



Transformation of agrarian law politics from perspective of customary law and administrative law

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ABSTRACT

Background: The dynamics of agrarian law politics in Indonesia demonstrate a complex interplay between customary law principles and the state's administrative legal framework. Historically, agrarian regulation has reflected the state's political agenda to control land resources, often leading to tension with indigenous and local land tenure systems. This study aims to explore the transformation of agrarian law politics through the perspectives of customary law and administrative law, focusing on the phenomenon of land-use conversion in Mataram City as a representative urban case in Indonesia. **Methods:** Using a descriptive qualitative approach combined with a literature review method, this research synthesizes findings from academic journals, government regulations, policy documents, and prior studies related to agrarian reform, local land rights, and administrative authority. **Findings:** The findings reveal that the transformation of agrarian law politics tends to favor administrative centralization and economic development priorities, often at the expense of customary law recognition. In Mataram City, the phenomenon of land-use conversion from agricultural land to residential and commercial areas illustrates the weakening of customary norms and community-based land control due to bureaucratic and market pressures. **Conclusion:** The conclusion highlights the need for a more integrative legal framework that balances administrative governance with the protection of customary land values to ensure sustainable and socially just land management. **Novelty/Originality of this article:** The novelty of this article lies in its theoretical integration of agrarian political transformation with an empirical urban phenomenon, providing a new analytical lens to understand how state administrative power interacts with customary legal traditions in Indonesia's urban land policy context.

KEYWORDS: administrative law; agrarian law politics; customary law; land use conversion; Mataram City.

1. Introduction

Over the past few decades, Mataram City has experienced significant population growth and urbanization the city's population increased from 402,843 (2010) to an estimated 441,147 by 2023. This growth has driven the need for housing, public facilities, and infrastructure, creating strong pressure on productive agricultural land particularly rice fields to be converted into residential or non-agricultural areas. The city government, through spatial planning policies, has established zones and land use plans (RTRW), including efforts to maintain agricultural land through the Sustainable Food Agricultural Land (LP2B) scheme. However, the reality on the ground shows that conversion continues, driven by economic factors, land needs, and enabling licensing regulations. Thus, land

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conversion in Mataram is not a spontaneous phenomenon but part of the dynamics of development, spatial planning, and local administrative regulations (Adila & Alexandra, 2024)

The conversion of agricultural land to non-agricultural uses (housing, public facilities, etc.) has resulted in a reduction in the area of rice fields and productive agricultural land in Mataram. According to city data, land conversion in 2022 reached 96.42 hectares, a sharp increase compared to 2021 (15 ha) and 2020 (around 16 ha). This threatens the city's rice production capacity and local food security. If land continues to decrease, food production and availability targets could be disrupted—especially if urbanization and consumption continue to increase. Several studies show that uncontrolled agricultural land conversion can reduce agricultural yields, threatening agricultural sustainability and food security. On the other hand, the development of housing, infrastructure, and public facilities is also considered necessary to support urban growth, public services, and the well-being of residents making the conflict between development needs and agricultural land preservation complex (Aina et al., 2022).

Many communities especially indigenous communities or long-standing families own land based on communal, customary, or hereditary rights. This land often lacks formal title, yet holds significant social and cultural value: as a source of livelihood, community identity, ancestral home, and cultural attachment. Although specific research on Mataram is limited, in the West Nusa Tenggara (NTB) and Lombok regions, conflicts between customary law and modern regulations frequently arise in the context of land conversion. When administrative regulations (certification, development permits, RTRW) allow for land conversion, overlapping claims often arise: between the government/developers who rely on official permits, and indigenous/local communities who claim customary or hereditary rights. These conflicts agrarian, social, and cultural can trigger tensions, disputes, resistance, and injustice. Many studies in NTB show that land conflicts in customary or forest areas arise from a lack of recognition of customary rights and weak protection of communal rights. In the Mataram context, although not always "forest," the conversion of agricultural or residential land onto customary/traditional rights can raise objections if communities feel their rights are being ignored, especially if compensation or recognition is inadequate (Fathoni, 2021).

Formally, agricultural land conversion requires licensing procedures, adjustments to the Spatial Plan (RTRW), applications for location permits or land use changes, technical studies, impact analyses, and approvals from relevant agencies. A recent study (2025) confirmed that the mechanism for converting agricultural land to non-agricultural use in West Nusa Tenggara (NTB) is based on various regulations: laws, government regulations, regulations of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), regulations of the Minister of Environment and Forestry (LHK), and regional regulations with stages of planning, licensing, and development. However, in practice, regulatory oversight and enforcement are often weak or inconsistent. One criticism is that even when procedures are formally and materially fulfilled, environmental aspects, the productivity of replacement land, and sustainability are not always guaranteed resulting in negative impacts such as flooding, environmental damage, or decreased agricultural productivity. Furthermore, formal regulations are sometimes insensitive to social realities for example, they fail to respect customary rights or the rights of local communities to communal land allowing land conversion on traditional lands to be granted without formal permits and without social justice. This creates a dilemma between positive law and customary law, between state administration and justice for local communities (Alimuddin et al., 2024).

