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AGRARIAN REFORM: LEGAL CHALLENGES IN TRANSMIGRATION LAND LEGALIZATION

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Abstrak

Penelitian ini mengkaji berbagai tantangan terkait legalisasi dan redistribusi tanah transmigrasi, dengan menggunakan pendekatan yuridis normatif dan data sekunder. Hasil penelitian menunjukkan bahwa program transmigrasi meskipun didasarkan pada undang-undang yang kuat dan terus diperbarui, hanya berhasil mencapai 23,14% dari target luas lahan yang ditetapkan, yakni 138.834,72 hektar dari target 0,6 juta hektar. Beberapa permasalahan yang menghambat proses ini, seperti peralihan dan penjualan, peralihan di bawah tangan, sengketa dengan dunia usaha, perselisihan antar instansi pemerintah, klaim atas kawasan hutan yang tumpang tindih, dan kurangnya data hukum dan spasial yang akurat. Kompleksitas ini menyebabkan ketidakpastian hukum mengenai tanah transmigrasi, sehingga menciptakan hambatan terhadap kepemilikan hak atas tanah. Untuk mengatasi masalah ini, diperlukan strategi multi-aspek yang mencakup penyusunan kerangka hukum yang lebih jelas, investasi dalam infrastruktur untuk mempercepat pendaftaran tanah, penguatan kerja sama antar lembaga, peningkatan transparansi dalam administrasi tanah, serta peningkatan kesadaran publik melalui pendidikan dan pemberdayaan. Langkah-langkah strategis ini penting untuk memastikan kepastian hukum, melindungi hak-hak transmigran, dan mendukung tujuan yang lebih luas, yaitu distribusi tanah yang adil dan pembangunan daerah.

Kata Kunci: Pendaftaran Tanah, Reforma Agraria, Transmigrasi Tanah

Abstract

This research examines various challenges related to the legalization and redistribution of transmigration land, using a normative juridical approach and secondary data. The research results show that the transmigration program, although based on strong laws and continuously being updated, only succeeded in achieving 23.14% of the set land area target, namely 138,834.72 hectares from the target of 0.6 million hectares. Several problems hinder this process, such as transfers and sales, illegal transfers, disputes with the business world, disputes between government agencies, overlapping claims on forest areas, and a lack of accurate legal and spatial data. This complexity causes legal uncertainty regarding transmigration land, thereby creating obstacles to land ownership. To overcome this problem, a multi-faceted strategy is needed that includes establishing a clearer legal framework, investing in infrastructure to speed up land registration, strengthening cooperation between institutions, increasing transparency in land administration, and increasing public awareness through education and empowerment. These strategic steps are important to ensure legal certainty, protect the rights of transmigrants, and support broader goals, namely fair land distribution and regional development.

***Keywords**: Land Registration, Agrarian Reform, Transmigration Land*

INTRODUCTION

Background

The transmigration program in Indonesia is recognized as the largest settlement scheme in the world.[1] A monumental achievement of social engineering, with all the

[1] H. W. Arndt, "Transmigration: Achievements, Problems, Prospects," *Bulletin of Indonesian Economic Studies* 19, no. 3 (1983): 50–73, https://doi.org/10.1080/00074918312331334429.

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success of the program in terms of numbers, welfare of transmigrants, and regional growth, as well as a number of accompanying problems. The origins of this program began when the Dutch colonial government began resettling landless Javanese farmers in Lampung province, involving 155 heads of families from Karanganyar, Kebumen, Purworejo, and Kedu regencies.[2] Since then, the transmigration program has become a forum for millions of people, especially from Java, who have been moved and placed in remote areas throughout the archipelago, in line with the government's efforts to overcome population imbalances and exploit the region's diverse potential.[3]

Over time, the implementation of transmigration created growth centers that not only became the focus of the economy, but some of them even developed into district capitals. Despite its success, this program is faced with a number of obstacles, including low-income levels, inappropriate site selection, incompatibility of settlement models with specific locations, environmental damage, migrant adjustment, land conflicts, and financing problems. Another obstacle is that allocated locations often overlap with customary land given to transmigrants without consent or compensation to indigenous communities.[4] The biggest negative impact on the environment is the massive loss of forests.[5] Transmigration also contributes to changes in forest cover because transmigrants often face obstacles to land claims from local residents, encouraging them to seek new forest land as a livelihood or convert it into agricultural plantations.[6]

The objectives of transmigration policy, given their complexity, cannot be reduced to a single dimension. As identified by MacAndrews,[7] Adhiati & Bobsien,[8] and Abdoellah,[9] the demographic, economic, and cultural aspects are integral to the effort. These reflect a commitment to addressing land imbalances, population distribution, managing cultural diversity, and responding to uneven economic growth across the country. Therefore, to gain a comprehensive understanding of transmigration, ongoing research must continue to explore these multidimensional and complex aspects.

