

Harmonisation of Government Authority in the Process of Redistributing Former PTPN HGU Land in Sumatera Utara in Realising Agrarian Reform in Indonesia

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ABSTRACT

With the increasing agrarian disputes occurring in Indonesia, it indicates that the expected agrarian reform, as envisioned by the Indonesian government, has not yet been realized. The complexity of land issues in Deliserdang requires strong synergy between the local government and the relevant ministries. This research uses a normative juridical method with a legislative approach and a conceptual approach. The main issue raised is the overlap of authority and the weak coordination between institutions, both between the central government, local governments, and related agencies such as the Ministry of ATR/BPN and the Ministry of BUMN, which affects the suboptimal implementation of land redistribution. The research results show that although the legal framework related to agrarian reform and state land management is available, its implementation still faces various obstacles, including regulatory disharmony, sectoral egoism, and the absence of an integrated coordination mechanism. Harmonization of authority is necessary through the synchronization of regulations, clarification of the division of authority, and strengthening cross-sector coordination to accelerate the redistribution of former PTPN HGU land. Thus, the optimization of land redistribution is expected to reduce land ownership inequality, improve community welfare, and support the realization of a just and sustainable agrarian reform in Indonesia. The harmonization of government authority in redistributing former Business Use Rights (HGU) land owned by PTPN is a fundamental prerequisite for realizing equitable agrarian reform in Indonesia. The lack of synchronization in authority among institutions, especially between the central government, local governments, and technical agencies such as the Ministry of ATR/BPN and the Ministry of BUMN, often becomes the main obstacle in optimizing the use of former HGU land for the benefit of the community. Normatively, the legal framework has provided a sufficient basis through various regulations related to agrarian reform, state asset management, and agrarian structuring. However, in practice, there are still overlapping authorities, sectoral egos, and unclear coordination mechanisms that affect the slow process of land redistribution.

1. Introduction

Presidential Regulation Number 62 of 2023 on the Acceleration of Agrarian Reform Implementation regulates asset arrangement strategies, including land redistribution from Agrarian Reform Object Land (TORA) (Nurlinda et al., 2026). Government Regulation Number 20 of 2021 on the Regulation of Abandoned Land regulates the reclamation of land that has been abandoned for 2 years to be designated as TORA (Soetarto, n.d.). The former HGU land of PTPN 2, covering an area of 5,873 hectares, has officially entered the category of free state land and has been designated as a target object for Agrarian Reform (TORA) due to the expiration of the HGU period, allowing it to be distributed to the community for equity and justice based on legal provisions. Land redistribution has caused prolonged

disputes with the community because the status of the land is still considered an asset of PTPN. The limited authority of the local government has become a major obstacle in resolving conflicts over the former PTPN II HGU land. The Head of the North Sumatra BPN Regional Office, Sri Pranoto, explained that out of a total of 62,161.03 hectares of PTPN II HGU, there are 5,873.08 hectares that have not been extended. Deliserdang is the area with the largest size, followed by Serdang Bedagai, Langkat, and Binjai.

The obstacles that prevent the implementation of land redistribution from ex-HGU PTPN to the community are caused by (ARHAM, 2026): 1) the community or local government is required to pay a certain fee (compensation) to PTPN II for the land to be distributed, with estimated costs reaching IDR. 80,000 to 180,000 per meter. This policy has caused many in the community to be unable to pay; 2) the limited authority of the district government in making quick decisions regarding the release of assets managed by the central government or state-owned enterprises (BUMN).

Normative conflicts in the implementation of land redistribution of former Business Use Rights (HGU) of PTPN 2 in Deli Serdang Regency, North Sumatra, lie in the overlapping regulations between national agrarian law orientated towards social justice and the administrative/commercial regulations of state-owned enterprises (BUMN) (Yahman et al., 2015). The government's efforts to synchronize regulations between the Ministry of State-Owned Enterprises (related to SOE assets) and the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (related to agrarian reform redistribution) are very important to prevent overlapping land status (Darmawan, 2026). The construction of norms related to former HGU land whose term has expired and is not extended should automatically be clarified as state land and must be redistributed, not considered an asset that must be compensated by the people.