The negative impacts of land conversion in Mataram include: reduced rice paddy/agricultural area, pressure on local food security, reduced green space and open land, potential environmental damage, loss of traditional livelihoods, and social or agrarian conflict. On the other hand, conversion also brings development benefits: increased housing, public facilities, infrastructure, and urban services, thus supporting urban growth and population needs. This presents a dilemma between the need for development and land

preservation. In response, mitigation and regulatory efforts have emerged: for example, programs to maintain agricultural land through the LP2B (Land Use Management Agency), control of land conversion, intensification of agricultural production, licensing oversight, and stricter spatial planning. Furthermore, it is also important to consider aspects of social justice respect for customary rights, clarity of procedures for recognizing communal rights, fair compensation or relocation if necessary, and dialogue with local communities (Kabir et al., 2023).

Table 1. Conversion of agricultural land in Mataram City, rice production and rice harvest area in NTB Province

Indicators / Year	Value / Statistics	Explanation/Implications
Agricultural land conversion in Mataram City (2022)	96.42 hectares converted, a drastic increase from 15–16 hectares (2020–2021).	This indicates a sharp increase in the conversion of agricultural land to non-agricultural use following economic recovery and post-pandemic development. This indicates high pressure on rice paddies and urban agriculture.
Rice production and harvested area in West Nusa Tenggara Province (2024)	Harvested area 281.72 thousand hectares; Dry milled grain (GKG) production 1.45 million tons; Rice production 827.79 thousand tons.	The decline in harvested area and rice production in West Nusa Tenggara (NTB) as a province may be triggered by land conversion, changes in land use patterns, and development pressures, which also impact regional food security (including Mataram City).

(BPS West Nusa Tenggara, 2024)

A brief explanation of the data above: Land conversion data in Mataram shows that conversion is not a small or sporadic phenomenon but rather significant and increasing over a short period (2021-2022). This indicates that development pressure on rice fields is very strong and requires serious attention. Data from the province of West Nusa Tenggara (NTB) shows a decline in rice production in 2024, which could be the cumulative effect of land conversion across various regions (including Mataram and its surroundings). This demonstrates that land conversion in urban areas can have implications for regional and local food security. Conflict Analysis: Development vs. Customary Law vs. State Regulation. From the narrative and data above, fundamental conflicts emerge across three "dimensions of interest": Urban development and the economy: the need for housing, facilities, and infrastructure to support urbanization and growth driving agricultural land conversion. Customary and socio-cultural rights: many communities own land based on communal or traditional rights land conversion without recognition of customary rights can lead to injustice, conflict, and the loss of heritage/cultural identity. Formal administrative and spatial planning regulations: licensing and regulatory systems enable (and regulate) land conversion but are often weak in oversight; and formal regulations are not always sensitive to the realities of customary law or the needs of local communities. The tension between these three dimensions creates a "grey zone" where land can be legally converted, but socially, culturally, and agrarianly, it gives rise to conflict or feelings of injustice. Empirical studies from surrounding areas (NTB, Lombok) often show that agrarian conflicts and disputes over customary land arise from overlapping regulations, licensing procedures that do not involve indigenous communities, and weak recognition of communal rights (Kevin, 2025).

Land conversion in Mataram City is a real and significant phenomenon, driven by urbanization, population growth, and development needs. The conversion of agricultural land to non-agricultural uses brings development benefits but also threatens food security, agricultural space, the environment, and social justice for local communities. Conflicts between development interests, customary law, and administrative regulations demonstrate that land conversion is not only about economics or space but also about

identity, rights, and justice. Formal regulations, while available, are often insensitive to social (customary) aspects, and their oversight and implementation are weak. Therefore, legal land conversion can trigger long-term negative impacts on local communities and land sustainability (LOC et al., 2023).

Strengthen productive land protection policies: for example, expanding and consistently enforcing LP2B zones and providing incentives to farmers to maintain agricultural functions (Lubis et al., 2025). Recognition and protection of customary and communal rights: Involve representatives of indigenous peoples/local communities in spatial planning and licensing to respect cultural values and customary rights. Strict oversight of land conversion processes: ensure that land conversion permits are only issued after thorough consideration of environmental assessments, the productivity of the replacement land, and the social and economic impacts. Community participation and transparency in spatial planning: involve communities in the formulation of the RTRW (Regional Spatial Plan), location permits, and development permits to ensure fair and mutually acceptable decisions. Alternative urban development that is environmentally and agrarian friendly: such as settlement densification (vertical housing), utilization of empty non-agricultural space, tourism sector or creative economy without the need to convert productive rice fields.

2. Methods

2.1 Type of research

This research employs a descriptive qualitative approach combined with a literature review method. A descriptive qualitative approach is used to understand and explain social, legal, and administrative phenomena in depth through interpretation and analysis of non-numerical data. This approach emphasizes describing and interpreting concepts, policies, regulations, and academic perspectives related to the research topic. Through qualitative descriptive analysis, the research seeks to provide a comprehensive understanding of the issues surrounding agrarian reform, local land rights, and administrative authority. The literature review method systematically reviews existing literature such as journal articles, books, reports, government regulations, policy documents, and other relevant publications to understand the development of knowledge in a particular field. In this method, researchers do not collect primary data directly from the field, but instead rely on secondary data and previous studies as the main sources of analysis. The process includes identifying research topics and questions, conducting a comprehensive literature search, selecting literature based on relevance and quality, critically evaluating the content, and synthesizing the findings into coherent analytical arguments (Mitra, 2023).

