

## The Existence of Customary Law in the Protection of Customary Land Rights of Indigenous Peoples in Indonesia

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Entered : December 01, 2025

Accepted: January 15, 2026

Revised : December 25, 2025

Published : January 27, 2026

### ABSTRACT

*Customary law is a legal system that lives and develops in Indonesian society and has an important role in the regulation and protection of customary land rights of indigenous peoples. The recognition of the existence of customary law communities and their traditional rights has been constitutionally affirmed through Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia. However, this recognition has not been fully implemented effectively in the national legal system, especially in the field of land. This study aims to analyze the existence of customary law in the protection of customary land rights of indigenous peoples and assess the consistency of its regulation in laws and regulations, especially Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles. The research method used is normative juridical with a legislative approach and a conceptual approach. The results of the study show that the recognition of customary rights in the UUPA is still conditional and tends to be subordinate to the concept of the right to control by the state. This condition creates legal uncertainty and weakens the protection of indigenous peoples' rights over their territory. In addition, the lack of harmonization of various sectoral regulations further increases the potential for agrarian conflicts. Therefore, it is necessary to strengthen regulations and harmonize laws that place customary law as an integral part of the national legal system in order to realize the protection of customary land rights that are just.*

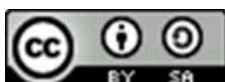
**Keywords:** Customary Law; Right; Indigenous Peoples

### INTRODUCTION

The existence of customary law as one of the living legal systems in Indonesia is a consequence of the social reality of a pluralistic society and is rooted in the long history of nation formation. The national legal system cannot be separated from the influence of local values that have long governed people's lives before the advent of state law. Customary law grows and develops as a social norm that is binding and obeyed by indigenous communities based on collective agreement and hereditary customs. Its occurrence does not depend solely on the legitimacy of the state, but on the strong social legitimacy within the indigenous communities themselves. Constitutional recognition of customary law communities shows that the state normatively recognizes the existence of customary law as part of the national legal system.<sup>1</sup> However, the recognition is still conditional and has not been fully realized in a consistent legal policy. This condition puts customary law in a vulnerable position when dealing with state and market interests.

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<sup>1</sup> Rumiarta, I. N. P. B., Buana, N. P., Astariyani, N. L. G., & Indradewi, A. A. S. N. (2022). Human Rights of Indigenous People in Indonesia: A Constitutional Approach. *JE Asia & Int'l L.*, 15, 395.



As national development oriented towards economic growth develops, the customary law position increasingly faces complex challenges. Land policy and natural resource management are often drafted with a legal-formal approach that prioritizes positive written laws. This approach tends to ignore customary-based land tenure systems that are communal in nature and are not always administratively documented. As a result, the traditional rights of indigenous peoples are often seen as lacking the legal force equivalent to land rights formally recognized by the state. This inequality shows that there is a distance between the laws that live in society and the laws applied by the state apparatus.<sup>2</sup> When customary law is not used as the main reference, the potential for marginalization of indigenous peoples becomes even greater.<sup>3</sup> This situation raises fundamental questions about the extent to which the existence of customary law is truly respected in the practice of national law.

Customary land has a central position in the social structure of indigenous peoples because it serves as the basis of collective life. Indigenous peoples' relationship with land is not only economic, but also reflects deep historical, spiritual, and cultural ties.<sup>4</sup> Customary land is a living space that supports the sustainability of customs, customs, and the identity of indigenous communities from generation to generation. The management of customary lands is carried out based on the principle of togetherness and collective responsibility, not individual ownership as known in modern civil law. These values form a distinctive land tenure system and are different from the concept of absolute property. When customary lands lose adequate legal protection, the sustainability of the social life of indigenous peoples is threatened. Therefore, the protection of customary lands has broad implications for the preservation of indigenous peoples themselves.

