



Juridical Analysis of The Management of Sugarcane Plantation Rights in Boalemo Regency

Analisis Yuridis terhadap Pengelolaan Hak Guna Usaha Perkebunan Tebu di Kabupaten Boalemo

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Abstract

The maladministration of Sugarcane Plantation Rights (HGU) in Boalemo Regency has ignited structural conflicts, profoundly distorting agrarian justice and the social function of land. This normative legal research aims to analyze governance anomalies resulting in the deprivation of local communities' living spaces, while formulating a reconceptualization of oversight grounded in the Green Constitution and ecocracy. Utilizing statutory, conceptual, and case approaches, this study demonstrates that the formal legality of land registration instruments is frequently reduced to legitimize land commodification and ecological exploitation by corporate entities. The systemic failure of land authorities to evaluate the environmental obligations of right holders empirically creates a phenomenon of rightlessness for affected citizens. Therefore, this article concludes that a radical transformation of land governance is absolutely imperative. Oversight mechanisms must no longer rely rigidly on formal administrative procedures, but must integrate ecosystem sustainability parameters as mandatory prerequisites to effectively halt land grabbing and restore justice.

Abstrak

Maladministrasi Hak Guna Usaha (HGU) perkebunan tebu di Kabupaten Boalemo telah memicu konflik struktural yang mendistorsi prinsip keadilan agraria serta fungsi sosial tanah. Penelitian hukum normatif ini bertujuan menganalisis anomali tata kelola yang berujung pada praktik perampasan ruang hidup masyarakat lokal, sekaligus merumuskan reconseptualisasi pengawasan berbasis konstitusi hijau dan ekokrasi. Melalui pendekatan perundang-undangan, konseptual, dan kasus, kajian ini membuktikan bahwa legalitas formal instrumen pendaftaran tanah sering kali direduksi untuk melegitimasi komodifikasi lahan dan eksploitasi ekologis oleh entitas korporasi. Kegagalan sistemik otoritas pertanahan dalam mengevaluasi pemenuhan kewajiban lingkungan pemegang hak secara empiris menciptakan fenomena kehampaan hak bagi warga terdampak. Oleh karena itu, artikel ini menyimpulkan bahwa transformasi tata kelola pertanahan secara radikal sangat mutlak diperlukan. Mekanisme pengawasan tidak boleh lagi bersandar secara kaku pada prosedur administratif formal, melainkan wajib mengintegrasikan parameter keberlanjutan ekosistem sebagai syarat imperatif guna menghentikan siklus perampasan lahan dan memulihkan kedaulatan ekologis rakyat secara utuh dan mewujudkan keadilan.



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A. INTRODUCTION

1. Background

The mandate of the Basic Agrarian Law (UUPA) philosophically posits that all land rights, including the Right to Cultivate (*Hak Guna Usaha* or HGU), are fundamentally imbued with a social function and must not be exercised exclusively for capital accumulation, particularly where such utilization engenders the marginalization of adjacent communities. This doctrinal principle conceptualizes land as an essential existential space that must secure equity and a judicious equilibrium among private property interests, the public trust, and environmental sustainability. Nevertheless, propelled by pervasive land commercialization and pragmatic state policies, the dispensation of large-scale HGU concessions is frequently accompanied by disproportionate resource exploitation that fundamentally vitiates this statutory mandate. Consequently, corporate monoculture practices systematically precipitate ecological degradation and the depletion of biodiversity, ultimately catalyzing land grabbing and the expropriation of communal spatial livelihoods in stark contravention of the foundational tenets of agrarian justice.¹

The aforementioned paradox of exploitation fundamentally emanates from a clash of norms perpetually reproduced by the national legal architecture. Whereas the UUPA strictly circumscribes land tenure to ensure equitable public prosperity, contemporary administrative regulations promulgated under the job creation regime systematically afford regulatory forbearance and extend concessionary durations to facilitate corporate investment. This paradigmatic dissonance engenders a substantive defect, wherein the formal legality of land titling documents is frequently operationalized as an absolute instrument to legitimize the appropriation of agrarian resources, wholly disregarding the socio-legal nexus between local communities and their lands.²

The failure to harmonize these legal norms patently manifests in the escalating agrarian conflicts within the Boalemo Regency, Gorontalo. Substantiated allegations concerning the encroachment and unilateral appropriation of residents' lands by sugarcane corporations—notably involving PT PG Gorontalo in Bongo IV Village and the

¹ Sugi Asadi and Ruhadini, "Eksistensi Hak Guna Usaha (HGU) Terhadap Tanah Negara Dalam Perspektif Keadilan Agraria," *SEIKAT: Jurnal Ilmu Sosial, Politik Dan Hukum* 3, no. 5 (October 31, 2024): 236–42, <https://doi.org/10.55681/seikat.v3i5.1577>.