Table 1. Redistribution of Ex-HGU PTPN Land in North Sumatra

Location /Area	Agency/ PTPN	Land Area (Hectares)	Land Legal Status	Main Obstacles to Resolution	Application Process (Inferred)	Proposed Solution /Demands
Deli Serdang, North Sumatra	PTPN II	4.392,89 - 4.423,67	State Land (Former HGU that has not been extended)	The absence of asset release approval from the Minister of State-Owned Enterprises/Finance; still recorded as a state-owned enterprise asset; burdensome payment obligations.	The aspirations of the community are conveyed to the PTPN Board of Directors, then submitted to the Minister of State-Owned Enterprises/ Danantara for operational evaluation, forwarded to the Minister of Finance (DJKN) for the write-off of BMN assets, and finally to the BPN for certification.	Land redistribution without cost; legal status determination by regional heads; cross-sectoral coordination for special Presidential Decrees.
Kabupaten Langkat, North Sumatra	PTPN II	1.210,87	Tanah Negara (Former HGU)	Asset release permits have not been issued; conflicting claims between the community and the company; regulatory clashes between state-owned enterprises and agrarian reform.	The application starts from the level of the BUMN Board of Directors, document verification by the B Plus team, write-off approval by the relevant ministry, to the registration of	Immediately redistributed to communities with legitimate land rights, cultivators, and indigenous peoples.

Kota Binjai, North Sumatra	PTPN II	238,52	Tanah Negara (Former HGU)	The asset status is still recorded in SIMAK BMN; there is occupation by third parties and land speculators.	rights at the Land Office. Through the mechanism of the Governor's proposal based on the nominative list to the Ministry of State- Owned Enterprises to obtain approval for the removal from the company's fixed asset list.	Accelerating coordination between institutions and the issuance of book deletion permits so that they can be included in the RUTRWK.
Desa Helvetia, Deli Serdang	PTPN II	± 32	Ex-HGU (in the court execution agenda)	Legal dispute and execution plan by the Lubuk Pakam District Court rejected by farmers.	Submission of demands through the Farmers' Committee to the Regional People's Representative Council (DPRD) and land agencies to halt the execution and initiate the redistribution process.	Stop land evictions and immediately certify it for the people.
Kabupaten Serdang Bedagai	PTPN II	30,78	State Land (Former HGU)	The confusion over the mechanism for the release of rights and the controversy over administrative provisions.	The legal verification process by the B Plus Team coordinated by the Provincial Government before the submission of asset release to the central level.	Legal certainty for farmers and the local community.

Source: Shareholders' Decision of the Minister of State-Owned Enterprises Number S-923/Mbu/12/2021 Dspn, DSPN/KPPS/94/Xii/2021 Regarding Approval of the Write-off and Transfer of Former Business Use Rights Land Assets

2. Literature Review

The study of agrarian reform in Indonesia fundamentally stems from the mandate of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia and Law Number 5 of 1960 concerning the Basic Agrarian Law, which places the state as the controller of agrarian resources for the greatest prosperity of the people. Agrarian reform is understood as the process of restructuring the control, ownership, use, and utilization of land through asset restructuring and access restructuring. The research conducted by Rahmat Ramadhani emphasizes that land redistribution is the main instrument for achieving land justice. Through a comparison between the old provisions and contemporary agrarian reform policies, it was found that there is an expansion of the objects and subjects of land redistribution aimed at broadening public access to agrarian resources (Arisaputra, 2021). However, the implementation of land redistribution still faces various obstacles, particularly related to the availability of redistribution objects and land tenure conflicts.

