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LAND CONFLICTS IN NATIONAL STRATEGIC PROJECTS WITHIN THE FRAMEWORK OF AGRARIAN POLITICAL ECONOMY: AN ANALYSIS OF TENURE RIGHTS, AGRARIAN REFORM, AND COMMUNITY-BASED CONFLICT RESOLUTION

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ABSTRACT

National Strategic Projects (PSN) in Indonesia have generated recurring agrarian conflicts involving the state, corporations, and local communities, particularly where formal land administration intersects with customary and long-standing tenure claims. This article aims to analyze the roots of PSN land conflicts and to formulate a community-based conflict-resolution framework by integrating agrarian political economy with Lawrence M. Friedman's Legal System Theory. The study employs a socio-legal research design with a descriptive qualitative approach and a systematic literature review of agrarian regulations, forestry policies, judicial decisions, institutional documents, and empirical studies. The analysis applies Friedman's three elements of the legal system: legal substance, legal structure, and legal culture. The findings show that PSN tenure conflicts arise from overlapping agrarian, forestry, and land acquisition regulations, fragmented institutional authority and weak inter-agency coordination, and legal practices that tend to prioritize formal documentation over customary and community-based tenure claims. The study further finds that effective conflict resolution requires harmonization of legal norms, stronger institutional coordination, comprehensive tenure mapping, meaningful community participation, and recognition of customary and locally legitimate mediation mechanisms. Comparative experiences from the Philippines and Australia demonstrate the importance of integrating community participation, consent, and legally recognized negotiation mechanisms into formal land-governance procedures before development projects proceed. The article contributes by combining Friedman's legal system framework, agrarian political economy, and comparative experience to develop a more coherent community-based tenure-governance model that balances legal certainty, community rights, institutional coordination, and national development objectives.

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A. Introduction

Agrarian conflict in Indonesia is not a new phenomenon, from the colonial era to the post-Reform period, issues concerning land control, ownership, use, and utilization have repeatedly generated tensions between the state, capital owners, and local communities. The intensification of these conflicts in the second decade of the twenty-first century, however, has introduced dimensions that cannot be adequately explained solely through conventional agrarian law approaches. The designation of National Strategic Projects (NSPs) through Presidential Regulation No. 3 of 2016 and its subsequent amendments has positioned infrastructure development as a national priority. In its implementation, the accelerated development of dams, toll roads, industrial zones, energy facilities, and other strategic infrastructure frequently intersects with the tenure rights of local communities whose claims remain inadequately documented within the formal land administration system.[1]

The Basic Agrarian Law (UUPA) No. 5 of 1960 remains the principal normative foundation of Indonesia's agrarian legal system. It places the control of land, water, and natural resources within the authority of the state for the greatest prosperity of the people. Nevertheless, a considerable gap persists between this normative objective and its implementation.[2] Agrarian reform in North Sumatra is characterized by institutional fragmentation, where the involvement of multiple institutions in land administration may lead to increasingly complex and incoherent mechanisms for resolving competing claims.[3] Such fragmentation creates uncertainty regarding authority, tenure recognition, and dispute resolution, while communities whose livelihoods depend directly on land often occupy a weaker position in accessing formal legal protection.

A related problem can be identified in the dynamics of concessionary capitalism examined by Batubara and Rachman (2022) in urban Jakarta, where capitalist accumulation operates through state land concession instruments and may result in the displacement of economically vulnerable communities.[4] Similar tensions may arise in NSP areas outside Java when investment and development policies intersect with tenure claims held by indigenous and local communities long before the establishment of modern land administration systems. Obeng-Odoom and Haila (2024) further demonstrate that uncertified land cannot simply be regarded as land without social or economic value, because formal certification systems may also function as mechanisms of

[1] Lerri Pattra, Nurhasan Ismail, and Richo Andi Wibowo, "National Strategic Projects and Compensation Issues in Land Acquisition in Indonesia: A Justice Theory Perspective," *Jurnal Hukum Dan Peradilan* 14, no. 1 (2025): 1–28, https://doi.org/10.25216/jhp.14.1.2025.1-28.

