

Juridical Study of Forest Area Conversion into Agricultural Land in Tamt Village

Kajian Yuridis Perubahan Fungsi Kawasan Hutan Menjadi Lahan Pertanian di Desa Tamit

Handipan H. Ali¹, Dolot Alhasni Bakung², Fitran Amrain³

¹⁻³Faculty of Law, Gorontalo State University, Indonesia

Article Info

Corresponding Author:

Handipan H. Ali

✉ mohdhypanaliipan@gmail.com

History:

Submitted: 29-04-2026

Revised: 29-05-2026

Accepted: 30-05-2026

Keyword:

Tenure Security; Spatial Deregulation;
Agrarian Justice; Constitutive Certification.

Kata Kunci:

Keamanan Tenurial; Deregulasi Spasial;
Keadilan Agraria; Sertifikasi Konstitutif.

Abstract

The systemic conversion of state forest areas into agricultural land consistently creates a severe normative tension between strict ecological conservation mandates and communal agrarian tenure rights. This research aimed to critically analyze the juridical implications of spatial redesignation utilizing a qualitative socio-legal methodology. The study found that the administrative reclassification of restricted forests into cultivable zones merely decriminalizes rural subsistence activities but remains fundamentally insufficient to guarantee absolute property rights. The central thesis asserts that mere administrative spatial legitimacy must be systematically integrated with formal land certification to definitively prevent horizontal agrarian disputes. Consequently, the execution of systematic land registration successfully transformed highly vulnerable, de facto traditional possession into absolute, de jure ownership. Ultimately, this article offers a prescriptive global model for transitional agrarian justice, proving that harmonizing spatial deregulation policies with constitutive property certification mechanisms is the fundamental prerequisite for ensuring sustainable tenure security across diverse international legal jurisdictions.

Abstrak

Konversi sistemik kawasan hutan negara menjadi lahan pertanian secara konsisten menciptakan ketegangan norma yang tajam antara mandat konservasi ekologis dan hak tenurial agraria komunal. Penelitian ini bertujuan untuk secara kritis menganalisis implikasi yuridis dari penetapan ulang tata ruang menggunakan metodologi sosio-legal kualitatif. Secara empiris, studi ini menemukan bahwa reklasifikasi administratif dari hutan terlarang menjadi zona budidaya hanya mendekriminalisasi aktivitas subsisten pedesaan namun tetap tidak cukup untuk menjamin hak kepemilikan absolut. Tesis sentral menegaskan bahwa legitimasi administratif semata wajib diintegrasikan secara sistematis dengan sertifikasi tanah formal guna mencegah berbagai sengketa agraria horizontal secara definitif. Akibatnya, eksekusi pendaftaran tanah sistematis berhasil mentransformasikan penguasaan tradisional de facto yang sangat rentan menjadi hak kepemilikan de jure absolut. Pada akhirnya, artikel ini menawarkan model preskriptif global bagi keadilan agraria transisional, membuktikan bahwa harmonisasi kebijakan deregulasi spasial dengan mekanisme sertifikasi properti konstitutif adalah prasyarat fundamental demi memastikan keamanan tenurial yang berkelanjutan melintasi berbagai yurisdiksi hukum internasional.



Copyright: © 2026 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC BY SA).

 <https://doi.org/10.65101/lawric.v2i1.321>

A. INTRODUCTION

1. Background

The conversion of forest areas into agricultural land systematically triggers a severe clash of norms within Indonesia's legal system, specifically establishing a profound dichotomy between the imperative of forestry conservation and the pressing demand for communal agrarian rights.¹ From a constitutional jurisprudence perspective, Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia mandates the state to exercise supreme control over natural resources to ensure public welfare. However, the operationalization of this mandate often generates statutory friction in rural landscapes. A critical legal tension emerges between the rigid spatial enforcement dictated by Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction (Law P3H) and the agrarian realities of communities whose subsistence inherently relies on cultivating these restricted domains.² Law P3H explicitly criminalizes any land use transformation—such as agricultural cultivation or settlement establishment—without prior formal Forest Area Use Approval (PPKH). Consequently, the absence of zoning synchronization and constitutive land rights places vast segments of the agrarian population in a zone of massive legal vulnerability, transforming their vital subsistence activities into unlawful acts under the state's positive law.

This legal friction is prominently manifested in the empirical reality of Tamit Village, Bunobogu District, where local communities have long exercised *de facto* control over former forestry lands. Historically, the practice of land tenure in this region has been conducted organically without adhering to standard land administration procedures or spatial redesignation protocols. The community predominantly relies on rudimentary administrative documents, such as village-issued letters or traditional sale receipts, which intrinsically lack formal evidentiary power in the realm of property law. This phenomenon fundamentally contradicts the principles of absolute legal certainty and legal protection mandated by the Basic Agrarian Law (Law Number 5 of 1960). Prior to the issuance of the Ministry of Environment and Forestry's Decree (SK 6624/MENLHK-PKTL/KUH/PLA.2/10/2021) that reclassified the Tamit Village area into an Other Use

¹ Yance Arizona and Umi Illiyina, "The Constitutional Court and Forest Tenure Conflicts in Indonesia," *Constitutional Review* 10, no. 1 (May 31, 2024): 103, <https://doi.org/10.31078/consrev1014>.

