

Agricultural reform as an effort to strengthen the communal rights of coastal communities in Wakatobi

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Abstract. This study examines how communal land registration can strengthen the land rights of coastal communities in Wakatobi within the framework of agrarian reform. The research addresses the conceptual and normative disharmony between national agrarian law and communal adat practices in marine areas, as well as operational challenges in land registration for coastal and small-island territories. Using a normative-sociological legal approach, the study combines regulatory analysis, policy review of the 2022 Agrarian Reform Task Force (GTRA) Summit, and examination of administrative data from the Systematic Complete Land Registration (PTSL) program in six coastal villages. The findings show that time-bound Building Use Rights and Use Rights regimes in marine spaces, accompanied by restriction clauses and a positive-fiction licensing rule, enhance legal certainty for coastal communities. The expansion of PTSL in Wakatobi demonstrates that evidence-based and spatially integrated governance can effectively support communal land registration in coastal regions. The study contributes to the development of an integrated agrarian-marine governance model that links asset legalization with access expansion to ensure socio-ecological sustainability and community welfare.

Keywords: agrarian reform, communal land registration, coastal governance, legal certainty, spatial planning integration.

Introduction. Land is a vital resource for the survival and livelihood of the Indonesian people, serving not only economic but also social, political, and cultural functions. Article 33(3) of the 1945 Constitution mandates that land, water, and natural resources shall be controlled by the state for the greatest prosperity of the people. This constitutional provision underpins Indonesia's agrarian policy, which seeks social justice through equitable land distribution via agrarian reform, encompassing both land redistribution and community empowerment under Law No. 5 of 1960 (UUPA) and MPR Decree No. IX/MPR/2001. The concept of state control does not imply state ownership; rather, the state functions as a trustee tasked with regulating, managing, and supervising land use for the benefit of all citizens, consistent with the social justice mandate of Pancasila (Ulukyana 2023). Land also carries a social function that must be upheld by its owners and users (Amasta & Paulus 2024).

Agrarian reform aims to restructure land control, ownership, use, and utilization more equitably through asset and access restructuring for community prosperity. Beyond land redistribution, it encompasses strengthening community assets through legal certification and economic empowerment. However, the implementation of agrarian reform faces complex challenges, particularly in recognizing communal land rights of indigenous peoples. Communal land has strategic value in maintaining cultural sustainability and identity while serving as an economic base for communities (ATR/BPN 2021).

Rights to communal land are often not formally recognized by the national agrarian legal system, making them vulnerable to ownership conflicts and seizure by external parties (Martinez 2022; Warman & Fatimah 2023). Wakatobi Regency in Southeast

Sulawesi, a national marine conservation area with high biodiversity and strong indigenous traditions in land and natural resource management, exemplifies the challenge of balancing conservation, development, and indigenous rights protection (Moechtar 2019). This study examines efforts to strengthen local community rights through communal land registration within the framework of agrarian reform in Wakatobi.

A comparative review of the literature reveals both conceptual and normative dimensions of this challenge. Sorisi (2015) traces the evolution of customary rights from *beschikkingsrecht*, highlighting how codification stripped the philosophical and social dimensions from communal rights. Pascaningtyas (2017) demonstrates regulatory disharmony in the agrarian legal system, concluding that communal rights cannot be equated with state land. This study integrates both historical-normative and dogmatic approaches within a single analytical framework, applying this synthesis to coastal zone management in Wakatobi. With its status as a National Strategic Area, Wakatobi faces major challenges in maintaining a balance between conservation, development, and the protection of indigenous peoples' rights. Land registration is essential as the legal basis for securing land rights for both indigenous communities and the government in managing conservation areas and development.

Through this research, the researcher has also conducted a comparative study to identify the state of the art. Similar research has actually been conducted by several other researchers. However, to reinforce the idea of protecting communal land rights, this research provides a different perspective. The debate regarding the position and construction of communal rights in Indonesian agrarian law confirms that this issue has historical depth and normative complexity that has not been fully unraveled. The first comparative study (Sorisi 2015) provides an important foundation regarding the evolution of customary rights, beginning with right of disposal, which is cosmological, collective, and organic in nature, to the epistemic structural changes that occurred when the concept was adapted into the national legal system. By showing that the codification process eliminated the philosophical and social dimensions of customary rights, the analysis reveals that the ambiguity of communal rights in positive law is not merely a result of weak regulation, but an epistemological consequence of separating customary concepts from their sociocultural context. This perspective frames the problem of communal rights as a conceptual misalignment between customary law and state law.