[2] Winahyu Erwiningsih, "Legal Arrangements and Implementation of State Ownership Rights Over Land in Indonesian Constitution," *Academic Journal of Interdisciplinary Studies* 12, no. 3 (2023): 143-151, https://doi.org/10.36941/ajis-2023-0067.

[3] Zhe Yu Lee, "Implementation of Agrarian Reform in North Sumatra, Indonesia: The Productiveness of Institutional Fragmentation," *Environment and Planning C: Politics and Space* 40, no. 7 (2022): 1589–1605, https://doi.org/10.1177/23996544221094912.

[4] Bosman Batubara and Noer Fauzi Rachman, "Extended Agrarian Question in Concessionary Capitalism: The Jakarta's *Kaum Miskin Kota*," *Agrarian South: Journal of Political Economy* 11, no. 2 (2022): 232–255, https://doi.org/10.1177/22779760221095121

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exclusion rather than inclusion.[5] These findings indicate that PSN land conflicts are not merely disputes over documentary ownership, but are also related to the manner in which legal rules, administrative institutions, and development policies recognize and protect different forms of tenure.

These problems show that the analysis of PSN land conflicts should not be limited to competition over land and economic interests. Overlapping legal arrangements may influence the recognition of tenure rights, fragmented institutional authority may affect the settlement of competing claims, and the attitudes of state officials toward formal and customary rights may determine the degree of protection obtained by affected communities. The interaction between these normative, institutional, and social dimensions requires an analytical framework capable of explaining how the legal system operates in the management of PSN land conflicts.

Legal system theory provides a relevant framework through three interrelated elements: legal substance, legal structure, and legal culture.[6] In this study, legal substance concerns the regulations governing agrarian rights, forest areas, land acquisition, PSN development, and customary tenure. Legal structure concerns the institutions responsible for land administration, forest management, infrastructure development, and dispute resolution, including the coordination among institutions exercising authority over the same land. Legal culture concerns the attitudes, values, and practices that influence how formal institutions, corporations, and communities understand and recognize tenure rights. Friedman's framework complements the agrarian political economy perspective because it allows the study to examine not only the distribution of power and access to land, but also how those interests operate through legal norms, institutions, and patterns of legal behavior.

The existing studies cited above have provided important explanations concerning institutional fragmentation, concessionary land relations, agrarian reform, and the vulnerability of uncertified or communal tenure rights. However, these issues are generally examined through separate legal, political-economic, or socio-agrarian perspectives. This leaves room for an analysis that connects the normative problems of land regulation, the performance and coordination of institutions, and the attitudes and practices surrounding the recognition of community tenure rights within a single legal-system framework.

This article aims to identify the root causes of land tenure conflicts within National Strategic Projects and to analyze them by integrating agrarian political economy and legal systems theory. The original contribution of this article lies in using these three dimensions to explain how overlapping agrarian and forestry regulations, institutional fragmentation, and patterns of legal recognition toward customary and local communities interact in producing tenure conflicts. Based

[5] Franklin Obeng-Odoom and Anne Haila, "The Power of Uncertified Urban Land," *International Journal of Urban and Regional Research* 48, no. 5 (2024): 855–876, https://doi.org/10.1111/1468-2427.13244

[6] Ana Fauzia, Fathul Hamdani, and Deva Gama Rizky Octavia, "The Revitalization of the Indonesian Legal System in the Order of Realizing the Ideal State Law," *Progressive Law Review* 3, no. 1 (2021): 12–25, https://doi.org/10.36448/plr.v3i01.46

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on this analysis, the article seeks to formulate a more coherent framework for community-based conflict resolution that combines legal certainty, institutional coordination, agrarian reform, and recognition of communal tenure rights.

B. Methods

This study employs a descriptive qualitative approach with a socio-legal research design to examine land conflicts within National Strategic Projects (PSN) as a multidimensional legal and social phenomenon. The approach combines doctrinal analysis of agrarian and land-related regulations with a political economy perspective to identify the relationship between legal rules, institutional arrangements, and community tenure interests. Legal System Theory is also used as an analytical framework to examine the problems through the dimensions of legal substance, legal structure, and legal culture.