² Muhammad Risky Surya Pratama, Arum Ayu Lestari, and Rimas Intan Katari, "Pemenuhan Hak Bagi Masyarakat Adat Oleh Negara Di Bidang Hutan Adat," *Jurnal Hukum Ius Quia Iustum* 29, no. 1 (January 1, 2022): 189–210, <https://doi.org/10.20885/iustum.vol29.iss1.art9>.

Area (APL), authorities were strictly prohibited from issuing land certificates within the zone. This strict prohibition perpetuated an enduring disharmony between factual land occupation and juridical legality, continuously exposing the community to the persistent threat of eviction and administrative sanctions.

A robust body of global academic literature has extensively examined the phenomenon of forest land conversion; however, these scholarly inquiries have been predominantly channeled through socio-ecological, quantitative spatial modeling, and macro-economic lenses. The first thematic cluster of literature heavily emphasizes the environmental degradation resulting from land-use alteration. For instance, Suni et al. and Putri et al. meticulously highlight how unauthorized conversions in limited production forests drastically deplete ecological carrying capacities, disrupt macro-financial sustainability, and threaten long-term food security.^{3,4} Similarly, Bella and Rahayu frame agricultural encroachment strictly as a socio-ecological anomaly driven by demographic pressures and livelihood necessities.⁵ While these studies successfully map the physical and ecological ramifications of deforestation, their reliance on geospatial statistics and environmental modeling inadvertently sidelines the underlying jurisprudential complexities governing land tenure legalization.

Conversely, a second thematic cluster within the literature attempts to address the human rights and socio-legal dimensions of forest management. Scholars such as Pratama et al. and Napitu et al. have rigorously debated the mechanisms of access and the fulfillment of indigenous and communal rights within state-claimed forest territories.^{6,7} They argue that the state's monopolistic control over forest domains frequently marginalizes traditional communities, advocating for a paradigm shift toward equitable resource distribution. Furthermore, Rosmidah et al. and Arizona & Illiyina critique recent

³ Muhammad Adam Suni et al., "Analisis Dan Pemodelan Spasial Perubahan Tutupan Lahan Di Hutan Produksi Terbatas Kecamatan Kulawi Kabupaten Sigi," *Jurnal Tanah Dan Sumberdaya Lahan* 10, no. 2 (July 1, 2023): 273–84, <https://doi.org/10.21776/ub.jtsl.2023.010.2.11>.

⁴ Indriana Diani Putri, Rochmat Martanto, and Rohmat Junarto, "Pengaruh Alih Fungsi Lahan Terhadap Ketahanan Pangan, Lingkungan, Dan Keberlanjutan Pertanian Di Kabupaten Sleman," *Widya Bhumi* 4, no. 2 (November 4, 2024): 192–211, <https://doi.org/10.31292/wb.v4i2.108>.

⁵ Husnul Muna Bella and Sri Rahayu, "Alih Fungsi Lahan Hutan Menjadi Lahan Pertanian Di Desa Berawang, Kecamatan Ketol, Kabupaten Aceh Tengah," *Seminar Nasional Peningkatan Mutu Pendidikan* 2, no. 1 (2021): 88–91, <http://publikasi.fkip-unsam.org/index.php/semnas2019/article/view/171>.

⁶ Ja Posman Napitu et al., "Mekanisme Akses Pada Hak Kepemilikan Di Kesatuan Pengelolaan Hutan Produksi Meranti, Sumatera Selatan," *Jurnal Penelitian Sosial Dan Ekonomi Kehutanan* 14, no. 2 (August 31, 2017): 101–18, <https://doi.org/10.20886/jpsek.2017.14.2.101-118>.

⁷ Risky Surya Pratama, Ayu Lestari, and Intan Katari, "Pemenuhan Hak Bagi Masyarakat Adat Oleh Negara Di Bidang Hutan Adat."

legislative overhauls, asserting that deregulatory frameworks often prioritize large-scale commercial investments over the protection of micro-level communal land rights.^{8,9} Despite their critical insights into agrarian justice, these legal studies predominantly focus on the initial phases of land disputes or the macro-level critique of statutory laws.

Consequently, a critical methodological and thematic gap (*state of the art gap*) remains conspicuously unaddressed: the existing literature fails to provide a comprehensive, non-statistical, empirical legal analysis of the transitional phase that occurs *after* the state officially alters the spatial jurisdiction of a forest area. Previous research has not adequately dissected the legal vacuum where an administrative redesignation—such as the transition from a restricted forest area to an Other Use Area (APL)—has occurred but has not yet been translated into the issuance of constitutive agrarian certificates. Resolving this discrepancy requires a purely qualitative, socio-legal framework that investigates the intersection between forestry deregulation and agrarian administrative practices without relying on quantitative data or statistical variables, thereby capturing the authentic normative dynamics at the grassroots level.