² Andrea Winda Amasta and Rekky Sean Paulus, "Penerapan Asas Fungsi Sosial Hak Atas Tanah Dalam Putusan Nomor 28/G/Pu/2019/Ptun.Pbr," *The Juris* 8, no. 1 (2024): 17–25, <https://doi.org/10.56301/juris.v8i1.1187>.

operations of PT PG Tolangohula in Saripi Village—evidence profound structural asymmetries. Preliminary investigatory data reveal that at least fifty hectares of community land have been converted into plantations absent any legally valid conveyance or hierarchical administrative consent at the village tier. This phenomenon of maladministration in Boalemo transcends mere boundary disputes or geospatial cartographic errors; rather, it constitutes a fundamental failure of state instrumentalities to regulate the monopolization of ecological spaces, thereby intrinsically threatening the fundamental human existence of the local populace.³

The academic discourse surrounding Right to Cultivate (HGU) disputes has evolved dynamically, yet it sustains a profoundly fragmented scholarly debate. An initial cohort of scholars approaches overlapping land tenure conflicts through a strictly positivistic and administrative paradigm, prioritizing the optimization of mediatory mechanisms and the integration of precise land registration systems to mitigate such disputes.⁴ From a diametrically opposed perspective, the second cohort situates this issue within the political-legal dimension, critically interrogating the inherent contradiction between the foundational precepts of the UUPA and the ambitions for accelerated national economic development—an agenda that has demonstrably marginalized the rights of the populace.⁵

This argument is corroborated by legal scholarship that incisively analyzes the ramifications for the legal protection of land tenure amidst the relentless surge in the facilitation of large-scale commercial licensing.⁶ Furthermore, a vanguard of progressive legal scholars has recently and unequivocally advanced the paradigm of a Green Constitution, which transposes the conceptualization of natural resource governance into an absolute constitutional obligation of the state to holistically preserve the equilibrium

³ Sekretariat DPRD Provinsi Gorontalo, “Komisi I Telusuri Permasalahan Lahan Yang Dikelola PT PG Tolangohula Di Desa Saripi,” Sekretariat DPRD Provinsi Gorontalo, 2026, <https://dprd.gorontaloprov.go.id/komisi-i-telusuri-permasalahan-lahan-yang-dikelola-pt-pg-tolangohula-di-desa-saripi/>.

⁴ Muhammad Rizaldi, Dian Aries Mujiburohman, and Dwi Wulan Pujiriyani, “Mediasi Sebagai Alternatif Penyelesaian Sengketa Tumpang Tindih Tanah Antara Hak Guna Usaha Dan Hak Milik,” *Widya Bhumi* 3, no. 2 (October 31, 2023): 137–51, <https://doi.org/10.31292/wb.v3i2.62>.

⁵ Muhammad Farhan Gibran, FX Sumarja, and Sepriyadi Adhan, “Pemberian Hak Guna Usaha (HGU) Di Ibu Kota Nusantara (IKN) Dalam Perspektif Undang Undang Pokok Agraria (UUPA) Dan Pembangunan Ekonomi Nasional,” *SIBATIK JOURNAL: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan* 4, no. 6 (2025): 833–44, <https://doi.org/10.54443/sibatik.v4i6.2819>.