By combining a descriptive qualitative approach with a literature review, this research not only summarizes previous findings but also critically analyzes and compares existing studies, theories, and policies. This approach enables the researcher to identify research trends, theoretical frameworks, academic debates, and gaps in the literature that have not been sufficiently explored. It also allows for the evaluation of the strengths and weaknesses of prior studies, including the relevance of their methodologies and conclusions to the current research context. Furthermore, the literature review provides a strong theoretical and conceptual foundation for the study, helping to formulate research questions and determine the most appropriate analytical framework.

In an evolving and fragmented scientific context, the combination of descriptive qualitative analysis and literature review offers flexibility and depth, making it suitable for conceptual, theoretical, and policy-oriented research. Through a systematic and critical examination of the literature, this research develops logical arguments regarding the relevance and significance of the topic while demonstrating potential academic contributions. Academic transparency is maintained through appropriate citation practices and evidence-based analysis. The research process is conducted in a structured manner, beginning with problem formulation, followed by literature selection, critical analysis, and

coherent presentation of findings. Therefore, the combination of descriptive qualitative methods and literature review serves as an essential approach for generating in-depth understanding, critical synthesis, and a solid theoretical basis for further scientific development and research.

2.2 Data sources in descriptive qualitative research with a literature review approach

Using a descriptive qualitative approach combined with a literature review method, this study examines the relationship between agrarian law, customary rights, and the protection of indigenous communities in Indonesia. The analysis is based on secondary data derived from academic journals, legal books, government regulations, policy documents, and previous research discussing agrarian reform, customary law, and land rights. The agrarian legal system in Indonesia has historically been built on the recognition of customary law, which in many indigenous communities affirms customary rights to land and community territories. However, even when customary law is formally recognized, written regulations are often inadequate to fully guarantee the protection of customary rights. As a result, indigenous communities remain vulnerable to land conflicts, land conversion, and social marginalization. Through qualitative descriptive analysis and systematic literature review, several studies reveal the existence of legal uncertainty caused by overlaps between positive law, such as the Basic Agrarian Law (UUPA) and its derivative regulations, and customary norms that continue to operate at the local level.

The literature further indicates that the recognition of customary rights and customary law is not merely related to ownership of land, but also concerns collective rights over living spaces, cultural identity, traditional values, and the sustainability of indigenous communities. Agrarian reform policies and national land regulations that are not sensitive to local customs and indigenous wisdom frequently overlook cultural dimensions, causing customary rights to weaken despite formal legal recognition. Several scholars propose the integration of customary law into the national legal system to ensure that customary rights receive formal recognition through technical regulations that respect local characteristics and indigenous traditions. In the context of modernization and national development projects, such as infrastructure expansion, customary norms increasingly face pressure. Without strong legal protection, indigenous communities are at risk of losing their land, livelihoods, and cultural identity. The literature demonstrates that legal protection of customary rights is not only a legal issue, but also a matter of social justice, cultural preservation, and sustainable community development (Mulawarman & Lemaaniah, 2024).

Using a descriptive qualitative perspective, this research also identifies that customary law practices remain relevant and actively implemented in many regions of Indonesia. When accommodated through state policies, customary law can strengthen social legitimacy and support equitable distribution of natural resources. However, the adaptation of customary law into modern legal systems also presents conceptual and practical challenges, including conflicts between state law and customary norms, diversity among customary systems, and unclear boundaries of customary territories. Therefore, scholars emphasize the need for a flexible and pluralistic agrarian legal approach that provides space for customary law while balancing public interests and national development goals. Case studies of indigenous communities in several regions demonstrate that agrarian legal systems that recognize and respect customary law can reduce social conflict and strengthen community stability. Empirical and normative studies on customary land dispute resolution show that harmonization between state law and customary norms, when implemented fairly and participatively, can become an effective path toward justice for indigenous peoples. Overall, through a descriptive qualitative approach combined with a literature review method, this study concludes that the synergy between customary law, formal agrarian law, and public policy is essential for guaranteeing land rights, protecting natural resources, and preserving the cultural continuity of indigenous communities in Indonesia.

2.3 Dialectics of customary, administrative, and agrarian law in land conversion

Using a descriptive qualitative approach combined with a literature review method, this study examines the dynamics between customary law, administrative law, and agrarian legal politics in the process of land conversion involving indigenous communities in Indonesia. The analysis is based on secondary data obtained from scientific journals, agrarian law books, government regulations, policy documents, and previous studies related to customary rights, land administration, and agrarian reform. In many indigenous communities, land is not merely regarded as an economic asset, but also as a fundamental element of collective identity, local wisdom, and social structure. Through customary law, indigenous communities regulate communal and customary land rights based on traditional values that have been maintained across generations. However, the formal national legal system, particularly through agrarian law and land administration, generally bases land ownership and rights on written certificates, registration systems, and formal administrative recognition. This system frequently overlooks customary law and communal rights that are not formally documented within state administration. Through descriptive qualitative analysis and systematic literature review, this research identifies dialectical tensions arising when customary land governed by customary norms is converted into formal ownership or management rights through state or government administrative procedures. Such conversion is often driven by agrarian policies, investment interests, and economic development agendas that tend to position land as an economic commodity rather than a communal and cultural space. From the perspective of customary law, land conversion conducted without the participation and consent of indigenous communities constitutes a form of dispossession of cultural norms and threatens the existence of indigenous peoples and their collective land rights.