Therefore, this article offers a distinct legal novelty by explicitly bridging the structural gap between spatial planning policies and the micro-administration of land rights. By taking the legal redesignation of Tamit Village through SK 6624/MENLHK-PKTL/KUH/PLA.2/10/2021 as its primary analytical locus, this study evaluates how administrative legitimization interacts with the systematic legalization of assets. This manuscript asserts a central legal thesis (*thesis statement*): the mere administrative redesignation of a forest area into an Other Use Area (APL) is legally insufficient to guarantee tenure security for local communities. To establish absolute legal certainty and effectively mitigate future agrarian conflicts, factual communal land possession must be categorically transformed into pure juridical (*de jure*) rights through systematic state intervention, specifically the Complete Systematic Land Registration (PTSL) program. Ultimately, this article aims to prove that synergizing forestry jurisdiction transitions with formal land certification is the absolute prerequisite for manifesting substantive justice and holistic legal protection in transitional rural landscapes.

⁸ Rosmidah Rosmidah et al., "Reconstructing Land Acquisition Law for Indonesia's National Strategic Projects," *Jurnal IUS Kajian Hukum Dan Keadilan* 14, no. 2 (August 18, 2026): 376–99, <https://jurnalius.ac.id/ojs/index.php/jurnalIUS/article/view/1952>.

⁹ Arizona and Illiyina, "The Constitutional Court and Forest Tenure Conflicts in Indonesia."

2. Research Questions

The administrative reclassification of forest areas into Other Use Areas (*Area Penggunaan Lain/APL*) in Tamit Village precipitates significant juridical consequences regarding the legality of agricultural land utilization and the tenure security of local communities. This transitional paradigm necessitates a rigorous empirical legal analysis of the intersection between spatial redesignation, *de facto* communal land occupation, and the harmonized application of forestry and agrarian laws. Predicated on these normative and empirical tensions, the central legal question formulated in this study is: How does the administrative transition from state forest zones to Other Use Areas (APL) legally govern the transformation of *de facto* communal land possession into *de jure* property rights, and to what extent does systematic land certification provide absolute legal certainty for the communities in Tamit Village?.

3. Research Methodology

This research exclusively utilized an empirical legal methodology anchored in a socio-legal approach, which was specifically designed to investigate the operationalization of positive law within the sociological reality of rural agrarian structures.¹⁰ In strict alignment with the epistemological framework of this inquiry, the research methodology deliberately eschewed any reliance on statistical data, quantitative demographic variables, or spatial mapping metrics. Instead, the procedure exclusively employed qualitative parameters to unravel the normative friction between forestry conservation regimes and communal land tenure rights. To systematically execute this investigation, the research design integrated four operational pillars, avoiding rigid categorical sub-chapters to ensure a cohesive analytical narrative. First, the study incorporated a statutory and conceptual approach to critically dissect the hierarchy and practical synchronization of the governing regulations operating at both the national and village levels.

Second, the substantive analysis was grounded in specific, authoritative primary and secondary legal materials. The primary legal instruments scrutinized included Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction (Law P3H), Law Number 5 of 1960 on the Basic Agrarian Law, and most crucially, the

¹⁰ Agus Budianto, "Legal Research Methodology Reposition in Research on Social Science," *International Journal of Criminology and Sociology* 9 (April 5, 2022): 1339–46, <https://doi.org/10.6000/1929-4409.2020.09.154>.

Ministry of Environment and Forestry Decree Number SK 6624/MENLHK-PKTL/KUH/PLA.2/10/2021. These core documents, along with relevant village-level administrative letters, were systematically retrieved from the official database of the National Legal Documentation and Information Network (JDIH) and the local village archive.

Third, the field data collection was executed directly in Tamit Village, Bunobogu District, Buol Regency, which was purposively selected as the definitive locus representing the post-redesignation agrarian transition. To gather robust sociological data, the researchers conducted in-depth, semi-structured interviews and non-participant observations. The informant cohort comprised ten purposively selected individuals: one authoritative representative from the Buol District Land Office, one village administrative official, and eight community members practically engaged in the forest-to-agriculture conversion process. To satisfy the standards of pure scientific rigor and ensure reproducibility, strict inclusion and exclusion criteria were enforced. The inclusion criteria were rigidly limited to administrative tenure documents (such as uncertified village sale receipts) and agrarian testimonies that emerged strictly after the formal issuance of the 2021 ministerial decree, particularly focusing on properties subjected to the Complete Systematic Land Registration (PTSL) program. Conversely, the exclusion criteria categorically eliminated any land disputes occurring outside the meticulously delineated boundaries of the Tamit Village Other Use Area (APL), as well as any quantitative land-cover mapping data.