⁶ Rizky Abdullah Maulana et al., “Kepastian Hukum Atas Hak Atas Tanah Dalam Investasi: Telaah Yuridis Normatif Terhadap UU Agraria Dan UU Cipta Kerja,” *COMSERVA: Jurnal Penelitian Dan Pengabdian Masyarakat* 5, no. 6 (October 27, 2025): 1453–64, <https://doi.org/10.59141/comserva.v5i6.3401>.

of living ecosystems.⁷ This discourse on environmental constitutionalism has articulated the inescapable imperative for equitable ecological preservation amidst the pervasive penetration of corporate expansion.⁸

Although these five contemporary clusters of literature offer rich perspectives, extant analyses tend to operate in isolated silos; land administration scholarship remains entrenched in questions of documentary validity, whereas studies on environmental constitutionalism have yet to operationally diagnose the procedural defects of corporate HGU concessions at the grassroots level. The fundamental blind spot within antecedent scholarship lies in the paucity of legal elaboration that integratively aligns the bureaucratic anomalies of land registration with the systemic abrogation of constitutional guarantees protecting communal spatial livelihoods.

Diverging from preceding research, which predominantly centers on the maladministration of land titling and dispute resolution mechanisms facilitated by the National Land Agency, this study introduces a novel approach by dissecting the substantive operational defects of sugarcane HGU concessions in the Boalemo Regency through the analytical lens of ecological justice and the principle of ecocracy. This analytical framework is specifically tailored to elucidate that such agrarian disputes do not merely revolve around formal certificate ownership, but rather interrogate the extent to which the legal instruments governing HGU issuance respect the carrying capacity of the ecosystem and the social rights of the populace.

Consequently, this article posits that the bureaucratic dysfunction and maladministration of HGU concessions in the Boalemo Regency do not merely constitute procedural defects of administrative law to be adjudicated within the confines of administrative courts; rather, they signify a systematic dereliction of the inherent social function of land. Employing critical juridical analysis, this article endeavors to formulate a reconceptualization of the HGU regulatory oversight paradigm—one that no longer adheres rigidly to the formal legality of land registration, but instead mandates parameters of environmental sustainability and equitable spatial protection as

⁷ Athar Tristan Andana Kanz, Githa Asmadeningrum Rosady, and Savero Pramudika Arya Wibowo, "Penerapan Green Constitution Di Indonesia Dalam Upaya Menjaga Keberlangsungan Lingkungan Hidup Yang Baik Dan Sehat Sebagai Tanggung Jawab Negara," *Terang : Jurnal Kajian Ilmu Sosial, Politik Dan Hukum* 1, no. 3 (July 10, 2024): 269–83, <https://doi.org/10.62383/terang.v1i3.425>.

⁸ Febrian Chandra, Adithiya Diar, and Hartati Hartati, "Konstitusi Hijau (Green Constitution) Dalam Upaya Pelestarian Lingkungan Hidup Yang Berkeadilan," *Jurnal Penelitian Inovatif* 4, no. 3 (June 7, 2024): 889–96, <https://doi.org/10.54082/jupin.441>.

indispensable prerequisites for the evaluation of cultivation rights.

2. Research Questions

Predicated upon the aforementioned background, this study endeavors to deconstruct the systemic anomaly between the doctrinal principle of the social function of land and the commodification of spatial livelihoods operationalized through the Right to Cultivate (HGU) instrument. Accordingly, the legal issue is formulated into two primary inquiries:

- a. How does the maladministration inherent in the issuance and expansion of sugarcane HGU concessions within the Boalemo Regency distort the principles of agrarian justice and the social function of land as mandated by the UUPA?
- b. How ought the regulatory oversight and protection mechanisms safeguarding local communities' spatial livelihoods against corporate plantation expansion be reconceptualized to realize an agrarian governance framework predicated upon the tenets of a Green Constitution and ecocracy?

3. Research Methods

This study employs a doctrinal legal research methodology operationally designed to dissect the normative tension between the regulatory framework governing the Right to Cultivate (HGU) and the actualization of sugarcane plantation governance within the Boalemo Regency. The analytical framework incorporates a statutory approach, a conceptual approach, and a case-based approach. The statutory approach is employed to analyze the hierarchical coherence and consistency of agrarian regulations, whereas the conceptual approach is applied to deconstruct the doctrinal principles of the social function of land and ecological justice. The case-based approach is specifically utilized to examine the operational anomalies surrounding the issuance and expansion of HGU concessions at the research locus.

