

Land Redistribution of Accretion Land within Indonesia's Agrarian Reform Framework

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Abstract

This study aims to analyze the juridical status of accretion land within Indonesia's land law system and to examine its operational integration into the agrarian reform framework through the Agrarian Reform Object Land (TORA) mechanism. Employing a normative juridical approach, this research is based on statutory and conceptual analysis using deductive legal reasoning to assess the coherence between legal norms and their practical application. The findings reveal that although accretion land is formally classified as state-controlled land, its governance is characterized by a significant gap between normative regulation and empirical utilization by coastal communities, resulting in legal uncertainty, administrative ambiguity, and potential agrarian conflicts. Furthermore, accretion land demonstrates substantial strategic value as a redistribution object within agrarian reform, particularly in strengthening tenure security and promoting socio-economic welfare; however, its implementation remains constrained by fragmented regulations, overlapping authority, and limited institutional capacity. The novelty of this study lies in the explicit conceptualization of accretion land as a systematic and legally viable component of agrarian reform, accompanied by the development of an integrative legal-operational framework that bridges doctrinal law with empirical land use practices in coastal areas. This study contributes both theoretically, by advancing agrarian law discourse through the integration of normative and practical perspectives, and practically, by offering policy-oriented recommendations to enhance regulatory harmonization, institutional coordination, and equitable land governance.

Keywords: Accretion Land; Agrarian Reform; Coastal Governance; Land Redistribution; Legal Certainty.

1. INTRODUCTION

The emergence of accretion land in Indonesia's coastal regions has created a complex legal problem arising from the discrepancy between its juridical status and empirical utilization. In several coastal areas, including Dororejo Village, Tayu District, Pati Regency, newly formed land resulting from natural sedimentation has been actively occupied and utilized by local communities for productive activities such as aquaculture and salt farming. However, such utilization often occurs without formal legal recognition, thereby generating uncertainty regarding land tenure, ownership rights, and state control.¹ This condition reflects a structural tension between normative land law provisions and socio-economic realities at the local level, which has the potential to trigger agrarian disputes and overlapping claims.

From a normative perspective, Indonesian land law, particularly Article 33 paragraph (3) of the 1945 Constitution and the Basic Agrarian Law (UUPA), positions land as a strategic resource under state control to be utilized for the greatest prosperity of the people. This principle is further elaborated in Government Regulation Number 16 of 2004 and Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National

¹ Soeprijanto, Troeboes. "Land Reform-Reform Agraria-Redistribusi Lahan Perspektif Pasal 33 Ayat 3 Uud 1945." *Civis: Jurnal Ilmiah Ilmu Sosial dan Pendidikan* 12.1 (2023): 55-66. <https://doi.org/10.26877/civis.v12i1.14461>.

Land Agency Number 17 of 2016, which categorizes accretion land as land directly controlled by the state.² Nevertheless, the regulatory framework has not yet provided a clear operational mechanism for integrating such land into formal land tenure systems, particularly when it has already been occupied by communities based on customary or informal practices. As a result, a critical legal issue arises: how can accretion land, as state-controlled land, be legally structured and redistributed in a manner that ensures legal certainty, justice, and conflict prevention?³

Based on this issue, this study formulates the following research questions: (1) how is the juridical status of accretion land regulated within the Indonesian land law system? and (2) how can accretion land be operationally integrated into the agrarian reform framework, particularly through land redistribution mechanisms, to ensure equitable land tenure and legal protection? These questions are designed to sharpen the analytical focus and to bridge the gap between normative regulation and empirical land utilization.

Previous studies have examined agrarian reform and land redistribution from various perspectives; however, their analytical scope remains limited. Mulyaputri (2024) emphasizes the normative framework of land redistribution policies as an instrument for equitable land ownership, yet does not specifically address accretion land as a distinct legal object.⁴ Jumali (2024) provides empirical insights into the implementation of redistribution programs at the regional level, but lacks an analysis of juridical complexities related to newly formed land through natural processes.⁵ Meanwhile, Navira (2024) highlights institutional challenges in agrarian reform governance, particularly in the context of forest land redistribution, without examining the legal status and governance of accretion land.⁶

A critical review of these studies indicates a clear research gap, namely the absence of an integrated analysis that connects the juridical status of accretion land with the operational mechanism of agrarian reform implementation.⁷ Existing literature tends to treat legal regulation, institutional governance, and redistribution practices as separate domains, thereby overlooking the need for a comprehensive framework that links normative law with empirical land use dynamics in coastal areas. This gap becomes increasingly significant in

² Wu, Tao, and Juliana Barrett. "Coastal land use management methodologies under pressure from climate change and population growth." *Environmental Management* 70.5 (2022): 827-839. <https://doi.org/10.1007/s00267-022-01705-9>.