Fourth, to thoroughly process the extensive qualitative data, the study deployed qualitative legal content analysis and systematic interpretation as its primary analytical instruments. The researchers did not merely categorize informant responses; instead, they operationalized the concept of data triangulation by rigorously confronting the raw field testimonies against the statutory texts and empirical observations. This triangulated methodology facilitated a critical evaluation of whether the *de jure* agrarian policies seamlessly aligned with the *de facto* tenure practices on the ground. Furthermore, in absolute compliance with academic research ethics, stringent informant anonymization protocols were enforced during the coding and transcription processes. This ethical safeguard ensured that the disclosure of informal or legally ambiguous land-clearing practices did not compromise the socio-legal security or privacy of the participating community members. Through this comprehensive, non-statistical socio-legal

framework, the research successfully distilled precise, prescriptive legal conclusions regarding the mechanics of tenure legalization and communal legal certainty.

B. DISCUSSION

1. The Legal Status of the Tamit Village Area and the Juridical Basis for the Transformation of the Area's Function

The transformation of forest areas into agricultural land is not merely an administrative shift but a fundamental constitutional imperative to harmonize state territorial control with communal agrarian justice. Rather than citing Gustav Radbruch's triad of legal axiology—justice, certainty, and utility—as a mere theoretical ornament, this analysis directly operationalizes these parameters to dissect the jurisprudential impact of the Ministry of Environment and Forestry Decree (SK 6624/MENLHK-PKTL/KUH/PLA.2/10/2021).¹¹ By officially redesignating the Tamit Village area as an Other Use Area (APL), the decree functions as a prescriptive legal instrument that embodies Rawlsian substantive justice. It strikes a crucial balance by relinquishing the state's rigid forestry jurisdiction to accommodate the equitable distribution of land for local communities who have historically cultivated the area.¹²

Factually, field observations and in-depth interviews reveal that land possession in Tamit Village is deeply rooted in traditional clearing practices dating back to 1962, relying heavily on informal village-issued certificates and traditional inheritance systems.¹³ Prior to the enactment of the ministerial decree, this *de facto* tenure positioned the community in a perilous zone of illegality, exposing them to criminal sanctions under forestry laws. In this context, the localized findings in Tamit Village rigorously engage with and extend the theoretical discourses established in previous global literature. While scholars such as Pratama et al. and Napitu et al. accurately highlight how the state's monopolistic control over forest domains systematically marginalizes traditional communities and restricts access to land rights, the empirical reality in Tamit Village presents a progressive counter-

¹¹ Itok Dwi Kurniawan and Souad Ezzerouali, "Revisiting the Principle of Legal Certainty: A Contemporary Analysis through the Lens of Legal Positivism," *Nusantara: Journal of Law Studies* 3, no. 02 (2024): 137–46, <https://juna.nusantarajournal.com/index.php/juna/article/view/111>.

¹² Theodore M. Lechterman and Johanna Mair, "Social Enterprises as Agents of Social Justice: A Rawlsian Perspective on Institutional Capacity," *Organization Studies* 45, no. 9 (September 23, 2024): 1301–23, <https://doi.org/10.1177/01708406241261435>.

¹³ "Saprudin (Village Secretary of Tamit Village), Interview with the Author, Tamit Village Office, February 9, 2026," 2026.

narrative.^{14,15} The state's affirmative action to issue SK 6624 explicitly confirms their thesis regarding the necessity of equitable resource distribution, demonstrating a tangible legal remedy where administrative rezoning effectively decriminalizes communal agrarian activities and establishes preliminary legal protection.

Table 1. Legal Status of the Region and Juridical Implications

Aspect	Before the Designation as Other Use Area (APL)	After Ministerial Decree No. 6624/MENLHK-PKTL/KUH/PLA.2/10/2021	Juridical Implications
Area Status	Potentially regarded as part of the state forest area.	Officially designated as an Other Use Area (APL).	Agricultural land use obtains a legal basis, provided it remains within the designated APL boundaries.
Form of Land Tenure	De facto land possession based on land clearing history, inheritance, village certificates, or sale receipts.	Land tenure may be legalized through the land administration system.	A transition occurs from factual (de facto) possession to legally recognized (de jure) rights.
Legal Risk	Potentially regarded as unauthorized occupation of forest land without a strong legal basis.	Legal risks are reduced as long as land use complies with APL boundaries and land administration procedures.	Legal certainty is strengthened, although continuous boundary supervision remains necessary.
Institutional Authority	Forestry authorities predominantly exercised jurisdiction because the legal status of the area had not been clearly established.	Land administration authorities become responsible for the land certification process.	Coordination among forestry agencies, land administration authorities, and the village government is required.
Monitoring	Unclear forest boundaries potentially created uncertainty among local communities.	Boundary markers are periodically verified and maintained.	Continuous monitoring prevents the expansion of land use beyond the designated APL boundaries.

However, elevating this local case into a global legal paradigm reveals that administrative legitimacy alone is insufficient to guarantee absolute tenure security. As critically observed by Arizona et al., deregulatory spatial frameworks often fail to protect

¹⁴ Risky Surya Pratama, Ayu Lestari, and Intan Katari, "Pemenuhan Hak Bagi Masyarakat Adat Oleh Negara Di Bidang Hutan Adat."