Changes in agrarian policies and the expansion of the industrial sector have increased the pressure on the existence of customary land in various regions of Indonesia. The granting of plantation, mining, and forestry business licenses is often carried out on customary territories without adequate approval from local communities. This condition triggers various agrarian conflicts that are prolonged and difficult to resolve. Indigenous peoples are often in a weak position because they do not have formal evidence of their customary rights. When conflicts occur, positive law is more often used as a basis for settlement than customary law that is alive and recognized by the community.<sup>5</sup> This imbalance reflects the weak integration of customary law in law enforcement mechanisms. The impact of the conflict is not only in the form of land loss, but also the destruction of the social order of indigenous peoples.<sup>6</sup>

Continuing from the issue of agrarian conflict, it appears that the main problem lies in the lack of clarity in the legal recognition of customary rights. Various laws and regulations do contain clauses for the recognition of customary law communities, but the regulations are scattered and sectoral. The absence of a comprehensive legal framework causes the protection of customary rights to run ineffectively. The process of recognizing indigenous peoples often depends on local government policies that have different

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<sup>2</sup> Maswatu, I., Santosa, T. A., Ghoni, A., Dewi, M. N. K., Kadir, T., & Hartawati, A. (2025). Legal Protection of Indigenous Land Rights: A Study of Customary Law Integration in National Legal. *RIGGS: Journal of Artificial Intelligence and Digital Business*, 4(3), 1789-1794.

<sup>3</sup> Lubis, A., Kaban, M., & Ikhsan, E. (2024). The Development of Recognition and Protection of the Customary Rights of Indigenous Peoples in Indonesia. *KnE Social Sciences*, 209-224.

<sup>4</sup> Sulasno, I. Z., & Eprilia, F. F. (2022). Menakar Eksistensi dan Perlindungan Hukum Terhadap Sengketa Hak Atas Tanah Masyarakat Hukum Adat Berdasarkan Hukum Positif Indonesia: (Studi Kasus Perkebunan Sawit di Kalimantan Selatan). *Jurnal Hukum Lex Generalis*, 3(3), 180-198.

<sup>5</sup> Herawati, T., Therik, D. F., Nailufar, F., & Bustani, S. (2023). Eksistensi perlindungan hak ulayat masyarakat hukum adat bali di era globalisasi. *Binamulia Hukum*, 12(1), 121-129.

<sup>6</sup> Pradhani, S. I. (2018). Traditional rights of indigenous people in Indonesia: legal recognition and court interpretation. *Jambe Law Journal*, 1(2), 177-205.

capacities and interests. This situation creates legal uncertainty for indigenous peoples in defending their territories. When legal certainty is not met, indigenous peoples find it difficult to obtain fair protection. This condition shows that there is an urgent need to reorganize legal policies related to customary rights.

In addition to the regulatory aspect, the implementation of legal protection of customary land rights also faces various practical obstacles. Law enforcement officials do not always have an adequate understanding of the characteristics of customary law and communal land tenure systems. The insynchronization between central and regional policies also complicates the implementation of the protection of customary rights in the field. In many cases, customary law is only used as a secondary consideration without a strong binding force. This weakens the bargaining position of indigenous peoples in dealing with land disputes. When customary law is not internalized in legal practice, its existence is only symbolic. This situation further confirms the existence of a gap between normative recognition and empirical reality. Therefore, evaluation of the effectiveness of customary law implementation is very important.

The need to strengthen the existence of customary law cannot be separated from the principles of social justice and respect for human rights. Indigenous peoples have internationally recognized collective rights, including rights to land and natural resources. Neglect of these rights has the potential to violate the principles of justice and equality before the law. The state has an obligation to ensure that development does not come at the expense of vulnerable groups of people. Strengthening customary law can be an important instrument in realizing equitable protection. The integration of customary law into the national legal system also reflects respect for legal pluralism.<sup>7</sup> Thus, the existence of customary law has strategic relevance in the development of Indonesian law.

Based on these various problems, studies on the existence of customary law in the protection of customary land rights are very significant to be carried out. An in-depth analysis is needed to assess the extent to which customary law serves as an effective instrument of protection. This study can also uncover structural barriers that hinder the recognition and enforcement of customary rights. In addition, this kind of research contributes to formulating legal policy recommendations that are more responsive to the needs of indigenous peoples. The scientific approach allows an objective assessment of the relationship between customary law and state law. The results of the study are expected to strengthen the position of indigenous peoples in the national legal system. Thus, the existence of customary law is not only recognized normatively, but also protected in real terms.