³ De Jong, Lotte, et al. "Understanding land-use change conflict: A systematic review of case studies." *Journal of Land Use Science* 16.3 (2021): 223-239. <https://doi.org/10.1080/1747423X.2021.1933226>.

⁴ Mulyaputri, Elsani. "Redistribusi Tanah Objek Reforma Agraria (TORA) Guna Mewujudkan Kesejahteraan Masyarakat dalam Rangka Percepatan Pelaksanaan Reforma Agraria." *Ranah Research: Journal of Multidisciplinary Research and Development* 7.2 (2025): 844-851. <https://doi.org/10.38035/rj.v7i2.1269>.

⁵ Jumali, Jumali. "pelaksanaan redistribusi tanah objek reforma agraria (TORA) dalam rangka pembangunan sumber daya alam berkelanjutan untuk kesejahteraan masyarakat." *Comserva: Jurnal Penelitian Dan Pengabdian Masyarakat* 3.12 (2024): 4780-4797. <https://doi.org/10.59141/comserva.v3i12.1273>.

⁶ Navira, Audi, and Tamsil Rahman. "Analisis Dampak Pengaturan Kelembagaan Reforma Agraria Dalam Pelaksanaan Tora Di Kawasan Hutan." *Novum: Jurnal Hukum* 9.02 (2022): 497-507. <https://doi.org/10.2674/novum.v0i0.63441>.

⁷ Millenda, Rizky Nauval, and Setiowati Setiowati. "Handling Access to Agrarian Reform After Legalization of Assets in Cilacap Regency (The Relationship between Access to Agrarian Reform and Community Motivation in Utilizing Land Certificates)." *Marcapada: Jurnal Kebijakan Pertanahan* 3.2 (2024): 113-138. <https://doi.org/10.31292/mj.v3i2.53>.

the context of Indonesia's ongoing agrarian reform agenda, where new land resources such as accretion land hold substantial potential for redistribution but remain legally and administratively ambiguous.⁸

The urgency of this research is therefore grounded not only in the increasing emergence of accretion land in coastal regions but also in its strategic relevance to national agrarian policy. Without a clear legal framework, the utilization of accretion land may perpetuate inequality, legal uncertainty, and conflict. Conversely, when properly integrated into agrarian reform schemes, accretion land can serve as a viable instrument for land redistribution, strengthening legal certainty and promoting socio-economic welfare in coastal communities.⁹

This study offers a novel contribution by explicitly conceptualizing accretion land as a legally viable source for agrarian reform implementation and by constructing an analytical linkage between its juridical status and redistribution mechanisms.¹⁰ Unlike previous studies, this research integrates normative legal analysis with empirical conditions in Dororejo Village, thereby providing a more comprehensive understanding of how accretion land can be governed within the framework of agrarian reform.¹¹

Accordingly, this study aims to analyze the regulation of accretion land and its implementation within agrarian reform programs, as well as to examine the legal implications arising from its redistribution. Theoretically, this research contributes to the development of agrarian law by bridging the gap between legal doctrine and land governance practices. Practically, it provides policy-relevant insights for improving legal frameworks and implementation strategies to ensure equitable, sustainable, and conflict-free land management in coastal areas.

2. METHOD

This study adopts a normative juridical research approach (doctrinal legal research), which focuses on the analysis of legal norms, statutory regulations, and legal doctrines governing the status and redistribution of accretion land within the agrarian reform framework. The primary objective of this approach is to examine the coherence between existing legal provisions and their intended application in ensuring legal certainty and

⁸ Tang, Shengxuan, et al. "Quantifying accretion of intra-oceanic arcs to continent: Numerical modeling of their crustal composition and rheological property." *Journal of Geophysical Research: Solid Earth* 131.2 (2026): e2025JB033391. <https://doi.org/10.1029/2025JB033391>.

