

Protecting Indigenous Peoples' Rights Amid Land Ownership Uncertainty in Nusantara Capital City Development

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<https://doi.org/10.71239/dlj.v1i2.107>

ARTICLE INFO

Article History

Received: June 24, 2025

Revised: Nopember 11, 2025

Accepted: December 9, 2025

Keywords

Spatial Planning;

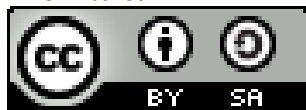
Land Conflict;

Indigenous People's Rights;

Nusantara Capital City;

Legal Protection

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ABSTRACT

The legal challenges surrounding spatial planning in Indonesia have gained prominence, particularly with the development of the National Capital (IKN) and the implementation of the One Map Policy (Big Map Policy). This study investigates the discrepancies between legal frameworks and actual practices, emphasizing the protection of indigenous rights, land disputes, and uncertainties in land ownership status. The construction of IKN is anticipated to intensify agrarian conflicts due to inadequate regulations, limited community involvement, and ineffective dispute resolution mechanisms. By examining pertinent laws, including Law No. 3 of 2022 on the National Capital and Law No. 26 of 2007 on Spatial Planning, this research aims to establish a comprehensive legal framework to address these issues. The findings underscore the necessity for enhanced coordination among government agencies and improved enforcement of existing regulations to ensure fair land management and safeguard the rights of local communities. Furthermore, the study highlights the importance of addressing the complexities of land ownership, particularly concerning customary land and indigenous rights, which are not adequately covered by current regulations. Ultimately, this research contributes to the ongoing discourse on spatial law in Indonesia, advocating for a more equitable and sustainable approach to land use and development in the context of IKN and beyond. The study calls for a reevaluation of existing policies to better align them with the realities on the ground, ensuring that the interests of all stakeholders are considered in the planning and implementation processes.

Introduction

The issue of territorial law and spatial planning in Indonesia is an important issue to pay attention to along with the increasing national development, especially in the implementation of large-scale strategic projects such as the National Capital (IKN), reclamation in coastal areas, and the development of Special Economic Zones (KEK). The implementation of the One Map Policy (Big Map Policy) is a response to the challenges of spatial planning and agrarian disputes that occur in various regions in Indonesia. In general, the spatial planning system in Indonesia is designed with the aim of creating harmony between the interests of economic development, environmental preservation,

protection of community rights, especially indigenous peoples, and the security of national investment and foreign investment. However, the reality in the field shows that there is an imbalance between the ideal goals that have been stated in spatial planning regulations and factual implementation, which then triggers agrarian conflicts and structural and cultural agrarian disputes.

The main problems of spatial planning in Indonesia stem from aspects of governance, law enforcement, overlapping spatial policies, and a lack of coordination between central government agencies and local governments. This is then exacerbated by differences between recorded usage data and field conditions, as well as weak agrarian dispute resolution mechanisms. Agrarian disputes often stem from differences in understanding and interpreting the law regarding land status, leading to legal uncertainty and making them vulnerable to exploitation by various interests.¹

Legal certainty over land ownership and utilization rights, along with alignment between development policies and environmental preservation and community protection, are the desired goals, but the facts on the ground show the opposite. The relocation of the National Capital to East Kalimantan has raised various agrarian and spatial planning law issues, especially related to the fulfillment of indigenous peoples' rights and guarantees for customary land. The National Capital Project (IKN) has given rise to a high number of agrarian conflicts due to the limited space for legal discussion, preventing access to justice and transparency from being fully realized.² The problem becomes increasingly complex because the conflict resolution mechanism, which is based on law and involves all related parties fairly, is still not running optimally.