The study relies entirely on secondary data collected through a Systematic Literature Review (SLR). The materials consist of scientific journal articles, laws and regulations, judicial decisions, and institutional policy documents relevant to agrarian reform, land acquisition, forestry, customary tenure rights, and PSN development. Statutory and judicial materials, including the Basic Agrarian Law and Constitutional Court Decision No. 35/PUU-X/2012, were also examined to identify the applicable legal framework.

The collected materials were analyzed using thematic analysis through deductive and inductive procedures. Deductively, the findings were classified using agrarian political economy concepts and Legal System Theory. Legal substance was used to examine overlapping or inconsistent regulations governing land tenure, forestry, land acquisition, and customary rights; legal structure was used to analyze institutional authority, coordination, and dispute-resolution mechanisms; while legal culture was used to examine attitudes, practices, and patterns of recognition toward community and customary tenure rights as reported in the literature. Inductively, the study identified recurring patterns of institutional fragmentation, tenure insecurity, and community-based conflict resolution. Data validity was strengthened through source triangulation by comparing statutory materials, academic literature, judicial decisions, and empirical studies.

C. Results and Discussion

1. The Roots of Land Conflicts in National Strategic Projects through Legal System Theory

The findings show that land conflicts within National Strategic Projects (PSN) are not caused by a single legal or administrative problem. These conflicts arise from the interaction between overlapping legal norms, fragmented institutional authority, competition over land and economic

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resources, and different patterns of recognition of community tenure rights.[7] The political economy of agrarian affairs explains how control over land is influenced by unequal access to capital, authority, and development policy, while Legal System Theory provides a framework for examining how these interests operate through legal structure, legal substance, and legal culture. These three elements are closely related and determine whether the protection of tenure rights can operate effectively.

a. Legal Structure: Institutional Fragmentation in PSN Tenure Governance

Institutional fragmentation represents one of the principal problems within the legal structure governing PSN land conflicts. Land administration in PSN areas involves several institutions whose authorities are different but often intersect. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) is responsible for land registration, certification, and several aspects of land dispute resolution.[8] The Ministry of Environment and Forestry exercises authority over the designation and management of forest areas. Institutions responsible for infrastructure development participate directly in the acquisition of land required for strategic projects, while local governments perform administrative functions that influence land governance and the recognition of communities at the regional level.[9]

The involvement of multiple institutions does not necessarily produce effective governance. The principal problem lies in the absence of sufficiently clear coordination when different authorities operate over the same land. A parcel of land may be recognized as having been occupied or cultivated by a community for a long period, while another institution may classify the same area as a state forest, state land, or land required for infrastructure development. Institutional fragmentation may therefore leave tenure claims unresolved because responsibility is distributed among several agencies, creating uncertainty regarding which institution possesses final authority to determine competing claims.[10]

This condition can prolong dispute settlement and create a bureaucratic process that is more accessible to actors with stronger financial resources, legal assistance, and institutional connections. Communities whose tenure claims are based on customary arrangements, long-

[7] Rita Alfiana and Dahyono Dahyono, "The Legal Impact of Agrarian Conflicts in the PIK2 National Strategic Project on Local Community Rights," *International Journal of Science and Environment* 6, no. 1 (2026): 379–384, https://doi.org/10.51601/ijse.v6i1.347

[8] Syukur Syukur, Maryono Maryono, and Suppaphorn Akkapin, "The Authority of the National Land Agency and the Legal Certainty of Land in Indonesia," *Journal Evidence of Law* 4, no. 1 (2025): 116–122, https://doi.org/10.59066/jel.v4i1.1056

[9] Sabina Adilla, "Analysis of Strengthening Land Administration Data for Strategic Development Projects," *Semarang State University Undergraduate Law and Society Review* 5, no. 1 (2025): 237–262, https://doi.org/10.15294/lsr.v5i1.24194

[10] M. Nazir Salim, Diah Retno Wulan, and Sukmo Pinuji, "Reconciling Community Land and State Forest Claims in Indonesia: A Case Study of the Land Tenure Settlement Reconciliation Program in South Sumatra," *Forest and Society* 5, no. 1 (2021): 1–22, https://doi.org/10.24259/fs.v5i1.10552

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standing occupation, or informal documentation may consequently face greater difficulties in defending and obtaining recognition of their rights. From Friedman's perspective, this problem concerns the ability of the legal structure to implement legal norms consistently. The issue does not merely arise from the number of institutions involved, but from the manner in which those institutions exercise and coordinate their authority. Legal recognition of community rights has limited effectiveness when institutions responsible for implementing the law produce different administrative decisions.