Primary legal sources are predicated upon Law Number 5 of 1960 on Basic Agrarian Principles (UUPA), Law Number 39 of 2014 on Plantations, and Government Regulation Number 18 of 2021, corroborated by secondary legal sources comprising authoritative literature from internationally reputable scholarly journals. The corpus of legal materials was aggregated through comprehensive documentary research. The analytical technique operates on a qualitative-prescriptive methodology, utilizing systematic interpretation to juxtapose foundational agrarian regulations with subordinate investment enactments, alongside teleological interpretation to ascertain the philosophical essence of the social

function of land vis-à-vis the commodification of local communities' spatial livelihoods, thereby culminating in ecologically just legal prescriptions.

B. DISCUSSION

1. The Deconstruction of the HGU Doctrine: The Collision Between the Social Function of the UUPA and the Commodification of Plantation Lands

Philosophically and juridically, the Right to Cultivate (HGU)—promulgated under Law Number 5 of 1960 on Basic Agrarian Principles (UUPA)—was not conceived as a legal title for unfettered capital extraction, but rather as a resource governance mandate strictly tethered to the doctrines of social function and public utility. Within classical agrarian legal doctrine, this social function dictates that land tenure and proprietary rights must not be exercised to the detriment of the public interest. However, in tandem with escalating environmental crises and agrarian exigencies, the jurisprudential interpretation of this social function must be fundamentally deconstructed and elevated through the analytical lens of environmental constitutionalism (a Green Constitution) and the tenets of ecocracy.⁹

Within the paradigm of environmental constitutionalism, the social function transcends mere interpersonal equity (intra-generational equity); it fundamentally encompasses ecological justice, which mandates that land utilization must not exceed the carrying and assimilative capacities of local ecosystems. Consequently, large-scale sugarcane monoculture practices that systematically deplete soil nutrients and precipitate the expropriation of communal spatial livelihoods constitute a categorical repudiation of the constitutional essence underlying this social function.

This paradigmatic shift in the orientation of HGU governance has precipitated rigorous discursive debate within the legal academy. Maria S. W. Sumardjono, for instance, offers a trenchant critique of this phenomenon, advancing the thesis that a fundamental transmutation of land rights has transpired—transitioning from their primordial embodiment of a purely social function into a mere vehicle for corporate commerciality—which ultimately vitiates the efficacy of the UUPA's principle of nationality.¹⁰ While Sumardjono's thesis remains highly pertinent, this perspective tends

⁹ Jimly Asshiddiqie, *Green Constitution : Nuansa Hijau Undang-Undang Dasar Negara Republik Indonesia Tahun 1945* (Jakarta: Rajawali Pers, 2016). Hal, 88.

¹⁰ Maria S.W. Sumardjono, *Dinamika Pengaturan Pertanahan Di Indonesia: Penyelesaian Konflik Dan Permasalahan Hukum* (Yogyakarta: Gadjah Mada University Press, 2023). Hal, 45.

to conceptualize land commodification merely as an inevitable corollary of global market exigencies. When juxtaposed with contemporary structural analyses, however, it becomes evident that this commercial shift is fundamentally not an organic market anomaly, but rather an engineered outcome deliberately facilitated by state bureaucratic maladministration.

This comports with the findings of Gibran et al., which demonstrate that the impetus to accelerate national economic development via newly promulgated regulatory instruments frequently attenuates rigorous procedural safeguards for agrarian rights, thereby engendering structural conflicts between capital investors and local communities.¹¹ Synthesizing this debate, this article posits that the pervasive commodification of sugarcane plantation lands within the Boalemo Regency is precipitated not solely by corporate ambition, but rather by the chronic dysfunction of state regulatory oversight mechanisms, which sequentially legitimizes the expropriation of communal spatial livelihoods under the aegis of formal HGU legality.

The palpable tension between the normative ideals of agrarian law and the empirical realities of localized exploitation epitomizes a deeply entrenched chasm of maladministration. To dissect this discrepancy with analytical precision and eschew protracted normative exposition, a comparative mapping between the idealized statutory construction of the UUPA and the empirical reality of grassroots HGU practices is necessitated. The granular dimensions of this collision between state norms and the de facto expropriation of spatial livelihoods are delineated in Table 1 below.

