

Land Management Based on Customary Land Rights as a Means of Resolving Land Conflicts in the Coastal Areas of Adonara Island

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Abstract: This study aims to analyze legal issues in land management in the coastal areas of Adonara Island, East Flores Regency, East Nusa Tenggara Province, which triggered land conflicts among communities in 2024. The research questions include the causes of the land conflicts, their impact on coastal communities, and land management based on customary rights as an effort to resolve these conflicts. This study employs an empirical legal research method using a socio-legal approach, a statutory approach, and a historical approach. Land conflicts in the coastal areas of Adonara Island stem from the unclear legal status of the land, which originated from the government's 1975 relocation policy that was not followed by administrative resolution and legal certainty regarding the land, with the root of the problem tied to the legacy of colonial-era agrarian law. These conditions have led to multidimensional impacts, including strained social relations among communities, disruption of economic activities in coastal communities, and reduced protection of the cultural values of customary law communities. From a normative perspective, regulations regarding land management and the management of coastal areas are essentially in place through the Basic Agrarian Law, regulations on coastal area management, the Government Regulation on Land Registration, and the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency concerning land administration and the registration of customary land rights held by indigenous communities. However, the implementation of these regulations has not been optimal, particularly regarding the recognition of indigenous communities, the mapping of customary land rights areas, the organization of land administration, and inter-institutional coordination. Therefore, optimizing the implementation of existing regulations through the recognition of customary land rights, participatory mapping, and the reorganization of land administration are crucial steps toward achieving legal certainty and resolving land conflicts in the coastal areas of Adonara Island.

Keywords: Land Conflicts; Customary Land Rights; Land Administration; Coastal Areas; Regulatory Implementation; Adonara Island.

1. Introduction

As an archipelagic nation, Indonesia possesses vast coastal areas rich in natural resources. Coastal areas are not only a source of livelihood for millions of fishing communities but also strategic regions of high economic, ecological, and sociocultural value.¹ However, the complexity of land management in coastal areas and on small islands often gives rise to serious legal issues, given that these regions involve various overlapping interests among the state, indigenous communities, and the general public.

¹Benhard Limbong, *Land Conflicts*, (Jakarta: Pustaka Margaretha, 2012), p. 15.

Land management in coastal areas is highly complex because it involves at least three interrelated dimensions. First, the legal dimension, which relates to the status of land rights, the recognition of customary land rights, and coastal spatial planning regulations.² Second, the social dimension, which concerns the existence of indigenous communities, traditional patterns of land use, and social dynamics within coastal communities. Third, the economic dimension, which reflects the increasing strategic value of coastal areas as economic assets that attract various investment and development interests.

The agrarian conflict in the coastal area of Adonara Island in 2024 serves as a concrete example of the structural problems that have long been entrenched in Indonesia's land tenure system.³ This conflict involves the communities of Ilepati Village and Bugalima Village, West Adonara Subdistrict, East Flores Regency, who are disputing ownership of coastal land that holds significant economic and cultural value. The root of the problem is inextricably linked to the government's 1975 relocation policy, which settled a number of residents in the coastal area without resolving the legal status of the land.

From a normative perspective, Law No. 5 of 1960 on the Basic Provisions of Agrarian Law (UUPA) has, in fact, recognised the customary land rights of indigenous communities. In this regard, the recognition granted is a societal one, as customary law communities and their traditional rights including customary land rights are recognised, respected and protected by the state so long as they continue to exist, in accordance with the national interest, and provided they do not conflict with higher-ranking legislation interests.⁴ However, in practice, this recognition is often inconsistent and is not supported by adequate land administration mechanisms, particularly in remote and island regions.

On the other hand, the regulation of coastal areas through Law No. 27 of 2007 as amended by Law No. 1 of 2014 places greater emphasis on aspects of resource management and spatial planning rather than on aspects of land ownership and land rights.⁵ The lack of coherence between these two regulatory frameworks creates a *legal gap* that has the potential to become a source of agrarian conflicts in coastal areas, including those occurring on Adonara Island.