Studies on the implementation of agrarian reform show that the success of land redistribution is greatly influenced by the harmonization of institutional cooperation among government agencies (Nurhidaya et al., 2025). Alvian and Mujiburohman (2022) explained that the implementation of agrarian reform during President Joko Widodo's administration still faces institutional, regulatory, and availability

obstacles for redistribution objects. Agrarian reform has not been able to significantly reduce land ownership inequality due to weak inter-institutional coordination, sectoral egos, and suboptimal political and institutional support. The research emphasizes the importance of strengthening cross-sector coordination as a prerequisite for the success of agrarian reform.

In line with that, research on land law politics emphasizes that the overlapping authority between the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency and the Ministry of Environment and Forestry is one of the main obstacles to the implementation of land redistribution. This dualism of authority causes legal uncertainty regarding agrarian reform objects, especially on land that intersects with forest areas and state land (Tandori & Supriyanto, 2025). Therefore, the harmonization of regulations and the distribution of authority have become urgent needs in the implementation of agrarian reform.

North Sumatra is one of the regions with a high level of agrarian conflict, particularly concerning the former Cultivation Rights (HGU) land owned by state plantation companies. Research by Ngadimin, Heri, and Isnaini shows that the conflict over the former HGU land of PT Perkebunan Nusantara II is one of the agrarian disputes that has been ongoing for quite some time in North Sumatra. The issue was triggered by the lack of synchronization in authority between the central government, local government, technical ministries, and state-owned enterprises (BUMN). Although several Decrees have mandated the Governor of North Sumatra to manage the control and utilisation of ex-HGU land, its implementation has faced obstacles due to the absence of further approval from the central government. The condition indicates a disharmony of authority in the process of redistributing former HGU land.

Furthermore, research on the political dynamics of land disputes in North Sumatra shows that the implementation of agrarian reform is often influenced by political factors, community resistance, economic interests, and weak coordination among government actors. North Sumatra, as the epicenter of agrarian conflicts, shows that land redistribution is not only a legal issue but also a political and governance issue.

In the context of agrarian reform, the establishment of the Agrarian Reform Task Force (GTRA) is one form of institutional harmonization aimed at strengthening coordination between the central government and local governments (Darman, 2026). Research by Shelvi Manurung et al. shows that GTRA has a strategic role in providing Agrarian Reform Object Land (TORA), resolving land disputes, and implementing land redistribution in the region. In the case of Serdang Bedagai Regency, the presence of GTRA was able to facilitate inter-agency coordination in resolving land disputes related to former HGU land. However, the effectiveness of GTRA is still hindered by limited operational authority, weak data integration, and suboptimal inter-agency synergy.

Thus, the existence of GTRA needs to be strengthened through clearer regulations regarding the division of authority, coordination mechanisms, and the integration of land information systems so that the process of redistributing former HGU land can run effectively.

3. Methods

This research employs a normative juridical legal research type, which focuses on the study of legal norms governing the authority of the government in the process of redistributing land previously under Business Use Rights (HGU) owned by PTPN within the framework of agrarian reform in Indonesia. The approaches used include the statute approach and the conceptual approach. The statute approach is conducted by examining various relevant regulations, including the Basic Agrarian Law, regulations related to agrarian reform, state asset management, and policies governing the roles of the Ministry of ATR/BPN and the Ministry of BUMN in managing ex-HGU land. Meanwhile, the conceptual approach is used to study the concepts of authority harmonization, agrarian reform, and relevant legal theories such as the theory of authority, theory of justice, and theory of agrarian resource management. The sources of legal materials used consist of primary legal materials, namely legislation and court decisions related to the research object; secondary legal materials, in the form of scientific literature such as books, journals, and previous research results; and tertiary legal materials, such as legal dictionaries and encyclopedias that support the understanding of concepts. The technique for collecting legal materials is carried out through library research by inventorying, classifying, and examining legal materials relevant to the research problem. Next, the analysis technique used is qualitative analysis, which involves interpreting and examining legal materials systematically to find relationships, consistencies, and disharmonies among legal norms. The results of the analysis are then compiled in a prescriptive-analytical

manner, with the aim of providing comprehensive and precise solutions to support the implementation of agrarian reform in Indonesia.