Numerous previous studies have been conducted to examine the transmigration program from various perspectives. In his research, Tirtosudarmo emphasizes that

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[2] S. Suratman and Patrick Guiness, "The Changing Focus of Transmigration," *Bulletin of Indonesian Economic Studies* 13, no. 2 (1977): 78–101, https://doi.org/10.1080/00074917712331333124.
[3] J. Hardjono, "The Indonesian Transmigration Program in Historical Perspective," *International Migration* 26, no. 4 (1988): 427–39, https://doi.org/10.1111/j.1468-2435.1988.tb00662.x.
[4] M. Colchester, "The Struggle for Land - Tribal Peoples in the Face of the Transmigration Programme (Indonesia).," *Ecologist* 16, no. 2–3 (1986): 89–98.
[5] Anthony J. Whitten, "Indonesia's Transmigration Program and Its Role in the Loss of Tropical Rain Forests," *Conservation Biology* 1, no. 3 (1987): 239–46, https://doi.org/10.1111/j.1523-1739.1987.tb00038.x.
[6] Rivayani Darmawan, Stephan Klasen, and Nunung Nuryantono, "Migration and Deforestation in Indonesia," *Courant Research Centre: Poverty, Equity and Growth - Discussion Papers* (Göttingen, 2015).
[7] Colin MacAndrews, "Transmigration in Indonesia: Prospects and Problems," *Asian Survey* 18, no. 5 (1978): 458–72, https://doi.org/10.2307/2643460.
[8] M.Adriana Sri Adhiati and Armin Bobsien, "Indonesia's Transmigration Programme-An Update a Report Prepared for Down To Earth," 2001, 1–24.
[9] Oekan Soekotjo Abdoellah, "Trans Migration Policies in Indonesia: Government Aims and Popular Response," *People in Upheaval* 5, no. 2 (1987): 180–96, https://doi.org/10.1111/j.2050-411x.1987.tb00501.x.

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transmigration is not merely a policy for population transfer but also an integral part of agrarian reform in Indonesia. He views this program as a government strategy to address land distribution inequalities that have persisted since the colonial era. Beyond simply relocating people from densely populated areas to less inhabited regions, transmigration serves as a crucial instrument in agrarian restructuring to achieve social justice and economic equity.[10] According to Nova, transmigration can result in social and cultural instability among displaced communities and involve intricate issues like cultural change and environment adaptation.[11] The need to pay attention to environmental and sustainability aspects in planning and implementing this program, as well as preventing uncontrolled environmental degradation. The importance of building a transmigration model that is more ecologically and socially sustainable.

Salim's study presents the complexity of implementing transmigration policies, including social, subject, object, spatial, and administrative aspects. Problems were found related to land status, such as land not being released from forest areas, the status of former Management Rights (HPL), remaining land (restan), land without HPL, incompatibility between HPL and land use by the community, incompatibility of objects and certificates with maps and locations, land status conflicts between transmigrants and indigenous communities, as well as a lack of supporting documents (maps and lists of participants) at the Transmigration Department. The study also noted problems in land transactions or buying and selling where traces were difficult to trace, especially transactions without official evidence.[12] Sumarja describes a number of cases of land claims, including claims by local residents with land certificates from village heads, company claims referring to cultivation rights certificates, and claims related to forestry land.[13]

Previous studies have examined the transmigration program from various perspectives and identified various challenges in its implementation. However, there is a research gap in the aspects of land legalization and redistribution, which are the main focus of this study. Most previous studies have focused more on social, economic, and environmental impacts, while issues related to land ownership, agrarian conflicts, and land redistribution mechanisms for transmigrants have not been studied in depth. In fact, unclear land status is often the main factor triggering conflict between transmigrants and local communities, which can ultimately hinder socio-economic stability in transmigration areas. Therefore, this study seeks to complement the present by highlighting land legalization and land redistribution mechanisms in the transmigration program. This study

[10] Wika Hardika Legiani, Ria Yunita Lestari, and Haryono Haryono, "Transmigrasi Dan Pembangunan Di Indonesia," *Hermeneutika : Jurnal Hermeneutika* 4, no. 1 (2018): 25–38, https://doi.org/10.30870/hermeneutika.v4i1.4820.
[11] Yosi Nova, "Dampak Transmigrasi Terhadap Kehidupan Sosial Masyarakat: Studi Sejarah Masyarakat Timpeh Dharmasraya," *Jurnal Ilmu Sosial Mamangan* 5, no. 1 (2016): 23–36, https://doi.org/10.22202/mamangan.v5i1.1927.
[12] M. Nazir Salim, "Transmigrasi Dan Hak Kewarganegaraan Agraria," in *Tranformasi Kebijakan Agraria Dan Transmigrasi Di Indonesia*, ed. Moh. Nizar and Fuad Abdulgani (Yogyakarta: Pustaka Ilmu Group, 2019), 84–107.
[13] F.X. Sumarja, "Menggapai Tanah Harapan," *Seminar Dan Lokakarya Nasional Transformasi Kebijakan Agraria Dan Transmigrasi: Quo Vadis Pedesaan Di Indonesia*, 2019, 1–12.