The literature also indicates that formal agrarian administrative law and land regulations, when implemented without recognizing legal pluralism, can generate uncertainty over land rights. Land certificates and registration mechanisms may displace unwritten customary rights, resulting in agrarian conflicts and land disputes. Empirical studies reviewed in this research demonstrate that conflicts frequently emerge from the overlap between formal legal recognition and customary recognition, particularly when indigenous communities lose control over land that has been formally administered without acknowledgment of customary ownership systems. This study further reveals that agrarian legal policies focused solely on administrative efficiency and economic development risk creating structural injustice against indigenous communities. Therefore, scholars emphasize the importance of adopting a legal pluralism approach that recognizes both customary law and formal state law as equally significant components of the national agrarian system. Such an approach is essential to protect communal rights, preserve local wisdom, and ensure justice when land conversion or changes in land status occur.

From the perspective of administrative law, the literature suggests that community-based land registration systems or government-recognized customary administrative mechanisms can bridge the gap between customary law and formal legal systems. These mechanisms can maintain legal certainty while simultaneously respecting customary norms and indigenous territorial systems. Nevertheless, integrating customary law into national agrarian administration remains a complex challenge due to the diversity of customary systems, varying definitions of customary rights, and the complexity of national legal regulations, all of which create administrative and legal resistance. Using a descriptive qualitative perspective combined with a literature review approach, this study concludes that agrarian legal politics in Indonesia must be reoriented beyond merely formalizing property rights and commodifying land. Agrarian policies should prioritize the protection of indigenous community rights, social justice, equitable distribution of natural resources, and the sustainability of indigenous cultures and livelihoods. Land conversion through state regulations or development policies must involve the active participation of indigenous communities and recognize customary law in order to minimize conflict, marginalization, and legal uncertainty. Overall, this study finds that the relationship between customary law,

administrative law, and agrarian legal politics is dialectical and dynamic. The success of equitable land conversion depends significantly on the ability of the national legal system to accommodate legal pluralism, social justice, and the sustainability of indigenous communities within Indonesia's agrarian governance framework (Muntago et al., 2023).

3. Result and Discussion

3.1 Land conversion in the dynamics of customary and administrative law

3.1.1 The basis of customary law: traditional values, customary rights, and communal structures over land

Customary law views land not merely as an economic asset or commodity but as part of social, cultural, and spiritual identity and ancestral heritage. In many indigenous communities, land is communal, managed collectively, and regulated based on customary norms such as togetherness, balance with nature, and generational responsibility. Rights to customary land (often called "customary rights" or "ulayat land") are not individual rights that can be bought and sold arbitrarily but rather the collective rights of the indigenous community as a legal entity, with collective management and decision-making mechanisms. Customary law tends to emphasize the social and ecological functions of land rather than simply individual ownership or commercial exploitation. Land is considered part of the human-nature-ancestral relationship that must be maintained for its sustainability. Therefore, in indigenous communities, land ownership and use are regulated through local norms: shared use, prohibitions on overexploitation, rules of succession, and sustainable use something that formal legal norms (certificates) do not automatically capture or replace. Implication: The national legal system/administrative law needs to recognize and respect these communal structures and customary values so that indigenous peoples' land rights are not lost in land conversion or development projects (Muntago et al., 2025).

3.1.2 Administrative law and formal regulations: Certification, registration, and spatial planning

The formal legal system in Indonesia primarily through the Basic Agrarian Law (UUPA 1960) and its derivative regulations regulates land rights, land registration, conversion of rights, spatial planning maps, use permits, and formal legal mechanisms for legitimizing ownership rights or use/control rights. Formal regulations are designed to provide legal certainty, transparency of ownership, and protection against disputes for landowners facilitating transactions, investments, and the formal use of land. In the context of modern governance, permits, certificates, maps, and formal documentation are the primary instruments for ensuring land use aligns with spatial planning, public interest, development, and state regulations. However, formal regulations often neglect communal/collective aspects because the system is designed based on the paradigm of individual rights and individual ownership, rather than the rights of indigenous communities or customary rights. Implications: Without adjustments to or recognition of customary rights, formal regulations can eliminate or weaken communal land rights and trigger conflict during land conversion or development projects (Snyder, 2019).

3.1.3 Agrarian legal transformation: Between customary and administrative law

In Indonesia, there is a plurality of legal systems: customary law exists within indigenous communities; state law/administrative law formally regulates land rights. This interaction is complex and sometimes contradictory especially when customary land is claimed for development purposes, investment projects, or new spatial planning arrangements. Several studies suggest that customary law can serve as "substance filling" that is, filling the normative and substantive aspects of national land law, enabling

indigenous communities to receive protection under the state legal framework. However, field practice shows that customary land rights or customary land are often poorly administered: there is no comprehensive inventory, official maps, or formal recognition so that when land conversion occurs, customary land can become “abandoned land” or be taken over without adequate compensation. Agrarian conflicts continue to occur between indigenous communities, investors/governments, and formal regulations especially when land conversion is carried out without the consent of indigenous communities or without considering customary land rights. Implication: Political transformation of agrarian law needs to be directed towards harmonizing customary law and formal administrative law so that land conversion can be carried out with due regard for indigenous community rights, transparency, and justice (Murni & Nelson, 2023).