⁹ Rajagukguk, Sholin Erbin Mart, Lintje Anna Marpaung, and Herlina Ratna Sumbawa Ningrum. "Implementasi Peraturan Menteri Agraria Dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 13 Tahun 2017 Tentang Tata Cara Blokir Dan Sita Pada Kantor Pertanahan Kota Bandar Lampung." *Pranata Hukum* 14.2 (2019): 192-207. <https://doi.org/10.36448/pranatahukum.v14i2.82>.

¹⁰ Singh, Jyotsna, Maria Asim, and Pemba Tshering. "Comprehensive Review of Land Resource Policies of South Asia." *Land and Water Nexus in South Asia: Exploring the Interplay of Resources* (2025): 407-447. https://doi.org/10.1007/978-3-031-87429-1_15.

¹¹ Anafo, David, Anthonia Ayamga, and Paul Bata Domanban. "Custom, modernity, and stability of land rights in Ghana: An empirico-legal review." *Cogent Social Sciences* 9.1 (2023): 2209366. <https://doi.org/10.1080/23311886.2023.2209366>.

equitable land governance.¹² To address potential methodological ambiguity, the reference to Dororejo Village, Tayu District, Pati Regency, is positioned not as an empirical field study but as a normative case illustration. It serves to contextualize the application of legal norms to concrete situations, without employing empirical data collection techniques such as interviews or field observations. Accordingly, this research remains methodologically within the domain of normative legal research, rather than adopting a socio-legal or empirical approach.¹³

The study employs two principal approaches, namely the statutory approach and the conceptual approach. The statutory approach is conducted through a systematic examination of relevant legal instruments, including the Basic Agrarian Law, Government Regulation Number 16 of 2004 concerning Land Use Planning, Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 17 of 2016, and Presidential Regulation Number 62 of 2023 concerning the Acceleration of Agrarian Reform Implementation. These legal sources are analyzed to assess the regulatory framework governing accretion land and its potential designation as agrarian reform objects. The conceptual approach is utilized to analyze legal doctrines and theoretical constructs, particularly those related to state control over land, legal certainty, and land redistribution policies. This approach is essential to interpret the underlying legal principles and to evaluate whether existing regulations adequately address the juridical complexities of accretion land. Both approaches are directly aligned with the research questions, as they enable a structured examination of the legal status of accretion land and its integration into agrarian reform mechanisms. This research is prescriptive in nature, aiming not only to describe legal norms but also to formulate legal arguments and recommendations. In line with doctrinal legal methodology, the study seeks to construct normative solutions to identified legal problems, particularly regarding the legal structuring and redistribution of accretion land within the agrarian reform framework.

The data utilized in this research consist exclusively of secondary legal materials, obtained through document and literature studies. These include primary legal materials (statutory regulations and official legal instruments), secondary legal materials (books, journal articles, and scholarly writings), and tertiary materials (legal dictionaries and supporting references). The data collection techniques are limited to systematic literature review and legal document analysis, thereby reinforcing the normative character of the study. The analytical technique applied is qualitative juridical analysis using deductive legal reasoning. The analysis begins with general legal norms and principles governing state land and agrarian reform, which are then systematically applied to specific legal issues concerning accretion land. The reasoning process involves statutory interpretation,

¹² Majeed, Nasir, Amjad Hilal, and Arshad Nawaz Khan. "Doctrinal research in law: Meaning, scope and methodology." *Bulletin of Business and Economics (BBE)* 12.4 (2023): 559-563. <https://doi.org/10.61506/01.00167>.

¹³ Negara, Tunggal Ansari Setia. "Normative legal research in Indonesia: Its origins and approaches." *Audito Comparative Law Journal (ACLJ)* 4.1 (2023): 1-9. <https://doi.org/10.22219/aclj.v4i1.24855>.

conceptual analysis, and legal argumentation to assess the consistency, adequacy, and applicability of existing regulations. Through this structured legal reasoning, the study produces normative conclusions regarding legal certainty, regulatory effectiveness, and the juridical implications of accretion land redistribution within the agrarian reform program.

