

Contestation of Customary Civil Law and State Law in Agrarian Disputes: A Critical Analysis of the Protection of Indigenous Peoples' Rights

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Article history:

Received in revised form: 02 May 2026

Acceptance date: 26 May 2026

Available online: 22 June 2026

Keywords:

Agrarian Disputes; Customary Law; State Law; Legal Pluralism; Indigenous Peoples; Legal Protection.

How to Cite:

Ma'dika. M. D. (2026). Contestation of Customary Civil Law and State Law in Agrarian Disputes: A Critical Analysis of the Protection of Indigenous Peoples' Rights. *Al-Risalah Jurnal Ilmu Syariah Dan Hukum*, 26(2).
<https://doi.org/10.24252/al-risalah.v26i2.68486>

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Abstract

Agrarian disputes in Indonesia reflect complex dynamics resulting from the contestation between customary civil law and state law. This study focuses on the forms of legal contestation in agrarian disputes and their implications for the protection of indigenous peoples' rights. The increasing number of agrarian conflicts indicates persistent inequality in the recognition and protection of indigenous communities, where state law tends to dominate customary law. This research aims to critically analyze the forms of contestation between customary law and state law as well as their impact on the legal protection of indigenous peoples. The study employs a library research method with a qualitative approach and a juridical-normative nature. Research data were obtained from secondary sources, including laws and regulations, books, and relevant scientific journals. Data analysis was conducted using content analysis techniques to identify patterns of legal contestation and their effects on indigenous communities. The findings reveal that legal contestation occurs in normative, juridical, structural, cultural, and implementation dimensions. The dominance of state law based on formal legality has led to the marginalization of customary law and weakened the protection of indigenous peoples' rights. Therefore, a reconstruction of agrarian law that accommodates substantive legal pluralism is necessary to achieve justice and legal protection for indigenous communities.

INTRODUCTION

Land in the perspective of Indonesian agrarian law cannot be understood solely as an economic object that can be transferred through modern civil law mechanisms. For customary law communities, land has a much more complex meaning, namely as an existential basis that is collectively inherent and becomes the main foundation of the social, cultural, and spiritual life of the community. Land serves not only as a source of livelihood, but also as a symbol of generational identity and sustainability. In this framework, land is positioned as a living space governed by living law norms, which are inherited from generation to generation and bind all members of society collectively¹. The recognition of the existence of customary law communities and their rights, including the right to customary land, has been normatively affirmed in the Indonesian national legal system. Various laws and regulations show that the state recognizes the existence of customary law communities as an integral part of the nation's social structure. This recognition reflects an effort to accommodate legal pluralism in the national legal system, where customary law and state law are expected to run side by side. However, such recognition in practice is often formalistic and has not been fully realized in the form of substantive protection.

In the midst of the development of globalization and the demands of economic development, the need for land as a strategic resource has increased significantly. The state through various development policies, including national strategic projects and large-scale investments, opens up space for the exploitation of agrarian resources widely. This condition on the one hand is considered an effort to encourage economic growth and improve people's welfare, but on the other hand it actually raises various new problems, especially related to agrarian conflicts. In many cases, customary territories that have been managed for generations by customary law communities are actually included in development concession areas, thus triggering disputes between indigenous peoples, the state, and the private sector². Empirical reality shows that agrarian conflicts in Indonesia have developed into complex structural problems. Data shows that in the last decade, there have been thousands of agrarian conflicts involving millions of hectares of land and impacting millions of people. The conflict is not only related to the struggle for economic resources, but also has an impact on social disintegration, loss of cultural

¹ Purwanto. (n.d.). Contestation of terminology and recognition of customary law communities in Indonesia

² Putri, A. M., Iqbal, M. G., Viqria, A. A., & Zatadini, N. (2025). Agrarian Disputes in the Era of Foreign Investment: The Challenge of Protecting the Rights of Indigenous Peoples. *Journal of Legality*, 7(1). <https://doi.org/10.47637/legalita.v7i1.1936>

identity, and disruption of the sustainability of indigenous peoples' lives. This condition shows that agrarian disputes are not just legal issues, but multidimensional issues that involve social, economic, cultural, and political aspects simultaneously³.

