

# Reconciling Indigenous Rights and Investment Agendas: Land Governance Challenges Under Indonesia's Cipta Kerja Omnibus Law in Natural Resource Exploitation

St. Laksanto Utomo<sup>1</sup>, Lenny Nadriana<sup>2</sup>

<sup>1</sup>Universitas Bhayangkara Jakarta Raya,

Corresponding Author Email: [laksanto.utomo\[at\]dsn.ubharajaya.ac.id](mailto:laksanto.utomo[at]dsn.ubharajaya.ac.id)

<sup>2</sup>Universitas Dirgantara Marsekal Suryadarma

Email: [lennylecture\[at\]gmail.com](mailto:lennylecture[at]gmail.com)

**Abstract:** *Land disputes in Indonesia remain a deep-rooted challenge, worsened by fragmented regulations and social inequality. The Cipta Kerja Omnibus Law (2020) has aggravated these issues by prioritizing investment and weakening protections for indigenous communities. This paper examines the law's effects on land governance, revealing how centralized permitting and weakened community consultations deepen tensions between investors and indigenous communities. Through case studies of mining conflicts in Rembang and Lumajang, it highlights how overlapping sectoral regulations undermine the Basic Agrarian Law (BAL/UUPA 1960). It recommends aligning the Basic Agrarian Law with Free, Prior, and Informed Consent (FPIC), instituting a centralized land governance agency, and legally securing indigenous land rights. These reforms aim to balance economic growth with social justice and constitutional values.*

**Keywords:** *Cipta Kerja Law, Indigenous Land Rights, Basic Agrarian Law, Investment Conflicts, Legal Harmonization*

## 1. Introduction

Indonesia's developmental trajectory has been profoundly shaped by Walt Rostow's *Stages of Economic Growth* (1960), a modernist blueprint that equates progress with industrialization, urbanization, and integration into global markets (Sidaway, 2016). Rostow's model, which posits that societies evolve from "traditional" to "mass consumption" stages through capital-intensive infrastructure and export-oriented industries, became a cornerstone of post-colonial economic policy in Global South nations (Sitorus, 2021). In Indonesia, this paradigm took root during the New Order regime (1966–1998), which prioritized macroeconomic stability and foreign investment to propel the nation into the "take-off" stage of development. Mega-projects like the *Transmigration Program*, which relocated millions from Java to outer islands and the expansion of palm oil plantations exemplified this growth-at-all-costs ethos, often at the expense of indigenous communities and ecological sustainability (Satriawan et al., 2019).

The Former Indonesian President Joko Widodo (2014–2024) has intensified this trajectory, framing infrastructure development as a panacea for inequality. Initiatives like the *Food Estate Program* and *Trans-Sumatra Toll Road* aim to attract foreign capital and integrate Indonesia into global supply chains. However, these projects frequently entail land acquisitions that displace indigenous peoples (*masyarakat adat*), whose customary (*adat*) land management systems clash with state-backed capitalist agendas. The recent *Cipta Kerja Omnibus Law* (2020), a flagship policy of Widodo's second term, epitomizes this tension, promising accelerated investment through deregulation while exacerbating historical conflicts between land commodification and indigenous sovereignty.

The *Cipta Kerja Omnibus Law* (officially Law No. 11/2020) was enacted to streamline Indonesia's regulatory framework, ostensibly to boost foreign direct investment (FDI) and simplify business licensing. By amending 79 sectoral laws, including the Forestry Law (No. 41/1999), Mining Law (No. 4/2009), and Spatial Planning Law (No. 26/2007), the Omnibus Law centralizes permit issuance under the central government, reduces environmental safeguards, and marginalizes community participation. Key provisions include:

- 1) **Article 26:** Simplifies licensing procedures, enabling corporations to bypass regional governments and indigenous consultations.
- 2) **Article 87:** Permits land revocation for "national strategic projects" without robust consent mechanisms, redefining "public interest" to prioritize investor access.
- 3) **AMDAL Reforms:** Truncates environmental impact assessments (AMDAL), sidelining indigenous voices in favor of bureaucratic efficiency.

These changes have profound implications for land governance. For instance, in 2021, the state invoked Article 87 to acquire land in Wadas Village, Central Java, for a dam project, despite fierce opposition from locals who relied on the land for agriculture and cultural practices. Similarly, the 2017 Rembang karst mining conflict, where the Supreme Court initially revoked PT Semen Indonesia's permit highlights how the Omnibus Law empowers corporations to override judicial rulings deemed obstructive to "national development."