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analyzes how land is allocated, certified, and managed in the transmigration scheme. In addition, the results of this study are expected to offer solutions in formulating more effective policies to reduce agrarian conflicts, increase legal certainty for transmigrants, and ensure more productive and sustainable land use in the future.

Research Question

The transmigration program in Indonesia is a strategic policy of the government to equalize population and regional development. However, in practice, various challenges still arise, particularly concerning the legal status of land ownership, overlapping regulations, and the slow certification process. The unclear legal status of land ownership, overlapping regulations, and the slow certification process often trigger prolonged agrarian conflicts. This indicates that the legal aspects of the transmigration program still need to be strengthened to provide certainty of ownership rights for transmigrants and prevent future trials. Therefore, this study seeks to answer several main problems as follows:

1. What is the legal framework governing the transmigration program in Indonesia?
2. What is the policy on the legalization of transmigration land and land redistribution mechanisms in the implemented agrarian reform?

RESEARCH METHODS

This study uses normative legal research, which focuses on the analysis of norms, principles, and legal regulations related to transmigration land. As a type of legal research, normative legal research mainly relies on secondary legal materials, including laws and regulations, court decisions, legal doctrines, and scientific literature. This study adopts two main approaches: the legislative approach and the case approach. The legislative approach examines the legal framework governing transmigration, including laws and policies related to the legalization and redistribution of land. Meanwhile, the case approach analyzes court decisions and enforces laws on transmigration land, providing insight into how legal norms are applied in practice and their effectiveness in resolving conflicts.

The research utilizes primary legal materials (statutory laws, court rulings), secondary legal materials (books, journals, expert commentaries), and tertiary legal materials (legal dictionaries, encyclopedias). Data collected from these sources are analyzed prescriptively, meaning that the study does not merely describe legal norms but evaluates their effectiveness in addressing issues related to transmigration land. The findings are then presented descriptively, offering a structured discussion of legal challenges while formulating legal arguments and recommendations to enhance land security and legal certainty for transmigrants.

DISCUSSION

A. Legal Basis for Transmigration Program

A number of rules set by the government serve as the legal foundation for the transmigration program. On December 12, 1950, the first population transfer was carried out from Central Java to Lampung and Lubuk Linggau under the name transmigration. This program is designed to overcome economic disparities and overpopulation on the island of Java by relocating residents to less-crowded areas in other regions. This basic legal

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program provides a framework for implementing transmigration policies, including the allocation of land, employment opportunities, and other resources for transmigrants.

Indonesia's transmigration program is based on a strong legal foundation, with several changes to increase its effectiveness. This program was initiated through Government Regulation Number 56 of 1958 and revised through Government Regulation 13 of 1959. This regulation aims to level areas where population density exceeds their carrying capacity, which can result in reduced living standards and obstacles to development. The main aim is to guarantee a decent life, especially in the agricultural sector, for people who do not have enough land, especially in areas that lack labor. The implementation of this program is a response to Indonesia's geographical character and uneven population density.

During the enactment of the 1950 Provisional Constitution, Government Regulations Number 56 of 1958 and Number 13 of 1959 regulated the main principles of transmigration. After the 1945 Constitution came back into force, taking into account the urgency of transmigration in the context of employment, citizens' livelihoods, national defense, and people's prosperity, the Government Regulation in Lieu of Law (PERPU) Number 29 of 1960 was issued, not only covering material from the Regulations. Government Regulation No. 56 of 1958 and No. 13 of 1959, but also adapted to the spirit of the 1945 Constitution. In addition, this law includes new provisions regarding activities carried out by private individuals or organizations with the aim of assisting individuals who wish to transmigrate. This is mainly done to prevent the implementation of transmigration, which is detrimental to transmigration people and the government in general.

The laws and regulations mentioned above are considered no longer in line with current developments, so as a response to these dynamics, the Indonesian Government issued Law Number 3 of 1972 concerning Basic Provisions for Transmigration. However, Law Number 15 of 1997 Concerning Transmigration later repealed and replaced this law, and Law Number 29 of 2009 Concerning Amendments to Law Number 15 of 1997 Concerning Transmigration later amended it. There has been a significant paradigm shift, where the focus has shifted to regional-based transmigration development with the aim of creating new growth centers.

Even though Indonesia's demographic and geographic dynamics continue to change, the issue of transmigration remains an important one. The government's dedication to optimizing the transmigration program according to current needs is demonstrated by the revision of regulations that have been implemented in response to these problems. The existence of a solid basis for maintaining a balance between the desired transmigration program and the rights of the communities involved is reflected in the current legal structure. Therefore, it is important to continue monitoring how regulatory changes can address difficulties that may arise regarding transmigration in the future.

The transmigration program has played a crucial role in national development by promoting regional equality, enhancing economic productivity, and expanding employment opportunities. Its impact is evident in the establishment of 696 residential units, 104 districts/cities, 383 sub-districts, and 3,055 villages, along with the creation of two new provincial capitals: Mamuju in West Sulawesi and Bulungan in North Kalimantan.