One of the main roots of the agrarian conflict is the disharmony between customary civil law and state law in regulating land control and utilization. Customary law that is communal, flexible, and based on local values is often confronted with state law that is formalistic, written, and oriented towards legal certainty. These differences in characteristics lead to an inevitable normative clash. In practice, state law tends to be more dominant and becomes the only reference in dispute resolution, so customary law is often marginalized and considered to have insufficient legal force⁴. The dominance of state law in agrarian management is also inseparable from the influence of the modern legal paradigm that emphasizes legal certainty and individualization of rights. From a civil law perspective, land is positioned as an object that can be owned individually and transferred through various legal mechanisms such as buying and selling, renting, and pawning. This conception is fundamentally different from the concept of ownership in customary law which is communal and inseparable from the social relations of the community. As a result, there is a shift in the meaning of land from what was originally socio-cultural to an economic commodity, which ultimately increases the potential for conflict⁵.

Furthermore, the imbalance in power relations between indigenous peoples and the state and corporations worsens the situation. In many cases, indigenous peoples are structurally weak, both in terms of access to information, legal understanding, and negotiation capacity. This condition causes indigenous peoples to often not have enough bargaining power in dealing with parties with greater economic and political power. As a result, the decision-making process related to land management is often one-sided and does not reflect the principles of justice. Ironically, the various protection mechanisms that are supposed to guarantee the rights of indigenous peoples, in practice, often do not work effectively. The principle of community participation, which should be an important instrument in decision-making, is often only used as an administrative

³ Putri, A. M., Iqbal, M. G., Viqria, A. A., & Zatadini, N. (2025). Agrarian Disputes in the Era of Foreign Investment: The Challenge of Protecting the Rights of Indigenous Peoples. *Journal of Legality*, 7(1). <https://doi.org/10.47637/legalita.v7i1.1936>

⁴ Gregorius, J. B. (2025). Anthropological-juridical contestation about additional criminal executors in the form of fulfilling local customary obligations according to the Criminal Code Number 1 of 2023. *Domain Research Journal*, 7(4). <https://doi.org/10.38035/rrj.v7i4>

⁵ Sitingjak, I. Y., Gultom, S., Hermes, C. D., & Purba, M. S. M. (2022). Implementation of the agreement letter according to civil law and customary customs. *Journal of Sapangambe Manoktok Hitei*, 2(2).

formality without providing substantial space for indigenous peoples to voice their interests. This shows that there is a significant gap between the applicable legal norms and the reality of their implementation in the field.⁶

From the perspective of legal pluralism theory, this condition reflects the failure of the state to accommodate the existence of various legal systems living in society. Customary law as part of living law should have an equal position with state law in the national legal system. However, in practice, state law actually dominates and systematically shifts the existence of customary law. This phenomenon shows a tendency to centralize the law that ignores the diversity of the legal system that exists in society). This problem is even more complex when it is associated with weak mechanisms for the recognition and protection of the rights of indigenous peoples. Although normatively it has been recognized, in practice there are still many indigenous peoples who have not received official recognition of their customary territories. This causes them to lack strong legal certainty, making them vulnerable to land takeover by other parties. This condition shows that legal protection for indigenous peoples is still partial and has not touched on substantial aspects⁷. Thus, agrarian disputes in Indonesia are essentially a manifestation of the contestation between two legal systems that have different paradigms, namely customary civil law and state law. This contestation not only has an impact on legal aspects, but also has far-reaching implications for the social, cultural, and economic life of indigenous peoples. Therefore, a comprehensive and critical study is needed to understand how the contestation occurs, as well as how it impacts the protection of indigenous peoples' rights.

Based on this description, this research is important to be carried out in order to analyze in depth the contestation between customary civil law and state law in agrarian disputes. This research also aims to critically examine how the protection of indigenous peoples' rights can be realized more effectively and substantively in the Indonesian national legal system. Thus, the results of this research are expected to contribute to the development of legal science, especially in the field of agrarian law and customary law, as well as become the basis for the formulation of more equitable and sustainable policies.