3.1.4 Role of customary law in maintaining social justice and environmental sustainability in land use

Customary law, with its moral, social, and ecological values, serves as a local regulatory mechanism that maintains a balance between land use and environmental conservation; for example, traditions of limiting use, land rotation, prohibitions against overexploitation, protection of natural resources, and ecological wisdom. This approach is relevant in the context of sustainable development: land is not merely economic capital, but a generational heritage, cultural identity, and the basis of communal life thus, management must consider social and environmental aspects, not just economic profit. If formal law accommodates customary law principles for example, through formal recognition of customary rights, participatory mapping, and spatial planning that respects indigenous communities then land use can be more equitable and sustainable, minimizing environmental damage and social conflict. Implication: Agrarian and spatial planning policies need to incorporate customary and sustainability perspectives not just economic or development perspectives to ensure equitable and sustainable land use (Syahroni et al., 2023).

3.1.5 Barriers, conflict risks, and enforcement challenges: From legal uncertainty to marginalization of indigenous communities

One major obstacle is the lack of formal recognition of customary land for example, it is not recorded on official maps, lacks certificates, and is not registered in the administrative system. This leaves customary rights vulnerable when formal regulations or development projects emerge. Furthermore, administrative regulations are often based on individual rights and individual ownership, making it difficult for customary communities with communal structures to fulfill formal requirements such as registration, permits, and certification, resulting in weak legal status. Agrarian conflicts (indigenous communities vs. investors/government) are increasing, especially when land acquisition, land conversion, or new spatial planning projects are implemented without consultation and consent of indigenous communities, or without respect for customary rights. Difficulty in conflict resolution mechanisms: Although formal legal channels exist (courts, land administration), many indigenous communities prefer customary resolution but the results are often not formally recognized, resulting in weak penalties. Implications: without real harmonization and effective mechanisms for recognizing customary rights, the risk of marginalization of indigenous communities, land conflicts, and environmental damage remains high (Pratama et al., 2025).

The number of agrarian conflicts in West Nusa Tenggara (207 cases) indicates that land issues particularly land claims, land conversion, and land rights conflicts remain significant. This indicates that the agrarian structure in West Nusa Tenggara (including possibly customary land) is highly vulnerable to conflict if not properly regulated. Previous data from Mataram shows that even though most land has been certified, disputes persist reflecting that formal legality (certificates) does not always resolve potential conflicts, especially when customary claims or customary rights are involved. The interaction between

customary law and formal regulations in the agrarian/spatial planning sector is a complex arena where the potential for harmonization and conflict coexist. Customary law provides a framework of values moral, social, and ecological that are essential for social justice and sustainable land use, while administrative law provides legal certainty, formal legitimacy, and legal mechanisms. However, without concrete recognition of customary rights (hak ulayat), without customary land registration, and without an integrative mechanism, land conversion, development projects, or formal certification risk ignoring communal rights and triggering agrarian conflicts (Umaruddin, 2021).

Table 2. Land conflicts and land cases/land conflicts in NTB which could be relevant indicators

Indicator / Year / Region	Value / Description
Number of land/agrarian conflict cases in West Nusa Tenggara Province (2021)	A total of 207 cases of agrarian conflict were recorded.
Land conflict data in West Nusa Tenggara Province from 2019 to 2021 shows trends in land conflicts related to customary land claims, HGU (UU Land Rights), and land conversion.	-
Land dispute cases in Mataram City (per period)	Older data (2010) indicates that there were 44 land disputes in Mataram throughout that year.
Percentage of certified land parcels in Mataram (per period)	According to a statement from a local land official (as of 2010), "approximately 90% of the land area in Mataram City has been certified."

(ATR/BPN NTB Regional Office, 2021)

Governments central and regional need to formulate agrarian and spatial planning policies that explicitly recognize customary rights/customary land, including participatory mapping and registration of customary land as a formal legal entity. Conduct participatory inventory and documentation of customary land (hak ulayat) with indigenous communities create customary maps and incorporate them into the national land registry so that communal rights are officially recognized. Land conversion mechanisms or the granting of land use permits must require free, prior, and informed consent from indigenous communities, with fair compensation and respect for the community's socio-cultural values. Develop dispute resolution mechanisms that combine formal legal procedures and customary mechanisms for example, legally recognized customary mediation to make resolutions more contextual, expeditious, and equitable. Improving village/indigenous community literacy regarding customary rights, land law, and spatial planning regulations so that communities are truly aware of their rights and can fight for them constructively (Umami & Satriawan, 2024).

3.2 *Dialectics of agrarian legal politics in Mataram*

3.2.1 *State recognition of customary rights in agrarian politics*

In Indonesia, the national legal framework recognizes the rights of customary communities through Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA 1960), which states that agrarian resources (land, water, and the resources therein) belong to the state, but control can be allocated to customary communities as long as they are legally recognized. Articles in contemporary literature indicate that "agrarian legal politics on customary land" emphasizes that customary norms and customary rights must be treated as part of the national agrarian legal system, not simply as "customs without status." Thus, the state, through legal regulations, has a normative and constitutional basis to accommodate customary land rights within agrarian regulations as an effort to achieve agrarian justice, respect for indigenous communities, and harmonize formal and customary law. The dialectical implication is that state norms and customary norms are united within

a legal framework, opening up agrarian political space for negotiation—but the recognition of customary rights is not automatic, depending on administrative implementation and political commitment (Girinatha & Putri, 2024).

