basic Agrarian Law, the Forestry Law, Law Number 26 of 2007 concerning Spatial Planning, and Law Number 32 of 2009 concerning Environmental Protection and Management. This study also uses the Constitutional Court Decision Number 35/PUU-X/2012 concerning the status of customary forests, as well as the basics of sectoral policies such as the Decree of the Head of the Level II Region of North Tapanuli Number 138/Kpts/1979, the Decree of the Minister of Forestry Number 579/Menhet-II/2014, the Decree of the Minister of Environment and Forestry Number 448 of 2020, Presidential Regulation Number 86 of 2018, and Presidential Regulation Number 131 of 2024. All of these legal instruments serve as a normative basis in analyzing the implementation of land redistribution and protection of the indigenous people of Syariah-Ria.

Meanwhile, secondary legal materials include various literature and research related to agrarian law, legal theory, and indigenous peoples' rights, including works by Boedi Harsono, Kelsen, Laturette, AI et al., Muhamimin, and Ramadhani. In addition, this study refers to scientific articles such as (Fadhilah, 2025), (Labibah et al., 2024), (Rengkung, 2025), and (Saimar et al., 2024) that discuss agrarian justice and customary land. Empirical data were obtained from reports from the KPA (2024), KSPPM (2024), media such as Mongabay Indonesia, and information from websites (KSPPM, 2024) (Parna Raya, 2023). This study also utilizes the 2007 UNDRIP as an international normative reference regarding the protection of indigenous peoples' rights. The analysis was carried out qualitatively through the interpretation of legal norms and linking them to empirical facts occurring in the field. With this method, this study hopes to provide a comprehensive understanding of the relationship between land redistribution policies and the protection of the rights of indigenous peoples in Indonesia, particularly in Siria-Ria Village.

III. RESULT AND DISCUSSION

Legal Certainty regarding the Implementation of Land Redistribution Policy in the Indonesian Agrarian Legal System

Legal certainty is a fundamental principle in the national legal system that affirms that all state administration actions must be based on laws that fulfill consistency, clarity, and firmness. In the agrarian context, this principle is very important because land has a strategic position in the social, economic, and cultural context of the Indonesian population. Article 33 paragraph (3) of the 1945 Constitution explicitly states that land, water, and the natural resources contained therein are controlled by the state and used to the maximum extent possible for the prosperity of the community. This constitutional mandate is the basis for the formation of the UUPA, which affirms that land has a social role and its use must support the common welfare (Harsono, 2023). Land redistribution policy is a concrete implementation of these social goals. Through redistribution, the state restructures land ownership to achieve justice and balance. Referring to Presidential Decree 86 of 2018 concerning Agrarian Reform, land redistribution covers state land, abandoned land, and land released from forest areas that do not yet have legal land rights. The goal is to promote social justice and legal certainty for the community, particularly vulnerable groups such as farmers and indigenous communities. However, in its implementation, agrarian regulations in Indonesia still face structural issues in addressing inequality in land ownership due to weak ownership restrictions and overlapping authorities (Putri et al., 2025).

On the one hand, the ATR/BPN has a mandate to implement agrarian reform based on the UUPA, while on the other hand, the Ministry of Environment and Forestry controls areas categorized as state forests under the Forestry Law. This dualism of authority creates disharmony in policy implementation, so that land objects in forest areas cannot easily be subject to redistribution (Fadhilah, 2025). This situation has implications for legal uncertainty for communities, particularly those occupying forest areas or customary territories. Many communities that have owned land for generations cannot obtain land ownership certificates because their land is administratively considered to be within state forest areas. This demonstrates the contradiction between the principle of the social function of land in the Basic Agrarian Law and the state control regime in the Forestry Law. Legal certainty is one of the three fundamental values of

law, alongside justice and utility. Good law must balance all three. If the law only pursues formal certainty without considering substantive justice, it loses its moral legitimacy (Kelsen, 2022). In the context of land redistribution, when formal regulations actually hinder community access to land, the law loses its function as a means of social justice. In addition to normative disharmony, institutional aspects also pose a barrier to achieving legal certainty. Weak coordination between agencies leads to overlapping land data and differing interpretations of land status.