4. Discussion

4.1 Legal Provisions for the Implementation of Land Redistribution for Former HGU Lands of PTPN II

Land redistribution is one of the main instruments of agrarian reform aimed at restructuring the control, ownership, use, and utilization of land to create social justice and community welfare (Novanto et al., 2025). Conceptually, land redistribution is the process of distributing state-controlled land to certain subjects in accordance with legal regulations. The philosophical foundation of land redistribution is based on Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that the earth, water, and natural resources contained therein are controlled by the state and used to the greatest extent for the prosperity of the people (Utama et al., 2025). The constitutional mandate was then implemented through the provisions of Law Number 5 of 1960 on the Basic Agrarian Law, which grants the state the authority to regulate the allocation, use, supply, and maintenance of land, water, and space.

In the context of former Cultivation Rights (HGU) land, land redistribution is intended to provide more equitable access to agrarian resources for the community, particularly for land whose rights have expired, been released, revoked, or not extended. The implementation of land redistribution for the former HGU land of PTPN II has a layered legal basis, sourced from both legislation and government policies (Arifin & Wachidah, 2023). Furthermore, Article 6 of the UUPA emphasizes that all land rights have a social function. Therefore, land that is not optimally utilized or no longer has a legal basis for control can be allocated for the benefit of the community through redistribution policies. In addition, Article 17 of the UUPA emphasizes the need for land control restrictions to prevent monopolies and agrarian structural imbalances.

The Right to Cultivate (Hak Guna Usaha) is the right to cultivate land directly controlled by the state for a certain period for agricultural, plantation, fishery, or livestock purposes. After the Right to Cultivate expires or is not extended, the land reverts to being directly controlled by the state, allowing the government to determine its subsequent use, including as an object of land redistribution.

The issue of the former HGU land of PTPN II in North Sumatra is one of the quite complex agrarian conflicts in Indonesia. The conflict began with the expiration of part of the HGU owned by PTPN II, which was not fully extended by the government. The government, through the decision of the Minister of Agrarian Affairs/Head of the National Land Agency, has determined that part of the PTPN II HGU area will not be extended and will be returned to the state. Legally, land whose rights are not extended changes status to state land. However, this change of status does not automatically erase various claims of control that have developed in the field, whether by the community, local government, or private entities.

After verification, the government designates recipients of land redistribution and grants land rights through the issuance of ownership certificates or other forms of rights in accordance with legal provisions (Aisyah et al., 2026). Agrarian reform does not stop at land distribution, but must also be followed by the economic empowerment of the community through: a. access to capital; b. business mentoring; c. production facility assistance; d. infrastructure development; e. market access. This approach is necessary so that land redistribution can sustainably improve the welfare of the community.

Normatively, the former HGU land of PTPN II that has not been extended has the status of state land, so it can be used as an object of land redistribution within the framework of agrarian reform. However, its implementation cannot be carried out solely based on the expiration of the HGU, but must take into account the legal certainty of land status, resolution of agrarian conflicts, spatial planning compatibility, and harmonization of inter-agency authority. Thus, the implementation of land redistribution for the former HGU land of PTPN II requires policy synchronization between the central government, local government, PTPN, and the community so that the goals of agrarian reform, namely agrarian justice, legal certainty, and community welfare, can be effectively achieved.