⁶ Putri, A. M., Iqbal, M. G., Viqria, A. A., & Zatadini, N. (2025). Agrarian Disputes in the Era of Foreign Investment: The Challenge of Protecting the Rights of Indigenous Peoples. *Journal of Legality*, 7(1). <https://doi.org/10.47637/legalita.v7i1.1936>

⁷ Purwanto. (n.d.). Contestation of terminology and recognition of customary law communities in Indonesia

METHODS

This research is a legal research with a type of library research, which is research carried out by examining various literature sources as the main data in answering research problems. Literature research is used because the object of study in this study focuses on legal norms, concepts, and theories related to the contestation between customary civil law and state law in agrarian disputes. The approach used in this study is a qualitative approach, which is an approach that emphasizes an in-depth understanding of phenomena through the interpretation of non-numerical data. This approach was chosen because the research does not aim to test hypotheses statistically, but rather to analyze and understand the dynamics of legal contestation that occur conceptually and normatively⁸

The nature of this research is juridical-normative, namely research conducted by examining applicable legal norms, both contained in laws and regulations and legal doctrines. This research also seeks to examine the gap between the prevailing legal norms and the reality that occurs, especially in the context of the protection of indigenous peoples' rights in agrarian disputes⁹. The data sources used in this study are secondary data, which consists of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include laws and regulations related to agrarian law and recognition of customary law communities. Secondary legal materials are in the form of scientific books, academic journals, research results, and other literature relevant to the research topic. Meanwhile, tertiary legal materials include legal dictionaries, encyclopedias, and other sources that support conceptual explanations of the terms and theories used¹⁰.

The data collection technique is carried out through documentation studies, namely by identifying, collecting, and reviewing various documents and literature relevant to the research object. This process is carried out systematically by considering the validity, credibility, and relevance of the data sources used. This research was carried out in the time span of scientific writing and was not tied to a specific geographical location, because it was a literature review. The data analysis technique used is descriptive qualitative analysis with the content analysis method. The analysis is carried out through the stages of data reduction, data presentation, and conclusion drawn. At the data reduction stage, the researcher selects and simplifies relevant data. Furthermore, the data is presented in the form of a systematic description to facilitate understanding. The final

⁸ Sugiyono. 2019. *Quantitative, Qualitative, and R&D Research Methods*. Bandung: Alfabeta.

⁹ Soekanto, Soerjono. 2014. *Introduction to Legal Research*. Jakarta: UI Press.

¹⁰ Soekanto, Soerjono. 2014. *Introduction to Legal Research*. Jakarta: UI Press.

stage is carried out by drawing conclusions based on patterns, relationships, and findings obtained from the results of the analysis. Thus, this method is expected to be able to provide a comprehensive picture of the form of contestation between customary civil law and state law and its implications for the protection of indigenous peoples' rights.

RESULTS AND DISCUSSION

1. Dynamics of Customary Civil Law Contestation and State Law in Agrarian Disputes

The contestation between customary civil law and state law in agrarian disputes in Indonesia is a phenomenon that is not a coincidence, but a consequence of the dualism of the legal system that lives simultaneously in the same social space. On the one hand, customary law exists as a legal system that grows organically in society and is rooted in collective values, while on the other hand, state law exists as a formal instrument formed through a mechanism of legislation with an orientation to legal certainty. The tension between these two systems became the starting point of various agrarian conflicts that continue to recur to this day ¹¹. In practice, the dynamics of this contest are increasingly complex along with the increasing intensity of development and the expansion of investment in the natural resources sector. Agrarian disputes are no longer local or simple, but have evolved into structural conflicts involving many actors, including states, corporations, and indigenous peoples. Data shows that in the last decade there have been thousands of agrarian conflicts involving millions of hectares of land and impacting millions of people, especially customary law communities ¹². This condition confirms that agrarian conflicts are systemic problems that cannot be solved only through a formal legal approach.

The main root of the conflict lies in the insynchronization between customary law and state law in regulating land tenure and utilization. Customary law views land as communal property that cannot be separated from community life, while state law tends to view land as an object of individual rights that can be transferred through civil law mechanisms. This paradigm difference creates a very wide space for conflict, especially when the state gives legal legitimacy to land tenure through certificates or business

¹¹ Purwanto. (n.d.). Contestation of terminology and recognition of customary law communities in Indonesia.

¹² Putri, A. M., Iqbal, M. G., Viqria, A. A., & Zatadini, N. (2025). Agrarian Disputes in the Era of Foreign Investment: The Challenge of Protecting the Rights of Indigenous Peoples. *Journal of Legality*, 7(1). <https://doi.org/10.47637/legalita.v7i1.1936>

licenses without considering the existence of customary rights of indigenous ¹³peoples. Furthermore, the dominance of state law in the practice of resolving agrarian disputes shows that there is an inequality in the recognition of the law. The national legal system favors formal evidence such as land certificates as the basis for legal ownership, while indigenous peoples' claims that are historical and hereditary in nature are often not legally recognized. This condition puts indigenous peoples in a weak position and is vulnerable to losing their land rights, even though they have strong legitimacy socially ¹⁴