3.2.2 Public interest and spatial planning

The government and land institutions in West Nusa Tenggara (NTB), including in Mataram, are implementing a land redistribution and restructuring program through the Land Objects of Agrarian Reform (TORA) scheme releasing forest areas or abandoned land so that it can be transferred to communities in need. According to a 2025 release, the NTB Regional Office of the National Land Agency (BPN) stated its focus on demarcating forest areas and releasing several areas into "APL" (other use areas) as part of the agrarian reform effort. On the other hand, urban development, infrastructure, and urban spatial planning requirements put pressure on land ownership and use giving rise to the need for formal regulations, certification, zoning, and permits/HGU/HGB/land use. Dialectical implications: Public interests and development often demand land conversion, redistribution, and re-regulation which can clash with customary claims, customary rights, and the communal structures of indigenous communities (Rahmad, 2023).

3.2.3 Negotiating land rights and development interests

Practices in the field show that agrarian conflicts arise when there is an overlap between customary/customary rights claims and the formal status of the land, or when HGU/HGB permits or land conversion schemes are granted to companies or investors without the recognition or consent of indigenous communities. Economic, investment, and development factors are often the primary drivers of conflict, as in the study of the conflict in Sembalun (NTB) between local communities and the company's HGU/HGU concession. Many disputes are not only civil but also "tenure" disputes, claims over land ownership and use rights, as well as disputes over spatial planning or the use of former forest areas. In West Nusa Tenggara (NTB) and the surrounding Mataram region, although agrarian reform and redistribution schemes through the TORA (Regional Land Reform) were launched, their implementation has sometimes been delayed, hampered by conflict, or failed to meet community expectations for example, community complaints to the Indonesian Ombudsman due to stalled redistribution processes. The dialectical implication: there is a tug-of-war between customary/community rights which demand recognition and justice and the interests of the state/investors/public for development and efficient land use. These negotiations often result in conflict if there is no fair and participatory resolution mechanism (Wira & Hidayat, 2025).

3.2.4 Land dispute resolution and mediation

In some cases (not always in Mataram, but in NTB generally), indigenous communities tend to use customary mechanisms to resolve land disputes through customary institutions, deliberations, community mediation, and social reconciliation efforts especially when formal law is perceived as insensitive to the customary context. A study in North Lombok Regency shows that customary institutions play a crucial role in the peaceful and restorative resolution of customary land disputes. At the formal level, the state, through the National Land Agency (BPN) and agrarian reform programs, attempts to provide channels for resolution: for example, formal mediation for tenure disputes, delineation of forest area boundaries, designation of land as TORA (Regional Land Use Area), land certification (including PTSL), and spatial planning and land use regulations. These efforts were evident in Mataram and NTB in 2025. However, formal mediation and regulation are often hampered by lengthy administrative processes, duplicate claims, lack of tenure data, or failure to accommodate customary rights resulting in conflict resolution remaining difficult or being resolved without bringing substantive justice to indigenous communities.

Dialectical implications: Resolution mechanisms must be dual (customary + formal), participatory, and transparent to bridge differing interests and mitigate conflict. Without this, agrarian conflicts will remain lurking (Ramadhani et al., 2025).

3.2.5 Agrarian trends in Mataram, 2024–2025

Recent data shows that in 2025 there will be a surge in land disputes and conflicts nationwide the National Land Agency (BPN) recorded 3,260 cases of land disputes/conflicts as of September 2025. In NTB, the agrarian reform movement through the TORA (Regional Land Reform) continues to be pursued but the realization of redistribution appears to have declined over the years: for example, from 31,000 plots of land (2019) to 3,750 plots (2023). In 2025, no new redistribution was reported due to ongoing conflicts and demarcation of forest areas. A concrete example: the land case in Buwun Mas Village, Sekotong District a former HGB (right to use land) that has expired demands redistribution through TORA (Regional Land Ownership Agreement). Many families claim to have managed the land for generations and are awaiting land ownership certificates. In 2025, a mediation forum and submission to state institutions were held, but the process has not been completed and the dispute remains ongoing. Conflict resolution activities through mediation at the city level (e.g., in the sub-districts of Cakranegara, Mataram) were also recorded in 2025. Dialectical implications: 2024–2025 demonstrates that agrarian conflicts remain intense and complex, despite agrarian reform efforts indicating that legal structures, customs, and development interests have not been fully synthesized in a just and effective manner.

Table 3. Multiple Claims and Obstacles to Agrarian Reform

Indicator / Year / Region	Value / Description
National land dispute/conflict cases until September 2025	3,260 cases were recorded by the ATR/BPN.
Redistribution & Land Management (TORA) in NTB (2019, 2023, 2025)	From approximately 31,000 land parcels (2019) to 3,750 parcels (2023), there has been no new redistribution as of 2025 due to numerous conflicts and forest area rezoning.

(ATR/BPN NTB Regional Office, 2025)

The 3,260 dispute cases indicate that agrarian issues remain acute land conflicts, multiple claims, overlapping rights, land mafias, and customary claims continue to occur. This demonstrates that formal law and state mechanisms are not yet fully capable of effectively guaranteeing agrarian justice. The decline in the TORA redistribution rate in NTB from 2019 to 2023 and its stagnation in 2025 demonstrates that the agrarian reform program is facing real obstacles conflicts, administration, forest area planning, and unclear tenure data are factors that are slowing the process. This indicates a significant disparity between policy and implementation. Agrarian legal politics in Mataram/NTB is a dialectical arena between three main poles: customary norms and rights, public/development interests, and formal legal regulations. Negotiations between the three are not always harmonious agrarian conflicts, rights disputes, unequal access, and legal uncertainty frequently arise. Although the national constitutional and regulatory framework recognizes customary rights (*hak ulayat*), their implementation in the field is hampered by administrative constraints, overlapping authority, economic power, and a lack of accurate data and tenure maps. Recent years have shown that agrarian conflicts remain high despite agrarian reform efforts.