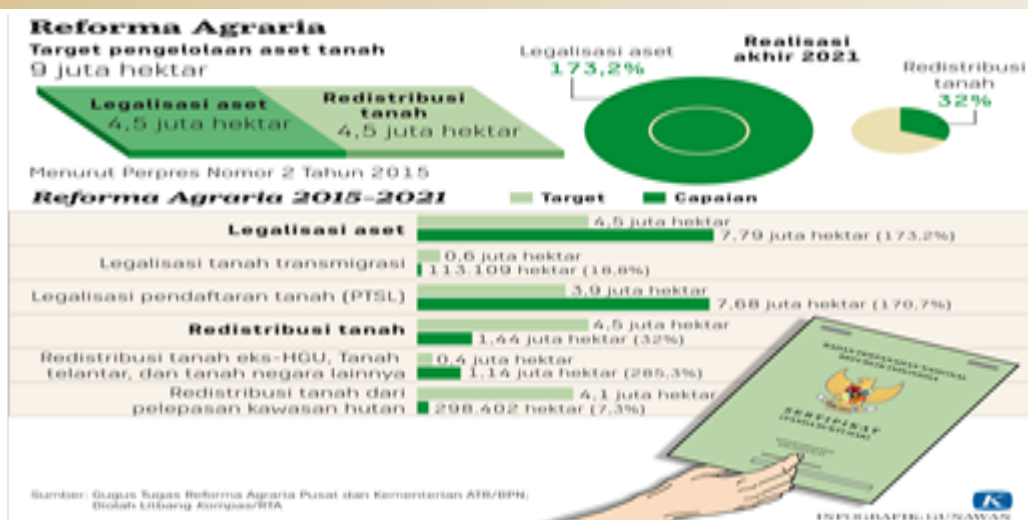


Figure 1. Implementation of Agrarian Reform in Indonesia (Konsorsium Pembaruan Agraria, 2024)

Table 2. Comparison of Laws in Several Countries in the Implementation of Land Redistribution

No	Country	Legal Basis	Legal Substance Provisions
1	Indonesia	Basic Agrarian Law (UUPA) Number 5 of 1960, Government Regulation (PP) Number 224 of 1961, and Presidential Regulation (Perpres) Number 86 of 2018 on Agrarian Reform.	- Excess land, absentee land (pledged land), former princely state land, and other state land. This object is subject to expanded regulations under Presidential Regulation No. 62 of 2023; - Tenant farmers or agricultural laborers. The distributed land is granted Ownership Rights status and managed by the Agrarian Reform Task Force (GTRA); - The original landowner affected by the maximum limit is entitled to compensation determined by the government.
2	Japan (Post-World War II Land Reform)	Agricultural Land Adjustment Law (1938) which was extensively amended in 1945 and Owner-Farmer Establishment Special Measures Law (1946).	- All agricultural land rented by tenant farmers and land owned by landlords that exceeds the ownership limit of 1 hectare (in Hokkaido, the limit is 3 hectares); - The government forcibly buys land from landlords and resells it to farmers/tenants at very low prices and soft installments, granting them full ownership quickly; - The government paid compensation to landowners using government bonds with a fixed interest rate, which unfortunately was eroded by severe post-war inflation.

4.1 Harmonization of Government Authority as an Effort to Realize Agrarian Reform in Indonesia

Harmonizing government authority entails aligning, synchronizing, and integrating the powers of government institutions at both central and regional levels to prevent policy overlaps, normative conflicts, and jurisdictional disputes during the implementation of agrarian reform. Such harmonization is crucial because agrarian issues in Indonesia cut across various sectors, including land affairs, forestry, plantations, mining, spatial planning, the environment, and local government.

Philosophically, agrarian reform is a constitutional mandate as stated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which declares that land, water, and natural

resources contained therein are controlled by the state and used to the greatest extent for the prosperity of the people. The mandate is then further elaborated in Law Number 5 of 1960 concerning the Basic Agrarian Law, which places the state as the organization of the power of the entire people in regulating, managing, and determining the legal relationship between society and land. In its implementation, agrarian reform is not only understood as land redistribution, but also includes the regulation of control, ownership, use, and utilization of land in a just manner to reduce agrarian structural inequalities.

The implementation of agrarian reform in Indonesia continues to face various obstacles, particularly regarding the lack of coordination in authority among government agencies. Some of these issues include:

- a. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency has authority over land administration and land redistribution.
- b. The Ministry of Forestry has the authority to manage forest areas.
- c. The Ministry of Environment has authority regarding environmental protection.
- d. Local governments have the authority to formulate spatial plans and issue various forms of permits.