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Additionally, the successful development of 44 independent integrated Cities (KTM) outside Java highlights the program's effectiveness in fostering new economic growth centers.[14]

Economically, transmigration areas have evolved into key hubs for food production, plantations, and agribusiness, collectively managing 4.4 million hectares of productive land and supporting 2.2 million households (KK). The program has also facilitated the establishment of 7,024 Transmigration Settlement Units (UPT) across 26 provinces, generating employment for approximately 27 million people and contributing to the development of skilled human resources across various sectors.[15] More importantly, the program has played a significant role in poverty reduction by improving livelihoods, increasing access to economic opportunities, and strengthening rural economies in transmigration regions.[16]

B. Transmigration Land Legalization Issues

One of the main problems in the transmigration program is the conflict over land ownership status. Many transmigrants face uncertainty regarding their rights to the promised land, which is often still a forest area. As a result, land disputes arise, both horizontally between communities and vertically with the authorities. Uncertain land status, for instance, led to an agrarian conflict in Lampung Province.[17] Meanwhile, in Central Maluku Regency, land that should have been the property of transmigrant rights was actually used by a palm oil company, so they have not obtained ownership rights to it.[18]

The government has attempted to resolve transmigration land disputes through various community empowerment programs. One of the steps taken is the implementation of a social forestry program in line with Presidential Regulation Number 88 of 2017. In several areas, such as Payahe, North Maluku, a free land provision policy has been implemented to encourage community participation without creating a conflict of interest.[19] Additionally, they have proposed a mediation-based conflict resolution model that involves a social conflict handling team and traditional leaders as mediators.[20]

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[14] Sunu Pramono Budi, "Tanah, Transmigrasi, Dan Patri," in *Tranformasi Kebijakan Agraria Dan Transmigrasi*, ed. Moh Nizar and Fuad Abdulgani (Yogyakarta: Penerbit Pustaka Ilmu, 2019), 52–84.
[15] Budi.
[16] Amelia Murtisari et al., "The Effects of the Transmigration Programme on Poverty Reduction in Indonesia's Gorontalo Province: A Multidimensional Approach," *Economies* 10, no. 11 (2022), https://doi.org/10.3390/economies10110267.
[17] Pradipta Wijonugroho et al., "Dispute on Land Status in The Transmigration Village Area in and Around The Forest Area in Purwotani Village Lampung Selatan," *Cepalo* 7, no. 2 (2023): 83–94, https://doi.org/10.25041/cepalo.v7no2.3022.
[18] Nathalia Tanikwele, Salmon Eliazer Marthen Nirahua, and Erick Stenly Holle, "Kewenangan Pemerintah Daerah Dalam Pemberian Hak Milik Atas Tanah Bagi Transmigran Di Kabupaten Maluku Tengah," *TATOHI: Jurnal Ilmu Hukum* 3, no. 6 (October 10, 2023): 603–14, https://doi.org/10.47268/tatohi.v3i6.1820.
[19] Isra Yogi Suprayogi Sugandi Muksin et al., "Policy on Free Land Provision for the Transmigration Development in Payahe Transmigration Area, Tidore City, North Maluku Province, Indonesia," *Jurnal Manajemen Pelayanan Publik* 6, no. 1 (2022): 1–13.
[20] Heryanti a, Lade Sirjon, and Sabrina Hidayat, "Settlement for Land Conflict in Transmigrant Community Through Mediation by Integrating Team for Handling of Social Conflict in The East

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Despite these efforts, an evaluation of Indonesia's Transmigration Law reveals that land certification for transmigrants remains inadequately regulated. Law Number 15 of 1997 and its amendments do not provide a clear legal framework for the certification process, as it is only briefly mentioned in Article 24, paragraph (3), which grants ownership rights to transmigrants without detailing implementation mechanisms.[21] This lack of specificity leaves much of the occupied land uncertified, making it vulnerable to legal disputes and resistance. The absence of formal ownership not only hampers long-term investment in these areas but also increases the risk of eviction and weakens legal protection for transmigrants.

Meanwhile, the authority of the Ministry of Villages, Development of Disadvantaged Regions, and Transmigration (Ministry of DPDTT) in managing the transmigration program occupies a central position in the government's strategy to coordinate population mobility between regions. In this context, the state transfers authority through the granting of management rights (HPL) as the main tool in implementing the transmigration program.[22] HPL includes three main sources, namely state land, private land, and customary law community land. State land, due to its characteristics of not being tied to specific land rights, adds a level of complexity, especially if the land is classified as a forest area. Therefore, to access it, a process of releasing forest areas is needed as a strategic step in dealing with the legal aspects of transmigration land.

In the context of land rights originating from individual or legal entity rights, the process of providing land for integration into the transmigration program involves a series of stages that must be followed before the land is recognized as an asset that can be used for transmigration purposes. The integration process through land acquisition generally involves implementing a compensation mechanism as an important step to ensure that land owners, both individuals and legal entities, receive fair compensation.