### The Basic Agrarian Law (BAL/UUPA 1960): Ideals vs. Neoliberal Reality

Enacted in 1960, the *Basic Agrarian Law* (BAL/UUPA 1960) was Indonesia's boldest post-colonial legal reform, designed

to dismantle Dutch-era land tenure systems and redistribute resources to peasants. Its foundational principles include:

- 1) **Hak Ulayat:** Recognition of indigenous communal rights (Article 3).
- 2) **Social Function of Land:** Land ownership must serve public welfare (Article 6).
- 3) **Citizen-Only Ownership:** Restriction of land rights to Indonesian nationals (Article 9).

However, subsequent sectoral laws systematically eroded these protections. The 1999 Forestry Law classified 70% of Indonesia's land as "state forest," often overlapping with indigenous territories. The 2009 Mining Law further enabled state-sanctioned land grabs, granting corporations like Freeport-McMoRan concessions in Papua's ancestral lands. The Omnibus Law intensifies this fragmentation by subordinating BAL's social justice mandate to neoliberal expediency. For example, the law's redefinition of "public interest" legitimizes land dispossession for projects like the *Jakarta-Bandung High-Speed Rail*, which benefits foreign investors while displacing local farmers.

Indonesia's legal pluralism—the coexistence of state, religious, and customary laws—has historically allowed *adat* systems to thrive. The Samin/Sikep community in Central Java, for instance, rejects state land registrations, viewing land as a communal trust rather than a commodity. Similarly, Papua's Dani and Amungme peoples employ *adat* to manage forests sustainably. Yet, the Omnibus Law's homogenizing framework disrupts this pluralism, imposing a top-down legal regime that invalidates ancestral norms.

The Samin/Sikep, a agrarian community in Java, have resisted state land registrations since the Dutch colonial era. They tend to be more apathetic, skeptical, because the rules are written, binding, general and static, coming from top down (L. Sutrisno, 1989). Their philosophy, *Sedulur Sikep*, emphasizes harmony with nature and collective stewardship. However, the Omnibus Law's permit centralization threatens their autonomy, as corporations like PT Semen Indonesia encroach on their lands under the guise of "strategic projects."

Anthropologist Bernard Tanya's (2000) work on the Sabu people of East Nusa Tenggara reveals how legal clashes induce "cultural burden"—a form of mental distress arising when state laws invalidate ancestral norms. The Sabu, who practice *hauwalla* (communal land rotation), face existential crises as state-backed palm oil plantations fragment their territories. Consequently, this dissonance mirrors Unger's (1977) observation:

*"all traditionalistic societies have dual a structure, often sharply divided between the modern and the non-modern sector; and in all of them "traditional" institutions serve more or less effectively as instruments of "modernization", and with effects that ultimately overflow the economic and the technological sphere and contribute to the transformation of the culture and the social structure".*

Philippe Nonet and Philip Selznick's *Law and Society in Transition* (1978) provides a lens to critique the Omnibus Law's repressive legalism. They distinguish between "repressive law" (prioritizing order) and "responsive law"

(adapting to social needs). The Omnibus Law exemplifies the former, centralizing power to suppress dissent, as seen in the 2019 Kendeng Mountain protests. Farmers opposing cement mining were criminalized under the ITE Law (Electronic Information and Transactions Law), reflecting the state's prioritization of investor security over communal rights.

This paper interrogates how the Cipta Kerja Law reshapes Indonesia's land governance, asking: Can neoliberal legal frameworks coexist with constitutional commitments to indigenous rights and environmental justice? Through a socio-legal analysis of BAL's erosion, case studies of post-Omnibus land conflicts, and critiques of legal pluralism theory, the study argues that the law entrenches structural violence against indigenous peoples while privileging investor security. It further contends that the BAL's potential as a tool for social engineering remains unrealized unless recalibrated in response the Omnibus Law's deregulatory thrust.

The discussion proceeds in three parts. First, it traces the historical marginalization of *adat* systems under Indonesia's centralized legal regime, contextualizing the Omnibus Law as an extension of New Order-era extractivism. Second, it analyzes the law's contested provisions—notably Article 87 on land revocation and Article 26 on simplified permits—to reveal their dissonance with international human rights standards, including Free, Prior, and Informed Consent (FPIC). Finally, it proposes reforms: harmonizing BAL with FPIC mandates, decentralizing land governance, and establishing a "One Roof" agency to synchronize policies across ministries. By bridging legal theory and grassroots advocacy, this study contributes to urgent debates on equitable development in resource-rich Global South nations, also holds significance for policymakers, legal scholars, and advocacy groups by highlighting how deregulation impacts indigenous sovereignty and proposing actionable solutions.