One of the most crucial consequences of spatial law inequality and agrarian disputes is the threat to the existence and rights of indigenous peoples in the development area of the National Capital City (IKN). The relocation of the National Capital City (IKN) has caused agrarian conflicts that have a direct impact on indigenous peoples, this is because the customary rights of indigenous peoples are often not properly recognized in spatial planning by the government. Cases of eviction, marginalization, and minimal community participation in making spatial planning policies are the main factors in the occurrence of agrarian disputes in the National Capital City (IKN) area.³

As an initial step in resolving agrarian disputes, the government is implementing the One Map Policy, or the Big Map Policy, which aims to create an integrated national spatial database and eliminate overlapping spatial planning information and land use.⁴ The urgency of implementing the One Map Policy is to resolve the problem of overlapping land use and improve coordination between agencies in the process of enforcing spatial planning law. However, in the implementation process, many obstacles are still found,

¹ Anugrah, Deah Rama, Muhammad Zaki Mubarrak, Widi Anis Pambudi, and Joko Susilo. "Analisis Permasalahan Tata Ruang Di Indonesia." *Jurnal Adijaya Multidisplin* 1, no. 05 (2023): 1045-1051. <https://e-journal.naureendigiton.com/index.php/mj>

² Umar Sholahudin and Abdus Sair, *Pembangunan Ikn, Konflik Agraria, Dan Ruang Deliberasi Hukum*, Prosiding Konferensi Nasional Sosiologi (PKNS), 1, no.1 (2023): 110-114. <https://pkns.portalapssi.id/index.php/pkns/article/view/23>

³ Rakhmat Hidayat, *Konflik Agraria Masyarakat Adat Dalam Pemandahan Ibu Kota Negara*, Prosiding Konferensi Nasional Sosiologi (PKNS), 1, no.1 (2023): 140-151. <https://pkns.portalapssi.id/index.php/pkns/article/view/79>

⁴ Dina Ayu Rizky Tirtyasmara and Mohammad Jamin, "Urgensi Kebijakan Satu Peta Untuk Menyelesaikan Tumpang Tindih Penggunaan Lahan" *Prosiding Seminar Nasional Program Doktor Ilmu Hukum*, (2022): 175-190. <https://proceedings.ums.ac.id/pdih/article/view/305/304>

such as inaccurate data, slow information updates, and the absence of standardization of map use in various government agencies.

The implementation of the One Map Policy as the main instrument for the spatial data synchronization process has not been able to fully resolve spatial planning and agrarian conflicts at the local level.⁵ This indicates a structural problem in the regulatory and implementation aspects that require fundamental improvements. Efforts to accelerate improvements in the implementation of the One Map Policy are one way to overcome the problem of agrarian conflict. However, accelerating improvements in the implementation of the One Map Policy requires strengthening institutional capacity, consistent law enforcement, and active participation from the community. Without a comprehensive approach and community participation, the policy will only be an administrative instrument without a solution.

Problems related to land management and policies during the development of the National Capital City (IKN), particularly concerning the potential for agrarian disputes, still occur frequently.⁶ This situation shows that spatial law reform is slow, while the development process of the National Capital City (IKN) is taking place very quickly and massively. The problem of agrarian disputes as a phenomenon involving complex social, economic, and legal aspects requires a deeper analysis, especially when it occurs in the context of strategic development such as the National Capital City (IKN).

The main problem of agrarian disputes is in the regulation of Land Use Rights (HGU) and the protection of indigenous peoples' rights, which are still gray in formal legal norms. This causes prolonged conflict and has the potential to disrupt social stability in new development areas.⁷ The implementation of the agrarian dispute resolution policy in the National Capital (IKN) still faces substantial challenges. The land acquisition process for public interest often causes obstacles, mainly because the consultation and socialization mechanisms have not been optimally implemented.⁸

The existence of Law Number 3 of 2022 concerning the National Capital City aims to provide a definite legal framework in the management of land and space in the National Capital area. However, the existence of the IKN Law has actually given rise to new conflicts, especially regarding the clarity of land status, compensation mechanisms, and protection of local community rights.⁹ The existence of resistance from the community