The second comparative study (Pascaningtyas 2017), reinforces similar problems at the normative-dogmatic level. By examining the consistency of the UUPA, Government Regulations on Land Registration, and ATR/BPN Ministerial Regulations, this work concludes that communal rights cannot be equated with state land and therefore cannot be the object of land registration, let alone the basis for granting Cultivation Rights. The second comparative study reveals a lack of harmony in the agrarian legal system, which not only creates legal uncertainty for indigenous peoples but also gives rise to administrative actions that are potentially *ultra vires*.

This study integrates two lines of argument that have been separated: the historical-normative approach to the evolution of customary rights and the dogmatic approach to regulatory disharmony. This integration will be examined within a single analytical framework that explains that the issue of communal rights is both a conceptual and an institutional phenomenon. This study will also apply this synthesis to the context of coastal zone management, particularly in Wakatobi, thereby producing a new understanding of how epistemic and normative disharmony in agrarian law directly impacts the management of communal spaces in coastal communities.

Although previous studies have examined the conceptual evolution of customary land rights and the normative inconsistencies within Indonesian agrarian law, limited attention has been given to how these tensions operate in coastal and marine spaces. In particular, the institutional mechanisms through which communal land registration can provide legal certainty for coastal communities remain underexplored. This study addresses this gap by analyzing the implementation of communal land registration in Wakatobi within the broader framework of agrarian reform and spatial governance.

Material and Method. A concise normative-sociological legal approach was used, integrating doctrinal review and socio-legal inquiry. Primary materials comprised national agrarian and coastal legislation, implementing regulations, and Wakatobi local bylaws, complemented by scholarly literature. Empirical inputs drew on 2022 Systematic Complete Land Registration (PTSL) records from six coastal villages to capture certification outputs and spatial coverage. Policy analysis of the Agrarian Reform Task Force (GTRA) Summit 2022 examined procedural innovations (time-bound licensing, marine-space rights, cross-sector coordination). Implementation quality was assessed through documentation of participatory identification, measurement, and parcel mapping, and by evaluating institutional synergies among the National Land Agency, local government, and coastal communities.

Description of the study sites. This study was conducted at six coastal villages (Mola Bahari, Mola Nelayan Bakti, Mola Samaturu, Mola Selatan, Mola Utara, and Mandati II) to capture certification outputs and spatial coverage.