¹⁵ Napitu et al., "Mekanisme Akses Pada Hak Kepemilikan Di Kesatuan Pengelolaan Hutan Produksi Meranti, Sumatera Selatan."

micro-level land rights if they are not immediately followed by robust, formalized agrarian certification.¹⁶ Applying this critique to Tamit Village, the transformation of the area into an APL strictly satisfies the "utility" and "justice" elements of Radbruch's theory by granting access, but it does not automatically fulfill the threshold of "legal certainty".¹⁷ The village-issued transfer certificates serve merely as preliminary administrative evidence, lacking the constitutive legal force required by the Basic Agrarian Law. Therefore, this analysis argues that the redesignation of forest status must not be viewed as the final legal resolution, but rather as a procedural prerequisite. To prevent future agrarian disputes and fulfill the constitutional mandate of legal certainty, the state must seamlessly integrate this spatial transition with the Complete Systematic Land Registration (PTSL) program, thereby transforming legitimate *de facto* control into absolute *de jure* ownership rights.

2. Legal Certainty in the Process of Issuing Land Title Certificates

The administrative transition of a forest zone into an Other Use Area (APL) merely resolves spatial zoning ambiguities; it does not automatically vest constitutive property rights to the occupying communities. From the perspective of international property law and global tenure security frameworks—heavily influenced by the Torrens system of registration—absolute legal certainty is exclusively achieved when the state formally registers and guarantees the rights of the landholder.¹⁸ Within the Indonesian jurisdiction, this universal human rights principle regarding property protection is firmly codified in Article 19 of Law Number 5 of 1960 on the Basic Agrarian Law (UUPA). The regulation mandates systematic land registration as an imperative state obligation to manifest absolute legal certainty. Consequently, land title certificates do not merely function as administrative artifacts; they are the ultimate juridical instruments required to transform highly precarious, factual (*de facto*) occupation into legitimate, state-recognized (*de jure*) ownership.¹⁹

¹⁶ Arizona and Illiyina, "The Constitutional Court and Forest Tenure Conflicts in Indonesia."

¹⁷ "Abdillah (Forestry Technical Staff), Interview with the Author, UPT KPH Pogogul Office, January 29, 2026," 2026.

¹⁸ Venera Sutaryono et al., "Land Rights and Agrarian Reform in Forest Areas: A Basis for Sustainable Development," *International Journal of Sustainable Development and Planning* 19, no. 1 (January 31, 2024): 237–45, <https://doi.org/10.18280/ijstdp.190122>.

¹⁹ Arif Firmansyah and Lina Jamilah, "The Concept of Good Faith in Complete Systemic Land Registration in Realizing Legal Guarantee," *Administrative and Environmental Law Review* 3, no. 1 (June 29, 2022): 65–74, <https://doi.org/10.25041/aclr.v3i1.2588>.

Empirically, prior to formal certification, unregistered agricultural lands in Tamit Village intrinsically retained the status of state land, leaving the community vulnerable to eviction and agrarian disputes despite holding traditional village receipts. In this context, this study actively engages with and extends the legal discourses established in previous literature. While scholars such as Suni et al. and Putri et al. predominantly frame land conversion strictly as an ecological hazard, this analysis argues that mitigating such hazards is fundamentally impossible without first guaranteeing agrarian tenure security for the local cultivators.^{20,21} Furthermore, this research refines the thesis proposed by Rosmidah et al., who critique state deregulatory frameworks for often neglecting micro-level communal rights.²² By evaluating the implementation of the Complete Systematic Land Registration (PTSL) program in Tamit Village, this study demonstrates that certification acts as a critical emancipatory mechanism. It effectively bridges the legal vacuum identified by previous scholars, offering a robust defense against arbitrary state claims and horizontally mitigating border disputes among citizens.

Table 2. Legal Risks of Land Control Before and After Certification

Risk Aspect	Before Land Certification	After Land Certification through the Complete Systematic Land Registration Program (PTSL)	Legal Significance Protection
Proof of Ownership	Village certificates, sale receipts, or hereditary land possession.	Land ownership certificate.	The land certificate serves as strong legal evidence of ownership.
Transfer of Rights	Vulnerable to legal disputes because transactions do not always comply with land administration procedures.	Transfers of rights can be conducted through formal legal procedures.	Reduces disputes among community members and heirs.
Legal Status of the Owner	The landholder is recognized primarily as a de facto possessor.	The landholder is legally recognized as the registered holder of land rights.	Provides legal certainty and protection of land rights.

²⁰ Suni et al., "Analisis Dan Pemodelan Spasial Perubahan Tutupan Lahan Di Hutan Produksi Terbatas Kecamatan Kulawi Kabupaten Sigi."

²¹ Putri, Martanto, and Junarto, "Pengaruh Alih Fungsi Lahan Terhadap Ketahanan Pangan, Lingkungan, Dan Keberlanjutan Pertanian Di Kabupaten Sleman."