⁵ Sri Wahyuningsih, "Implementasi Kebijakan Satu Peta Dalam Rangka Penyelesaian Tumpang Tindih Pemanfaatan Ruang Kabupaten Kotawaringin Timur," *Jurnal Ilmu Administrasi Negara ASIAN (Asosiasi Ilmuwan Administrasi Negara)* 12, no. 2 (December 15, 2024): 290-309, <https://jurnal.asian.or.id/index.php/JIANA/article/view/235>

⁶ Noer Gita Safira Zaini et al., "Media Hukum Indonesia (MHI) Polemik Pengelolaan Tanah Dan Kepastian Regulasi Di IKN: Sengketa Lahan, Potensi Korupsi, Dan Menilik Kembali Investasi." *Media Hukum Indonesia (MHI)* 3, no. 3 (2025): 318-328, <https://doi.org/10.5281/zenodo.15620258>

⁷ Fahmi Kurniawan, "Konflik Agraria Dalam Pembangunan Ibu Kota Negara: Analisis Hak Guna Usaha Dan Perlindungan Hak Masyarakat Adat," *Journal of Science and Social Research* 8, no. 1 (2025): 1029-1036, <https://doi.org/10.54314/jssr.v8i1.2831>

⁸ Andi Saiful Haq et al., "Implementasi Kebijakan Penyelesaian Konflik Agraria Pengadaan Tanah Untuk Pembangunan Ibu Kota Negara Nusantara," (Online) *Sospol: Jurnal Sosial Politik* 11, no. 2 (2025): 175-191. <https://doi.org/10.22219/jurnalsospol.v11i2.40844>

⁹ Otti Ilham Khair et al., Penerapan Uu No. 3 Tahun 2022 Tentang Ibu Kota Negara Dan Konflik Lahan Di Ibukota Negara Baru, *Jurnal Rectum* 5 (2023): 115-125. <http://dx.doi.org/10.46930/jurnalrectum.v5i2.3266>

and overlapping authority between state institutions shows the need to strengthen the legal framework as well as substantive and implementative aspects.

Based on these conditions, this study attempts to identify contemporary issues in territorial and spatial law in Indonesia and to offer relevant legal constructions to address these issues comprehensively. By analyzing actual case studies and applicable regulations, it is hoped that this study can contribute to the improvement of a more just and sustainable national spatial law system.

Methods

This study uses a normative legal research method. The normative legal research method is a literature study in the form of libraries by examining library materials or secondary data in the form of books, journals, papers, and various other literature. The normative research method was chosen because the focus of the study is on the analysis of legal norms, laws, and regulations, and legal documents that are relevant to issues related to spatial planning and territory in Indonesia. The research focuses on how positive law regulates spatial planning issues and identifies weaknesses and opportunities for improvement through legal reconstruction.

The data sources used in this study come from secondary data, including primary, secondary, and tertiary legal materials. Primary legal materials consist of Law Number 3 of 2022 concerning the National Capital, Law Number 26 of 2007 concerning Spatial Planning, as well as various implementing regulations such as Government Regulations, Presidential Regulations and related ministerial regulations, such as Presidential Regulation Number 65 of 2022 concerning Land Acquisition and Land Management in the IKN. Meanwhile, secondary legal materials include scientific journals, research results, and opinions of spatial planning law experts. Tertiary legal materials include legal dictionaries and legal encyclopedias.

The normative method used is to categorize findings based on legal themes, identify emerging issues and compare applicable norms with conditions in the field. The analysis is carried out with the principle of systematic interpretation, namely by interpreting legal provisions by considering the entire legal system, legal principles, and legal objectives to be achieved, especially related to spatial justice and legal certainty.