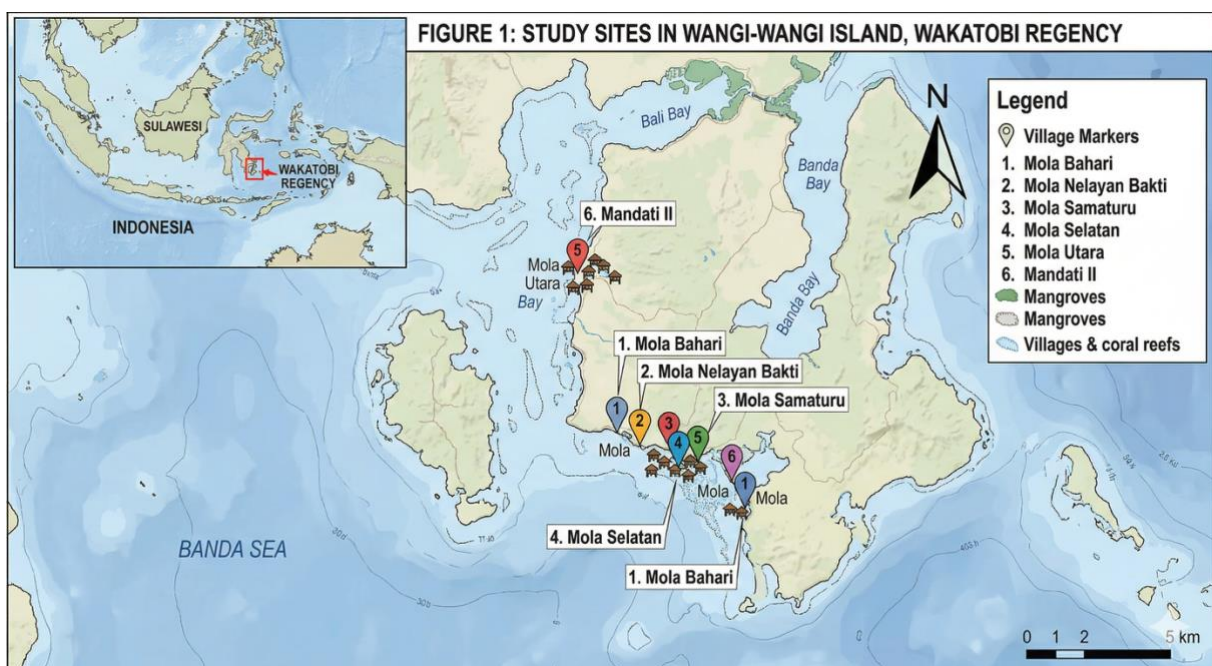


Figure 1. Study sites in Wangi-Wangi Island, Wakatobi Regency, showing the six coastal villages covered by the 2022 PTSL program.

Research design. This research adopts a normative-sociological legal approach that integrates doctrinal legal analysis with empirical policy evaluation. The normative dimension involves systematic interpretation and critique of the applicable legal framework governing agrarian reform and communal land rights, while the sociological dimension examines how these legal norms operate in practice within the coastal communities of Wakatobi.

Data sources. Primary legal materials include Law No. 5 of 1960 (UUPA), Presidential Regulation No. 86 of 2018, Government Regulation No. 18 of 2021, and Wakatobi Regional Regulations (2017-2024). Empirical data were drawn from PTSL administrative records of six coastal villages, GTRA Summit 2022 policy documents, and interview data from the Wakatobi Land Office.

Analysis method. Data were analyzed using three interrelated lenses, legal interpretation (to assess normative consistency of applicable regulations), policy analysis (to evaluate the effectiveness and institutional logic of the GTRA Summit interventions), and spatial governance (to examine how land-sea regulatory integration operates in practice in an archipelagic context).

Results and Discussion

Institutional framework of communal land registration. The 2022 Agrarian Reform Task Force (GTRA) Summit, held in Wakatobi on 8-10 June 2022 under the theme of inclusive and environmentally-friendly economic recovery, set the agenda for strengthening agrarian reform, spatial harmonization, and empowerment of coastal and island communities. The event positioned agrarian reform as a legal instrument for distributive justice through the restructuring of land control, use, and utilization in a fair and sustainable manner (Muntaqo & Pratama 2024).

The summit also addressed the need to synchronize spatial and agrarian regulations to overcome long-standing legal disharmony in land tenure, spatial utilization, and environmental protection. Aligning the Regional Spatial Plan (RTRW) with agrarian reform principles was identified as essential for legal certainty and prevention of regulatory overlap, particularly in geographically complex archipelagic regions.

Coastal and island communities, identified as the most vulnerable to marginalization of agrarian resource access, were placed as integral beneficiaries of the reform. Legal empowerment and institutional strengthening aim to secure their position regarding land rights, maritime space, and natural resources (Kontesa & Fernando 2024).

Sustainable development in agrarian governance requires a multidimensional approach that incorporates social, ecological, and spatial dimensions. This involves balancing economic productivity, environmental preservation, and social equity.

Implementation of PTSL in Coastal Villages. Land certification data in Wakatobi Regency (2019–2024) show a significant increase, peaking at 5,251 plots in 2023 compared to fewer than 2,000 in earlier years, reflecting the intensification of the national agrarian reform agenda. Freehold Title (HM) consistently dominates, while Building Use Rights (HGB) rose markedly (461 plots in 2022, 200 in 2024), signaling economic transformation toward productive land use. A small but notable rise in waqf certification (3 plots in 2023, 6 in 2024) further indicates growing awareness of religious-asset legalization (Kepala Kantor Pertanahan Wakatobi 2025).

Through the 2022 PTSL program, six coastal villages obtained land title certificates: Mola Bahari (89 plots), Mola Nelayan Bakti (236 plots), Mola Samaturu (37 plots), Mola Selatan (65 plots), Mola Utara (33 plots), and Mandati II (7 plots). This demonstrates that PTSL successfully reached coastal and island areas previously underserved due to geographical constraints, fulfilling Article 19 of the Basic Agrarian Law on legal certainty over land rights.

The certification process generated three socio-economic outcomes: stronger legal security for previously informal landholdings, expanded access to formal credit through the use of certificates as collateral, and a measurable reduction in boundary disputes and the risk of eviction. The participatory identification, measurement, and mapping process positioned communities as active subjects of reform, reinforcing their bargaining position and supporting long-term socio-economic resilience.