Meanwhile, the dynamics of land integration in customary law communities, as part of local wisdom, require a special approach. This process involves the release of land rights from customary law communities, which is realized through the provision of settlement infrastructure and facilities. This step not only provides benefits for the indigenous communities concerned but also opens up opportunities to receive treatment as transmigrants in transmigration settlements.

After going through the acquisition and disposal process, state land, private land, and customary law community land have the capability to submit an application for Land Management Rights (HPL) for inclusion in the transmigration program. Thus, these steps ensure that all land involved in the integration process meets the necessary requirements to become part of the transmigration program with optimal support. After obtaining Land Management Rights (HPL) status, the land is then allocated for the Transmigrants'

Kolaka Regency, Indonesia.," *International Journal of Advanced Research* 6, no. 11 (October 31, 2018): 551–55, https://doi.org/10.21474/IJAR01/8030.

[21] FX Sumarja et al., "Evaluation of Indonesian Transmigration Law According to Land Certification for Transmigrants ," *JL Pol'y & Globalization* 66 (2017): 54–59.

[22] HPL is a control right from the state whose implementation authority is partially delegated to the rights holder. See Article 1, paragraph (3), Government Regulation Number 18 of 2021 concerning management rights, land rights, flat units, and land registration.

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residence and business needs. Apart from that, the land is used for the construction of infrastructure, facilities, and public utilities in settlements and transmigration areas. The land selection process for transmigrants involves three categories, namely yard land covering an area of 0.25 hectares, business land covering an area of 0.75 hectares, and business land covering an area of 1 hectare, with a total allocation of 2 hectares.

However, there are still obstacles in the process of legalizing or registering the land ownership rights of transmigrants. This is due to a lack of precise field data and information during the planning stage, as well as a lack of precision in identification and poor coordination between pertinent agencies. Even though it has been explicitly regulated in regulations, especially referring to Law Number 29 of 2009 and Government Regulation Number 3 of 2014, which stipulate that the Transmigration Program must be implemented on land that has clear ownership and meets eligibility standards, either as residential land, business land, or land with potential for development.

This condition causes delays in the resolution of transmigrant land cases due to several factors, including land reservations that have not been completed administratively, a lack of certification documents, employee rotation and lack of consistency, long employee orientation times, and the tendency of transmigrants to leave their settlements while waiting for certification. From the perspective of Tenrisau, several conditions that become obstacles in the process of issuing property rights certificates and legalizing transmigration areas can be identified as follows:[23]

1. Subjects and objects do not match in the field: Land control in the field is not in line with the data on the Transmigrant Determination Decree because the land is abandoned, sold informally, cultivated by the local community, or the land owner has died.
2. HPL certificate has not been issued: The HPL certificate has not been issued because the HPL application documents are incomplete or do not meet clear and clean standards. Apart from that, in the HPL proposal, the existing land ownership situation has not been adequately described.
3. Problematic land: Land that is the source of problems displays a diverse typology, including occupation by communities, disputes with companies or business entities, overlapping with forest areas, disputes with communities based on customary law, and disputes with government agencies.
4. Insufficient spatial and juridical data: lack of information regarding physical aspects (area, location, and boundaries) and juridical aspects (Transmigrant Determination Decree or Transmigrant Replacement Decree) is an obstacle to understanding and managing land.

In the context of transmigration land issues, data shows that of the 653 transmigration land locations, 429 have obtained clean and clear status, while 224 locations still do not meet the clean and clear requirements. Among these challenges, 102 locations are involved in conflicts with forest areas, 65 locations face disputes with the community, 52 locations

[23] Andi Tenrisau, *Panduan Pelaksanaan Gugus Tugas Reforma Agraria* (Jakarta: Direktorat Jenderal Penataan Agraria Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional, 2021).

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experience overlaps with Cultivation Rights (HGU), 22 locations are not available because they are related to land, and 13 locations face other problems.[24] To overcome this problem, efforts are needed to accelerate the transmigration land certification process, especially for locations that are already clear. In line with that, solving the transmigration land problem in locations that are still unclear requires a collaborative approach. This effort needs to involve various related parties, including the government, the community, and other related parties, to achieve a sustainable solution.