Discussion

Land Management and Licensing for IKN Projects

The strategic project for the development of the National Capital City (IKN) is located in the Penajam Paser Utara and Kutai Kartanegara Regencies, which are in East Kalimantan Province. From an administrative perspective, the area of the National Capital City (IKN) development project consists of forest areas, including production forests, conservation forests, and protected forests. Land ownership status includes state-owned land and also customary land belonging to local indigenous communities.¹⁰ The National Capital City, located in Penajam Paser Utara and Kutai Kartanegara Regencies, covers an area of 256,142 hectares, with the core area in Sepaku District measuring 6,671 hectares. There are four districts included for the strategic land project of the National Capital City (IKN), namely Sepaku District, which is located in Penajam

¹⁰ Rikardo Simarmata, "Tumpang Tindih Penguasaan Tanah Di Wilayah Ibu Kota Negara 'Nusantara,'" *Veritas et Justitia* 9, no. 1 (July 1, 2023): 1–33. <https://doi.org/10.25123/vej.v9i1.6504>

Paser Utara Regency, Samboja District, Muara Jawa District, and Loa Kulu, which is located in Kutai Kartanegara Regency. The land for the construction of the National Capital City (IKN) project is divided into three main zones. The first zone, or the Core Government Center area, covers an area of 5,644 hectares. Then the second zone, or IKN area, with an area of 42,000 hectares, and the third zone, or IKN expansion area, with an area of 180,965 hectares.

The Penajam Paser Utara Regency area is a settlement for the Paser Tunan and Paser Balik Tribes. The people in Penajam Paser Utara used to live in groups based on tribe and then formed small or traditional kingdoms. Administratively, Penajam Paser is part of the Kutai Sultanate, which was then divided into several districts. The land area of the National Capital City (IKN) is the Forestry Cultivation Area (KBK), which, according to the spatial plan, is designated for utilization, management, and maintenance as a forest based on its potential and resources. The land in the core area of the National Capital City (IKN) is agricultural and residential land owned by the community, which is included in the KBK category. This has caused unrest among local communities because of the risk of being moved to another place. Around the land area of the National Capital City (IKN) there are indigenous communities who have long settled and have inhabited the land in the National Capital City (IKN) area for generations. Indigenous people live in this area by occupying land with a customary rights status.

Law Number 3 of 2022 concerning the National Capital serves as the basis for its development in East Kalimantan. The regulation stipulates that the National Capital (IKN) is a special government unit equivalent to a province in its region. Provisions regarding the transfer of the center of government to East Kalimantan are regulated based on the provisions in Law Number 3 of 2022 concerning the National Capital¹¹. Article 18 paragraph (3) of Law Number 3 of 2022 explains that environmental protection and management in the National Capital area is carried out with reference to the General Plan for the National Capital and with reference to the National Strategic Area Planning (KSN) of the Indonesian Capital City by taking into account environmental capacity and supporting aspects in accordance with the provisions of laws and regulations. Monitoring, control, and evaluation activities of environmental quality in the National Capital Area are the responsibility of the Head of the National Capital Authority. This is regulated in Article 18, paragraph (1) of Law Number 3 of 2022 concerning the National Capital City¹².

The procedures for land acquisition and land management in the National Capital area are further regulated in Presidential Regulation Number 65 of 2022. This regulation aims to guarantee the protection of the rights and obligations of the community living in the National Capital area and investors in managing land in the National Capital area.¹³ Management and licensing in the development of the National Capital City (IKN) have the

¹¹ Widhi Adriani Nur Andita, Ika Muti Rahmah, and Febby Nurul Anggraeni, "Analisis Perubahan Lahan Pada Wilayah Inti Ibu Kota Negara (IKN) Di Kabupaten Penajam Paser Utara, Provinsi Kalimantan Timur Tahun 2019 Dan Tahun 2023 Menggunakan Sistem Informasi Geografis (SIG)" *Jurnal Sains Geografi*, 1(1), (2023): 91-103. <https://doi.org/10.21009/JSG.v1i1.09>

¹² Yanti Fristikawati and Nugroho Adi Pradana, "Perlindungan Lingkungan, Dan Pembangunan Ibukota Negara (IKN) Dalam Tinjauan Hukum", *Jurnal Justisia*: Jurnal Ilmu Hukum, Perundang-Undangan Dan Pranata Sosial 7 (2022): 375 - 389. <https://doi.org/10.22373/justisia.v7i2.15586>