This condition often leads to jurisdictional conflicts, for example, when a piece of land has been controlled by the community for generations, but is still administratively designated as a forest area by the central government (Chamdani, 2021). As a result, land redistribution in the agrarian reform program has been hindered. There are various sectoral regulations that often do not align with the principles of agrarian reform. For example, regulations regarding forestry, plantations, mining, and spatial planning often have orientations that differ from the goal of equitable land ownership as mandated by the UUPA.

The conflict of norms leads to the emergence of dualism in the regulation of the same land object, potentially resulting in agrarian disputes. The implementation of regional autonomy through Law Number 23 of 2014 on Regional Government brings the consequence of a division of affairs between the central government, provincial government, and regency/municipal government. However, in practice, there is still ambiguity regarding the boundaries of authority, especially related to spatial planning, land use permits, and the resolution of agrarian conflicts. Such ambiguities often lead to sectoral or territorial egos that ultimately hinder the implementation of agrarian reform. Such ambiguities often lead to sectoral or territorial egos that ultimately hinder the implementation of agrarian reform.

Harmonization of government authority is a fundamental prerequisite for realizing agrarian reform in Indonesia. Without the synchronization of authority between agencies, the implementation of agrarian reform will continue to face obstacles such as overlapping regulations, conflicts of authority, and legal uncertainty. Therefore, institutional reform is needed that places cross-sector coordination as the main foundation in the implementation of agrarian reform. With effective harmonization of authority, the goals of agrarian reform, such as equitable land ownership, resolution of agrarian conflicts, and improvement of community welfare, can be achieved sustainably.

Table 3. Indonesian Corruption Watch Report from 2013 to 2016 (in Indonesian Rupiahs)

No	Rule of Law	Legal Substance	Conflict of Norms
1	Basic Agrarian Law (UUPA) No. 5 of 1960	It is a fundamental principle that the state regulates land ownership for the greatest prosperity of the people.	Clash of Legal Paradigms (UUPA vs. Job Creation Law)
2	Government Regulation Number 224 of 1961	Regulating the technical implementation of land distribution and compensation, where the recipients of redistribution are entitled to ownership status of the land.	Status of State-Owned Enterprises Assets and Compensation Obligations

3	Presidential Regulation Number 86 of 2018 and Presidential Regulation Number 62 of 2023 on Agrarian Reform	Former HGU land whose period of validity has expired or has been abandoned is designated as Agrarian Reform Object Land (TORA) to be redistributed to the small people, tenant farmers, and agricultural laborers free of charge.	The Absence of a Clear Compensation Clause
4	Presidential Regulation (Perpres) Number 86 of 2018	Specifically designating former HGU land and abandoned land as the main targets for the provision of TORA covering at least 4.5 million hectares for redistribution.	Top-Down Rights Release Procedure

5. Conclusion

The harmonization of government authority in redistributing former Business Use Rights (HGU) land owned by PTPN is a fundamental prerequisite for realizing equitable agrarian reform in Indonesia. The lack of synchronization in authority among institutions, especially between the central government, local governments, and technical agencies such as the Ministry of ATR/BPN and the Ministry of BUMN, often becomes the main obstacle in optimizing the use of former HGU land for the benefit of the community. Normatively, the legal framework has provided a sufficient basis through various regulations related to agrarian reform, state asset management, and agrarian structuring. However, in practice, there are still overlapping authorities, sectoral egos, and unclear coordination mechanisms that affect the slow process of land redistribution. This shows that harmonization not only requires the synchronization of regulations but also institutional integration and strong political commitment. The redistribution of former PTPN HGU land actually has strategic potential in reducing land ownership inequality, improving community welfare, and reducing agrarian conflicts. Therefore, a clearer assertion of authority, simplification of procedures, and strengthening of cross-sector coordination systems are needed so that the redistribution process can run effectively, transparently, and accurately. Thus, the success of agrarian reform is not only determined by the availability of land objects but also by the state's ability to harmonize authority and implement agrarian governance that is responsive to the needs of the community. That harmonization becomes the key in ensuring that the redistribution of former PTPN HGU land truly contributes to the realization of social justice as mandated in the constitution.

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