More specifically, the causes of land conflicts on Adonara Island can be traced to three main factors. First, the government's 1975 relocation policy was not accompanied by an administrative and legal resolution of the land's legal status, thereby creating legal uncertainty for nearly five decades.⁶ Second, the absence of land certification in the disputed coastal areas has resulted in a lack of legal benchmarks that could serve as a basis for resolving claims. Third, the increasing economic value of the coastal areas over the past few decades including

²Boedi Harsono, *Indonesian Agrarian Law: The History of the Formation of the Basic Agrarian Law, Its Content, and Its Implementation*, (Jakarta: Djambatan, 2008), p. 185.

³Agrarian Reform Consortium (KPA), 2023 Year-End Report on Agrarian Conflicts, (Jakarta: KPA, 2024), p. 7.

⁴Mary Grace Megumi Maran, Maria Theresia Geme, Benediktus Peter Lay, *Eksistensi Hukum Tanah Adat Sebagai Pedoman dalam Penggunaan dan Pemanfaatan Tanah Adat oleh Masyarakat Adat Woloara Kabupaten Ende*, *Jurnal Ilmiah Global Education*, Volume 6, Nomor 4, 2025.

⁵Law No. 27 of 2007 on the Management of Coastal Areas and Small Islands, as amended by Law No. 1 of 2014 Amending Law No. 27 of 2007, Preamble and Article 1.

⁶Maria S.W. Sumardjono, *Land Policy: Between Regulation and Implementation*, (Jakarta: Kompas Book Publisher, 2005), p. 47.

the potential for marine tourism, marine resources, and port infrastructure development has transformed latent conflicts into open conflicts (*manifest conflicts*).⁷

The impacts of these land conflicts are multidimensional. From a social perspective, these conflicts have strained inter-community relations and weakened customary institutions, which have long served as traditional dispute resolution mechanisms.⁸ From an economic perspective, uncertainty regarding land status hinders the activities of fishermen and farmers and stifles investment potential in coastal areas, leading to a decline in community income. From a psychological and cultural perspective, threats to customary land rights constitute threats to the cultural identity and spirituality of indigenous communities, given that land is

There is prior research on a topic similar to the present study. The prior study, titled “Integration of Land Management within the Framework of Integrated Coastal and Inland Land Planning,” focused on developing a regional planning concept that integrates the Regional Spatial Plan (RTRW) with Marine Spatial Planning. That study emphasized the importance of synchronizing terrestrial and marine areas to create an integrative and comprehensive coastal zone management framework. Its primary focus was on the conceptual and policy aspects of spatial planning as the foundation for integrated coastal zone management.

In contrast to that study, the current research titled “Land Management Based on Customary Land Rights as an Effort to Resolve Land Conflicts in the Coastal Areas of Adonara Island” centers on land management aspects by positioning the customary land rights of indigenous communities as the primary instrument for resolving land conflicts in coastal areas. This study not only examines spatial planning but also analyzes the relationship between the national land law system and customary law in providing protection for the rights of indigenous communities, as well as formulates a land management model capable of accommodating customary rights as the basis for conflict resolution.

Based on this background, this study seeks to identify and conduct an in-depth analysis of the legal issues at the root of land conflicts in the coastal areas of Adonara Island, while also evaluating the agrarian legal framework including land management based on customary land rights in accommodating land rights in coastal zones. This study is expected to contribute to efforts to improve national land policies so that they are more equitable and supportive of indigenous communities.⁹

⁷Gunawan Wiradi, *Agrarian Reform: A Journey That Has Not Yet Ended*, (Yogyakarta: Insist Press, 2000), p. 34.

⁸Mochammad Tauchid, *Agrarian Issues as Matters of Livelihood and Prosperity for the Indonesian People*, (Yogyakarta: Agrarian Reform Studies, 2009), p. 65.