## METHODS

This research uses a type of normative legal research or normative juridical that focuses on the study of legal norms that govern the recognition and protection of customary land rights of indigenous peoples in Indonesia. This approach was chosen because the problems studied are directly related to the position of customary law in the national legal system and the consistency of its regulation in laws and regulations. The study was conducted on the constitutional provisions of Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia which affirms the state's recognition of the unity of customary law communities and their traditional rights. These constitutional provisions are analyzed as basic norms that become the basis for the formation of legal policies in the land sector. Furthermore, this study examines the implementation of constitutional norms in various laws and regulations, especially Law Number 5 of 1960

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<sup>7</sup> Jannah, W., Salim, M. N., & Mujiburohman, D. A. (2022). Eksistensi Masyarakat Hukum Adat dan Dinamika Tanah Ulayat di Manggarai Timur. *Jurnal Ilmu Sosial Dan Humaniora*, 11(2), 213-232.

concerning Basic Regulations on Agrarian Principles. The UUPA is positioned as the main legal instrument that regulates the legal relationship between indigenous peoples and customary lands within the national legal framework. Through this approach, the research seeks to assess the conformity between constitutional norms and regulations at the legislative level.

The research approaches used include legislative approaches and conceptual approaches. The legislative approach is carried out by systematically reviewing various regulations related to the recognition of customary law and customary rights, including the UUPA and its implementing regulations. The analysis was carried out to see how the concept of customary rights is accommodated in positive law as well as the limits of its recognition by the state. The conceptual approach is used to examine the concepts of customary law, customary rights, and legal pluralism as developed in the doctrine and thinking of legal scholars. This approach helps to explain the difference in character between communal customary law and national land law that tends to be individualistic. By combining these two approaches, the research obtained a comprehensive analytical framework. This framework allows for a more in-depth assessment of the existence of customary law in the national legal system. The results of the analysis are expected to be able to describe the position of customary law normatively and conceptually.

The sources of legal materials used in this study consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, especially Article 18B paragraph (2), Law Number 5 of 1960 concerning the Basic Regulations of Agrarian Principles, and other laws and regulations relevant to the recognition of customary rights. Secondary legal materials include legal literature, textbooks, scientific journals, research results, and opinions of experts in customary law and agrarian law. Tertiary legal materials are used to support the understanding of legal concepts and terminology, such as legal dictionaries and legal encyclopedias. The use of this layered legal material aims to strengthen the basis of normative analysis. Each legal material is critically analyzed to find relationships and consistency between norms. Thus, the results of the research have a strong academic basis.

The technique of collecting legal materials is carried out through literature studies by tracing various relevant legal sources. The legal materials that have been collected are then analyzed using normative qualitative analysis techniques. The analysis is carried out by interpreting legal norms systematically and logically in order to find their legal meaning and implications for the protection of customary land rights. Article 18B paragraph (2) of the 1945 Constitution is analyzed as a constitutional recognition norm, while the UUPA is analyzed as a concrete form of implementation of these norms in the field of land. A comparison between constitutional norms and legal norms is carried out to assess the consistency and effectiveness of their regulation. The results of the analysis were then compiled in a descriptive-analytical manner to answer the research problem. Through this method, the research is expected to be able to provide a complete picture of the existence of customary law in the protection of customary land rights of indigenous peoples in Indonesia.

## **RESULTS AND DISCUSSION**

### **The Position of Customary Law and Customary Land Rights in the National Legal System**

Customary law is a system of norms that was born and developed along with the dynamics of indigenous peoples' lives in Indonesia. Its existence reflects local values that are lived and adhered to collectively by indigenous communities. Before the formation of

the modern state, customary law had regulated social relations, including the control and use of land. Land is not seen as an individual commodity, but rather as a source of shared life inherent in indigenous communities. This pattern of domination forms the concept of customary rights as communal rights that are hereditary. This character distinguishes customary rights from material rights in the Western civil law system. Therefore, customary law has a strong historical position in land regulation. This position demands proportionate recognition in the national legal system.<sup>8</sup>

Recognition of customary law obtains constitutional legitimacy through Article 18B paragraph (2) of the 1945 Constitution. This provision affirms the state's recognition of the unity of customary law communities and their traditional rights. The formulation of the norm shows that customary law is recognized as a legitimate legal entity. The recognition is conditional, that is, as long as it is alive and in accordance with the principle of a unitary state. These conditions have juridical consequences for the position of customary law in practice. The state has the authority to determine the parameters of the existence of indigenous peoples. This authority often puts customary law in a position that is not equal to state law. As a result, constitutional recognition has not always been directly proportional to effective protections.<sup>9</sup>

Indonesia's national legal system adheres to the principle of legal pluralism that recognizes the diversity of the legal system. This principle allows customary law and state law to coexist. However, legal pluralism has not been fully internalized in land law policy. Written positive laws are often used as the main instrument in solving agrarian problems. Meanwhile, customary law is more often positioned as a complementary law. This pattern causes subordination to the customary norms that live in the community. When conflicts occur, state laws tend to take precedence. This situation affects the effectiveness of the protection of customary rights. Therefore, the position of customary law still needs normative strengthening.