This institutional weakness becomes particularly significant in PSN development because decisions concerning project location, forest status, land acquisition, land registration, compensation, and dispute resolution may proceed through separate administrative channels. When competing tenure claims are not identified and resolved before project implementation, conflicts are carried into the acquisition stage, placing affected communities in a weaker bargaining position. This condition also affects access to remedies, as formal judicial proceedings may not always accommodate tenure claims based on customary history, traditional boundaries, communal recognition, and long-standing land use.[11] An effective legal structure therefore requires not only formal courts and administrative agencies, but also institutions capable of recognizing different forms of tenure evidence and providing accessible mechanisms for dispute resolution.

b. Legal Substance: Overlapping Regulations and Tenure Uncertainty

The legal substance dimension concerns the rules, principles, and legal arrangements governing land tenure and development. PSN areas are simultaneously affected by several legal regimes, including the Basic Agrarian Law (UUPA), forestry legislation, land acquisition regulations, development policies, and provisions concerning customary and communal tenure rights. The coexistence of these regulations creates a broad field of interpretation. The UUPA provides the foundation of national agrarian law and recognizes the social function of land as well as customary rights under certain conditions. Forestry legislation governs the designation and administration of forest areas, while land acquisition law provides procedures for obtaining land for public interests. PSN policies are intended to accelerate strategic infrastructure development.[12] When these legal frameworks apply to the same geographical area, different interpretations may arise regarding the legal status and priority of competing tenure claims.

[11] Angga Prastyo Wibowo and Muhammad Zulfikar Amien, "Land Acquisition Dispute in a National Strategic Project: The Case of Yogyakarta International Airport," *South East Asian Journal of Advanced Law and Governance (SEAJ-ALGov)* 3, no. 1 (2026): 78–92, https://doi.org/10.22146/seaj-algov.v3i1.21646

[12] Frans Riady Johan Situmorang and Edy Sutrisno, "The Legal Status of the Location Determination Decree (Kpts. 548/IV/2023) in Land Acquisition within Forest Areas: A Case Study of the Pekanbaru Ring Road Toll Project," *Legalis: Journal of Law Review* 4, no. 1 (2025): 1-13, https://doi.org/10.61978/legalis.v4i1.1157

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The relationship between agrarian and forestry regulation illustrates this problem. Communities may have occupied and managed land for generations, while government administration subsequently classifies the same territory as a forest area. Constitutional Court Decision No. 35/PUU-X/2012 strengthened the legal position of customary forests by affirming that customary forests are not state forests. Normative recognition does not automatically provide effective protection when operational procedures for identifying, documenting, and safeguarding communal rights remain inadequate.[13]

This condition illustrates a weakness in legal substance, legal certainty cannot be achieved merely by formally recognizing a right. The law must also determine how the right is identified, which institution recognizes it, what forms of evidence are accepted, and how conflicting claims are resolved. Without these mechanisms, communities may obtain recognition in principle while remaining vulnerable in administrative decision-making.

The same difficulty is visible in the relationship between agrarian reform and PSN development. The agrarian reform program seeks to strengthen community access to land through redistribution and asset legalization. The concept of agrarian reform plus expands this objective by connecting land redistribution with access to capital, markets, technology, and supporting infrastructure. Land redistribution without adequate supporting programs may result only in administrative changes in ownership without substantially improving or strengthening community livelihoods.[14]

A contradiction arises when agrarian reform and PSN development operate in the same territory. Agrarian reform seeks to strengthen tenure rights, while strategic infrastructure development may require acquisition of the same land. The state may therefore simultaneously act as a promoter of community tenure and as an actor requiring land for development. This contradiction becomes more serious where forest boundaries, customary claims, or long-standing possession have not been clarified before project-location decisions are made.