According to a report by the Agrarian Reform Consortium, of the total agrarian reform target of 9.2 million hectares, only approximately 1.2 million hectares have clear legal status. The remainder is still hampered by overlapping claims between ministries and local governments (Rengkung, 2025). Legal certainty in land redistribution implementation is not sufficient with written regulations alone; it must also be realized through integrated administrative practices. Without data integration, land redistribution policies will always face sectoral claims, leading to legal uncertainty for the community. To clarify the issue of legal certainty in land redistribution, a more concise normative study is needed regarding the relationship between the Basic Agrarian Law and the Forestry Law. In principle, the Basic Agrarian Law, through Articles 2, 3, 7, 9, and 14, emphasizes that the state is obliged to regulate land for the prosperity of the people, recognize customary rights, prevent monopolies, guarantee equitable access, and develop land use plans that must not violate existing rights. On the other hand, the Forestry Law, through Articles 1, 4, and 50, grants the state broad authority over forest areas and prohibits unauthorized activities, thus placing indigenous communities in a vulnerable position when their territories are administratively designated as forest areas. The disharmony between the UUPA and the Forestry Law is not only normative, but also has a real impact on the practice of determining state forest areas, especially in recognized customary areas, such as what happened in Siria-Ria Village, North Sumatra Province.

Furthermore, the determination of state forest areas through Decree of the Minister of Forestry Number 579/Menhut-II/2014 and Decree of the Minister of Environment and Forestry Number 448 of 2020 in the Siria-Ria Village area raises serious issues regarding the legal certainty of land rights for indigenous peoples. Legally, this determination cannot be understood as an act that erases the existence of the Siria-Ria customary area, because the existence of the customary community and its customary territory had previously received recognition through Decree of the Head of the Level II Region of North Tapanuli Number 138/Kpts/1979. This recognition has a constitutional basis as regulated by Article 18B paragraph (2) of the 1945 Constitution and Article 3 of the UUPA, so it cannot be revoked or deleted solely through an administrative ministerial decision. Therefore, normatively, the Siria-Ria customary territory continues to exist and is legally recognized, even though it is administratively included in the state forest area. Although the designation of state forest and food estate areas does not legally eliminate customary areas, the de facto exclusion of the customary rights of the indigenous people of Siria-Ria has occurred. This occurs because since the customary areas were designated as state forest areas, indigenous people can no longer legally access land that has been controlled and managed for generations, and cannot obtain recognition of land rights in land redistribution schemes. This condition reflects the disharmony between the agrarian legal regime and forestry law, where the state's authority to designate forest areas is exercised without considering pre-existing rights.

This practice contradicts Constitutional Court Decision Number 35/PUU-X/2012, which expressly states that customary forests are not part of state forests, which means that surviving customary areas cannot be unilaterally categorized as state forest areas. In the context of legal certainty, the exclusion of customary rights indicates that state interests are prioritized over the interests of indigenous communities in the implementation of forestry policies and national development. The determination of forest areas and food estate projects is based on the pretext of public interest and national strategic development, but their implementation actually creates legal uncertainty for indigenous communities because their constitutional rights do not receive adequate protection. Meanwhile, Article 33 paragraph (3) of the 1945 Constitution emphasizes that state control over land, water, and natural resources must be used optimally to prosper the community, not to eliminate the rights of indigenous legal communities as part of the people themselves. In this context, the meaning of the state's right to control tends to be interpreted narrowly as administrative and

economic authority, without being balanced by the state's obligation to provide protection for the rights of indigenous communities. Therefore, the designation of state forest areas and the food estate program in Siria-Ria Village have created legal uncertainty in the implementation of land redistribution policies. This uncertainty arises from the difference in treatment between the normative recognition of customary rights of indigenous communities and the practice of sectoral policies that, in their implementation, actually ignore the existence of these rights.