⁹Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

2. Method

This study is an *empirical legal* research, which examines law not only as a set of applicable norms but also as living and evolving legal practices within society. Empirical legal research was conducted by collecting primary data through online interviews via *WhatsApp* calls with community members directly involved in or knowledgeable about the land conflicts in the coastal areas of Adonara Island.¹⁰

The research was conducted in the villages of Ilepati and Bugalima, West Adonara Subdistrict, East Flores Regency, East Nusa Tenggara Province. These locations were selected because both villages directly experienced coastal land conflicts in 2024, making them relevant to the study's focus on customary rights-based land management as a means of conflict resolution.¹¹

This study employs a *socio-legal approach*, a *statutory approach*, and a *historical approach*. The socio-legal approach is used to analyze how the law is applied in community life and to identify the causes and impacts of the land conflicts that have occurred. The statutory approach was used to examine various legal provisions governing land, customary rights, and coastal zone management, such as Law No. 5 of 1960 on Basic Agrarian Principles, Law No. 27 of 2007 as amended by Law No. 1 of 2014, Government Regulation No. 24 of 1997 on Land Registration, and Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 14 of 2024 on the Administration of Land Affairs and the Registration of Customary Land Rights of Indigenous Communities. Furthermore, a historical-legal approach was used to trace the development of agrarian legal policy from the colonial era to the formation of the national agrarian legal system as a basis for understanding the historical roots of land conflicts in the coastal areas of Adonara Island.

The population in this study includes all parties who are aware of or involved in land conflicts in the coastal areas of Adonara Island, consisting of the communities of Ilepati Village and Bugalima Village, village government officials, traditional leaders, and staff from the East Flores Regency Land Office. The research sample was determined using *purposive sampling*, which involves selecting informants based on the consideration that they possess knowledge, experience, and information relevant to the research subject. The research informants consisted of seven heads of households from each of the villages involved in the dispute, two village heads or village officials, and three traditional leaders, bringing the total number of informants to nineteen.

¹⁰ Soerjono Soekanto, *Introduction to Legal Research*, (Jakarta: UI Press, 2010), p. 51.

¹¹ Agrarian Reform Consortium (KPA), *2023 Year-End Report on Agrarian Conflicts*, (Jakarta: KPA, 2024), p. 8.

The data sources for this study consist of primary and secondary data. Primary data were obtained through in-depth interviews with respondents and informants who have direct knowledge of land conflicts in the coastal areas of Adonara Island. Meanwhile, secondary data were obtained through a literature review of primary legal sources, including the 1945 Constitution of the Republic of Indonesia, the 1960 Basic Agrarian Law, Law No. 27 of 2007, as amended by Law No. 1 of 2014, Government Regulation No. 24 of 1997, Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Regulation No. 14 of 2024, as well as various other laws and regulations related to land and coastal areas. In addition, secondary legal sources such as books, scientific journals, previous research findings, and reports on agrarian conflicts published by relevant institutions were also utilized.

Data collection was conducted through structured and semi-structured interviews with informants, as well as a document review of various land records, policy documents, minutes of proceedings, and regulations related to the research subject. The data obtained were then qualitatively analyzed through the stages of data reduction, data presentation, and drawing conclusions. The analysis was conducted using grammatical, systematic, and teleological interpretation techniques to gain a comprehensive understanding of the causes of land conflicts, their impact on the community, and the effectiveness of customary rights-based land management in resolving conflicts in the coastal areas of Adonara Island.

3. Results and Discussion

3.1. Causes of Land Conflicts in the Coastal Areas of Adonara Island

a. The 1975 Relocation Policy as the Root of the Problem

Land conflicts on Adonara Island did not arise suddenly but were the result of a long-standing accumulation of issues that had never been fully resolved. The government's 1975 relocation policy marked the starting point of a series of complex legal problems.¹² At that time, the government resettled a number of residents in the coastal area without first resolving the legal status of the land they were to occupy. Although the government's actions may have been motivated by good intentions to address housing issues, they actually sowed the seeds of conflict that would erupt decades later.

From an agrarian law perspective, the land subject to relocation is, historically and socially, customary land controlled by the local customary law community based on customary land rights.¹³ However, the state did not carry out a lawful process to relinquish these customary land rights before relocating residents to that land. The absence of this necessary legal process has resulted in overlapping claims between indigenous communities—who feel they have hereditary rights to the land—and the relocated residents, who feel they have the right to settle there based on government policy.

The relocation subsequently sparked a legal conflict because the government merely moved the communities to a new location without first resolving the legal status of the land

¹²Maria S.W. Sumardjono, *Land Policy: Between Regulation and Implementation*, (Jakarta: Kompas Book Publisher, 2005), p. 55.