Based on the results of an inventory of the achievements of the legalization of transmigration land by the Directorate General of Construction and Development of Transmigration Areas (KDPDT) in 2023, it can be concluded that the condition of transmigration land in Indonesia faces significant challenges in efforts to obtain certificates. Specifically, there are 154,901 plots of transmigration land that have not been legalized, with 52,077 plots facing problems and 102,824 plots considered free of problems. The problems identified cover various aspects, including issues related to the subject and object of transmigration land. One of the main concerns is that the HPL certificate has not been issued, which is a serious obstacle to the management of transmigration land. In addition, a lack of support was found in terms of spatial and juridical data, which significantly affected the land legalization process.[25]

Taking into account the complexity inherent in completing the legalization of transmigration land, a careful approach is required. To overcome a number of problems faced, alternative solutions can be carried out through the following strategies:

1. Strengthening regulations is an essential prerequisite for accelerating the legalization of transmigration. The importance of regulations is reflected in the institutional complexity of the transmigration program, where the DPDTT Ministry handles reception and placement, the ATR/BPN Ministry handles the legalization of transmigration land, the Ministry of Forestry is responsible for forests that overlap with transmigration land, and the regional government handles placement locations. Each agency has its own regulations regarding overlapping land rights. Without regulations that coordinate all agencies involved, achieving the legalization of transmigration land becomes difficult.
2. Building a system of cooperation between agencies. In an effort to increase the effectiveness of resolving transmigration land issues, a collaborative system needs to be built through the preparation of a Memorandum of Understanding (MoU) and Cooperation Agreement (PKS) between ministries, regional offices, land offices, the Transmigration Service, and related parties. This step is essential for coordinating the inventory of transmigration spatial and juridical data to ensure the integrity of

[24] Dadat Dariatna, "Penyelesaian Permasalahan Tanah Transmigrasi," Webinar Series #6 GTRA Summit 2023, July 6, 2023, https://gtrasummit.id/wp-content/uploads/webinar/webinar06/Paparan%20Dir%20LR%20Transmigrasi%20Kedua.pdf.
[25] Direktorat Jenderal Pembangunan dan Pengembangan Kawasan Transmigrasi KDPDT, "Arah Kebijakan Percepatan Sertipikasi Dan Penyelesaian Permasalahan Tanah Transmigrasi," Webinar GTRA Summit Karimun 2023 (Indonesia, 2023), https://gtrasummit.id/wp-content/uploads/webinar/webinar06/Bahan%20Webinar%20GTRA%20Road%20to%20Karimun_6%20Juli%202023%20edit.pdf.

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land-related information. Apart from that, the support and involvement of the regional government at the provincial and district levels is an important key in dealing with land transmigration issues. Through this collaboration, problem-solving efforts can be adapted to the needs and dynamics of each region. Apart from the coordination aspect, adequate budget support is also a crucial factor, especially in financing the issuance of transmigration ownership certificates (SHM) and resolving land issues. By embracing the active participation of all relevant parties, it is hoped that a sustainable system can be created for dealing with transmigration land problems.

3. The process of resolving the legalization of transmigration involves a negotiation and mediation approach, which is recognized as an effective mechanism for handling disputes that arise. Negotiation and mediation provide a platform for the parties involved to discuss, reach agreements, and reduce transmigration land conflicts. However, if this process experiences deadlock or stagnation, further resolution through litigation is an option that must be taken. Unfortunately, the use of litigation in resolving transmigration land conflicts can be difficult to implement and take a very long time. A lengthy judicial process can hinder the acceleration of the legalization of transmigration land and have a negative impact on settlements and the development of the transmigration area as a whole. Therefore, careful consideration is needed in choosing an appropriate resolution strategy in order to optimize the efficiency and effectiveness of handling transmigration land disputes.

The impact of the legalization of transmigration land has various dimensions. On the positive side, the land legalization process not only creates a sense of security but is also considered an important instrument to stimulate economic development, reduce poverty levels, and provide certainty of land ownership to transmigrants. This initiative encourages them to actively invest in land development, which in turn has a positive impact on increasing agricultural productivity and economic development around the transmigration areas. Furthermore, land legalization has succeeded in reducing the potential for land disputes and conflicts by establishing clear boundaries and ownership, creating the basis for harmonious coexistence and cooperation between transmigrants and local communities.

However, challenges also arise, where the lack of infrastructure and resources in transmigration areas becomes a serious obstacle to carrying out the effectiveness of the land legalization process. Transmigration areas often experience underdevelopment and lack the supporting facilities needed to support the land legalization process efficiently. This situation results in delays and a lack of efficiency in the registration process, which in turn hampers transmigrants' ability to fully establish legal ownership and use rights to the land in question. Moreover, the lack of awareness and understanding of land legalization procedures among transmigrants poses serious obstacles to the success of transmigration programs. Many transmigrants are unaware of their rights and responsibilities in the land legalization process, creating gaps and misunderstandings that hinder effective program implementation.

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To increase land legalization in transmigration areas, strategic steps are needed. First, establish a comprehensive legal and regulatory framework to clarify land ownership and use rights and reduce the potential for disputes in order to create a stable environment for transmigrants. Second, substantial investment in infrastructure and resources is imperative to support an efficient land legalization process, ensure timely and accurate legalization of land rights, and increase the carrying capacity of essential infrastructure. Third, intensive collaboration and dialogue between government institutions, local communities, and settlers is key to simplifying the process and overcoming potential overlapping interests. Encouraging transparency and inclusiveness in the land legalization process can create a productive transmigration environment. Finally, increasing awareness through education and training regarding land legalization procedures is essential to empower settlers and facilitate their integration into transmigration areas. The hope is that all these steps will lead to the success of the transmigration program.