Certification was harmonized with coastal spatial planning, given Wakatobi's status as a marine conservation and tourism zone. Certificates function not only as proof of ownership but also as instruments aligned with the RTRW and RZWP3K, ensuring that issued rights conform to ecological functions and avoid conflicts of land use (Feltynowski 2017; Strand et al. 2025).

Legal innovation: rights in marine spaces. The policy breakthrough made by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) through the implementation of the GTRA Summit 2022 has been seen as a progressive step in the development of national agrarian law, particularly in the context of recognizing land rights for communities living in water areas or above the sea. This initiative, as explained by Suyus Windayana, Director General of Land Rights and Registration (PHPT) at the Ministry of ATR/BPN, is intended to provide legal certainty for coastal communities and communities that have traditionally lived on the sea (PANRB 2022).

This policy represents a paradigm shift in agrarian law from a land-based territorial approach to an inclusive spatial approach to water areas. Until now, the concept of land rights in Indonesia has been largely constructed based on terrestrial land tenure, leaving communities living in coastal areas or on the sea in a weak legal position (Surya et al 2024). By granting land rights on the sea, the existence of these communities is legally recognized, and their rights to shelter and livelihoods are protected by law. This approach is in line with the principle of state control over land, water, and space as contained in Article 2 of the Basic Agrarian Law Number 5 of 1960 (UUPA), in which the state is given the authority to regulate, manage, and determine the allocation of agrarian resources for the prosperity of the people.

The granting of rights to land above the sea is not only interpreted as an administrative legalization, but also as an integrative step between agrarian law, maritime law, and environmental law. Through this cross-sectoral approach, the existence of coastal communities can be regulated within a comprehensive and equitable legal framework. This approach also has the potential to reduce spatial conflicts between coastal communities and maritime sector investors, as it provides clarity regarding the status of ownership and boundaries of maritime space usage rights.

In the context of implementation, granting land rights above sea level poses significant normative and technical challenges. From a normative perspective, the concept of land rights in marine areas is not explicitly regulated in the applicable laws and regulations. The Basic Agrarian Law (UUPA) states that the relationship between the Indonesian people and the earth, water, and space is eternal. The definition of water referred to in Article 1 paragraph (5) states that water includes both inland waters and the waters of Indonesia. The UUPA does not provide specific regulations on land rights above marine waters. Therefore, the policy initiated by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency through the GTRA Summit 2022 can be viewed as a form of *lex ferenda* (Bandeira et al 2019), that is, the idea of legal reform that is expected to become the basis for the drafting of new regulations on land rights in marine areas. From a technical perspective, the main challenge lies in determining the boundaries of land areas above the sea and the mechanisms for registration and certification, which must be aligned with the existing geospatial information and marine spatial planning systems.

This breakthrough also has important implications for the reformulation of national spatial planning policy. In previous regulations, marine spatial management was under the authority of the Ministry of Maritime Affairs and Fisheries through the regulation of the Coastal Zone and Small Islands Zoning Plan (RZWP3K). With the recognition of land rights above sea level, integration between land and marine spatial planning systems is needed to avoid overlapping authorities between sectors. Harmonization of regulations between Law No. 26 of 2007 on Spatial Planning, Law No. 32 of 2014 on Maritime Affairs, and the Basic Agrarian Law (UUPA) is a must so that the granting of land rights in maritime areas can be carried out with adequate legal certainty (Republic of Indonesia 1960, 2007, 2014).

From a human rights perspective, this policy can be categorized as a form of recognition of the right to housing and the right to livelihood for coastal communities (Ehsan et al 2022). Communities that have long lived on the sea often experience legal uncertainty regarding their place of residence, which limits their access to public services, economic facilities, and social protection. Through the recognition of land rights on the sea, the state fulfills its obligation to protect the basic rights of citizens to decent housing and a sustainable environment. This regulation also reflects the application of the principle of *recognition and protection* of the rights of indigenous and local communities as stipulated in Article 18B paragraph (2) of the 1945 Constitution.

This innovation shows that Indonesia's agrarian legal system is moving towards an inclusive land governance paradigm, namely agrarian governance that recognizes the diversity of forms of control over space and resources, and ensures that the rights of communities to their living space are protected by law. If this policy can be institutionalized through clear legal instruments, its existence will become an important milestone in the history of Indonesian agrarian law, marking the expansion of the definition of land rights from mere land to broader living spaces. Therefore, the granting of rights is based on the 3R concept (Right, Restriction, and Responsibility). So the government grants rights, but

there are also restrictions and obligations for the rights holders, explained Suyus Windayana. This development indicates a gradual transformation of Indonesian agrarian law from a strictly terrestrial property regime toward a hybrid governance model that recognizes maritime living spaces as legally governable land-related domains, a conceptual shift with significant implications for archipelagic states facing similar normative gaps between land and sea tenure systems (PANRB 2022).