¹³Boedi Harsono, *Indonesian Agrarian Law: The History of the Formation of the Basic Agrarian Law, Its Content, and Its Implementation*, (Jakarta: Djambatan, 2008), pp. 181–182.

used for the relocation. The land occupied by the relocated residents is still considered customary land by the indigenous community because there was never a process of relinquishing rights or an agreement with the holders of customary rights. On the other hand, the relocated residents feel they have the right to occupy the land because they were officially settled there by the government. This situation has created two competing bases of land tenure over the same land: one based on government policy and the other on the customary rights of the indigenous community. Furthermore, the government has failed to legalize these assets by providing the relocated residents with clear and certain land rights. Consequently, the land's status remains unclear, creating opportunities for disputes when the land is utilized, inherited, or registered. Thus, land conflicts on Adonara Island are not only caused by the relocation policy but also by the failure to resolve the land's legal status from the outset and the lack of alignment between state law and customary law in land management within the region.

b. Weak Legal Certainty Due to the Lack of Land Certification

One of the most crucial factors exacerbating the conflict is the lack of land certification in the disputed coastal areas. 's land registration system, as regulated by Government Regulation No. 24 of 1997 on Land Registration, aims to provide legal certainty and legal protection to land rights holders.¹⁴ Without a certificate serving as strong and valid proof of ownership, every party claiming the land feels they have equal legitimacy, leaving no legal benchmark to resolve disputes peacefully.

The land certification program through the Comprehensive Systematic Land Registration (PTSL) initiative, which the government has been promoting in recent years, should serve as a solution.¹⁵ However, the program's reach to remote island coastal areas such as Adonara Island remains severely limited due to constraints in human resources, infrastructure, and operational costs.

Another factor that cannot be ignored is the rising economic value of coastal areas over the past few decades. Coastal areas possess significant natural resource potential, ranging from marine products and marine tourism to the potential for port infrastructure development.¹⁶ As a region's economic value increases, conflicts that were previously latent tend to escalate into open conflicts (*manifest conflicts*). Stakeholders feel increasingly pressured to secure certainty regarding their land rights.

This situation is exacerbated by the weak capacity of local governments to mediate and resolve agrarian conflicts preventively.¹⁷ Often, government intervention only occurs after a conflict has escalated to violence, rather than as a planned and structured preventive measure.

¹⁴Government Regulation No. 24 of 1997 on Land Registration, Article 3.

¹⁵Adrian Sutedi, *Land Title Certificates*, (Jakarta: Sinar Grafika, 2011), p. 57.

¹⁶Bernhard Limbong, *Land Conflicts*, (Jakarta: Pustaka Margaretha, 2012), p. 42.

¹⁷Philipus M. Hadjon, *Introduction to Indonesian Administrative Law*, (Yogyakarta: Gadjah Mada University Press, 2005), p. 78.

3.2. The Impact of Land Conflicts on Coastal Communities on Adonara Island

a. Social Impact

Land conflicts in the coastal areas of Adonara Island have had serious social impacts on the communities involved. Based on field data, this conflict has caused a rift in kinship ties between residents of Ilepati Village and Bugalima Village, who previously shared close social bonds.¹⁸ The disputes are not merely individual in nature but have involved group solidarity, which has the potential to trigger a broader escalation of violence. Mutual distrust between communities has intensified, hindering the reconciliation process.

Furthermore, this conflict threatens the existence of customary institutions and social structures that have long served as traditional conflict-resolution mechanisms.¹⁹ The weakening of customary leaders' authority in resolving land disputes reflects the erosion of local wisdom due to the lack of formal legal recognition of the prevailing customary system.

b. Economic Impact

Economically, land conflicts directly disrupt the activities of fishermen and farmers who depend on coastal areas as their source of livelihood.²⁰ Uncertainty regarding land status causes communities to be reluctant to make long-term investments on disputed land, such as the construction of fish ponds, plantations, or fishing facilities. This results in a decline in overall community productivity and income.