¹³ Nurahmani, A., & Sihombing, P. *Kajian Kebijakan Pembatasan Pengalihan Hak Atas Tanah Di Ibu Kota Nusantara: The Study of Policy for Limitation of Transfer Land Ownership In The Capital of Nusantara (Land freezing)*. *Majalah Hukum Nasional*, 52(1), (2022): 27-46. <https://doi.org/10.33331/mhn.v52i1.18198>

potential to cause conflict between the government, local communities, and the private sector. The potential for conflict arises due to the complexity of land ownership status in the National Capital City (IKN) area, which includes state-owned land, community-owned land, customary land, and land designated as State Property or owned by the National Capital City Authority (IKN). In its management, two main routes are used: the release of forest areas and land acquisition, both for public interest and through direct mechanisms such as buying and selling, grants, or exchanges.

Based on Law Number 3 of 2022 concerning the National Capital and Presidential Regulation Number 62 of 2022 concerning Land Acquisition and Land Management in the National Capital, the National Capital Authority (IKN) is given broad authority in managing land, including in the process of determining land prices and determining priorities in the purchase process. However, the development of the strategic projects of the National Capital (IKN) risks causing conflict, particularly due to the uncertainty of legal regulations and the status of customary land ownership, especially concerning the rules of Cultivation Rights (HGU) and land distribution. The issue between customary land and Cultivation Rights (HGU) in the development of the strategic projects of the National Capital (IKN) continues to be debated. The Cultivation Rights licensing process involves regulations regarding territorial boundaries, rights held by Cultivation Rights (HGU) holders, and potential economic benefits that can be obtained. However, the implementation process of the Right to Cultivate (HGU) often causes friction with indigenous communities, because the areas allocated as Right to Cultivate (HGU) are generally customary forests that are utilized by the community for daily needs, customary activities, and customary beliefs. The licensing process outlined in the National Capital City (IKN) licensing guidelines requires supporting documents, including spatial utilization approval, environmental documents, and proof of land ownership.

Agrarian Dispute in the IKN Project Area

Agrarian disputes that occur in the strategic development area of the National Capital City (IKN) often occur between indigenous peoples, people living around the National Capital City area, the government and the National Capital City Authority (IKN). This is due to the uncertainty of ownership status, as evidenced by the existence of legal land ownership documents. However, indigenous peoples around the National Capital City (IKN) area have occupied and lived in the National Capital City (IKN) area for hundreds of years. Indigenous peoples occupy land that has the status of customary rights or customary land that does not have a certificate or other supporting documents. The Basic Agrarian Law in Article 20 states that customary land is the strongest right and has been passed down from generation to generation. So that indigenous peoples have full authority over customary land, which is a source of livelihood¹⁴. Indigenous communities still have the right to carry out daily activities in customary land areas.

Law Number 3 of 2022 and Presidential Regulation Number 65 of 2022 do not regulate the ownership of customary land or communal land that is not accompanied by valid evidence. The regulation regarding customary land or communal land is based on Law Number 5 of 1960, or the Basic Agrarian Law (UUPA). Article 5 of the Basic Agrarian Law states that the agrarian law that applies to earth, water, and space is customary law as long as it does not conflict with national and state interests. Therefore, customary law

¹⁴ Armies, Jessica, Asri Verauli, and Muhammad Iqbal Baiquni. "Urgensi Perlindungan Hak Kepemilikan atas Tanah Masyarakat Adat di Wilayah Ibu Kota Negara Nusantara." *Recht Studiosum Law Review* 1, no. 2 (2022): 14-27. <https://doi.org/10.32734/rsr.v1i2.9670>

regarding the management, ownership, and use of land in the strategic project area of the National Capital City (IKN) is considered applicable. So that the National Capital City Authority (IKN) cannot carry out unilateral evictions without first obtaining approval for the release of customary or communal land, accompanied by the provision of adequate compensation.