Governance integration: spatial planning and marine policy. Within the framework of agrarian reform in coastal areas, the constitutional and juridical basis first affirms that coastal areas and small islands are controlled by the state for the greatest prosperity of the people as mandated by the Constitution of the Republic of Indonesia of 1945 and operationalized through Law Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Coastal Zone and Small Island Management.

At the regional level, the commitment to protection and management based on customary law in Wakatobi Regency is demonstrated through the issuance of Wakatobi Regent Regulation Number 40 of 2017 concerning the Protection and Management of Coastal and Marine Resources Based on the Customary Law of Kadie Liya, South Wangi-Wangi District, Wakatobi Regency; Wakatobi Regent Regulation No. 44 of 2018 concerning the Protection and Management of Coastal and Marine Resources Based on the Customary Law Community of Barata Kahedupa in the Kaledupa Island Area in Wakatobi Regency; Wakatobi Regent Regulation Number 45 of 2018 concerning the Protection and Management of Coastal and Marine Resources Based on the Kawati Customary Law Community in the Tomia Island Area in Wakatobi Regency; Wakatobi Regent Regulation Number 5 of 2019 concerning the Kapota Island Rural Area Development Plan for Wangi-South Wangi, Wakatobi Regency, 2018-2023; and Wakatobi Regent Regulation No. 1 of 2024 concerning the Protection and Management of Coastal and Marine Resources Based on the Kadie Kapota Customary Law Community in Wangi-Wangi Selatan Subdistrict, Wakatobi Regency (WRG No. 44,45 2018a, 2018b, 2019, 2023).

The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency is committed to providing certainty of rights through measurement activities; if the object is customary land, then proof of the characteristics of the customary law community is a prerequisite, in accordance with Government Regulation No. 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration, which requires control of customary land as well as recognition and determination of its existence along with its institutions, legal jurisdiction, and rules that are still obeyed; areas that have been encumbered with previous rights are not included in those that can be designated as Management Rights.

To strengthen the rights of local communities through communal land registration, it is proposed that a joint inter-ministerial team be formed to synergize licensing and certification in coastal areas while promoting post-designation welfare improvement, as well as conducting ongoing socialization and education on the rights and obligations of certificate holders, including holders of Building Use Rights for aquatic communities, so that legal certainty, social-ecological sustainability, and economic empowerment can be accelerated simultaneously (Kepala Kantor Pertanahan Wakatobi 2025).

This series of policies is in line with Law No. 5 of 1960 concerning Basic Agrarian Principles and Presidential Regulation No. 86 of 2018 concerning Agrarian Reform, which positions agrarian reform as "asset reform" and "access reform." The registration of communal land and the designation of customary land serve as the legalization of collective assets to realize justice in the control, ownership, use, and utilization of land based on social functions. The selection of a rights regime in the form of a Building Use Right or a fixed-term Use Right is considered consistent with the principle of ecological prudence in marine areas and compatible with spatial plans and zoning plans for coastal areas and small islands. In terms of access, the formation of a joint inter-ministerial team and the implementation of long-term socialization regarding the rights and obligations of certificate holders, including holders of Building Use Rights for coastal communities, are intended to ensure that legal certainty does not stop at certification, but is followed by connections to licensing, financing, and markets. Thus, the protection of local communities, socio-

ecological sustainability, and economic empowerment are pursued simultaneously in a single agrarian reform design that is evidence-based, spatially measurable, and accountable across sectors.