Furthermore, the potential for marine tourism development in coastal areas—which is actually quite promising—is also hampered by conflict situations that are not conducive to attracting investment. Economic opportunities that should be shared by all are instead lost due to protracted disputes.

c. Psychological and Cultural Impacts

The psychological impacts felt by the community include a sense of insecurity, prolonged anxiety, and trauma resulting from the threat of losing homes they have inhabited for decades.²¹ For indigenous communities, land is not merely an economic asset but also a cultural identity and a source of spirituality. Threats to customary land rights constitute a threat to the survival of communal identity and priceless ancestral heritage.

3.3. Customary Land Rights-Based Land Management in Resolving Land Conflicts in the Coastal Areas of Adonara Island, NTT Province

Land management based on customary land rights is one approach that can be used to resolve land conflicts in the coastal areas of Adonara Island. This approach aims not only to provide legal certainty regarding land tenure and use but also to ensure respect for the rights of indigenous communities that have traditionally controlled the area. In the context of Adonara Island, indigenous communities and their customary rights remain vibrant and are

¹⁸KPA, *Op. cit.*, p. 30.

¹⁹Mochammad Tauchid, *Agrarian Issues as Matters of Livelihood and Prosperity for the Indonesian People*, (Yogyakarta: Agrarian Reform Studies, 2009), p. 71.

²⁰Adrian Sutedi, *Land Title Certificates*, (Jakarta: Sinar Grafika, 2011), p. 62.

²¹Iman Soetikinjo, *National Agrarian Policy: The Relationship Between People and Land Based on Pancasila*, (Yogyakarta: Gadjah Mada University Press, 1994), p. 118.

an integral part of the social system; therefore, land management must take into account the values of customary law that have evolved within the community.

Normatively speaking, Indonesia actually already has a fairly comprehensive legal framework for regulating land management and recognizing the customary land rights of indigenous communities. Law No. 5 of 1960 on the Basic Provisions of Agrarian Law (UUPA) serves as the primary foundation of national land law, establishing customary law as the basis for the formulation of national agrarian law, as stipulated in Article 5 of the UUPA. Furthermore, Article 3 of the UUPA also recognizes the exercise of customary land rights by indigenous communities, provided that such rights still exist in practice and their exercise does not conflict with national interests, state interests, or applicable laws and regulations.

Recognition of indigenous communities also has a constitutional basis through Article 18B(2) of the 1945 Constitution of the Republic of Indonesia, which affirms that the state recognizes and respects the unity of indigenous communities and their traditional rights as long as they remain in existence, in accordance with societal developments and the principles of the Unitary State of the Republic of Indonesia. These constitutional provisions subsequently serve as the basis for various land-related regulations governing the mechanisms for recognition and administration of customary lands.

In the context of coastal areas, regulations are also in place through Law No. 27 of 2007 on the Management of Coastal Areas and Small Islands, as amended by Law No. 1 of 2014. These regulations provide a legal basis for the sustainable management of coastal areas while taking into account the presence of local communities and customary law communities. More specifically, land management in coastal areas is also regulated by Ministerial Regulation of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) No. 17 of 2016 on Land Management in Coastal Areas and Small Islands. Thus, regulations concerning land and coastal zone management are in fact complementary in ensuring legal certainty regarding the use of both terrestrial and coastal areas.

In addition, land administration is regulated by Government Regulation No. 24 of 1997 on Land Registration, which aims to provide legal certainty regarding land rights through surveying, mapping, record-keeping, and the issuance of land title certificates. These provisions are further strengthened by the issuance of Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 14 of 2024 on the Implementation of Land Administration and Land Registration for Customary Land Rights of Indigenous Communities, which provides a clearer mechanism regarding the administration and registration of customary land rights.

Based on these regulations as a whole, it can be understood that the land conflicts in the coastal areas of Adonara Island are not caused by a lack of regulations or inconsistencies among laws and regulations. On the contrary, the legal framework governing land management, the recognition of customary land rights, and the management of coastal areas is already sufficiently in place. The main problem lies in the implementation of these various provisions, which has not yet been carried out optimally at the local level.

This suboptimal implementation is evident in the failure to fully identify and recognize customary law communities, the incomplete mapping of customary land rights areas, the suboptimal land administration of customary lands, and the still-limited coordination between the local government, the East Flores Regency Land Office, and other relevant agencies. These conditions have resulted in the legal status of some land in the coastal area remaining legally uncertain, thereby opening the door to conflicting claims.