This condition indicates that legal certainty in the agrarian legal system has not been effectively realized, as the law that should provide protection instead serves as a tool to legitimize the exclusion of indigenous peoples' rights in the name of state interests and national development. Relevant to this discussion, the root of the problem of legal certainty in land redistribution lies in regulatory disharmony and overlapping authority between the agrarian and forestry legal regimes, which have yet to be structurally resolved. This situation demands a review of the normative foundations governing the relationship between state authority, the existence of indigenous communities, and the enforcement of forest area status. By examining key provisions within the Basic Agrarian Law and the Forestry Law, the source of regulatory disharmony can be more clearly identified, allowing the direction of agrarian policy to be implemented consistently with the constitutional goal of maximizing public welfare.

Protection of the Rights of Indigenous Communities in the Implementation of Land Redistribution in Siria-Ria Village

A. Chronology of the Siria Village CaseRia

The agrarian conflict in Siria-Ria Village, Humbang Hasundutan Regency, is a concrete representation of agrarian law problems in Indonesia, particularly those related to the rights of indigenous peoples or customary rights. Customary rights have been normatively recognized in the national legal system, but in practice they still face various obstacles in their protection and implementation (Rupadana & Swetasoma, 2025) and have not fully guaranteed legal certainty in direct practice (Kosten et al., 2025). A concrete example occurs in Siria-Ria Village, where this village has long been recognized as a customary law community area through the Decree of the Head of the Level II Region of North Tapanuli Number 138/Kpts/1979 and the Decree of the Regent of North Tapanuli No. 138 of 1979 concerning the Recognition of the Customary Land of the Siria-ria People over the areas of Sigende, Parandaliman, Parhutaan, Adian Padang, and Sipuan, covering an area of 794.6 hectares, which establishes the existence of the Siria-Ria people and their customary rights. This recognition provides a legal basis for the community to manage their customary territory from generation to generation, including agricultural activities, forest management, and socio-cultural activities. However, since the early 1990s, overlapping claims have emerged between the Siria-Ria customary territory and state forest areas. This culminated in 2014, when the Minister of Forestry issued Decree No. 579/Menhut-II/2014, which designated the majority of the Siria-Ria customary territory as state forest.

This decree changed the legal status of customary land to state-controlled territory, resulting in the community losing legal ownership of the land they had managed for decades (Labibah et al., 2024). In 2020, the central government designated Humbang Hasundutan Regency as one of the locations for the national strategic Food Estate project, pursuant to Decree of the Minister of Environment and Forestry Number 448/MENLHK/SETJEN/PLA.0/8/2020 and Presidential Regulation Number 131 of 2024. This program aims to increase national food security through large-scale agricultural intensification. However, the project covers parts of the Siria-Ria customary territory without any consultation or agreement with the indigenous community (free, prior, and informed consent). In its implementation, the government collaborates with private companies such as PT Parna Raya and PT Karya Murni Perkasa, which have obtained permits to manage thousands of hectares of land in forest areas (KSPPM, 2024) (Parna Raya, 2023). The presence of these companies has sparked resistance from indigenous communities who feel they have lost their customary rights (Lumbanbatu, 2024, para. 4).

Since 2021, the Siria-Ria community, supported by the Community Initiative Study and Development Group (KSPPM), has engaged in various forms of resistance, including protests, hearings with local governments, and reporting to state institutions such as the National Commission on Human Rights and

the Ombudsman. In a press release, the KSPPM emphasized that the food estate project has ignored the constitutional rights of indigenous communities and caused ecological damage to customary areas (KSPPM, 2024). Legal politics demonstrates the state's tendency to prioritize development interests over protecting indigenous peoples' rights (Taufik et al., 2025). As of 2025, the conflict remains legally unresolved. Despite mediation efforts by the local government and customary institutions, there has been no official decision from the Ministry of Environment and Forestry regarding changes to the status of the forest area encompassing the Siria-Ria customary territory. Indigenous communities still occupy some of the land, but their legal position remains weak due to the lack of land certificates or formal recognition.