## 2. Results and Discussion

### 1) Land Conflicts and Legal Fragmentation

Land disputes, such as the 2017 Rembang karst mining conflict and the Lumajang sand mining case, highlight systemic failures in resolving competing claims. The Omnibus Law's simplified permit system risks amplifying such conflicts by prioritizing investor access over community consent. Horizontal and vertical pluralisms—differences in culture, wealth, and power—fuel disputes, compounded by overlapping regulations and weak enforcement.

In October 2016, the Supreme Court ruled in favor of the people and mandated the governor to revoke the mining permit. However, this did not immediately resolve the issue, as the government persisted in allowing mining activities to continue. In the coastal region, tensions escalated into a conflict that resulted in the death of Salim Kancil, a farmer from Selok Awar-Awar Village, Lumajang, East Java, who had opposed iron sand mining in 2015. To this day, the conflict remains unresolved.

According to Sunyoto Usman (1999), land disputes arise as a consequence of industrial activities, which are closely linked to the nature of social relationships among various

stakeholders, including the community, government, industry players, and other institutions such as non-governmental organizations and religious groups. Paul Conn (1971) further asserts that disputes may stem from two primary causes:

- a) Plurality is horizontal; culturally such as race, nation, religion, language, and race; and compound horizontally socially in terms of differences in occupations and professions.
  - b) Vertical pluralism, like the structure of society polarized according to the possession of wealth, knowledge, and power.
  - c) Muchsin (2007) said the common source of land disputes can be divided into 5 (five) groups:
  - d) The dispute was caused by policies during the New Order period
  - e) Overlapping Regulation of Laws on Agrarian Resources
  - f) Overlap of land use
  - g) The quality of human resources from the apparatus implementing the regulation of agrarian resources
  - h) Changes in people's mindset over land tenure
- Land as the economic right of everyone, drives conflict and dispute. Conflict, by definition Coser is as follows:

*"Conflicts involve struggles between two or more people over values, or competition for status, power, or scarce resources"* (Moore, 1996).

If a conflict is tangible and evident (manifest), it is classified as a dispute (Moore, 1996). To mitigate the escalation of land conflicts—both in terms of quality and quantity—that are inconsistent with legal provisions, it is imperative to establish new legislation. This legislation should comprehensively regulate land disputes while aligning with advancements in penology and victimology, ensuring legal protection that resonates with the principles of community justice (M. Thalib et al., 2009).

From a practical standpoint, resolving land conflicts requires moving beyond a rigidly positivistic and legalistic approach often adopted by law enforcement authorities. Instead, a more integrative model should be developed—one that acknowledges the distinct nature of land conflicts by incorporating both normative legal considerations and insights from social sciences. Such an interface model would balance formal judicial analysis with sociological perspectives, particularly given that existing legislation often fails to adapt to evolving societal conditions and the dynamic nature of material law (*materiele wederrechtelijkheid*) (M. Thalib et al., 2009).

The enactment of the Basic Agrarian Law (UUPA) of 1960 underscores that law is inherently a political construct. Legal frameworks are formulated to legitimize and institutionalize specific policy directions. Consequently, existing laws must be continuously refined to align with shifting political agendas, necessitating a clear philosophical foundation. In this regard, the UUPA 1960 rejects individualistic land tenure theories in favor of recognizing land's social function. The discourse on legal relationships between individuals, the state, and landownership is not novel; it remains an ongoing subject of legal and philosophical debate.

At its core, land conflict arises from fundamental structural issues that must be systematically identified and documented

to facilitate effective resolution strategies. Broadly, the root causes of land conflicts can be categorized as follows:

- a) Conflicts of Interest – arising from competing claims over substantive, procedural, or psychological interests.
- b) Structural Conflicts – resulting from systemic inequalities, power imbalances, and exploitative resource control mechanisms.
- c) Value Conflicts – emerging due to divergent ideological, cultural, or religious perspectives on land ownership and use.
- d) Relationship Conflicts – fueled by heightened emotions, misperceptions, poor communication, and recurrent negative interactions.
- e) Data Conflicts – stemming from incomplete or misinterpreted information, differing assessments of relevant facts, and discrepancies in evaluation procedures.

Ultimately, land conflicts can be broadly attributed to two primary factors: legal and non-legal. Addressing these disputes effectively necessitates a nuanced approach that integrates both legal mechanisms and socio-political considerations.