The findings of this study invite engagement with several theoretical currents in agrarian and legal scholarship. First, from the perspective of agrarian reform theory, the Wakatobi case demonstrates that meaningful reform requires more than asset redistribution: it demands institutional innovation that bridges legal categories originally designed for terrestrial contexts and extends them to marine spaces. This aligns with the “access reform” dimension articulated in Presidential Regulation No. 86 of 2018, which recognizes that the legalization of land assets must be accompanied by substantive economic and legal empowerment. Second, the tension between state agrarian law and adat communal practices in coastal Wakatobi reflects dynamics well-documented in legal pluralism scholarship. The simultaneous existence of customary rights, national agrarian legislation, and maritime law creates normative layering that cannot be resolved through top-down codification alone. The GTRA Summit’s participatory identification process represents an adaptive institutional mechanism that, while limited in scope, acknowledges the co-existence of multiple legal orders. Third, in terms of coastal governance, the study reveals that effective governance of marine living spaces requires cross-sectoral coordination between the Ministry of Agrarian Affairs (ATR/BPN) and the Ministry of Maritime Affairs and Fisheries. The 30-day licensing rule with positive-fiction effect is a procedural innovation that reduces administrative bottlenecks, but its long-term effectiveness depends on sustained inter-agency data sharing and spatial plan harmonization. Fourth, the model developed in Wakatobi has broader implications for other small-island and coastal regions in Indonesia and comparable archipelagic states. The normative-institutional framework applied here, combining PTSL outreach, marine-space rights with restriction clauses, and a hybrid agrarian-maritime governance structure, offers a replicable template for addressing communal land rights in geographically complex coastal environments.

Conclusions. The strengthening of local community rights in the Wakatobi coastal area confirms agrarian reform as a combination of asset and access reform based on the social function of land rights. The legal framework includes the 1945 Constitution of the Republic of Indonesia, Law No. 5 of 1960 concerning Basic Agrarian Principles, Law No. 1 of 2014 concerning Amendments to Law No. 27 of 2007 concerning Coastal Zone and Small Island Management-Small Islands, Presidential Regulation No. 86 of 2018 concerning Agrarian Reform, and Government Regulation No. 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration. The Wakatobi Regent Regulation of 2017-2024 places indigenous and local communities as subjects of management, forming the basis for communal land registration and recognition of customary land. The stages of identification, location determination, sectoral confirmation, issuance of rights, and recording in the Land Book with spatial data, with a licensing deadline of thirty calendar days and the principle of consent deemed to have been given. Restriction clauses, social functions, prohibition of transfer of rights outside the local community, prohibition of conversion to Freehold Rights, reclamation licensing requirements, control social and ecological risks. The 2022 Agrarian Reform Task Force Summit showed that acceleration can be accountable; going forward, consolidation of land-sea regulations, spatial data interoperability, and institutional strengthening are needed to ensure access to licensing and financing, so that agrarian justice and sustainability can be achieved. Theoretically, the findings demonstrate that communal land registration in coastal areas requires not only legal recognition but also institutional coordination between agrarian, maritime, and spatial planning regimes. The Wakatobi case illustrates how agrarian reform can evolve into a hybrid governance model integrating land and marine spaces, a contribution that extends existing theories of agrarian reform beyond their terrestrial assumptions. From a policy perspective, the study recommends: (1) consolidating ATR/BPN and Ministry of Maritime Affairs regulations into a unified framework for marine-space land rights; (2) scaling the PTSL mechanism to other small-island and coastal districts with comparable socio-geographic profiles; and (3) establishing a permanent inter-ministerial coordination

body to maintain spatial data interoperability and ensure post-certification access to financing and legal services. Future research should examine the long-term socio-economic effects of land certification on coastal community welfare, investigate compliance with restriction clauses over time, and compare the Wakatobi model with analogous coastal governance initiatives in other archipelagic Southeast Asian states.

Acknowledgements. We express sincere gratitude to the Faculty of Law, Universitas Diponegoro, for its scholarly guidance, critical feedback, and institutional support throughout the conception and refinement of this study. We also extend our appreciation to the National Land Agency (Badan Pertanahan Nasional) Wakatobi Region for providing access to administrative records, spatial information, and practical insights that substantially strengthened the analysis and validation of findings. Any remaining errors are solely the authors' responsibility.

Authors Contributions. Conceptualization: M.N.A.; Formal analysis: M.N.A., Y.; Writing – original draft: M.N.A., A.S.; Writing – review & editing: A.S., Y.

Conflict of Interest. The authors declare that there is no conflict of interest.

Data Availability. The data supporting the findings of this study are available from the corresponding author upon reasonable request.

Funding. This research received no external funding.

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Received: 20 November 2025. Accepted: 10 March 2026. Published online: 23 June 2026.

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How to cite this article:

Ardani M. N., Silviana A., Yusriyadi, 2026 Agricultural reform as an effort to strengthen the communal rights of coastal communities in Wakatobi. *AAFL Bioflux* 19(3):1391-1400.