Table 1. Comparative Analysis of the Normative Construction of the UUPA and the Empirical Realities of Sugarcane Plantation HGU Practices

Foundational Agrarian Principles	Normative Ideals per the UUPA and the Constitution	Empirical Realities of Maladministration (The PT PG Boalemo Case)
The Social Function Doctrine (Article 6 of the UUPA)	Land governance must be effectuated to secure the maximal prosperity of the populace, unequivocally prioritizing the harmonization of the public interest.	Land is commodified exclusively for corporate profitability, precipitating substantiated allegations regarding the expropriation of fifty hectares of productive communal land.
Ecological Justice and Ecosystemic	The utilization of natural resources is mandated to be	Sugarcane monoculture exploitation systematically disregards the

¹¹ Gibran, Sumarja, and Adhan, "Pemberian Hak Guna Usaha (HGU) Di Ibu Kota Nusantara (IKN) Dalam Perspektif Undang Undang Pokok Agraria (UUPA) Dan Pembangunan Ekonomi Nasional."

Carrying Capacity	inherently sustainable, strictly conforming to the governance paradigm of environmental constitutionalism (a Green Constitution).	remediation of ecological carrying capacity, intrinsically threatening the sustainability of the local populace's spatial livelihoods.
Equitable Access and Utilitarian Efficacy	The proportional allocation of property rights to preempt structural asymmetries and the monopolization of agrarian spatiality by singular corporate entities.	Acute structural asymmetries wherein residents are dispossessed of land access, concurrently as land authorities systematically legitimize formal concessions absent localized socio-legal evaluations.

The preceding comparative table unequivocally deconstructs the illusion of legal certainty historically concealed behind the documentary facade of HGU certificates. The principle of utility, which theoretically ought to culminate in the equitable distribution of social welfare, is empirically distorted into an instrument that legitimizes the wealth accumulation of a select corporate elite.¹² Within the context of the escalating disputes in Boalemo, the conspicuous absence of rigorous periodic evaluations by the National Land Agency concerning corporate ecological obligations evinces that agrarian governance has been fundamentally divested of its ecocratic ethos. A radical transformation of the legal paradigm is imperatively necessitated to ensure that land administrative law ceases to operate as an institutional rubber stamp for the expropriation of spatial livelihoods, reverting instead to its foundational mandate as a protective vanguard for the constitutional right to an equitable, clean, and healthy environment.

2. Analysis of the Governance Deficits Concerning Sugarcane Plantation HGU Concessions in Boalemo

Disputes concerning the governance of Right to Cultivate (HGU) concessions for sugarcane plantations within the Boalemo Regency—particularly those implicating PT PG Gorontalo—engender a paradigmatic debate regarding the extent to which administrative law instruments possess the efficacy to secure agrarian justice. An acute scholarly divergence exists concerning the dissection of this legal imbroglio. The positivist paradigm, as epitomized by Setiawan and Johannes, exhibits a propensity to predicate conflict resolution upon the optimization of formal administrative oversight and strict

¹² Fatmawati Dama, Fence M Wantu, and Nuvazria Achir, "Implementasi Asas Keadilan Dan Kemanfaatan Dalam Penetapan Konsinyasi Ganti Rugi Tanah Sengketa," *Adagium: Jurnal Ilmiah Hukum* 3, no. 2 (2025): 202–25, <https://doi.org/10.70308/adagium.v3i2.111>.

procedural adherence.¹³ Nevertheless, this approach encounters trenchant critique when juxtaposed with socio-legal realities. Berenschot et al. empirically substantiate that the enforcement of administrative law is frequently paralyzed by acute asymmetries in political capital between corporate entities and citizens, a structural deficiency that ultimately engenders a phenomenon of "rightlessness".¹⁴ The Boalemo case patently subverts the presumption that the formal-legal instruments of the National Land Agency (BPN) are sufficiently robust to safeguard the populace. Conversely, this case unequivocally corroborates Berenschot's thesis, demonstrating a paradigm wherein local communities are rendered acutely vulnerable to the domination of spatial tenure facilitated by structural state bureaucratic dereliction.¹⁵