Provincial and district/city governments need to accelerate the inventory and documentation of customary/*ulayat* rights, including tenure maps, customary boundaries, and ownership histories, so that customary claims are officially recorded and recognized in the national land system. The TORA and redistribution programs require participatory mechanisms involving indigenous peoples, local communities, and stakeholders with

transparent mediation and consultation procedures that respect community rights and ensure substantive justice. Formal recognition of customary mediation decisions and customary institutions as part of dispute resolution mechanisms, in accordance with legal pluralism, is needed. Agrarian regulations must be flexible and accommodate cultural uniqueness. Land management reform must be accompanied by accurate spatial data the use of digital mapping technology, tenure databases, and electronic certificates to prevent overlapping rights and claims. The government and the National Land Agency (BPN) need to improve transparency, access to information, and expedited service delivery for dispute resolution and redistribution to increase public trust and minimize conflict (Ridley, 2012).

3.3. Agrarian legal policy in land conversion

3.3.1 Dual legal basis: Recognition of customary law and formal administrative law

Within the national legal framework, land in Indonesia is regulated by formal administrative/agrarian law primarily through Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA 1960), which serves as the basis for modern land regulations. UUPA recognizes land rights through ownership rights, use rights, usufruct rights, and other forms of rights. Conversely, national law also recognizes the existence of customary law communities and their customary rights in developing the agrarian system. This legal pluralism perspective has been emphasized in the literature, suggesting that customary law can serve as the basis for agrarian law that is responsive to social justice and community welfare. This means that normatively, there is a dual legal basis formal administrative law and customary law both of which can theoretically complement each other in land and agrarian regulation. This opens up space for a more inclusive agrarian legal policy, provided that regulations, policies, and implementation on the ground recognize and respect both. However, in practice, the recognition of customary (ulayat) rights often faces regulatory and administrative obstacles for example, the definition of registration, customary maps, or the need for "formal certification" for land to be recognized by the state creating tensions between these two legal perspectives (Rupadana & Swetasoma, 2024).

3.3.2 Competing interests in land conversion

In many regions, including West Nusa Tenggara (NTB), land conversion from agricultural use to residential, commercial, settlements, or public facilities is occurring due to population growth, urbanization, infrastructure needs, and investment. For example, recent research shows that land conversion occurs along new roads in Mataram City, with impacts on the economy of surrounding communities. Formal regulations govern land conversion mechanisms through permits, spatial planning, location permits, land use approvals, and the restructuring of land rights. In NTB, in 2025, the provincial government implemented a policy to tighten permits for agricultural land conversion to maintain food and environmental security. From an economic and development perspective, land conversion is seen as part of modernization, urbanization, the provision of housing, and public facilities, all of which are considered essential for general welfare and regional economic growth. However, this land conversion can ignore customary rights, the social and ecological functions of the land, and agrarian sustainability. Thus, land conversion becomes a legal and political arena: land conversion decisions are the result of negotiations between development/economic/public interests (by the government, investors) and the rights of local/indigenous communities to land and its socio-ecological functions (Rusdiani et al., 2024).

3.3.3 Conflicts and overlapping land laws

Many agrarian conflicts arise when land conversion is carried out without the recognition or consent of indigenous communities, especially when customary land or

territories are administratively designated as "empty land" or "state land" even as they remain recognized by local communities. Studies show that the interaction between customary law and state law often results in tension, conflicting rights, dual claims, and legal uncertainty for indigenous communities. Furthermore, formal regulations sometimes prioritize individual or corporate rights, for example, building use rights (HGB), business use rights (HGU), or location permits, which can conflict with the customary rights of indigenous communities, as formal regulations tend to be based on administrative requirements, certificates, and official maps, rather than customary socio-cultural norms. As a result, indigenous communities are often in a weak position, with difficulty proving ownership under formal law, vulnerable to lawsuits or evictions, loss of access to customary land/space, and at risk of socio-economic marginalization. The practices of "land grabbing" and "green grabbing" (the seizure of customary land/forests for investment, projects, or development) are concrete examples of this problem (Safitri et al., 2024).

3.3.4 Legal politics and agrarian reform: Legal reconstruction efforts for social justice

Due to the prevalence of conflicts and inequalities, contemporary literature proposes reconstructing national agrarian law to emphasize the social function of land, agrarian justice, and the protection of indigenous peoples and customary rights. The integration of customary law into Indonesia's formal agrarian legal system is urgent so that customary rights are legally recognized not merely as customary norms without legal force but also accommodated in formal regulations, creating legal pluralism that is just and responsive to socio-cultural diversity. Several academics also emphasize the importance of the principles of social justice, the social function of land, and sustainability, not merely the commodification of land as an economic good, as the direction of agrarian law transformation, so that land conversion and land use take into account social and ecological aspects, not just commercial ones. Such reforms, if implemented seriously, can reduce agrarian conflicts, prevent the marginalization of indigenous peoples, and ensure equitable and sustainable land use (Safa-Aina et al., 2022).