B. Legal Analysis of the Protection of Indigenous Peoples' Rights

The protection of the rights of indigenous peoples within the framework of the Indonesian rule of law is based on constitutional provisions through Article 18B paragraph (2) of the 1945 Constitution, which requires the state to respect and recognize the unity of indigenous peoples and the traditional rights they possess. This provision is an imperative constitutional mandate so that every state policy, including agrarian and forestry policies, must comply with this principle. In the agrarian context, the recognition of customary rights is strengthened by Article 3 of the UUPA which explains that customary rights are recognized as long as they still exist in reality and their implementation is adjusted to national goals and the state is not permitted to administratively eliminate their existence without an objective assessment process. This provision indicates that the UUPA positions indigenous peoples as the main legal subjects in land control and utilization. In the case of Siria-Ria, although the existence of indigenous communities was established through Decree of the Head of the Level II Region of North Tapanuli Number 138/Kpts/1979, the designation of the area as a state forest through Decree of the Minister of Forestry No. 579/Menhet-II/2014 actually ignored this recognition. In fact, Article 67 of the Forestry Law expressly recognizes the existence of indigenous communities as long as they meet the specified elements, and this provision remains in effect.

Therefore, the designation of forest areas without considering the existence of indigenous communities is an act that is contrary to existing positive legal norms. Furthermore, Constitutional Court Decision Number 35/PUU-X/2012 is a crucial milestone in the recognition of indigenous peoples because it affirms that customary forests are no longer classified as elements of state forests (Arizona & Cahyadi, 2020). This decision should serve as a normative reference in determining the status of the Siria-Ria customary area, as the area has long been recognized by the local government as customary land. The failure to implement Constitutional Court Decision 35/2012 in forest area planning indicates that the Ministry of Forestry's administrative determination is not in line with the normative hierarchy, where Constitutional Court decisions are at a higher level and must be followed by all state institutions, affirming that this decision is a crucial foundation for the protection of indigenous peoples' rights, so ignoring it is a form of violation of the principle of recognition. The establishment of food estate areas based on Decree of the Minister of Environment and Forestry No. 448 of 2020 and Presidential Decree No. 131 of 2024 exacerbates the situation because the policy was made without meaningful consultation with indigenous communities. Legally, this action contradicts the provisions of Article 28I paragraph (3) of the 1945 Constitution which guarantees the cultural identity and rights of indigenous communities, and violates the principle of free, prior, and informed consent (FPIC) as an international standard recognized through the 2007 UNDRIP.

Although the declaration is not positive law, it has become a normative guidance standard used in the practice of protecting indigenous communities and has received recognition through various academic studies. Thus, the implementation of food estates without the agreement of indigenous communities not only marginalizes customary rights, but also contradicts the principles of human rights guaranteed by the constitution. Meanwhile, the disharmony between the UUPA and the Forestry Law has prevented the ATR/BPN from designating the Siria-Ria customary land as an object of redistribution, even though the land has been in fact controlled by the indigenous people for generations. This condition demonstrates a dualism of authority that results in legal uncertainty, as explained by Radbruch in the theory of legal certainty, where the law loses its function when it is unable to provide clarity and protection to the community (Kelsen, 2022). As a result, the rights of indigenous peoples become vulnerable, and the state fails to fulfill its constitutional obligation to protect them.

(Harsono, 2023) also emphasizes that agrarian justice must recognize the historical rights of indigenous peoples as part of distributive justice. Therefore, when the state fails to accommodate customary rights, the state has violated the principle of agrarian justice that underpins the UUPA. Thus, it is legally clear that the protection of the rights of the indigenous peoples of Siria-Ria has not been fulfilled. The main causes are the state's failure to implement constitutional recognition, the absence of adjustment of sectoral policies to the Constitutional Court Decision 35/2012, the weak implementation of the Basic Agrarian Law in areas that have been designated as forest areas, and the failure to apply the principle of Free, Prior and Informed Consent (FPIC) in food estate policies. These conditions indicate that, to realize comprehensive legal protection, the state must reorganize the designation of forest areas, formally recognize indigenous areas through regional regulations, and align all sectoral policies to comply with the principles of agrarian justice, legal certainty, and recognition of indigenous peoples' rights as mandated by the 1945 Constitution.