Land ownership based on customary law has an important position, so that in the land acquisition process, respect for local wisdom must be a top priority. This is important because social welfare is a crucial aspect of the development process of the National Capital City (IKN). According to the Agrarian Reform Consortium (KPA) in 2023, it was noted that some agrarian conflicts occurred due to inconsistencies between spatial plans and permits. The land licensing process in strategic projects tends to ignore community participation and approval procedures based on free, prior and informed consent (FPIC), especially for indigenous peoples.

Overlapping land recognition is one of the causes of agrarian disputes. This is made even more complicated because the regulations governing indigenous communities are still sectoral, leading to disputes often occurring during the process of land allocation and permit granting.¹⁵ The management of Cultivation Rights (HGU) has a significant impact on various aspects, including social, environmental, and indigenous peoples' rights. From a social perspective, indigenous communities often lose access to land that is their source of livelihood. Meanwhile, environmentally, the practice of Cultivation Rights (HGU) usually causes ecosystem damage, such as pollution.¹⁶ In addition, weak legal protection makes indigenous peoples increasingly vulnerable to eviction and land rights. Therefore, a policy is needed that can balance the interests of industry with the protection of indigenous peoples' rights and environmental sustainability.

Impact of Uncertainty of IKN Project Regulations

The regulatory and policy uncertainty that occurs in the strategic project of developing the National Capital City has become a problem and challenge in the complex legal field. The existence of Law Number 3 of 2022 concerning the National Capital City (IKN) and Presidential Regulation Number 65 of 2022 concerning Land Acquisition and Management in the IKN, as well as several other implementing regulations. The implementation of land management and investment in the strategic project development area of the IKN still faces various significant obstacles. The problem of regulatory uncertainty is not only caused by a legal vacuum, but is also closely related to inconsistent implementation and overlapping authorities. This ultimately gives rise to the problem of legal uncertainty in the process of developing the strategic project of the IKN.

The main problem that arises is related to the dual ownership status of land in the IKN. This ownership is divided into State Property (BMN) and Regional Government Assets (ADP) in accordance with what is regulated in Presidential Regulation Number 65 of 2022. The division of ownership status then creates fundamental legal ambiguity. Especially related to the parties who have rights, objects of rights, and procedures for transferring land rights. The process of changing land status from ownership of

¹⁵ Albert, Albert. "Status Hukum Alih Fungsi Lahan Hak Guna Usaha (HGU) Perkebunan Menjadi Wilayah Pertambangan." *MORALITY: Jurnal Ilmu Hukum* 7, no. 2 (2021): 205-221. <http://dx.doi.org/10.52947/morality.v7i2.233>

¹⁶ Fasya, Teuku Kemal, Riyandhi Praza, and Dedi Fariadi. "Dampak Sawitisasi Terhadap Lingkungan di Aceh Utara." *Jurnal AGRIFO* • Vol 7, no. 1 (2022): 1-11. <https://doi.org/10.29103/ag.v7i1.8357> -

indigenous peoples or customary rights to State Property (BMN) or Regional Government Assets (APD) is often carried out without transparent procedures or community involvement. This then causes protracted agrarian disputes.

The existence of regulatory uncertainty is reflected in the stages of forest area release for the development of the National Capital City (IKN). The process of releasing forest areas is faced with regulatory complexity, especially related to coordination between institutions and procedures for changing land functions. The rules regarding the release of forest areas, spread across various laws and regulations, cause the disintegration of norms, which can hinder the smooth process of releasing these areas. In addition, the unclear criteria and technical parameters in the process of releasing forest areas raise the risk of administrative disputes and conflicts of interest between institutions. This will also hamper the overall pace of development.