Empirically, HGU Certificate Number 12 held by PT PG Gorontalo serves as the underlying legal title for a concession encompassing 3,300 hectares, having undergone formal cartographic mapping and official boundary demarcation in 2022. Nevertheless, the legal grievances asserted by hundreds of Paguyaman Subdistrict residents concerning the alleged unilateral expansion of the sugarcane plantation beyond the delimited boundaries of the said HGU cannot be reductively categorized merely as administrative spatial planning infractions or conventional boundary disputes. The expansion of sugarcane monoculture, which systematically expropriates communal productive lands, fundamentally constitutes an ecological crime that degrades the carrying and assimilative capacities of the local environment. Through the jurisprudential lens of environmental constitutionalism, this expropriation of spatial livelihoods constitutes a fundamental abrogation of the citizens' constitutional right to a clean, healthy, and equitable environment.¹⁶ Consequently, the resolution of this dispute cannot be sufficiently achieved by merely relying upon cadastral re-demarcation by land administrative authorities; rather, it mandates systemic remediation through the operationalization of ecocratic principles, which situate ecosystemic sustainability as the paramount parameter of the inherent social function of land.

¹³ Irfan Setiawan and Ayu Johannes, *Pengawasan Pemerintahan Dalam Ulasan Teori Dan Praktek* (Kabupaten Bandung: CV. Rtujuh Media Printing, 2024). Hal, 89.

¹⁴ Ward Berenschot et al., *Kehampaan Hak: Masyarakat vs Perusahaan Sawit Di Indonesia* (Jakarta: Yayasan Pustaka Obor Indonesia, 2023). Hal, 112.

¹⁵ Imam Kuswahyono, Gede Widhiana Suarda, and Ahmad Farich Sultoni, *Octogenarian: Prof. Dr. H. Achmad Sodiki, S.H: Mutu Manikam Ajaran, Pemikiran Agraria Yang Membumi* (Malang: UB Press, 2026). Hal, 56.

¹⁶ Afifi Lubis, *Menggali Solusi: Komunikasi Kebijakan Publik Dalam Penanganan Lahan EksHGU* (Medan: UMSU Press, 2025). Hal, 23.

The systemic failure of the state apparatus to cognize these ecological dimensions ultimately precipitates an acute anomaly within agrarian governance. The formal legality of HGU concessions is frequently operationalized as an inviolable shield to legitimize resource exploitation, systematically disregarding the axiomatic premise that land constitutes an essential spatial livelihood inextricably bound to the doctrine of intergenerational equity. To emphatically underscore this structural anomaly, an analytical juxtaposition between the strict positivist approach and the spatial livelihood rights paradigm in dissecting the Boalemo case warrants comprehensive elaboration. As delineated in Table 2, the resolution of the Boalemo conflict cannot be reductively confined to the mere cadastral re-demarcation of administrative boundaries.

Table 2. Anomalies in HGU Governance: The Collision Between Formal Legality and Ecocratic Realities within the Boalemo Regency

Dimensions of the Dispute (The PT PG Gorontalo Case)	The Positivist / Formal-Legal Approach	The Green Constitution & Spatial Livelihood Rights Paradigm (Substantive Defects)
The expansion of sugarcane plantation areas beyond the delimited 3,300-hectare boundaries	Construed merely as an administrative boundary dispute, deemed sufficiently resolvable via documentary verification and cadastral re-demarcation by the National Land Agency (BPN).	Constitutes the expropriation of citizens' spatial livelihoods and a systemic repudiation of ecological carrying capacity; fundamentally vitiates the essence of the social function of land.
The dereliction of environmental obligations by the concessionaire	Perceived merely as a commercial licensing infraction, resolvable through written reprimands or lenient administrative sanctions.	Constitutes an ecological crime that contravenes ecocratic principles, intrinsically threatening food sovereignty and the existential sustainability of subsistence communities.
Paradigms of agrarian conflict resolution	Heavily reliant upon formal adjudicative mechanisms that systematically prejudice citizens due to profound asymmetries in legal access and financial capital.	Mandates a fundamental reevaluation of HGU concessions, unequivocally prioritizing the remediation of the socio-ecological rights of indigenous and local village communities.