It should be noted that the uncertainty of the legal status of transmigration land has a significant impact on the sustainability of the transmigration program and the welfare of the communities involved. Therefore, corrective action and improvements are needed in the transmigration land legalization system, including the provision of more complete data and adequate legal support. Collaborative efforts between relevant parties, including the government, related institutions, and local communities, are key to overcoming the complexity of these challenges in order to achieve sustainable development goals in the transmigration sector.

C. Redistributing Transmigration Land through Agrarian Reform

Agrarian reform is an effort to restructure the control, ownership, and use of land with the aim of achieving greater social justice through land asset management that supports community welfare. One of the main problems faced is the inequality of land ownership, where most of the land is controlled by a handful of people or companies, while most farmers, especially small farmers, do not have adequate access to manage the land. This traps many farmers in poverty. Although the Basic Agrarian Law (UUPA) aims to provide legal certainty regarding land rights, land disputes between communities and companies still often occur. The process of resolving these disputes is often protracted and ineffective, mainly due to ad hoc and inconsistent government policies. In addition, administrative and legal obstacles in the land registration and certification process pose significant challenges, particularly due to the issue of incomplete applicant data. The lack of community empowerment in decision-making regarding land use also contributes to the ineffectiveness of the implementation of agrarian reform. The influence of globalization and the entry of foreign investment in the agribusiness sector have further exacerbated this condition, with policies that often ignore the rights of local communities. On the other hand, low legal awareness among the community hinders their efforts to fight for land rights, especially when facing conflict.

Transmigration, as an important part of agrarian reform, includes two main activities in asset management: first, providing certification to the community as a concrete step to protect land ownership rights; second, implementing access arrangements that involve community empowerment. The main aim of this arrangement is to increase the

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community's ability to make maximum use of their land. One of the main focuses of agrarian reform is the legalization of transmigration land assets covering an area of 0.6 million hectares.

Table 1. Agrarian Reform Achievements as of June 15, 2023

Agrarian Reform	Targets (hectares)	Achievement (hectares)
Transmigration land	0.6 million	138.834,72 (23,14%)
Land Registration	3.9 million	9.173.953 (235,23%)
Former HGU, Abandoned Land & Other State Land	0.4 million	1.351.042,09 (337,76%)
Release of Forest Areas	4.1 million	354.359,28 (8,64%)

Source: Processed from Webinar Series #6 GTRA Summit 2023, July 6, 2023

Agrarian reform achievements are an important indicator of the government's efforts to overcome inequality in land control and ownership. This achievement shows progress in two main aspects, namely the legalization of land assets and land redistribution, which focuses on ex-Hak Cultivation (HGU) land, abandoned land, and other state land in accordance with the targets that have been set to achieve agrarian stability. However, the transmigration and forest area release sector still face challenges in achieving the expected targets. This condition indicates the existence of complexity and special obstacles that require further resolution.

Complex challenges in the process of legalizing transmigration land arise because there are still a number of historical issues that have not been resolved. Some of the obstacles faced include the inability to release transmigration land from forest areas, the status of transmigration land, which is still in the form of Land Management Rights (HPL) by the local government without a valid HPL permit, differences between the area of the HPL issued and land that has been used by the community, inconsistencies between objects of community control and official maps issued by the government, as well as differences in subject data submitted by the Transmigration Service and the party currently controlling the land as a result of the transfer of rights process.

This unresolved land legalization problem requires a new paradigm in managing transmigration land. According to Erman Suparno, the new transmigration paradigm focuses on five main ideas: regional development and improving community welfare in a sustainable manner. First, transmigration is expected to support food security and shelter needs by optimizing the use of new land for agricultural activities and providing decent housing. Second, this program plays a role in strengthening national resilience by distributing population to strategic areas, especially border areas, in order to maintain regional integration and reduce demographic inequality. Third, transmigration is integrated with alternative energy policies; transmigration areas have the potential to become centers for the development of renewable energy, such as bioenergy and biomass. Fourth, transmigration is expected to encourage equitable economic growth by creating new economic centers outside developed areas, as well as attracting investment to accelerate the development of underdeveloped areas. Fifth, transmigration is positioned as

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part of efforts to overcome poverty and unemployment by providing access to economic resources, job opportunities, and a better life for people in densely populated areas.[26]

Another new paradigm is the Transmigration Transformation Program with the transpolitan concept as an update of the traditional transmigration program, with four main points that are characteristic and differentiating. First, the spatial planning of the transpolitan area is designed to be more integrated and spacious, equipped with adequate facilities and infrastructure to support economic, social, and cultural activities. Second, the management of this area uses the Pentahelix approach, which involves collaboration between five main elements, namely academics, government, business, society, and media. This system aims to create inclusive, innovative, and sustainable management. Third, human resource development in transpolitan emphasizes skills (skilled labor) that are able to utilize technology in various aspects of life, including agriculture, trade, and the creative industry. Fourth, transpolitan offers more diverse livelihood opportunities, not limited to the traditional agricultural sector, but also including the service sector, industry, and technology-based entrepreneurship. As a concept for future regional development, transpolitan is designed to meet the basic needs of migrant communities through modern facilities, technology, and adequate knowledge so that they can adapt quickly to the natural and social environment at their destination. This concept is expected to create an independent, productive, and highly competitive society in supporting regional economic growth.[27]