A comparable problem can be found in concession-based development, where actors with stronger economic and institutional resources have greater capacity to influence access to and control over land. The political economy perspective therefore demonstrates that regulatory uncertainty does not affect all actors equally. Actors with greater capital and institutional access generally possess greater capacity to navigate uncertain legal arrangements. Legal substance must provide greater coherence between agrarian reform,

[13] Taufik Qul Basyar, Arfa'i, and Iswandi, "Analisis Pengelolaan Hutan Adat Pasca Putusan Mahkamah Konstitusi Nomor 35/PUU-X/2012," *Limbago: Journal of Constitutional Law* 4, no. 1 (2024): 30–45, https://doi.org/10.22437/limbago.v4i1.20000

[14] Dewi Gafuraningtyas, Nurasih Setiatin, and Tommy Anggrivianto, "Dampak Redistribusi Tanah Terhadap Penghidupan Masyarakat di Kawasan Fora 2 (Ternate) Maluku Utara," *Majalah Geografi Indonesia* 38, no. 1 (2024): 16–24, https://doi.org/10.22146/mgi.84620

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forestry administration, land acquisition, customary rights, and infrastructure development. The legal framework should prevent one government policy from strengthening community tenure while another policy weakens the same rights without an adequate balancing mechanism.

c. Legal Culture: Recognition of Community Tenure Rights

Friedman uses this concept to explain the attitudes, expectations, values, and patterns of behavior that influence how law is understood and implemented.[15] Within PSN land conflicts, legal culture can be observed in the way state institutions, corporations, legal professionals, and communities understand land ownership and determine which forms of tenure deserve recognition. One recurring problem is the tendency to place stronger evidentiary value on certificates and formal administrative documents than on customary tenure or long-standing community possession. Formal documentation remains important for legal certainty, but an exclusively documentary approach creates difficulties for communities whose relationship with land developed before the modern registration system.

Uncertified land may possess substantial social and economic value because it supports community livelihoods, market activities, social networks, and communal identity. The absence of certification therefore cannot automatically be equated with the absence of a legitimate relationship with land. This problem also affects the meaning of legal certainty. If certainty is understood exclusively as certainty arising from formal registration, communities outside the registration system will consistently occupy a weaker legal position. Formalization should instead be preceded by an adequate examination of existing claims so that registration does not become a mechanism for eliminating tenure relationships that have existed historically.[16]

The role of local wisdom and customary law is relevant within this dimension. Customary authorities can perform an important mediating role in land conflicts because they possess social and cultural legitimacy within the community. Customary institutions can provide information concerning historical occupation, traditional boundaries, patterns of land use, and community relationships that may not appear in administrative documents.[17]

[15] Izzy Al Kautsar and Danang Wahyu Muhammad, "Sistem Hukum Modern Lawrance M. Friedman: Budaya Hukum dan Perubahan Sosial Masyarakat dari Industrial ke Digital," *Sapientia et Virtus* 7, no. 2 (2022): 84–99, https://doi.org/10.37477/sev.v7i2.358

[16] Sekar Arum Rahmawati, Gassa Hadibroto, and Ana Silviana, "Implementation of Registration of Ex-Customary Land through Complete Systemic Land Registration in Pemalang Regency," *Journal of Law and Legal Reform* 3, no. 4 (2022): 431–456, https://doi.org/10.15294/jllr.v3i4.61451

[17] Mukhrizal Effendi et al., "Model for Ulayat Land Conflict Resolution in North Sumatra, Indonesia," *International Journal of Sustainable Development and Planning* 18, no. 7 (2023): 2177–2182, https://doi.org/10.18280/ijsdp.180721

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The Islamic dimension can also contribute to the ethical foundation of agrarian conflict resolution. The relationship between humans and land can be understood from the perspective of hadith, where principles such as *tahrim al-zulm* emphasize the prohibition of injustice, while *la dharara wa la dhirara* emphasizes the prevention of harm.[18] These values can support fair consultation, compensation, environmental responsibility, and protection of vulnerable communities without replacing the authority of positive law.

The problem of legal culture is therefore closely connected to the manner in which institutions perceive affected communities. Communities should not merely be regarded as objects of land acquisition but as holders of rights whose tenure history, local knowledge, customary institutions, and social relationships should form part of the legal decision-making process.