Customary land rights are a concrete manifestation of the applicability of customary law in the land sector. These rights reflect the collective legal relationship between indigenous peoples and their territories. These relationships cannot be separated from the social, cultural, and spiritual dimensions. The customary land tenure system is communal and cannot be separated individually.<sup>10</sup> Customary land is also the basis for the sustainability of indigenous peoples' lives. The loss of customary land means the loss of the living space of indigenous communities. Therefore, the protection of customary rights has a strategic meaning. Without adequate legal protection, the existence of indigenous peoples is under threat.

The UUPA recognizes the existence of customary rights as part of the national land law system. This recognition is reflected in the provision that states that the implementation of customary rights as long as they still exist must be respected.<sup>11</sup> The formulation of the norm indicates the existence of conditional recognition. The state remains in control through the concept of the right to control by the state. The concept places the state as the party with the highest authority over land. The relationship

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<sup>8</sup> Maryana, R., & Basir, A. (2025). THE EFFECTIVENESS OF THE APPLICATION OF CUSTOMARY LAW IN RESOLVING COMMUNAL LAND RIGHTS CONFLICTS. *JILPR Journal Indonesia Law and Policy Review*, 7(1), 231-239.

<sup>9</sup> Umami, A. M., & Alqindy, F. H. (2025). Regulation of Customary Law Communities' Ulayat Rights in Indonesia. *JIHAD: Jurnal Ilmu Hukum dan Administrasi*, 5(1), 90-105.

<sup>10</sup> Iswari, F., Handayani, I. G. A. K. R., & Karjoko, L. (2024, February). Ulayat Land Disputes in Minangkabau Customary Law Community: Customary Courts As An Alternative. In *International Conference On Law, Economic & Good Governance (IC-LAW 2023)* (pp. 101-108). Atlantis Press.

<sup>11</sup> Lakuteru, V. A. (2025). KEDUDUKAN HUKUM TANAH ULAYAT DALAM SISTEM HUKUM AGRARIA DAN HUKUM ADAT DI INDONESIA. *Kertha Semaya: Journal Ilmu Hukum*, 13(11), 2590-2606.

between the right to dominate by the state and customary rights often creates normative tensions.<sup>12</sup> These tensions have an effect on the legal certainty of indigenous peoples. The position of customary rights becomes vulnerable when dealing with national interests. This shows the limitations of normative recognition of customary law.

The position of customary law in the national legal system is still in the process of finding a balance. Normative recognition has not been fully followed by institutional strengthening. The mechanism for recognizing indigenous peoples does not yet have uniform standards. This inconsistency has an impact on the protection of customary rights in various regions. Indigenous peoples often face difficulties in proving their existence legally. This condition shows that there is a gap between norms and practices. Strengthening the position of customary law requires consistency in legal policies. Without this consistency, customary law will continue to be in a weak position.

### **Implementation of Recognition of Customary Land Rights in UUPA and Related Laws and Regulations**

The UUPA is the main foundation of national land law which aims to create agrarian justice. This law seeks to accommodate customary values within the framework of national law. Recognition of customary rights is one form of accommodation. The UUPA states that customary rights are recognized as long as they still exist and their implementation is in the national interest. This provision affirms the state's position as the main controller of land tenure. The conditional recognition has implications for the protection of customary rights. Customary rights are not positioned as absolute rights. As a result, the space for legal protection has become limited.

The implementation of the recognition of customary rights in practice shows various normative problems. The implementing regulations of the UUPA have not provided a clear mechanism related to the recognition of customary territories. The process of identifying and determining indigenous peoples often depends on local government policies.<sup>13</sup> This dependence creates differences in treatment between regions. Indigenous peoples who have not been administratively recognized lose access to legal protection. This situation shows the weakness of operational legal instruments. This dependence creates differences in treatment between regions. Indigenous peoples who have not been administratively recognized lose access to legal protection. This situation shows the weakness of operational legal instruments.<sup>14</sup> The norm of recognition does not have a strong coercive force. This has an impact on legal uncertainty. The implementation of positive laws has not fully reflected the spirit of constitutional recognition.