3. RESULTS AND DISCUSSION

3.1 Legal Regulation Concerning Accretion Land Within the Land Law System in Indonesia

Accretion land constitutes new land formed as a result of sedimentation processes, whether naturally or artificially, which in English is known as a *deltabar* or channel bar, in Dutch referred to as *aanslibbing*, and in Indonesian recognized as *tanah timbul* or *tanah tumbuh*.¹⁴ Pursuant to Article 12 of Government Regulation Number 16 of 2004 concerning Land Use Planning, accretion land is categorized as land under state control. Doctrinally, Kartasapoetro emphasizes its formation through repeated sediment deposits, while A.P. Perlindungan highlights that such land does not automatically generate private rights.¹⁵ However, these definitions remain largely descriptive and do not sufficiently address the critical issue of how such land should be legally integrated into existing land tenure systems, particularly when it is already utilized by communities.¹⁶

From a juridical standpoint, the classification of accretion land as state-controlled land raises fundamental questions regarding legal certainty. The principle of legal certainty requires clarity not only in the formulation of norms but also in their implementation. In practice, the absence of clear procedural mechanisms for recognizing community control over accretion land creates a normative gap between law and reality.¹⁷ This gap becomes more problematic when viewed through the lens of distributive justice, as coastal communities that have long utilized such land remain legally vulnerable despite their economic dependence on it.¹⁸

The dynamics of coastal land further complicate the regulatory framework. Unlike inland areas, coastal regions are characterized by constant physical changes such as sedimentation, abrasion, and tidal influence, which challenge the rigidity of land administration systems.¹⁹ In Dororejo Village, Tayu District, Pati Regency, accretion land

¹⁴ Zulaikha, Rizki Amalia, Sri Sudaryatmi, and Agung Basuki Prasetyo. "Penentuan hak dan pemanfaatan tanah Timbul (Aanslibbing) di Desa Cimrutu, Kecamatan Patimuan, Kabupaten Cilacap." *Diponegoro Law Journal* 5.2 (2016): 1-17. <https://doi.org/10.14710/dlj.2016.11095>.

¹⁵ Varren, Shantika Afny, and Fitika Andraini. "Aspek Hukum Hak Penguasaan Dan Pendaftaran Tanah Timbul Di Desa Kramat Kecamatan Kramat Kabupaten Tegal." *Dinamika Hukum* 17.2 (2016): 50-57. <https://doi.org/10.35315/dh.v17i2.7186>.

¹⁶ Perlindungan, A. P. "Menjawab Masalah Pertanahan Secara Tepat Dan Tuntas." *Bandung: Mandar Maju* (1992), 67.

¹⁷ Shella, Shella Aniscasary, and Risti Dwi Ramasari. "Tinjauan yuridis kekuatan hukum sertifikat tanah elektronik berdasarkan peraturan menteri agraria dan tata ruang nomor 1 tahun 2021." *Jurnal Hukum Dan Etika Kesehatan* (2022): 1-14. <https://doi.org/10.30649/jhek.v2i1.38>.

¹⁸ Sari, Ni Luh Ariningsih. "Konsep hak menguasai negara terhadap tanah dalam hukum tanah (uupa) dan konstitusi." *Jurnal Ganecc Swara* 15.1 (2021). <https://doi.org/10.35327/gara.v15i1.202>.

¹⁹ Arisaputra, Muhammad Ilham. "Penguasaan tanah pantai dan wilayah pesisir di Indonesia." *Perspektif Hukum* (2015): 27-44. <https://doi.org/10.30649/ph.v15i1.26>.

has emerged gradually and has been utilized by local communities for aquaculture and salt production. This empirical condition demonstrates that legal norms are often reactive rather than adaptive, as regulatory frameworks fail to anticipate or adequately respond to evolving land formations and patterns of land use.

The utilization of accretion land in Dororejo Village also reveals the emergence of informal legal instruments, such as village certificates, which function as social legitimacy rather than formal legal rights. While these instruments provide a temporary sense of security, they do not guarantee legal protection under national land law. This situation reflects a structural inconsistency between formal legal systems and local governance practices, indicating that the law has not fully accommodated socio-economic realities at the grassroots level.²⁰

Terminologically, accretion land within the Indonesian legal system corresponds to the concept of *aanslibbing*, which is also recognized in comparative legal traditions. Scientifically, it refers to land formed through the gradual accumulation of sediment such as sand, mud, and gravel. However, the legal system has yet to fully translate this scientific understanding into a comprehensive regulatory framework, resulting in partial and fragmented legal recognition.²¹

Across different regions in Indonesia, accretion land is known by various local terms, reflecting its socio-cultural embeddedness. Nevertheless, such diversity in terminology also indicates the absence of a standardized legal approach in addressing its status. This lack of uniformity contributes to legal uncertainty and increases the risk of conflicting interpretations among authorities and communities, particularly when local practices are not aligned with national regulations.²²