The three elements of Friedman's legal system operate simultaneously. Unclear or overlapping legal substance creates different interpretations regarding the status of land. Fragmented legal structure makes those differences difficult to resolve. A legal culture that prioritizes formal documentation over customary or long-standing tenure can further weaken community protection. For example, overlap between agrarian law and forestry law does not necessarily result in conflict by itself. Conflict becomes more likely when institutions interpret those norms differently, no effective coordination mechanism exists, and undocumented community claims are given limited recognition. The three elements therefore reinforce one another.

Agrarian political economy complements this framework by showing that the legal system operates within unequal relations of power. Corporations and development actors may possess greater financial resources, legal expertise, and administrative access than local communities. These differences affect the ability of actors to secure permits, document claims, participate in administrative processes, and pursue legal remedies. The roots of PSN tenure conflict should therefore be understood as the interaction between the operation of the legal system and unequal relations of control over land. Friedman's theory explains the legal mechanism through which conflict occurs, while agrarian political economy explains the distribution of power underlying those legal processes.

2. Community-Based Conflict Resolution Framework for Equitable PSN Tenure Governance

The analysis above shows that resolving PSN tenure conflicts requires more than additional regulations or stronger enforcement. A coherent resolution framework must simultaneously address weaknesses in legal substance, legal structure, and legal culture, while recognizing the political-economic position of communities affected by infrastructure development. Community-

[18] Nor Faridatunnisa, "Teologi Tanah: Konflik Agraria dalam Perspektif Hadits," *Jurnal Studi Agama dan Masyarakat* 18, no. 1 (2022): 36–45, https://doi.org/10.23971/jsam.v18i1.4086

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based conflict resolution is relevant because many PSN disputes involve claims that cannot be adequately understood through formal ownership documentation alone. Recognition of communal rights therefore forms an important foundation of this framework, supported by clear operational mechanisms for their identification, documentation, recognition, and protection.

The ecological dimension should also be considered because land does not function merely as a marketable asset. It may sustain livelihoods, communal relationships, environmental management, and cultural identity. The loss of communal tenure may therefore generate economic, social, and ecological consequences that cannot be fully represented through conventional monetary compensation.[19] A community-based framework should consequently combine formal legal certainty with social recognition by ensuring that tenure mapping conducted before the determination of project locations identifies certified ownership, customary claims, long-standing possession, traditional land use, community dependence on natural resources, and relevant ecological interests.[20]

Communities affected by PSN development should receive sufficient information concerning project location, expected impacts, land requirements, compensation mechanisms, and available dispute-resolution procedures. Access to such information enables affected communities to understand the legal and social consequences of the proposed project and to prepare relevant tenure claims before the land-acquisition process advances. Consultation should provide a genuine opportunity for communities to clarify ownership or tenure claims, submit objections, present supporting evidence, and negotiate appropriate solutions with the relevant authorities. Community participation at this stage can help identify overlapping claims, customary interests, and potential sources of dispute before project decisions become difficult to reverse. Through this process, potential conflicts may be addressed at an earlier stage, reducing the likelihood that unresolved tenure issues are carried into land acquisition and project implementation.

Customary authorities and local mediators can be involved where they possess legitimate community recognition. Their role is not to replace state institutions but to complement formal procedures by providing knowledge concerning local tenure history and facilitating dialogue based on community trust. Islamic values and other locally accepted ethical principles can likewise support mediation where they are relevant to the social conditions of affected communities. In this way, community-based conflict resolution can combine formal legal procedures with local legitimacy, social recognition, and culturally accepted mechanisms of dispute settlement.