²² Rosmidah et al., "Reconstructing Land Acquisition Law for Indonesia's National Strategic Projects."

Potential for Disputes	High, because land boundaries and the legal basis of ownership are often unclear.	Lower, because the land has been surveyed and officially registered.	Supports orderly land administration.
Relationship with the State	Land possession is not yet fully integrated into the national land registration system.	Land tenure is officially recorded in the land administration system.	The State formally recognizes land rights through the issuance of a land certificate.

To execute this certification successfully, the land object must fulfill the "clear and clean" legal principle, ensuring it is entirely free from forestry boundary overlaps and active civil disputes. As confirmed by the Buol Regency Land Office, the systemic execution of the PTSL program in Tamit Village successfully operationalized this principle, heavily supported by village authorities who provided the foundational land history documents.²³ The issuance of these certificates transcends domestic administrative achievements; it signifies the harmonization of local agrarian realities with global standards of legal certainty. Ultimately, this certification paradigm successfully dismantles the legal precarity of rural communities, ensuring that their agricultural livelihoods are legally insulated and integrated into the broader framework of national economic development.

3. Legal Protection and Potential Risks of Land Control Without Legal Support

The transition of rural land from a state forest domain into a cultivable area frequently triggers a severe collision between legal pluralism—where communities rely on local, traditional legitimacy—and state positivism, which demands strict, formalized registration.²⁴ Under the regime of Indonesian positive law, this hierarchy of evidence is explicitly codified in Article 32 paragraph (1) of Government Regulation Number 24 of 1997, which establishes the formal land certificate (*Sertipikat Hak Milik*) as the absolute and sole instrument of property rights possessing constitutive legal force. Consequently, the rampant transfer of unregistered land rights in Tamit Village, which relies heavily on

²³ "Adiwibowo Puthera Tjokro (Head of Land Rights and Registration Section), Interview with the Author, Buol Regency Land Office, January 29, 2026," 2026.

²⁴ Novina Sri Indiraharti and Dhany Rahmawan, "Land Registration Dualism in Indonesia: Normative Legal Analysis and Policy Framework," *Vifada Assumption Journal of Law* 4, no. 1 (June 15, 2026): 78–93, <https://doi.org/10.70184/1tayf278>.

traditional evidence such as *girik*, *petok*, or village-issued receipts, generates massive legal vulnerability for the transacting parties.

In addressing this vulnerability, this study actively engages with and extends the legal discourse established by previous scholars. Sinaga et al. correctly argue that the preventive role of public notaries is fundamentally hampered when dealing with underhand (*di bawah tangan*) transactions of unregistered land.²⁵ Confirming their thesis, the empirical findings in Tamit Village demonstrate that while good-faith buyers often utilize notarial deeds as authentic evidence in sales transactions, such documents essentially only create an obligatory, legally binding relationship (a contract) between the specific parties. A notarial deed is not constitutive in the context of agrarian law; it merely proves the existence of a transaction, but entirely fails to effectuate a definitive transfer of *in rem* property rights over the land itself.

Prior to the issuance of SK 6624/MENLHK-PKTL/KUH/PLA.2/10/2021 and the subsequent implementation of the Complete Systematic Land Registration (PTSL) program, this epistemic hierarchy of evidence placed the Tamit Village community in an exceedingly precarious position. Their reliance on administrative legitimacy at the village level possessed incredibly low evidentiary power in civil courts, exposing them to the constant existential threat of being classified as illegal squatters engaging in the unlawful occupation of state forest areas.

Therefore, the execution of land certification through the PTSL program in Tamit Village serves as a profound instrument of preventive legal protection that transcends mere administrative formality. As explicitly confirmed by local agrarian actors, the acquisition of a state-issued certificate completely neutralizes the risks associated with underhand transactions and transitional zoning ambiguities.²⁶ Ultimately, this phenomenon illustrates that achieving absolute legal certainty requires the systemic synchronization between rigid written legal norms and the sociological realities of local communities. By transforming precariously held factual possession into guaranteed *de jure* tenure security, the state successfully manifests comprehensive justice and systematically mitigates the potential for future horizontal agrarian conflicts.

²⁵ Benny Gabriel Sinaga, Pristika Handayani, and Alwan Hadiyanto, "Penguatan Peran Preventif Notaris Dan PPAT Dalam Mencegah Sengketa Pertanahan Akibat Jual Beli Tanah Di Bawah Tangan," *Jurnal USM Law Review* 9, no. 2 (March 28, 2026): 934–55, <https://doi.org/10.26623/julr.v9i2.13931>.

²⁶ "Suriani Suriani and Hamsa Ismail (Local Community Members of Tamit Village), Interview with the Author, Tamit Village, February 9, 2026," 2026.