Article 12 of Government Regulation No. 16 of 2004 explicitly places accretion land under state control. While this provision aims to prevent uncontrolled privatization, it also raises concerns regarding its practical implications. The regulation does not provide clear guidelines on how communities already occupying such land can obtain legal recognition, thereby creating a regulatory gap that may lead to administrative discretion and inconsistent implementation.²³

Within the broader framework of national land law, accretion land is subject to formal administrative procedures before rights can be granted. However, these procedures often lack accessibility and clarity for local communities. This condition undermines the effectiveness of the legal system, as the formalization process becomes detached from the

²⁰ Christian, Yoppie, et al. "Iregularitas Agraria "Tanah Timbul"(Aanslibbing) Dan Perubahan Lanskap Di Wilayah Pesisir Ujung Pangkah, Gresik Jawa Timur'." *BHUMI: Jurnal Agraria dan Pertanahan* 5.2 (2019): 230-243. <https://doi.org/10.31292/jb.v5i2.374>.

²¹ Oktavia, Vanessa, and Tundjung Herning Sitabuana. "Keabsahan Penguasaan Tanah Timbul Perspektif Hukum Pertanahan Indonesia." *UNES Law Review* 6.2 (2023): 7298-7304. <https://doi.org/10.31933/unesrev.v6i2.1623>.

²² Yosua, Suhanan. *Hak Atas Tanah Timbul (Aanslibbing) Dalam Sistem Hukum Pertanahan Indonesia*. (Jakarta: Restu Agung, 2010).

²³ Sembiring, Julius. "Hak menguasai negara atas sumber daya agraria." *Bhumi: Jurnal Agraria dan Pertanahan* 2.2 (2016): 119-132. <https://doi.org/10.31292/jb.v2i2.65>.

socio-economic realities it is intended to regulate. Consequently, the law risks functioning as an exclusionary mechanism rather than an instrument of social justice.²⁴

The Basic Agrarian Law (UUPA) introduced a paradigm shift by replacing the doctrine of *domein verklaring* with the concept of state control. While this transformation was intended to promote equitable land distribution, its application in the context of accretion land reveals certain limitations. The broad interpretation of state control may inadvertently marginalize communities if not accompanied by clear mechanisms for recognizing existing land use.²⁵

Legal certainty in land administration requires not only formal registration but also substantive fairness. In the context of accretion land, the absence of clear legal recognition for long-term community use reflects a tension between formal legality and substantive justice. This tension highlights the need for a more responsive legal framework that integrates both normative principles and empirical realities. The authority granted to the state under Article 2, paragraph (2) of the UUPA provides a legal basis for regulating land use and allocation. However, this authority must be exercised within the framework of accountability and proportionality. Without clear limits and operational guidelines, the exercise of such authority may lead to regulatory ambiguity and inconsistent decision-making.

The state's role as regulator and administrator of land resources includes determining legal relationships and land rights. Nevertheless, in the case of accretion land, this role has not been fully optimized. The absence of specific regulatory instruments addressing accretion land creates uncertainty regarding the procedures and criteria for granting rights. The interpretation of state control as public authority rather than ownership is conceptually sound; however, its practical implementation remains problematic. In many cases, state control is exercised without sufficient consideration of existing community practices, thereby creating a disconnect between legal norms and social realities.²⁶

In practice, accretion land is often occupied by economically vulnerable communities who lack access to formal legal processes. This condition raises concerns from the perspective of distributive justice, as the benefits of land utilization are not equitably distributed. The law, in this context, risks perpetuating inequality rather than addressing it. The procedure for obtaining land rights over accretion land follows the general mechanism applicable to state land. However, the classification of accretion land into old and young deposits introduces additional complexity. While this distinction is technically relevant, it

²⁴ Kusuma, Wahyu Budi. "Karakteristik sifat fisik dan daya dukung tanah endapan aluvium daerah Caruban." *Jurnal Nasional Pengelolaan Energi MigasZoom* 1.2 (2019): 15-27. <https://doi.org/10.37525/mz/2019-2/227>.