[19] Sumarni Sumarni, Muhammad Ery Wijaya, and Astrid Meilasari Sugiana, "Safeguarding Indigenous Rights and Territories: Integrating Dayak Ngaju Wisdom in Peatland Ecosystem Management," *Udayana Journal of Law and Culture* 7, no. 2 (2023): 121–140, https://doi.org/10.24843/UJLC.2023.v07.i02.p01

[20] Bimbi Irawan et al., "The Conversion of Communal Land Ownership for Economic Activity: A Study on the Resilience of Customary Law Community in Response to State Policy," *Jurnal Antropologi: Isu-Isu Sosial Budaya* 25, no. 2 (2023): 201–211, https://doi.org/10.25077/jantro.v25.n2.p201-211.2023

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A comparative experience can be found in the Philippines, where the protection of indigenous tenure is linked to the principle of Free, Prior and Informed Consent (FPIC). Under the Indigenous Peoples' Rights Act of 1997 and the Revised FPIC Guidelines of 2012, projects and activities affecting ancestral domains are subject to procedures intended to ensure the participation and consent of Indigenous Cultural Communities/Indigenous Peoples. The process is administered by the National Commission on Indigenous Peoples (NCIP), and compliance may result in the issuance of a Certification Precondition confirming that the required consultation and community decision-making processes have been undertaken.[21] This approach demonstrates that community participation can be incorporated into a formal administrative framework before a development project affecting ancestral land proceeds, rather than being limited to dispute settlement after conflict has occurred.[22]

Australia provides another relevant comparison through the Native Title Act 1993. The Australian system recognizes that proposed development and government activities may affect native title interests and provides mechanisms for addressing those interests, including Indigenous Land Use Agreements (ILUAs). An ILUA is a voluntary agreement between native title parties and governments, organizations, or other parties concerning the use and management of land and waters, and may regulate future development, access, compensation, and the relationship between native title and other interests.[23] The Australian experience illustrates the value of providing a legally recognized negotiation mechanism through which community tenure interests can be accommodated before or alongside development activities. For Indonesia, this does not mean directly adopting the Australian model, but it demonstrates how formal legal certainty and negotiated recognition of community tenure can be connected within the same land-governance framework.

Based on Friedman's framework, the proposed conflict-resolution model can be organized into three mutually supporting components:

a. Improvement of Legal Substance

   Agrarian law, forestry law, land acquisition regulations, PSN policies, and provisions concerning customary rights should be harmonized so that competing tenure claims are governed by clearer standards. The legal framework should specify the procedures for

[21] National Commission on Indigenous Peoples, "NCIP Administrative Order No. 3, Series of 2012: The Revised Guidelines on Free and Prior Informed Consent (FPIC) and Related Processes of 2012," 2012. https://ncip.gov.ph/wp-content/uploads/2020/09/ncip-ao-no-3-s-2012-fpic.pdf

[22] Renée V. Hagen and Tessa Minter, "Displacement in the Name of Development. How Indigenous Rights Legislation Fails to Protect Philippine Hunter-Gatherers," *Society & Natural Resources* 33, no. 1 (2020): 65–82, https://doi.org/10.1080/08941920.2019.1677970

[23] National Native Title Tribunal, "About Indigenous Land Use Agreements (ILUAs)," 2025, https://www.nntt.gov.au/ILUA

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identifying customary rights, long-standing possession, communal land use, and claims arising in forest areas before land is designated for a PSN project.

Comprehensive tenure mapping should become part of the pre-acquisition process. Mapping should not be limited to registered ownership but should include customary boundaries, cultivation history, community dependence on land, and ecological functions.

Compensation should also reflect the actual consequences of losing tenure. Market-value compensation may be supplemented by livelihood restoration, benefit-sharing arrangements, employment opportunities arising from PSN projects, replacement access to productive resources, and community-based ecological restoration.

b. Strengthening of Legal Structure and Institutional Coordination

Clearer coordination is required among land, forestry, infrastructure, local-government, judicial, and mediation institutions. The objective is not to establish additional institutions but to ensure that existing authorities are connected through a mechanism capable of producing a final and coordinated determination of tenure status.

Potential tenure disputes should be examined before land acquisition proceeds. The Agrarian Reform Task Force or another cross-sectoral mechanism can be strengthened to coordinate land-status verification, forest-area clarification, recognition of community claims, and early dispute settlement.

Courts, administrative agencies, and mediation institutions should also develop greater capacity to assess customary evidence, social mapping, tenure history, and human-rights considerations. This capacity is important because tenure conflicts cannot always be resolved solely by comparing formal certificates.

c. Improvement of Legal Culture and Community Participation

Institutional attitudes toward tenure rights require adjustment so that legal certainty is not interpreted exclusively through formal documentation. Certificates remain important, but long-standing possession, customary recognition, community history, and patterns of land use should also receive appropriate consideration.