3.3.5 Reality in Mataram: Land conversion, local policies, and implementation challenges

In the NTB and Mataram regions, data shows that the conversion of agricultural land to non-agricultural uses continues: agricultural land is decreasing due to urbanization, housing development, public facilities, and infrastructure development. A recent study (2025) on land conversion along a new road in Mataram City shows that land conversion has economic impacts: increased employment, investment, housing, and transportation links, suggesting that land conversion is often seen as an economic and development opportunity. At the same time, regulatory efforts are beginning to tighten: in 2025, the NTB Provincial Government tightened permits for agricultural land conversion, requiring that conversion be permitted only for urgent purposes (strategic projects, public needs) and mandating the availability of replacement land to ensure food security and environmental protection. However, the implementation process remains full of challenges: the most crucial is how to ensure that land rights, especially customary land, customary rights, or community claims, are fairly accommodated in the regulations, and how participatory mechanisms are implemented in land conversion to avoid agrarian conflicts (Salmah et al., 2021).

The figure of 295 agrarian conflicts (2024) indicates that land conversion, overlapping rights, and land claims/customary rights continue to give rise to serious conflicts; this reflects inadequate regulations and implementation in protecting community rights (including indigenous peoples). The new 2025 policy from West Nusa Tenggara (NTB) to tighten permits for agricultural land conversion demonstrates government awareness of the risks of land conversion to food security, the environment, and agrarian conflict, but the effectiveness of this policy will depend on implementation, oversight, and community involvement in the permit and conversion process. Agrarian legal politics is strongly

influenced by dual paradigms, customary law and formal administrative law, especially in land conversion practices. Land conversion reflects the intersection of development interests, economic interests, and public needs with indigenous peoples' rights and socio-cultural structures over land. However, without a serious harmonization of customary law and formal administration, without inclusive and participatory regulations, and without mechanisms for recognizing customary rights, land conversion can trigger agrarian conflicts, marginalization of indigenous communities, and socio-ecological damage (Sanjaya, 2023).

Table 4. Overlapping Land Rights and Conversion Conflicts in NTB, 2025

Indicator / Year / Region	Value / Description
Number of recorded agrarian conflicts in NTB (2024)	There were 295 agrarian conflicts throughout 2024, an increase compared to the previous year.
Land conversion policy in NTB (2025)	West Nusa Tenggara Province has officially tightened agricultural land conversion permits: conversion is only permitted for urgent needs, and replacement land will be required.

(ATR/BPN NTB Regional Office, 2025)

Central and regional governments need to formally integrate customary law (customary rights, community rights) into national and regional land regulations, for example, by establishing regulations that recognize customary rights, customary maps, and participatory mechanisms for customary land registration. Every land conversion process and land-use change must involve consultation with local/indigenous communities and apply the principles of justice, transparency, and free, prior, and informed consent. Regional governments (such as in NTB) must ensure that land use change policies are accompanied by compensation and/or replacement land to maintain food security, the environment, and justice for affected communities. Agrarian conflict resolution mechanisms are needed that combine formal law and local wisdom/customary law, for example, legally recognized customary mediation and restorative dispute resolution, not just litigation. Increased transparency in land data, maps, registration, and land rights, and community participation in spatial planning and land investment, to prevent unilateral land conversion and harm to local communities (Shebubakar & Raniah, 2023).

4. Conclusion

The political transformation of agrarian law occurs through tensions and harmonization between customary law and administrative law, which determine land conversion practices in Mataram. This article finds that land conversion practices in Mataram are influenced by the tensions between customary law norms and modern administrative law. Regulatory inconsistencies exist, creating uncertainty for communities in the land conversion process. The research shows that local actors frequently negotiate the boundaries of authority between customary institutions and the city government. It also finds that land conversion decisions are more often driven by economic and political interests than by the protection of communal rights. The article concludes that the political transformation of agrarian law in Mataram is a dynamic process shaped by tensions and efforts to harmonize both legal systems. This harmonization is key to creating more equitable and accountable land governance. The article's originality lies in its simultaneous analysis of the interaction of customary law and administrative law in an urban, rather than rural, context. The research offers a political-legal framework that highlights authority conflicts as a key factor in land conversion. The article presents empirical evidence of informal negotiations between customary institutions and the government, a phenomenon

rarely explored in previous research. These findings provide new perspectives on contemporary agrarian practices in urban Indonesia.

Recommendations: Strengthen the integration of customary law in land conversion regulations, simplify administrative procedures that are sensitive to local norms, further research to assess the social and environmental impacts of land conversion based on integrated legal policies. This article emphasizes that the integration of customary law in land conversion regulations is a crucial step towards creating more inclusive legal certainty. Simplifying administrative procedures should be done while still considering local norms to make the conversion process fairer and more acceptable to the community. The research highlights that harmonization between customary law and administrative law is a key requirement for sustainable agrarian governance in Mataram. The article recommends the establishment of collaborative mechanisms between customary institutions and the government at every stage of decision-making. The authors conclude that integrated legal policies can reduce land conflicts and strengthen government legitimacy at the local level. The article's uniqueness lies in its focus on combining normative and empirical analyses of the integration of customary law in land conversion regulations. It proposes the concept of "culturally sensitive" administrative procedures, an approach still rarely used in urban agrarian studies. This study introduces an integrated evaluation model that links legal, social, and environmental aspects to the land conversion process. The article presents field data demonstrating how customary negotiation practices significantly influence administrative decisions. These findings provide novel contributions to the development of more adaptive and contextual agrarian policy designs in Indonesia.

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