This uncertainty requires clearer policy and regulatory reforms to ensure sustainability and fairness in land management in the IKN. These reforms need to involve community and stakeholder participation to create a transparent and accountable system. These reforms are expected to reduce agrarian disputes and ensure that the rights of indigenous peoples are protected in the process of developing a sustainable national capital.¹⁷ This policy reform must include recognizing the rights of indigenous legal communities and resolving overlapping land claims that could disrupt the development process of the IKN.¹⁸

Legal Construction and the Big Map Revolution in National Spatial Planning

The legal construction needed to address territorial and spatial issues in Indonesia must begin with the harmonization of laws and regulations. The existence of unsynchronized regulations such as the Basic Agrarian Law (UUPA), the National Capital Law (IKN), and Government Regulations and Regional Spatial Planning (RTRW), both nationally and regionally, has created serious norm conflicts. The harmonization of legal norms aims to create integrated, comprehensive legal certainty and avoid double interpretations in the implementation of spatial planning policies. The harmonization process is not only administrative in nature, but must also consider legal principles such as *lex superior*, *lex specialis*, and *lex posterior*. In the context of IKN development, for example, clarity is needed on whether the provisions in the IKN Law can override other norms related to the HGU period or whether this requires changes to previously existing regulations.

Harmonization of regulations is important to reduce administrative overlaps that often occur in land and natural resource management in Indonesia.¹⁹ This process must involve all stakeholders to ensure that all perspectives and interests are accommodated, so that the resulting solution can be widely accepted. The results of this harmonization are expected to create a more efficient and effective problem system, as well as reduce the potential for disputes caused by inconsistent regulations. The importance of

¹⁷ Hindiwati, Wahyu. "Problematik Perpindahan Ibu Kota Negara Indonesia Ke Kalimantan Timur Dalam Perspektif Hukum." *Perspektif* 29, no. 1 (2024): 36-45. <https://doi.org/10.30742/perspektif.v29i1.897>

¹⁸ Vice Admira Firnaherera and Adi Lazuardi, "Pembangunan Ibu Kota Nusantara: Antisipasi Persoalan Pertanahan Masyarakat Hukum Adat," *Jurnal Studi Kebijakan Publik* 1, no. 1 (November 2022): 71-84. <https://doi.org/10.21787/jskp.1.2022.71-84>

¹⁹ Arditya Wicaksono and Romi Nugroho, "Harmonisasi Hukum Pengelolaan Sumber Daya Alam Di Indonesia Dan Pengelolaan Tanah Di Negara," *Jurnal Bhumi* 1, no. 2 (November 2015):123 - 134 <https://doi.org/10.31227/osf.io/9g7f4>

community involvement in the harmonization process cannot be ignored, because public participation can increase transparency and trust in the resulting policies. Community involvement in spatial planning decision-making can also raise awareness of the importance of protecting the environment.²⁰

Based on the General Explanation I, the last paragraph in the Basic Agrarian Law explains that the basis for compiling national agrarian law is a tool to bring prosperity, happiness, and justice to all Indonesian people. With the continued development of regulations regarding agrarian matters and along with the many agrarian and spatial planning problems that occur, the implementation of the One Map Policy, or Big Map, is one way out. The One Map Policy aims to combine all map data produced by various sectors in one integrated map. The existence of a one-map policy will minimize the occurrence of differences or overlapping information on the map. All of this information is then determined by one institution, namely the Geospatial Information Agency (BIG), to be used as one reference, one standard, one database, and one geoportal.

It is expected that the One Map Policy will resolve the problem of overlapping land use and improve coordination between agencies in the process of enforcing spatial planning law in Indonesia. Although the One Map Policy has been implemented, the process still faces various obstacles, such as inaccurate data, delays in updating information, and a lack of standardization in map use across multiple government agencies. These various obstacles can potentially reduce the effectiveness of achieving the objectives of the One Map Policy. Therefore, efforts to reform data quality and accelerate information updates are very necessary so that the implementation of the One Map Policy can run optimally and effectively.