Community participation should take place before important project decisions are finalized. Participation must provide affected communities with a genuine opportunity to understand proposed development, communicate tenure claims, express objections, and negotiate settlement arrangements.

Customary mediation and local wisdom may be incorporated into state-recognized conflict-resolution procedures when relevant to the dispute. This approach can improve legitimacy

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because the resolution process takes into account both formal legal requirements and the social context of affected communities.

These three components should operate as an integrated framework because reform of legal substance will have limited effect if institutional authority remains fragmented, while stronger institutions will not provide adequate protection where legal culture continues to disregard customary and community-based tenure claims. Community participation will likewise have limited meaning if tenure rights are not sufficiently recognized within substantive law. The proposed framework therefore places community-based conflict resolution within the formal legal system by connecting legal certainty, institutional coordination, community participation, customary recognition, and the political-economic realities of land control. The comparative experiences of the Philippines and Australia further indicate that community participation, consent, and negotiated recognition of tenure interests can be incorporated into formal procedures before development activities proceed. Through this integrated approach, PSN development can continue to pursue national development objectives while providing a more balanced mechanism for protecting tenure rights and preventing or resolving conflicts involving affected communities.

The novelty of this study lies in the formulation of a community-based PSN tenure conflict-resolution framework that integrates Lawrence M. Friedman's Legal System Theory, agrarian political economy, and comparative lessons from the Philippines and Australia. Rather than examining regulatory overlap, institutional fragmentation, community participation, and customary tenure as separate problems, the proposed framework connects them through the dimensions of legal substance, legal structure, and legal culture. It also places preventive tenure identification, comprehensive mapping, early community participation, recognition of customary evidence, institutional coordination, and negotiated dispute resolution within a single framework. This integration provides a distinctive analytical and policy contribution by positioning community-based conflict resolution not merely as an alternative mechanism after a dispute occurs, but as part of the formal legal and administrative process from the early stages of PSN planning and land acquisition.

D. Conclusion

This study finds that land conflicts within National Strategic Projects (PSN) are rooted in the interaction of weaknesses in legal substance, legal structure, and legal culture. In the dimension of legal substance, overlapping agrarian, forestry, land acquisition, and development regulations create uncertainty in determining the status and priority of competing tenure claims, especially those involving customary and long-standing community rights. In the dimension of legal structure, fragmented authority among land, forestry, infrastructure, and local-government institutions weakens coordination and may leave tenure disputes unresolved before project implementation. In the dimension of legal culture, the tendency to prioritize formal certificates and administrative documentation over customary recognition, historical occupation, and community-based tenure places affected communities in a weaker legal position. These findings

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show that PSN land conflicts are not merely the result of regulatory gaps, but arise from the interaction between legal norms, institutional performance, legal attitudes, and unequal political-economic relations over land. The resolution of PSN tenure conflicts therefore requires a community-based conflict-resolution framework that addresses legal substance, legal structure, and legal culture simultaneously. Improvement of legal substance requires harmonization among agrarian, forestry, land acquisition, PSN, and customary-rights regulations, supported by comprehensive tenure mapping before project-location decisions are finalized. Strengthening the legal structure requires clearer institutional authority, effective cross-sectoral coordination, and accessible dispute-resolution mechanisms capable of assessing both formal and customary tenure evidence. Improvement of legal culture requires stronger recognition of community participation, customary tenure, local knowledge, and socially accepted mediation mechanisms. Comparative experience from the Philippines shows the importance of institutionalizing community participation and consent before development affects ancestral domains, while the Australian experience demonstrates the value of legally recognized negotiation mechanisms between indigenous rights holders, government, and development actors. These comparative practices indicate that community involvement should be integrated into formal legal procedures from the pre-development stage rather than being limited to conflict resolution after disputes arise. The contribution of this study lies in integrating Legal System Theory, agrarian political economy, and comparative experience to formulate a more coherent framework in which legal certainty, community tenure protection, institutional coordination, meaningful participation, and national development objectives can be pursued in a more balanced manner.

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