The direction of transmigration policy emphasizes equitable economic development, which includes restructuring land ownership through agrarian reform to reduce inequality and agrarian conflict. Presidential Regulation 62/2023 expedites the certification of land for transmigration. This presidential regulation regulates the acceleration of the implementation of agrarian reform by setting limits on the terms used in its regulation. The following strategies drive the acceleration of agrarian reform implementation: 1) Legalization of assets; 2) land redistribution; 3) economic empowerment of agrarian reform subjects; 4) agrarian reform institutions; and 5) community participation.

The Presidential Regulation 62/2023 on Acceleration of Transmigration Land Certification talks about a lot of important things, such as the redistribution of land that comes from ending agrarian conflicts and making transmigrant rights the main focus of agrarian reform (Article 20). The certification process includes residential land and business land, which aims to provide legal certainty of ownership for transmigrants (Article 35). The transmigration land must meet one of two main requirements in order to be certified: the boundaries of the forest must be opened up or changed in line with the law; or transmigration management rights must be established for areas that are still being built upon and are not in a forest. This approach seeks to improve the legal status of

[26] Erman Suparno, *Kota Terpadu Mandiri Di Kawasan Transmigrasi: Sebuah Gagasan Menuju Kesejahteraan Masyarakat* (Jakarta: Dirjen Pembinaan Pengembangan Masyarakat dan Kawasan Transmigrasi, 2007).
[27] Taufan Daniarta Sukarno, Nurul Aldha Mauliddina Siregar, and Farida Yustina, "Transpolitan: Kebijakan Pembangunan Transmigrasi Masa Depan," *Jurnal Kebijakan Publik* 14, no. 1 (2023): 1–12, https://doi.org/10.31258/jkp.v14i1.8157.

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transmigration land while supporting the success of a sustainable transmigration program, with the aim of creating productive areas and improving the welfare of transmigrant communities. In addition, transmigration land cannot be transferred unless it has been owned for at least 15 years from the date of placement, with the provision that any transfer within that period will result in the land's right being revoked.

As part of efforts to strengthen land ownership rights for transmigrants, the transformation of the transmigration program is directed at creating productive areas by maximizing the potential of local resources and developing a cooperative system as a driver of a community-based economy. The Transpolitan concept was introduced as a model of a transmigration city that combines modern infrastructure development with local socio-cultural potential. This transmigration program is also supported by the Pentahelix approach that involves various stakeholders to accelerate economic equality and reduce disparities between regions. Improving transmigrant skills and socio-cultural readiness is a priority so that they can adapt to the new environment productively. In addition, collaboration across ministries, local governments, and communities is expected to strengthen the management of transmigration areas. The success of transmigration is an important benchmark in Indonesian human development, which aims to reduce poverty and improve community welfare, while accelerating equitable national development.

CONCLUSION

The transmigration program in Indonesia has been established through a robust legal framework, evolving from early regulations such as Government Regulation No. 56 of 1958 and Government Regulation No. 13 of 1959 to more comprehensive laws like Law No. 15 of 1997 and its subsequent amendments. These legal foundations have facilitated land allocation, employment, and regional development while adapting to demographic and economic changes. The program has significantly contributed to national growth by creating 44 Independent Integrated Cities (KTM), supporting 2.2 million households on 4.4 million hectares of productive land, and establishing new urban centers. Additionally, it has played a key role in reducing poverty and promoting economic expansion. However, challenges like land enforcement, equitable resource distribution, and the long-term sustainability of transmigration settlements still require legal refinements. A well-balanced approach that aligns national development goals with the rights of transmigrants remains crucial to the program's success.

The legalization and redistribution of transmigration land remain complex due to unclear land ownership, incomplete certification, and overlapping claims involving forest areas, private entities, and customary communities. Despite regulatory frameworks like Law No. 29 of 2009 and Government Regulation No. 3 of 2014, implementation is hindered by poor coordination, inadequate data, and administrative inefficiencies. Key obstacles include mismatches between official land records and actual ownership, delays in issuing Land Management Rights (HPL), and land disputes involving multiple stakeholders. Presidential Regulation No. 62/2023 seeks to accelerate land certification by prioritizing legal asset recognition, land redistribution, and sustainable economic development. Additionally, the Transpolitan concept integrates modern infrastructure, local resource

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management, and cooperative economic systems to create more sustainable transmigration settlements. Strengthening legal frameworks, improving inter-agency collaboration, and enhancing transmigrants' skills are critical to ensuring equitable land distribution, socio-economic stability, and regional development through agrarian reform.

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