²⁵ Rahmawati, Risti, and Devi Siti Hamzah Marpaung. "Perlindungan Hukum Atas Status Kepemilikan dan Penguasaan Tanah Timbul di Desa Muarabaru Kabupaten Karawang." *Jurnal Ilmiah Wahana Pendidikan* 9.10 (2023): 500-511. <https://doi.org/10.5281/zenodo.7988229>.

²⁶ Marpaung, Devi Siti Hamzah. "Kepastian Hukum Dalam Upaya Perlindungan Terhadap Penguasaan Tanah Timbul (Aansilbbing) oleh Masyarakat." *Jurnal Ilmiah Hukum De'jure: Kajian Ilmiah Hukum* 3.2 (2018): 188-210. <https://doi.org/10.35706/dejure.v3i2.6325>.

also creates ambiguity in its practical application, particularly in determining the stability and eligibility of land for rights allocation.

The differentiation between old and young accretion land has significant legal implications. Old accretion land may be eligible for ownership rights, whereas young accretion land remains restricted. However, the criteria for such classification are not always clearly defined, leading to potential inconsistencies in administrative decisions. The requirement for additional permits and approvals for young accretion land further complicates the legal process. This multi-layered procedure may create barriers for communities seeking legal recognition, thereby limiting access to land rights. Moreover, the overlap between different regulatory instruments indicates a lack of harmonization within the legal framework.

From a regulatory perspective, the current framework reflects a tension between control and accessibility. While the state seeks to maintain authority over land resources, it has not fully developed mechanisms to ensure that such authority translates into equitable access for communities. This imbalance highlights the need for regulatory reform. The classification of accretion land as state-controlled land serves an important preventive function, but it must be complemented by clear and accessible procedures for rights allocation. Without such mechanisms, the regulation risks becoming ineffective in achieving its intended objectives.

Administrative mechanisms such as land inventory and verification are essential for ensuring legal certainty. However, their effectiveness depends on transparency, consistency, and institutional coordination. In the absence of these elements, administrative processes may become a source of legal uncertainty rather than a solution. The recognition of community utilization reflects an attempt to bridge normative law and empirical reality. However, such recognition remains limited and conditional, indicating that the legal system has not fully adapted to the socio-economic context of coastal areas.

Accretion land holds significant potential within the framework of agrarian reform. Its utilization as an object of land redistribution aligns with the principle of distributive justice, particularly in addressing land inequality. However, this potential can only be realized through coherent and harmonized regulations. Legal certainty in this context requires not only regulatory clarity but also institutional coordination. The involvement of multiple authorities often leads to overlapping jurisdictions and conflicting decisions, further complicating the legal status of accretion land.

Ultimately, the regulation of accretion land reflects broader challenges within Indonesia's land law system. The persistence of normative-empirical gaps indicates that legal reform must move beyond descriptive regulation toward a more integrated and responsive framework. Strengthening legal certainty, ensuring distributive justice, and harmonizing regulatory instruments are essential steps in transforming accretion land governance into an effective component of national agrarian policy.

Furthermore, the regulatory issues surrounding accretion land are not merely rooted in normative gaps but also in the lack of integration between formal legal frameworks and the socio-economic realities of coastal communities. The existing legal regime remains predominantly state-centric, positioning the state as the primary authority without sufficiently accommodating community-based land control practices. This condition indicates that a purely legalistic approach is inadequate to address the complexity of accretion land governance. Therefore, a more responsive socio-legal framework is required, one that recognizes empirical land use while maintaining legal certainty. In this context, law should function not only as an instrument of control but also as a mechanism for empowerment that ensures both formal legality and substantive justice.

From an agrarian law reform perspective, strengthening the regulation of accretion land must be directed toward the development of clear, measurable, and operational legal norms, particularly concerning recognition, verification, and allocation procedures. Regulatory harmonization is essential to prevent overlapping authority and policy inconsistency across legal instruments. Without a comprehensive reformulation of the legal framework, accretion land regulation will remain ambiguous and potentially undermine the legitimacy of land law itself. Accordingly, a more adaptive and integrative regulatory design is necessary, one that aligns normative principles with practical implementation and contributes to sustainable agrarian conflict resolution.