There are structural problems in the regulatory and implementation aspects that require fundamental improvements. Efforts to accelerate improvements in the implementation of the One Map Policy are one way to overcome agrarian conflict problems. However, accelerating improvements in the implementation of the One Map Policy requires strengthening institutional capacity, consistent law enforcement, and active participation from the community. Without a comprehensive approach and community participation, the policy will only be an administrative instrument without a solution. Therefore, it is important to develop a strategy involving all stakeholders in the land management process to ensure the successful implementation of the One Map Policy.

To address the challenges in implementing the One Map Policy, integrated steps are needed in the process of collecting, verifying, synchronizing, and utilizing geospatial data. This process includes combining participatory maps from the community and ensuring transparency at every stage of adoption, verification, registration, and data determination. Resolving overlapping land conflicts and inappropriate use of space is also a priority, involving the active role of ministries or institutions, local governments and the community. In addition, increased coordination between ministries, institutions, local governments and related parties is needed to ensure harmony in the process. The preparation of Overlapping Indicative Maps (PITTI) is also required, which will facilitate the process of identifying problematic land.

²⁰ Sinaga, Novida Hensary, Selly Marcelina, Siti Nurhaliza Lubis, and Meilinda Suriani Harefa. "Pengelolaan Wilayah Pesisir Pantai Olo Yang Disebabkan Limbah Domestik Masyarakat." *Jurnal Unimed* 1, no. 1 (2022). <https://doi.org/10.24114/jg.v14i1>

In the context of spatial data updating, the One Map Policy must be implemented comprehensively, beyond sectoral technical approaches. Community involvement in the validation and updating process of thematic maps is key to producing accurate, valid, and useful spatial data in spatial planning. Lestari emphasized the importance of opening public access to spatial data, because legal legitimacy does not only come from administrative validity, but also from social acceptance of the data. In addition to opening access, the government must also guarantee the interoperability of geospatial information systems between agencies, so that data used in spatial planning can be used uniformly by ministries, institutions, and local governments. Integration of this system requires strengthening institutional capacity at the regional level, as well as increasing human resources who understand participatory mapping and geospatial technology.

With the various approaches above, the construction of spatial planning law can be directed to ensure spatial justice and prevent prolonged conflict. Reform is not only normative but also involves improving the implementation mechanism, enhancing public participation, and strengthening the right to space for vulnerable groups. Structured and comprehensive legal reform will encourage inclusive, democratic, and sustainable regional planning.

Conclusion

The problem of spatial planning law in the era of the development of the National Capital City (IKN) and the Implementation of the One Map Policy (Big Map Policy) in Indonesia shows an imbalance between norms and practices in the field, especially related to the protection of indigenous peoples' rights, overlapping land, and uncertainty of land ownership status. The process of developing the National Capital City (IKN) increases the risk of agrarian disputes due to weak regulations, minimal community participation, and suboptimal dispute resolution mechanisms. The implementation of the One Map Policy is expected to resolve overlapping spatial information and increase synergy between agencies. However, it still faces challenges in data accuracy, information updates, and low community participation. Regulatory uncertainty, overlapping authority, and weak legal recognition of customary land exacerbate agrarian disputes and threaten the sustainability of development. It requires harmonization of regulations, strengthening of inclusive policies, consistent law enforcement, and active community involvement in all stages of spatial planning and management. Participatory, transparent, and equitable spatial reform is essential to guarantee community rights, prevent prolonged agrarian conflicts, and realize equitable and sustainable national development.

Acknowledgement

The author would like to express his most profound appreciation and gratitude to all parties who have provided support in the preparation of this academic study. The author would also like to thank Mr. Muwaffiq Jufri, S.H., M.H., as a lecturer in the Regional and Spatial Law course, Faculty of Law, Trunojoyo University, Madura, who has guided the writing process. All forms of assistance, whether in the form of data, discussion, or moral support, are very important in perfecting this article. However, all deficiencies and errors that may still exist in this manuscript are entirely the responsibility of the author.

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