The case of land conflict in the coastal area of Adonara Island demonstrates that the existence of regulations alone is insufficient if not accompanied by consistent implementation. The 1975 community relocation policy, which was not accompanied by the resolution of land administration issues, serves as an example of how the implementation of an incomplete land policy can lead to long-standing conflicts. Therefore, resolving conflicts cannot be achieved solely through repressive measures; rather, requires a comprehensive restructuring of land administration based on existing laws and regulations.

Land management based on customary land rights in the coastal areas of Adonara Island must be carried out through several strategic steps. The first step is to identify and verify the existence of customary law communities and their customary land rights areas in accordance with applicable laws and regulations. This stage is crucial to ensure that the land to be registered is indeed located within a customary land rights area that is still active and recognized.

The next step is to conduct participatory mapping involving customary law communities, village governments, local governments, the East Flores Regency Land Office, and other stakeholders. Through this participatory mapping, it is hoped that territorial boundaries can be clearly defined, thereby minimizing the potential for future disputes. The mapping results will then serve as the basis for the land administration process and the registration of customary land rights in accordance with the provisions of Ministerial Regulation ATR/BPN No. 14 of 2024.

In addition to land administration reforms, conflict resolution must also be achieved by strengthening consultative mechanisms involving traditional leaders, village governments, local governments, and land agencies. This consultative approach aligns with the characteristics of customary law communities, which prioritize amicable dispute resolution without neglecting the legal certainty provided by the state. Thus, conflict resolution not only provides legal certainty regarding land status but also restores social relations among communities that were previously disrupted by the conflict.

Based on this discussion, it can be affirmed that land management based on customary land rights is an appropriate instrument for resolving land conflicts in the coastal areas of Adonara Island. The success of this land management does not depend on the creation of new regulations, but rather on optimizing the implementation of existing regulations, strengthening interagency coordination, streamlining land administration, recognizing customary law communities, and conducting participatory mapping on an ongoing basis so that the goal of achieving legal certainty and justice for coastal communities can be realized.

4. Conclusion

Based on the research findings and discussion above, the following conclusions can be drawn: First, the root cause of land conflicts in the coastal areas of Adonara Island stems from the 1975 community relocation policy, which was not followed by the resolution of land's legal status through either administrative or judicial means. This situation has led to overlapping claims of land tenure between indigenous communities and the relocated communities. This situation indicates that the state has not yet fulfilled its role optimally in ensuring legal certainty regarding the use, control, and ownership of land, including through the legalization of assets for the relocated communities. In fact, pursuant to Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia, the state is granted the authority to control the earth, water, and the natural resources contained therein for the greatest possible prosperity of the people. This authority is not merely interpreted as the right to regulate but also entails the responsibility to manage land control, resolve the legal status of land prior to its utilization, and provide legal certainty through land registration and the granting of land rights in accordance with applicable regulations. However, in the case of the relocation on Adonara Island, this authority has not been fully exercised because the government failed to first resolve the legal status of the land designated for relocation or to provide legal certainty regarding land rights to the communities occupying it.

Second, the impact of land conflicts not only creates legal uncertainty regarding land tenure status but also affects the social, economic, and cultural lives of the community. Conflicts disrupt inter-community relations, hinder the economic activities of coastal communities, reduce investment certainty, and affect the sustainability of customary values that have long been an integral part of the lives of the customary law community on Adonara Island.

Third, land management based on customary land rights is the appropriate approach to resolving land conflicts in the coastal areas of Adonara Island. Normatively, regulations regarding land and customary land rights are already in place through the Basic Agrarian Law, the Law on the Management of Coastal Areas and Small Islands, and technical regulations one of which is Ministerial Regulation No. 17 of 2016 of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) on Land Management in Coastal Areas and Small Islands. Based on , it can be understood that land conflicts in the coastal areas of Adonara Island are not caused by a lack of regulations or inconsistencies among laws and regulations. On the contrary, the legal framework governing land management, the recognition of customary rights, and the management of coastal areas is already sufficiently in place. The main problem lies in the implementation of these various provisions, which has not been optimal at the local level.

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