Various sectoral laws also affect the implementation of customary rights. Laws in the fields of forestry, plantations, and mining often have a state control orientation. This orientation has the potential to be contrary to the principle of protecting the rights of indigenous peoples. The granting of business licenses is often carried out on customary territories, the absence of recognition of customary rights in the licensing process triggers agrarian conflicts.<sup>15</sup> The conflict shows that the weak coordination between

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<sup>12</sup> Lubis, I., Siregar, T., Lubis, D. I. S., Adawiyah, R., & Lubis, A. H. (2025). Integrasi hukum adat dalam sistem hukum agraria nasional: Tantangan dan solusi dalam pengakuan hak ulayat. *Tunas Agraria*, 8(2), 143-158.

<sup>13</sup> Setya, K. W., Nasihuddin, A. A., & Wook, I. (2023). Fulfilling Communal Rights through the Implementation of the Second Principle of Pancasila towards the Regulation on Agrarian Reform. *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi*, 6(1).

<sup>14</sup> Judijanto, L. (2025). Agrarian Conflict and Customary Land Rights: An Adat Law Perspective on Land Dispute Resolution. *Journal of Adat Recht*, 1(6), 39-48.

<sup>15</sup> Reyvorizantha, R., & Hasan, Z. (2026). IMPLEMENTASI HAK ULAYAT TERHADAP PENGATURAN TANAH ADAT KAMPUNG AJI TUHA BERDASARKAN UNDANG-UNDANG NO 5

regulations and the harmonization of laws and regulations has not been running optimally.<sup>16</sup> Customary rights are often marginalized by economic interests. This situation confirms the existence of structural problems in the implementation of the law.

The right to control by the state is a central concept in national land law. This concept gives the state broad authority to regulate land control and use. Such authority is often interpreted extensively. Broad interpretation has the potential to reduce the space for the recognition of customary rights. The state is positioned as the main decision-maker without involving indigenous peoples. This pattern is contrary to the spirit of traditional rights protection. Customary rights are subordinate to state policies. The tension between the concept of the state and customs continues to recur. This shows the need for a more proportionate interpretation.

The weakness in the implementation of the recognition of customary rights is also seen in the aspect of law enforcement. Law enforcement officials tend to use written laws as the main reference. Customary law is rarely used as a basis for binding considerations. As a result, indigenous peoples often lose land disputes. Inequality in access to justice further worsens the position of indigenous peoples. Legal protection has become formalistic. The values of substantive justice receive less attention. This situation creates distrust of the legal system. The implementation of positive laws has not provided a sense of justice.

Evaluation of the implementation of the UUPA shows the need for a reformulation of legal policy. Normative recognition must be followed by concrete protection mechanisms. Regulations need to provide legal certainty for customary rights. Harmonization between sectoral regulations is an urgent need. The state needs to place indigenous peoples as equal subjects of law. Without policy reform, agrarian conflicts will continue. The protection of customary rights requires a consistent legal commitment. The implementation of the law must reflect social justice.

### **Normative Implications and Challenges for the Protection of Indigenous Peoples' Customary Land Rights**

The weak protection of customary land rights has significant normative implications. Indigenous peoples face legal uncertainty in defending their territories. This uncertainty has an impact on the sustainability of social and cultural life. Customary land that is not protected has the potential to be transferred to other parties. This process often takes place without the consent of indigenous peoples. Power inequality worsens the bargaining position of indigenous communities. Collective rights become easily neglected. This implication indicates a failure of legal protection.<sup>17</sup>

The main challenge in the protection of customary rights lies in administrative recognition. The process of recognizing indigenous peoples is often bureaucratic and lengthy. Many indigenous communities are unable to meet formal requirements. These provisions are not always in line with the character of customary law. As a result, many indigenous peoples are not officially registered. This unrecorded has implications for the

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TAHUN 1960 TENTANG UNDANG-UNDANG POKOK AGRARIA. *Jurnal Multidisiplin Ilmu Akademik*, 3(1), 316-323.