## 2) Legal Challenges Under the Cipta Kerja Law

- a) Regulatory Overlaps: The Omnibus Law's harmonization of 79 existing laws weakens the BAL's authority, enabling sectoral ministries to override customary land rights. For instance, its environmental permitting reforms reduce public participation, marginalizing indigenous voices.
- b) Erosion of Customary Rights: While BAL Article 3 recognizes hak ulayat (communal rights), the Omnibus Law's Article 87 grants the central government authority to revoke land designations for "national strategic projects," often bypassing indigenous consent.
- c) Judicial Incoherence: Dispute resolution remains fragmented across civil, criminal, and administrative courts. The Omnibus Law centralizes authority in Jakarta, limiting regional courts' capacity to address localized grievances.

## Socio-Economic and Non-Legal Factors

- a) Population Growth and Urbanization: Fixed land resources intensify competition, with the Omnibus Law incentivizing land commodification.
- b) Poverty and Inequality: Limited land access perpetuates poverty, exacerbated by the law's emphasis on large-scale investments over smallholder rights.
- c) Investor-State Collusion: The law's "investment ecosystem" framework risks entrenching crony capitalism, as seen in the New Order era.

## 3) Structural Deviance in State Authority and Civil Society's Counterbalance

The prioritization of economic growth metrics over equitable development has entrenched systemic deviations in Indonesia's land governance, as exemplified by Nurjaya's seminal study. Nurjaya identifies the roots of state authority misuse in the socio-economic and anthropological dimensions of neo-capitalism, which gained momentum in the 1970s through laws like Foreign Capital Investment Law No. 1/1967 (PMA) and Domestic Investment Law No. 6/1968



(PMDN). These laws institutionalized a growth-at-all-costs paradigm, framing land as a commodity for capital accumulation rather than a socio-cultural asset. By privileging investor access over communal rights, they legitimized state-sanctioned land grabs, often enforced through militarized and repressive tactics that marginalized indigenous norms, traditions, and legal systems. Nurjaya's analysis underscores how neo-capitalist ideologies permeated legislative frameworks, enabling state actors to deviate from their constitutional mandate to protect public welfare, instead aligning with corporate interests under the guise of "national development."

This structural imbalance is starkly visible in contemporary conflicts, such as the 2021 Wadas Village land acquisition for a dam project, where state forces suppressed local opposition to secure investor interests. Such cases reveal how legal terminology like "public interest" is weaponized to justify displacing communities, reflecting the enduring legacy of PMA and PMDN in modern policies like the Cipta Kerja Omnibus Law.

#### 4) Civil Society as a Catalyst for Equitable Governance

In response to systemic marginalization, civil society organizations (CSOs) have emerged as critical counterweights, deploying innovative strategies to reclaim democratic space.

##### a) Strategic Litigation: Judicial Resistance

CSOs like the Indonesian Forum for the Environment (Walhi) and the Indigenous Peoples Alliance (AMAN) have leveraged courts to challenge land permits. A landmark 2016 Supreme Court ruling revoked PT Semen Indonesia's license to mine karst in Rembang, Central Java, citing violations of the *Basic Agrarian Law (BAL/UUPA 1960)*'s social function principle (Article 6). This victory, however, was short-lived. The *Cipta Kerja Law*'s Article 26 now allows the central government to override such rulings, enabling PT Semen Indonesia to resume operations without community consent.

##### b) Policy Advocacy: Institutionalizing FPIC

Grassroots coalitions have lobbied for legislative reforms to embed Free, Prior, and Informed Consent (FPIC) into land acquisition processes. In 2022, AMAN successfully pressured regional governments in West Sumatra to recognize 17,000 hectares of *adat* forests, invoking Constitutional Court Ruling No. 35/2012. Yet, the *Cipta Kerja Law*'s centralized permit system undermines such efforts by sidelining regional authorities in favor of Jakarta-based bureaucracies.

##### c) Media Mobilization: Amplifying Marginalized Voices

Digital platforms like *Mongabay Indonesia* and *Tirto.id* have become vital tools for exposing human rights abuses. The 2019 #SaveKendeng campaign, led by female farmers opposing cement mining in Central Java, garnered international attention through viral videos of protesters encasing their feet in concrete. Despite this visibility, the state retaliated by criminalizing activists under the *Electronic Information and Transactions Law (ITE Law)*, which penalizes "defamation" with up to six years' imprisonment.