In addition, agrarian policies that are centralistic and top-down have also aggravated the contestation. The state often imposes development policies without substantively involving indigenous peoples, thus triggering repeated conflicts. The agrarian conflict resolution policy carried out by the government is also considered to have not been able to solve the root of the problem comprehensively, because it focuses more on an administrative approach than a substantive approach that considers the social and cultural aspects of indigenous peoples (STPN Team, 2012). From the perspective of legal sociology, this contestation shows that law is not always neutral, but is influenced by the power relations that exist in society. State law tends to represent the interests of groups with economic and political power, while indigenous peoples are often marginalized. As a result, the law serves not only as a regulatory tool, but also as an instrument that reflects existing social inequalities¹⁵. Furthermore, the dynamics of this contest are also influenced by social and economic changes that occur in society. Modernization and globalization have driven a shift in the way of looking at land, from a socio-cultural commodity to an economic commodity with high value. This change not only triggers conflicts between indigenous peoples and external parties, but also has the potential to cause internal conflicts within the society itself. In this context, land is no longer just a living space, but also an object of a complex struggle for interests.

Thus, it can be concluded that the dynamics of contestation between customary civil law and state law in agrarian disputes are a complex and multidimensional phenomenon. This contestation does not only occur at the level of legal norms, but also at the level of social structure, power relations, and changes in values in society. Therefore, the settlement of agrarian disputes requires an approach that is not only oriented towards

¹³ Nisa, A. C., & Asriyani, A. (2025). National agrarian dynamics and customary land disputes in the perspective of contemporary law.

¹⁴ Tandori, V. H., & Supriyanto, H. (2025). Contradiction of communal rights and customary rights in Indonesian land law. *Tunas Agraria*, 8(3), 380–400. <https://doi.org/10.31292/jta.v8i3.483>

¹⁵ Yusuf, M., Saragih, G. M., Fadhli, M., Santoso, B., Mulyono, J. D., Putra, A. A., & Warianti, K. (2025). Dynamics of agrarian conflict in land dispute resolution. *Scientific Journal of Advocacy*, 13(4)

legal certainty, but also on substantive justice that is able to accommodate the diversity of the legal system that lives in Indonesia.

2. Forms of Legal Contestation in Agrarian Disputes

The contestation between customary civil law and state law in agrarian disputes in Indonesia is a phenomenon that not only reflects differences in the legal system, but also shows the existence of conflicts of interest, power imbalances, and paradigm differences in understanding the law itself. In practice, the law does not always function as a neutral instrument, but often serves as a tool of legitimacy for certain interests, especially in the context of the control and utilization of agrarian resources. Normatively, the existence of customary law has been recognized in the national legal system. However, such recognition has not been followed by effective safeguards in practice. State law still dominates in determining the validity of a land claim, so customary law is often in a subordinate position. This condition shows that legal pluralism in Indonesia is still weak, where customary law has not been fully integrated into the national legal system substantively.¹⁶

In the practice of agrarian disputes, legal contestation arises in various forms that are interrelated and inseparable from each other. This contestation does not only occur at the level of legal norms, but also at the level of implementation, power structure, and values that underlie the legal system. Therefore, a more systematic mapping is needed to comprehensively understand these forms of contestation.

Table 1. Forms of Legal Contestation in Agrarian Disputes

Contestation Dimensions	Contestation Form	The Root of the Problem	Impact on Indigenous Peoples	Review of Analitis
Normative	Disharmony of regulations between customary law and state law	Absence of harmonization and integration of legal pluralism	Legal uncertainty and recurring conflicts	Legal pluralism is only symbolic

¹⁶ Efrizon, E., Agisty, F., Galgani, M. G., Kasman, M. S., & Utomo, P. (2025). Reform of agrarian law and protection of the rights of customary law communities. *Locus Journal of Academic Literature Review*, 4(2), 52–60. <https://doi.org/10.56128/ljoalr.v4i2.428>

Juridical	Dominance of formal evidence (certificates) over customary claims	The paradigm of legal positivism	Customary rights are not legally recognized	Law of bias against formality
Struktural	Power inequality between states, corporations, and indigenous peoples	Unbalanced access to resources	Marginalization and land loss	The law favors economic interests
Culture	Differences in communal and individual values	Differences in legal paradigms	Social conflict and cultural disintegration	State laws are insensitive to local values
Implementative	Weak implementation of protection policies	Bureaucracy and legal politics	Legal protection is ineffective	Recognition is only a formality