<sup>16</sup> Mardhiya, R. (2024). Hak Ulayat Masyarakat Hukum Adat Dalam Implementasi Pembangunan Hukum Nasional di Indonesia. *Jurnal Hukum Lex Generalis*, 5(9).

<sup>17</sup> Basalamah, A. B. R., & Handayani, S. W. (2025). Tanah Ulayat dan Pembangunan Ibu Kota Negara (IKN) Baru: Harmonisasi Regulasi dan Perlindungan Hak Masyarakat Adat. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 3(5), 7147-7154.

loss of legal protection. The state tends to only protect registered legal subjects. This condition creates legal exclusion. Protection of customary rights becomes uneven.<sup>18</sup>

Another implication can be seen in the increase in structural agrarian conflicts. The imbalance between state law and customary law magnifies the potential for conflict. These conflicts often involve state officials and corporations. Indigenous peoples are at the most disadvantaged. The conflict resolution process is not always on the side of substantive justice. Customary law is rarely accommodated as a basis for settlement. Legal decisions are more in favor of economic interests. This situation reinforces the marginalization of indigenous peoples. The challenges of protection are becoming more complex.

The protection of customary rights is also closely related to human rights principles. Land rights are part of economic, social, and cultural rights. Neglect of customary rights has the potential to violate the principles of social justice. The state has an obligation to protect vulnerable groups. Indigenous peoples are groups that require special protection. When the state fails to protect the right of custom, then the constitutional responsibility is not fulfilled.<sup>19</sup> Legal protection must be inclusive. Formal recognition alone is not enough. Affirmative action is needed.

Normative challenges also arise from the national development paradigm. Development is often understood as the exploitation of natural resources. This paradigm ignores social and cultural sustainability. Customary land is seen as a mere economic object. This view is contrary to the value of customary law. Development that is not sensitive to customs magnifies conflicts. Indigenous peoples have lost their living space. Legal protection has become weak in the face of investment interests. The legal paradigm needs to be directed towards sustainable development.

Strengthening the protection of customary rights requires comprehensive legal reform. Harmonization between customary law and state law must be a priority. The state needs to place customary law as a living source of law. The recognition mechanism should be simplified and clarified. Law enforcement needs to accommodate the values of customary justice. The protection of customary rights is not only normative, but also operational. Thus, indigenous peoples obtain legal certainty. The existence of customary law can be maintained in real terms.

## CONCLUSIONS

The conclusion of this study shows that customary law has an important historical and normative position in the Indonesian national legal system, especially in the regulation and protection of customary land rights of indigenous peoples. Constitutional recognition through Article 18B paragraph (2) of the 1945 Constitution provides a strong legal basis for the existence of customary law communities and their traditional rights. However, the recognition is still conditional and has not been fully realized in a consistent legal policy. The implementation of the recognition of customary rights through the UUPA shows that there are normative limitations because customary rights are placed under the dominance of the concept of the right to control by the state. This condition has implications for weak legal certainty for indigenous peoples in defending their customary territories. Various sectoral laws and regulations have also not been fully harmonized with the principle of protection of customary rights. As a result, agrarian conflicts

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<sup>18</sup> Putri, A. M., Iqbal, M. G., Viqria, A. A., & Zatadini, N. (2025). Sengketa Agraria di Era Investasi Asing: Tantangan Perlindungan Hak Masyarakat Adat. *Jurnal Hukum Legalita*, 7(1), 202-209.

<sup>19</sup> Armies, J., Verauli, A., & Baiquni, M. I. (2022). Urgensi perlindungan hak kepemilikan atas tanah masyarakat adat di wilayah Ibu Kota Negara Nusantara. *Recht Studiosum Law Review*, 1(2), 14-27.



involving indigenous peoples continue to occur and are difficult to resolve fairly. The weak administrative recognition mechanism further worsens the bargaining position of indigenous peoples before state law. The protection of customary land rights is not only related to land aspects, but also concerns the social, cultural, and identity sustainability of indigenous peoples. The state has a constitutional obligation to ensure that development does not sacrifice the traditional rights of indigenous peoples. Therefore, it is necessary to strengthen regulations and harmonize laws that place customary law as an integral part of the national legal system. These efforts are expected to be able to realize the protection of customary land rights that are just and sustainable.

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