A systematic legal analysis reveals that the classification of accretion land as state-controlled land under Article 12 of Government Regulation Number 16 of 2004 must be interpreted in conjunction with the constitutional mandate of Article 33 paragraph (3) of the 1945 Constitution, which emphasizes the utilization of land for the greatest prosperity of the people. Such an interpretation necessitates that state control cannot be exercised in a purely formalistic or exclusionary manner that disregards existing patterns of community utilization. The empirical condition in Dororejo Village, where coastal communities have long occupied and productively managed accretion land, provides a concrete basis for asserting that *de facto* control should be considered within the framework of *de jure* recognition. This condition demonstrates that the absence of procedural mechanisms for recognizing community-based land use constitutes not merely an administrative deficiency but a substantive legal gap that undermines the realization of constitutional objectives. A purposive interpretation of state control therefore, requires the integration of social function principles into the regulatory framework governing accretion land.

A doctrinal and administrative law examination further indicates that the current regulatory framework fails to satisfy the principles of legal certainty, distributive justice, and accountable governance due to the absence of specific, operational, and harmonized norms governing accretion land. The reliance on general state land procedures, combined with ambiguous distinctions such as old and young accretion land, creates interpretative inconsistencies and enables administrative discretion that may disadvantage coastal communities. The emergence of informal instruments such as village certificates in Dororejo

Village evidences the existence of a parallel normative order, reflecting the inability of formal law to effectively regulate empirical land use practices. The multi-layered administrative requirements and overlapping institutional authority further impose disproportionate burdens on communities, thereby limiting equitable access to land rights and undermining the objectives of agrarian reform. A responsive legal framework must therefore incorporate clear recognition, verification, and allocation mechanisms that align normative regulation with empirical realities, ensuring that state control operates as an instrument of justice rather than exclusion.

3.2 The Potential of Accretion Land as Agrarian Reform Object Land

Pursuant to Article 14 of Presidential Regulation Number 62 of 2023, accretion land is categorized as part of Agrarian Reform Object Land originating from non-forest areas. TORA itself constitutes land administered by the state and/or land that is privately owned, controlled, or utilized by communities, which may subsequently be redistributed or legalized within the framework of agrarian reform. In terms of its characteristics, accretion land possesses strong relevance for inclusion in the agrarian reform program because it is naturally formed through sedimentation processes, particularly in coastal areas. However, this normative classification must be critically examined in light of its practical implementation, as the transformation of accretion land into TORA is often confronted with administrative complexity, overlapping authority, and discrepancies between formal legal status and factual land control.²⁷

From a normative perspective, the inclusion of accretion land within the TORA framework is intended to strengthen legal certainty. Nevertheless, in practice, the realization of legal certainty is frequently hindered by administrative constraints, particularly the absence of comprehensive and updated land data. In many regions, including coastal areas such as Dororejo Village, the lack of accurate mapping and land registration data complicates the verification process, thereby delaying legalization. Moreover, legal certainty is further undermined when overlapping claims emerge between local communities, private actors, and government institutions, indicating that the regulatory framework has not fully resolved potential conflicts of interest.²⁸

The policy objective of expanding access to land ownership through agrarian reform reflects the principle of distributive justice. However, its implementation in the context of accretion land raises critical questions regarding fairness and inclusivity. While communities that have historically utilized accretion land are expected to benefit, in practice, unequal access to information, bureaucratic procedures, and institutional support often results in exclusion of vulnerable groups. This condition demonstrates that agrarian reform,

²⁷ Yasir, Muhammad. "Sinergitas Antara Lembaga Pemerintahan, Non Pemerintahan, dan Masyarakat untuk Mewujudkan Reforma Agraria di Kabupaten Bojonegoro." *Binamulia Hukum* 12.1 (2023): 1-10. <https://doi.org/10.37893/jbh.v12i1.443>.

²⁸ Prakoso, Bhim, et al. "Arrangement of Agrarian Reform as A Basis For Providing Legal Certainty For the Community." *Acten Journal Law Review* 1.1 (2024): 1-16. <https://doi.org/10.71087/ajlr.v1i1.2>.

as a legal instrument, has not yet fully functioned as an effective mechanism for social justice, particularly when administrative barriers limit equitable access to land rights.²⁹

From an economic standpoint, accretion land indeed offers significant potential for productive utilization, including agriculture, aquaculture, and salt farming. Nevertheless, the effectiveness of this potential depends largely on institutional readiness and policy coherence. Weak coordination among government agencies, inconsistencies in spatial planning, and limited technical support for communities often reduce the economic benefits of land redistribution. Consequently, the expected contribution of accretion land to local economic development may not be optimally realized, highlighting the gap between policy objectives and actual outcomes.³⁰

The designation of accretion land as part of TORA is also intended to reduce agrarian conflicts by clarifying land status. However, empirical realities indicate that this objective is not always achieved. Instead, the formalization process may trigger new conflicts, particularly when different stakeholders claim rights over the same land. Conflicts of interest may arise between local communities and private investors, or between communities and state institutions, especially when economic value increases after legalization. This suggests that the TORA policy, while normatively aimed at conflict resolution, may also generate new forms of dispute if not accompanied by effective conflict management mechanisms.