Scrutinizing the anomalies delineated in Table 2, the incongruities in land utilization and the attenuation of governmental oversight can no longer be construed as disparate

phenomena; rather, they constitute a systemic nexus of failure concerning the inherent social function of land. The incongruous land utilization by PT PG Gorontalo, which precipitated mass protests by local residents, evinces that the HGU concession has been radically commodified to serve the exclusive profitability of a singular corporate entity. This demonstrates that the state, acting through its hierarchical regulatory prerogatives, has fundamentally failed to effectuate the doctrine of equitable land tenure and the structural guarantees safeguarding communal spatial livelihoods.¹⁷ The regulatory apparatus of the state, fundamentally designed to act as a restructuring agent to forestall structural disparities in agrarian tenure, has paradoxically succumbed to systemic paralysis.¹⁸

The systemic absence of sustained and transparent evaluation concerning the operationalization of HGU concessions ultimately and radically eviscerates the inherent utilitarian value of the land. Consequently, land ceases to be conceptualized as the foundational capital for sustainable collective prosperity; rather, it is systematically transmuted into an exploitative instrument for wealth extraction.¹⁹ The deficient cognizance among the state apparatus regarding the tenets of good governance in safeguarding the rights of vulnerable citizens serves to progressively exacerbate the profound chasm of systemic inequity.²⁰ It is at this critical juncture that the doctrine of the social function of land enshrined within the UUPA mandates a fundamental reinterpretation, one that transcends its classical textual confines.²¹ Land rights do not constitute absolute entitlements impervious to moral accountability; rather, they operate as legal instruments inextricably bound to the dictates of natural law and the advancement of social welfare.²² Consequently, a fundamental reconceptualization of the state's regulatory oversight mechanisms—one that imperatively integrates the parameters of environmental constitutionalism (the Green Constitution)—is urgently necessitated to arrest the cyclical perpetuation of "rightlessness" and unequivocally restore ecological sovereignty to the populace.

¹⁷ Yagus Suyadi, *Badan Bank Tanah Politik Hukum Pembentukan Dan Kewenangan Khusus (Sui Generis) Dalam Mengelola Tanah Negara* (Yogyakarta: Deepublish, 2025). Hal, 45.

¹⁸ Fifik Wiryani and Febriansyah Ramadhan, *Keadilan Agraria: Relasi Konstitusi, Hak Menguasai Negara, Dan Konflik Struktural* (Jakarta: Setara Press, 2025). Hal, 77.

¹⁹ Setiawan and Johannes, *Pengawasan Pemerintahan Dalam Ulasan Teori Dan Praktek*. Hal, 72.

²⁰ Berenschot et al., *Kehampaan Hak: Masyarakat vs Perusahaan Sawit Di Indonesia*. Hal, 115.

²¹ Samun Ismaya, "Kajian Teoritik Dualisme Kepentingan Dan Fungsi Sosial Hak Atas Tanah," *Wijaya Putra Law Review* 4, no. 2 (2025): 243–70, <https://doi.org/10.38156/wplr.v4i2.318>.

²² Riduan Syahrani, *Kata-Kata Kunci Mempelajari Ilmu Hukum* (Bandung: PT Alumni, 2015). Hal, 44.

C. CONCLUSSION

The maladministration surrounding the issuance and expansion of Right to Cultivate (HGU) concessions for sugarcane plantations within the Boalemo Regency has fundamentally distorted the tenets of agrarian justice, reductively transmuted the social function of land into an instrument of commodification resolutely oriented toward extreme corporate profitability. The systemic failure of land administrative authorities to execute tiered regulatory oversight and transparent evaluations has precipitated a structural anomaly that legitimizes the expropriation of communal spatial livelihoods, concurrently vitiating the protective guarantees mandated by the UUPA. To remediate this predicament, a fundamental reconceptualization of the regulatory oversight mechanisms safeguarding communal spatial livelihoods is imperatively necessitated, effectuated through the implementation of agrarian governance predicated upon the doctrines of environmental constitutionalism (the Green Constitution) and ecocracy. This paradigmatic transformation mandates the integration of environmental sustainability parameters as an absolute prerequisite in the evaluation of HGU concessions, functioning to arrest the cyclical perpetuation of "rightlessness" and unequivocally restore ecological sovereignty to the populace.

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