Table 1. This shows that legal contestation in agrarian disputes does not stand alone, but is the result of an interaction between various factors that reinforce each other. Disharmony at the normative level creates legal uncertainty, which is then reinforced by the dominance of state law at the juridical level. Power inequality at the structural level further weakens the position of indigenous peoples, while differences in values at the cultural level deepen the conflicts that occur. In the end, weak policy implementation makes the entire legal protection system for indigenous peoples ineffective. The dominance of state law in agrarian disputes also shows a tendency to use the paradigm of legal positivism, where laws are considered valid only if recognized by the state. This paradigm ignores the existence of customary law as a living law that has social legitimacy. As a result, indigenous peoples who have no formal evidence often lose their land rights, even though they historically have strong legitimacy.

In addition, legal contestation cannot be separated from the economic interests that underlie it. Land as a strategic resource has been transformed into an economic commodity that has high value. In this context, the state often plays the role of an

investment facilitator through the granting of business licenses to corporations, which ultimately magnifies the potential for conflict with indigenous peoples. This condition shows that the law has become part of the mechanism of capitalization of agrarian resources. The fundamental difference between customary law and state law also shows that there is a paradigm conflict that is not easy to resolve. Customary law views land as part of collective life that is inseparable from the identity of the community, while state law views land as an object that can be individually owned and traded. This difference not only creates legal conflicts, but also broader social conflicts ¹⁷(Nisa & Asriyani, 2025).

Table 2. Comparison of Paradigm of Customary Law and State Law

Aspects	Customary Law	State Law	Implications
Properties	Communal	Individual	Ownership conflicts
Legitimacy	Social-cultural	Formal-yuridis	Recognition inequality
Orientation	Social justice	Legal certainty	Policy bias
System	Unwritten	Tertulis	Legal discrimination
Mechanism	Deliberation	Litigation	Conflict resolution

Based on the overall analysis, it can be concluded that legal contestation in agrarian disputes is a complex and multidimensional phenomenon. This contestation not only reflects the conflict between the two legal systems, but also shows the existence of structural inequalities, the dominance of certain legal paradigms, and the failure of the legal system to accommodate legal pluralism substantively. Therefore, a more comprehensive approach is needed in the settlement of agrarian disputes that is not only oriented towards legal certainty, but also on substantive justice for indigenous peoples.

3. Implications of Legal Contestation on the Protection of Indigenous Peoples' Rights

The contestation between customary civil law and state law in agrarian disputes does not only stop at the conceptual or normative level, but has direct implications for the level of protection of indigenous peoples' rights. In practice, the contestation actually shows a systemic tendency that weakens the position of indigenous peoples, both legally, socially, and economically. This shows that the existence of two legal systems that are supposed to complement each other actually creates a significant inequality of protection. Normatively, the state has recognized the existence of customary law communities and their traditional rights, including the right to customary land. However, such recognition has not been fully followed by effective safeguards at the implementation level. There is

¹⁷ Nisa, A. C., & Asriyani, A. (2025). National agrarian dynamics and customary land disputes in the perspective of contemporary law.

a real gap between formal recognition of the law (de jure) and perceived protection (de facto). This condition shows that legal recognition of indigenous peoples is still declarative and has not been able to guarantee substantive justice ¹⁸.

One of the main implications of legal contestation is the marginalization of indigenous peoples in the national legal system. The dominance of state law based on formal legality has led to indigenous peoples' historical and communal claims often going unrecognized. In many cases, formal evidence such as land certificates becomes the sole basis for the legitimacy of ownership, so indigenous peoples who do not have such documents lose their rights to their land ¹⁹. This condition shows that the national legal system has not been able to accommodate the diversity of forms of land ownership that live in the community. In addition, legal contestation also has an impact on the loss of indigenous peoples' access to agrarian resources. Land that was previously the source of life and community identity has turned into an economic object that can be controlled by other parties through the state's legal mechanism. In this context, the state often plays the role of an investment facilitator through the granting of business licenses to corporations, which ultimately results in the deprivation of the living space of indigenous peoples. This shows that the law not only functions as a regulatory tool, but also as an instrument of legitimacy for the process of capitalizing natural resources.