4. Control and Law Enforcement in the Forestry Sector

The enforcement of forestry laws frequently reveals an inherent friction between rigid state positivism aimed at ecological conservation and the socio-economic realities of rural agrarian communities. Within the Indonesian jurisdiction, this state-centric approach is epitomized by Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction (Law P3H). This *lex specialis* establishes imperative normative boundaries, strictly criminalizing any unauthorized spatial utilization or agricultural encroachment within designated forest zones to guarantee national ecological integrity. However, viewing this issue solely through a domestic penal lens is analytically insufficient. In the broader discourse of global forest governance, scholars such as Pratama et al. actively critique such stringent regulatory frameworks, arguing that rigid penal enforcement often disproportionately criminalizes traditional communities rather than addressing the root causes of spatial ambiguity.²⁷ Therefore, effective law enforcement requires more than the mere application of punitive sanctions; it necessitates absolute spatial clarity to explicitly demarcate legally protected ecosystems from legitimate, cultivable agrarian spaces.

The mechanism of spatial supervision in Tamit Village vividly illustrates how administrative clarity effectively mitigates the risk of agrarian criminalization. Following the issuance of SK 6624/MENLHK-PKTL/KUH/PLA.2/10/2021, which formally reclassified the area as an Other Use Area (APL), local forestry enforcement fundamentally shifted from a purely penal paradigm to a preventive and persuasive approach. Empirical findings confirm that the forestry authorities of UPT KPH Pogogul continuously conduct rigorous maintenance and physical verification of boundary markers (*palisades*) every five years.²⁸ This institutional action is not a mere administrative technicality; it is the fundamental operationalization of legal certainty theory on the ground. By definitively delineating the physical boundaries between restricted state forests and the newly designated APL, the authorities systematically eliminate the spatial ambiguity that historically triggered overlapping ownership claims. This empirical reality extends the theoretical framework proposed by previous studies,

²⁷ Andita Aulia Pratama, Ahmad Maryudi, and Daniela Kleinschmit, "Climate Change in Indonesian Forest Governance: A Frame Analysis of the Scientific Discourse," *Forest Policy and Economics* 186 (May 2026): 103766, <https://doi.org/10.1016/j.forpol.2026.103766>.

²⁸ "Abdillah (Forestry Technical Staff), Interview with the Author, UPT KPH Pogogul Office, January 29, 2026."

proving that physical boundary synchronization directly neutralizes the threat of illegal land occupation and shields the community from unwarranted legal prosecution.

Ultimately, the enforcement of forestry law in transitional landscapes like Tamit Village demonstrates that legal protection is optimally achieved through cross-sectoral synergy. While the persuasive approach and continuous boundary maintenance have successfully suppressed horizontal agrarian conflicts, substantial administrative hurdles persist. Specifically, the enduring discrepancies in spatial data governance between vertical state agencies—namely the forestry sector and the national land agency—continue to impede the holistic realization of tenure security. Addressing this institutional fragmentation requires mandatory data synchronization and robust inter-agency interoperability. These elements act as the absolute prerequisites for ensuring that the legal system transcends rigid penal enforcement, thereby delivering equitable, optimal legal protection to rural societies while maintaining the integrity of adjacent forest ecosystems.

C. CONCLUSION

The administrative redesignation of the Tamit Village forest zone into an Other Use Area (APL) provides a foundational legal basis that decriminalizes communal agricultural cultivation, yet it remains jurisprudentially insufficient to guarantee absolute tenure security. To achieve comprehensive legal protection, the precarious *de facto* land possession held by rural communities must be systematically transformed into *de jure* property rights exclusively through the state-mandated Complete Systematic Land Registration (PTSL) program. This formal agrarian certification, when strictly harmonized with continuous spatial boundary enforcement by forestry authorities, effectively neutralizes the legal vulnerabilities inherent in traditional, unregistered land transfers. Ultimately, synergizing spatial deregulation policies with constitutive land registration is the absolute prerequisite for mitigating future agrarian disputes and manifesting substantive justice in transitional rural landscapes.

REFERENCES

- “Abdillah (Forestry Technical Staff), Interview with the Author, UPT KPH Pogogul Office, January 29, 2026,” 2026.
- “Adiwibowo Puthera Tjokro (Head of Land Rights and Registration Section), Interview with the Author, Buol Regency Land Office, January 29, 2026,” 2026.