C. Legal Implications and Recommendations

The case of Siria-Ria Village reflects two fundamental problems in land redistribution policy in Indonesia: legal uncertainty and agrarian injustice. This uncertainty arises from disharmony between agrarian and forestry regulations and weak coordination between state institutions. Meanwhile, agrarian injustice arises because land redistribution policies fail to recognize the rights of indigenous peoples, the primary subjects of agrarian law. Within the framework of national legal development, resolving this issue requires strategic steps. First, the government must immediately synchronize regulations so that land redistribution can include customary areas without violating forestry regulations.

Second, formal recognition of customary areas through regional regulations is necessary, so that communities have a strong legal basis for defending their customary rights. Third, agrarian dispute resolution mechanisms must be directed toward a participatory approach that positions indigenous communities as primary actors, not merely policy objects. Thus, the implementation of equitable land redistribution policies must be based on legal certainty that favors the people and guarantees the protection of the constitutional rights of indigenous communities. Agrarian law reform means not only the physical redistribution of land, but also the redistribution of justice and legal recognition for the most vulnerable groups, namely indigenous communities, who have long been the guardians of living space and environmental sustainability.

IV. CONCLUSION

Referring to the findings of the research discussion, it can be concluded that legal certainty regarding the implementation of land redistribution policies in Indonesia has not been effectively realized, the implementation of land redistribution policies is still faced with overlapping regulations between agrarian law and forestry law, especially between the 1960 UUPA and the 1999 Forestry Law. This condition has led to the emergence of dualism of authority between the ATR/BPN and the KLHK which has an impact on the slow process of determining land redistribution objects. As a result, many communities, including indigenous communities, have not received legal certainty over their land rights. Normatively, this situation is contrary to the theory of legal certainty which demands clarity and legal protection for legal subjects.

The protection of the rights of indigenous peoples in the implementation of the land redistribution policy in Siria-Ria Village has not been effective, the land redistribution policy in Siria-Ria Village has not fully accommodated the principle of recognition and protection of customary rights of indigenous peoples as mandated by Article 18B paragraph (2) of the 1945 Constitution. The government's decision to ratify the majority of customary areas to become state forest areas and the allocation of land for the food estate program without the consent of indigenous peoples has ignored the principle of agrarian justice (Harsono, 2023), where land redistribution should contain elements of distributive justice and recognition of traditional rights of the community. Overall, the implementation of land redistribution in Indonesia, especially in Siria-Ria Village, still faces serious problems related to legal certainty and agrarian justice. That is why, it is necessary to hold policy reformulation and policy harmonization so that the implementation of agrarian reform is truly able to realize community prosperity and protect the rights of indigenous peoples.

V. SUGGESTION

The government needs to immediately harmonize regulations in the agrarian and forestry sectors to avoid overlapping authority between institutions. This regulatory synchronization can be achieved through revisions to the 1960 Basic Agrarian Law and the 1999 Forestry Law to achieve a unified goal in implementing agrarian reform. Furthermore, a coordinating body specifically responsible for cross-sectoral land redistribution needs to be established, ensuring consistent, transparent, and accountable identification of redistribution objects and subjects. This step will strengthen legal certainty for beneficiary communities and eliminate the possibility of differing interpretations among implementing agencies.

Policymakers, from the central to regional levels, must acknowledge and reaffirm the existence of indigenous communities through regional regulations on the recognition and protection of customary rights. Before implementing land redistribution policies, a participatory mapping process for customary areas must be conducted to ensure that redistribution does not conflict with existing customary rights. Furthermore, agrarian dispute resolution mechanisms need to be directed toward a restorative justice-based mediation model that involves indigenous communities as primary stakeholders, not merely policy objects. This way, legal protection for indigenous communities can be realized in a preventive and repressive manner in accordance with the principles of agrarian justice.

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