Another implication is the occurrence of social and cultural disruption in indigenous peoples. Land loss not only has an impact on the economic aspect, but also on the sustainability of the social and cultural systems of indigenous peoples. Land for indigenous peoples has a broader meaning as a living space that contains spiritual, historical, and collective identity. When the land is lost, what is lost is not only economic assets, but also the social and cultural existence of the community itself ²⁰. Furthermore, legal contestation also creates prolonged legal uncertainty. The disharmony between customary law and state law causes no certainty in determining the status of land ownership. This is not only detrimental to indigenous peoples, but also worsens the overall legal climate, as it creates a conflict that continues to recur without a clear

¹⁸ Efrizon, E., Agisty, F., Galgani, M. G., Kasman, M. S., & Utomo, P. (2025). Reform of agrarian law and protection of the rights of customary law communities. *Locus Journal of Academic Literature Review*, 4(2), 52–60. <https://doi.org/10.56128/ljoalr.v4i2.428>

¹⁹ Tandori, V. H., & Supriyanto, H. (2025). Contradiction of communal rights and customary rights in Indonesian land law. *Tunas Agraria*, 8(3), 380–400. <https://doi.org/10.31292/jta.v8i3.483>

²⁰ Nisa, A. C., & Asriyani, A. (2025). National agrarian dynamics and customary land disputes in the perspective of contemporary law.

resolution. This shows that the agrarian legal system in Indonesia is still not able to provide fair legal certainty.

In addition, the weak implementation of indigenous peoples' protection policies shows that the law has not functioned optimally as an instrument of justice. Many policies are just a formality without providing any real protection. Indigenous peoples' participation in decision-making processes is often only symbolic, without providing substantial space for them to defend their rights. This shows that there is a gap between legal norms and practice in the field. To clarify these implications, the following is an analysis table that summarizes the impact of legal contestation on the protection of indigenous peoples' rights:

Table 3. Implications of Legal Contestation on Indigenous Peoples' Rights

Aspects	Shape Implications	Real Impact	Long-Term Consequences	Criticism
Law	Not recognizing customary rights	Loss of land	Loss of legitimacy of customary law	Non-inclusive of law
Economy	Resource deprivation	Loss of livelihood	Structural poverty	Pro-corporation
Social	Community disintegration	Internal conflicts	Weakening of solidarity	Injustice
Culture	Loss of identity	Erosion of customary values	The extinction of local culture	Culturally insensitive
Politics	Weak bargaining position	Not involved in the policy	Power inequality	Pseudo-democracy

Based on the overall analysis, it can be understood that the contestation between customary civil law and state law not only produces legal conflicts, but also deepens social injustices experienced by indigenous peoples. State laws that are supposed to function as a tool of protection are often tools of domination that reinforce structural inequality. Thus, a paradigm shift is needed in the agrarian legal system in Indonesia that is not only oriented towards legal certainty, but also on substantive justice. Recognition of customary law must be followed by real protection, as well as stronger integration in the national legal system. Without these changes, legal contestation will continue to recur and indigenous peoples will remain in a vulnerable position

CONCLUSION

The contestation between customary civil law and state law in agrarian disputes in Indonesia shows that normatively recognized legal pluralism has not been substantively realized in practice. This study found that the dominance of state law based on formal legality has shifted the position of customary law that is communal and historical, thereby creating inequality in the recognition and protection of indigenous peoples' rights. This contestation does not only occur at the normative level, but also at the interrelated juridical, structural, cultural, and implementive levels, thus forming systemic and repetitive agrarian conflicts. The implication of this condition is the weakening of the protection of indigenous peoples' rights, which is characterized by marginalization in the legal system, loss of access to agrarian resources, and the occurrence of social and cultural disruption. State law that is supposed to function as an instrument of justice tends to strengthen inequality due to formalistic bias and economic-political interests. Thus, the main problem in agrarian disputes lies not only in the conflict of legal norms, but also in the failure of the legal system to accommodate legal pluralism in a fair and substantive manner.

Based on these findings, it is necessary to reconstruct agrarian law that integrates customary law in the national legal framework in a more substantive manner, rather than just formal recognition. The state needs to strengthen mechanisms for the recognition and protection of customary rights, harmonize overlapping regulations, and ensure the participation of indigenous peoples in the policy-making process. In addition, the approach to resolving agrarian disputes must shift from a legalistic paradigm to a more contextual and socially just approach. This effort is important to realize an agrarian legal system that not only guarantees legal certainty, but also substantive justice for indigenous peoples in Indonesia.

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