- Arizona, Yance, and Umi Illiyina. "The Constitutional Court and Forest Tenure Conflicts in Indonesia." *Constitutional Review* 10, no. 1 (May 31, 2024): 103. <https://doi.org/10.31078/consrev1014>.
- Bella, Husnul Muna, and Sri Rahayu. "Alih Fungsi Lahan Hutan Menjadi Lahan Pertanian Di Desa Berawang, Kecamatan Ketol, Kabupaten Aceh Tengah." *Seminar Nasional Peningkatan Mutu Pendidikan* 2, no. 1 (2021): 88–91. <http://publikasi.fkip-unsam.org/index.php/semnas2019/article/view/171>.
- Budianto, Agus. "Legal Research Methodology Reposition in Research on Social Science." *International Journal of Criminology and Sociology* 9 (April 5, 2022): 1339–46. <https://doi.org/10.6000/1929-4409.2020.09.154>.
- Firmansyah, Arif, and Lina Jamilah. "The Concept of Good Faith in Complete Systemic Land Registration in Realizing Legal Guarantee." *Administrative and Environmental Law Review* 3, no. 1 (June 29, 2022): 65–74. <https://doi.org/10.25041/aclr.v3i1.2588>.
- Kurniawan, Itok Dwi, and Souad Ezzerouali. "Revisiting the Principle of Legal Certainty: A Contemporary Analysis through the Lens of Legal Positivism." *Nusantara: Journal of Law Studies* 3, no. 02 (2024): 137–46. <https://juna.nusantarajournal.com/index.php/juna/article/view/111>.
- Lechterman, Theodore M., and Johanna Mair. "Social Enterprises as Agents of Social Justice: A Rawlsian Perspective on Institutional Capacity." *Organization Studies* 45, no. 9 (September 23, 2024): 1301–23. <https://doi.org/10.1177/01708406241261435>.
- Napitu, Ja Posman, Aceng Hidayat, Sambas Basuni, and Sofyan Sjaf. "Mekanisme Akses Pada Hak Kepemilikan Di Kesatuan Pengelolaan Hutan Produksi Meranti, Sumatera Selatan." *Jurnal Penelitian Sosial Dan Ekonomi Kehutanan* 14, no. 2 (August 31, 2017): 101–18. <https://doi.org/10.20886/jpsek.2017.14.2.101-118>.
- Pratama, Andita Aulia, Ahmad Maryudi, and Daniela Kleinschmit. "Climate Change in Indonesian Forest Governance: A Frame Analysis of the Scientific Discourse." *Forest Policy and Economics* 186 (May 2026): 103766. <https://doi.org/10.1016/j.forpol.2026.103766>.
- Putri, Indriana Diani, Rochmat Martanto, and Rohmat Junarto. "Pengaruh Alih Fungsi Lahan Terhadap Ketahanan Pangan, Lingkungan, Dan Keberlanjutan Pertanian Di Kabupaten Sleman." *Widya Bhumi* 4, no. 2 (November 4, 2024): 192–211. <https://doi.org/10.31292/wb.v4i2.108>.
- Risky Surya Pratama, Muhammad, Arum Ayu Lestari, and Rimas Intan Katari. "Pemenuhan Hak Bagi Masyarakat Adat Oleh Negara Di Bidang Hutan Adat." *Jurnal Hukum Ius Quia Iustum* 29, no. 1 (January 1, 2022): 189–210. <https://doi.org/10.20885/iustum.vol29.iss1.art9>.
- Rosmidah, Rosmidah, Supeno Supeno, Sitta Saraya Sitta Saraya, Rian Saputra Rian Saputra, and Seguito Monteiro Seguito Monteiro. "Reconstructing Land Acquisition Law for Indonesia's National Strategic Projects." *Jurnal IUS Kajian Hukum Dan Keadilan* 14, no. 2 (August 18, 2026): 376–99. <https://jurnalius.ac.id/ojs/index.php/jurnalIUS/article/view/1952>.
- "Saprudin (Village Secretary of Tamit Village), Interview with the Author, Tamit Village

Office, February 9, 2026," 2026.

- Sinaga, Benny Gabriel, Pristika Handayani, and Alwan Hadiyanto. "Penguatan Peran Preventif Notaris Dan PPAT Dalam Mencegah Sengketa Pertanahan Akibat Jual Beli Tanah Di Bawah Tangan." *Jurnal USM Law Review* 9, no. 2 (March 28, 2026): 934–55. <https://doi.org/10.26623/julr.v9i2.13931>.
- Sri Indiraharti, Novina, and Dhany Rahmawan. "Land Registration Dualism in Indonesia: Normative Legal Analysis and Policy Framework." *Vifada Assumption Journal of Law* 4, no. 1 (June 15, 2026): 78–93. <https://doi.org/10.70184/1tayf278>.
- Suni, Muhammad Adam, Hasriani Muis, Ida Arianingsih, Misra Misra, and Rhamdhani Fitrah Baharuddin. "Analisis Dan Pemodelan Spasial Perubahan Tutupan Lahan Di Hutan Produksi Terbatas Kecamatan Kulawi Kabupaten Sigi." *Jurnal Tanah Dan Sumberdaya Lahan* 10, no. 2 (July 1, 2023): 273–84. <https://doi.org/10.21776/ub.jtsl.2023.010.2.11>.
- "Suriani Suriani and Hamsa Ismail (Local Community Members of Tamit Village), Interview with the Author, Tamit Village, February 9, 2026," 2026.
- Sutaryono, Venera, Rohmat Junarto, Sukmo Pinuji, Jamaluddin Mahasari, and Dian Aries Mujiburohman. "Land Rights and Agrarian Reform in Forest Areas: A Basis for Sustainable Development." *International Journal of Sustainable Development and Planning* 19, no. 1 (January 31, 2024): 237–45. <https://doi.org/10.18280/ijstdp.190122>.