The *Cipta Kerja Law* exacerbates existing inequities through three mechanisms:

- a) **Centralized Permitting:** Article 26 consolidates authority in the Investment Ministry, bypassing regional governments and *adat* leaders.
- b) **Erosion of AMDAL:** Environmental impact assessments now exclude mandatory public consultations, privileging bureaucratic efficiency over ecological safeguards.
- c) **Criminalization of Dissent:** The ITE Law and revised Penal Code (KUHP) are weaponized to silence activists, as seen in the 2022 arrest of Haris Azhar for critiquing mining conglomerates.

The Kendeng Mountain conflict epitomizes these dynamics. In 2019, farmers protesting PT Semen Indonesia's limestone mining faced water source depletion and crop failures. When protests escalated, the state deployed riot police and charged leaders with "disrupting public order." The Omnibus Law's framework legitimizes such repression by framing resistance as antithetical to "national interest."

#### 5) Reclaiming BAL/UUPA 1960's Transformative Potential

The Basic Agrarian Law (BAL/UUPA 1960) remains a pivotal instrument for structural reform, designed to dismantle feudal and colonial land hierarchies by affirming land's social function (Article 6) and recognizing hak ulayat (Article 3). Yet, its promise has been diluted by sectoral laws and the Omnibus Law's deregulatory agenda. To reclaim its purpose, BAL must be revitalized through: (1) Integration of FPIC: Mandate communal consent for projects affecting customary lands, aligning with UNDRIP and ILO Convention 169. (2) Decentralized Governance: Empower regional governments and *adat* institutions to oversee land-use decisions, countering Jakarta-centric permit systems. (3) Legal Harmonization: Resolve contradictions between BAL and investment laws by subordinating sectoral regulations to BAL's social justice principles.

Satjipto Rahardjo's analysis of the Basic Agrarian Law (BAL/UUPA 1960) underscores its transformative vision for Indonesia's land governance, rooted in nationalism, social justice, and communal rights. The law's explanatory chapter outlines eight pillars critical to its mission:

- a) **National Unity:** Asserting Indonesia's territorial integrity and divine stewardship of land as a national treasure (Article 1).
- b) **State as Regulator, Not Owner:** Replacing colonial-era state domain principles with state governance to prevent land monopolization.
- c) **Customary Rights (Hak Ulayat):** Establishing a framework for state recognition of indigenous communal land rights.
- d) **Social Function of Land:** Mandating that land ownership serves public welfare, not just individual profit (Article 6).
- e) **Citizen-Only Ownership:** Restricting land ownership to Indonesian nationals (Article 9).
- f) **Equitable Access:** Guaranteeing equal opportunities for citizens to obtain land rights.
- g) **Agrarian Reform:** Redistributing land to address historical inequities.
- h) **Sustainable Land Use:** Balancing exploitation with ecological and social needs.

### 6) Clash with the Cipta Kerja Omnibus Law

The Cipta Kerja Law undermines these principles through its deregulatory agenda:

- a) **Dilution of Social Function:** By prioritizing “national strategic projects,” the law redefines “public interest” to favor corporate land grabs over community welfare, contravening BAL’s Article 6. For instance, Article 87 allows the state to revoke land rights for such projects without robust consent mechanisms, sidelining hak ulayat (Afrizal et al., 2022).
- b) **Foreign Investment Incentives:** While BAL restricts land ownership to citizens (Article 9), the Omnibus Law’s amendments to the Plantation Law and Mining Law enable foreign investors to secure long-term land-use permits (HGU/HGB), eroding national sovereignty (Bedner, 2021).
- c) **Centralized Permit System:** The law consolidates authority in Jakarta, weakening regional autonomy (Law No. 32/2004) and marginalizing local governments’ role in safeguarding indigenous territories. This centralization has exacerbated conflicts, as seen in the 2022 Wadas Village protests, where communities resisting a state-backed dam project faced militarized repression.

Arie Sukanti’s interpretation of BAL Article 9 sought to navigate globalization by permitting foreign land use under strict conditions. However, the Omnibus Law exploits this flexibility, facilitating transnational corporate access through streamlined permits (Articles 41–43). This aligns with neo-capitalist ideologies embedded in Indonesia’s 1967–1968 investment laws, perpetuating structural inequities. Meanwhile, the law’s truncated environmental impact assessments (AMDAL) violate human rights safeguards under Law No. 39/1999, particularly the rights to religious freedom, livelihood, and property—core principles of Fiqh’s kemaslahatan (prosperity).

The Omnibus Law’s centralization contradicts BAL’s decentralization ethos, sparking norm conflicts between Jakarta and regions. For example, Papua’s Special Autonomy Law (No. 21/2001), which recognizes indigenous land rights, is rendered toothless when Jakarta unilaterally issues mining permits. This dissonance fuels public disillusionment, as the state fails to meet constitutional obligations (e.g., food security, healthcare), driving grassroots movements like the Aliansi Masyarakat Adat Nusantara (AMAN) to demand BAL’s enforcement.

### 7) Reconstructing BAL in the Omnibus Era

To reclaim BAL’s social engineering potential, the following reforms are critical:

- a) **Institutionalize FPIC (Free, Prior, and Informed Consent):** Amend BAL to require indigenous consent for projects affecting customary lands, aligning with ILO Convention 169.
- b) **Revise the Omnibus Law’s Permit System:** Decentralize decision-making to regional governments and integrate adat leaders into land-use committees.
- c) **Harmonize Sectoral Laws:** Subordinate conflicting regulations (e.g., Forestry Law, Mining Law) to BAL’s social justice mandate, ensuring agrarian reform remains a policy cornerstone.

- d) **Judicial Empowerment:** Strengthen regional courts to adjudicate land disputes, referencing the 2016 Supreme Court precedent that revoked PT Semen Indonesia’s Rembang permit due to inadequate community consultation.

### 3. Conclusion

Indonesia’s land governance remains mired in complexity, marked by overlapping claims, competing interests, and systemic inequities exacerbated by the Cipta Kerja Omnibus Law (2020). While the state retains authority to allocate land for “national development,” this power—codified in Article 87 of the Omnibus Law—often prioritizes investor access over indigenous rights, as seen in the Wadas Village and Kendeng Mountain conflicts. The Basic Agrarian Law (BAL/UUPA 1960), designed to uphold social justice and recognize hak ulayat (customary rights), has been rendered toothless by the Omnibus Law’s deregulatory framework, which streamlines permits for extractive industries while truncating community consultation. This legal dissonance entrenches neo-capitalist paradigms, echoing Nurjaya’s critique of state authority deviations rooted in 1960s investment laws (PMA/PMDN).

To reconcile these tensions, Indonesia must recalibrate its land policies to align constitutional mandates for equity with the realities of globalized investment. The following reforms, grounded in BAL’s foundational principles, offer a roadmap to mitigate the Omnibus Law’s adverse impacts:

- 1) **Establish a “One Roof” Land Governance Agency:** Centralize policy coordination among ministries (e.g., Environment, Agrarian Affairs) and regional governments to resolve regulatory overlaps. This body should integrate FPIC (Free, Prior, and Informed Consent) protocols into permit issuance, countering the Omnibus Law’s centralized, investor-friendly permit system. By mandating indigenous participation in land-use decisions, this reform would operationalize BAL’s Article 3 on customary rights while complying with ILO Convention 169.
- 2) **Amend the Omnibus Law to Enshrine Customary Land Protections:** Revise Article 87 to include the clause: “The State recognizes and protects citizen-managed customary lands. Any transfer or exploitation requires state approval and consent from indigenous managers.” This would legally subordinate “national strategic projects” to communal rights, preventing land grabs under the guise of public interest.
- 3) **Decentralize Land Conflict Resolution:** Empower regional courts and adat institutions to adjudicate disputes, countering the Omnibus Law’s Jakarta-centric governance. Drawing on the 2016 Supreme Court ruling against PT Semen Indonesia, this approach would honor BAL’s agrarian reform mandate (Article 7) and Law No. 32/2004 on regional autonomy.
- 4) **Harmonize Sectoral Laws with BAL’s Social Function:** Subordinate conflicting regulations (e.g., Mining Law, Forestry Law) to BAL’s Article 6, ensuring land use prioritizes public welfare over corporate profit. For instance, environmental impact assessments (AMDAL) under the Omnibus Law should require indigenous

oversight, aligning with human rights safeguards in Law No. 39/1999.

The Omnibus Law's growth-at-all-costs model risks perpetuating colonial-era extractivism unless structural reforms recenter BAL's vision of *masyarakat adil dan makmur* (a just and prosperous society). By embedding FPIC, decentralizing authority, and legally prioritizing indigenous sovereignty, Indonesia can transform the Omnibus Law from a tool of deregulation into a framework for inclusive growth. As Achmad Sodiki (2000) asserts, agrarian law must evolve as both a shield for the marginalized and a bridge to sustainable development—a balance achievable only through unwavering commitment to constitutional justice.

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