Data proposals concerning TORA originating from the Regency/City Agrarian Reform Task Force are reported to the Provincial Agrarian Reform Task Force and subsequently compiled into national TORA proposal data. While this multi-level administrative mechanism is designed to ensure procedural accountability, in practice, it often leads to bureaucratic delays and inefficiencies. The complexity of coordination between different levels of government reflects a broader institutional challenge, where overlapping authority and a lack of synchronization hinder timely decision-making. As a result, the administrative process may become a barrier rather than a facilitator of agrarian reform implementation.

After the TORA recommendation proposal is received from the Agrarian Reform Task Force, the subsequent stage involves reviewing the submitted data through physical and juridical verification. Although this process is essential to ensure legal compliance, it also reveals significant challenges related to data accuracy and institutional capacity. In many cases, discrepancies between field conditions and administrative records complicate the verification process. Furthermore, limited human resources and technical capacity within land administration institutions often affect the quality and consistency of data analysis, thereby impacting the reliability of TORA determination.

²⁹ Mariane, Irene, Listyowati Sumanto, and Ignatius Pradipa Probondaru. "Problems of Converting Agricultural Land and the Need to Anticipate Its Control After the Enactment of the Job Creation Law." *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 7.1 (2024). <https://doi.org/10.24090/volksgeist.v7i1.10473>.

³⁰ Abidin, Asat, Sadino Sadino, and Arina N. Shebubakar. "Penataan Aset Tanah Bekas Hak Guna Bangunan di atas Hak Pengelolaan Pemerintah Provinsi Nusa Tenggara Barat di Lokasi Wisata Gili Trawangan." *Tunas Agraria* 7.1 (2024): 86-101. <https://doi.org/10.31292/jta.v7i1.280>.

TORA that has undergone physical and juridical data processing is subsequently grouped into three priority categories as the basis for determining follow-up actions. While this classification reflects a structured regulatory approach, it also has important legal implications for community access to land rights. Priority Category 1 provides immediate opportunities for legalization, whereas Priority Category 2 introduces uncertainty due to the need for further confirmation. Meanwhile, Priority Category 3 effectively excludes certain areas from redistribution, which may disproportionately affect communities already dependent on such land. Therefore, this classification system must be critically assessed in terms of its impact on legal certainty and access to justice. The existence of physical and juridical inhibiting factors further complicates the implementation of TORA. Physical constraints, such as environmental conditions, are relatively objective; however, juridical constraints often involve complex legal disputes and overlapping claims.

These juridical issues highlight the limitations of the current legal framework in addressing conflicts of interest and ensuring clear land status. In particular, the presence of overlapping permits and state or corporate assets indicates that agrarian reform policies must be harmonized with broader land governance and investment regulations. The designation of accretion land as TORA under Presidential Regulation Number 62 of 2023 reflects a strategic effort to optimize land resources for equitable distribution. Nevertheless, this policy must be evaluated in terms of its effectiveness in achieving its intended objectives.

The persistence of administrative delays, institutional fragmentation, and legal uncertainty suggests that the current framework requires further refinement. Without addressing these structural challenges, the policy risks remaining normative rather than transformative. From a legal perspective, agrarian reform is not merely a matter of land redistribution but also a means of restructuring land tenure systems to achieve justice and equality. In this context, accretion land represents a unique object that does not typically involve the displacement of existing rights holders. However, the absence of clear procedural mechanisms for recognizing community-based land control undermines the realization of these objectives.

This indicates that the legal framework must be strengthened to ensure that agrarian reform genuinely functions as an instrument of social justice. Economically, the legalization of accretion land has the potential to enhance community welfare by providing access to financial resources and development programs. However, this potential is contingent upon effective policy implementation and institutional support. Without adequate assistance, communities may struggle to maximize the benefits of land ownership, thereby limiting the socio-economic impact of agrarian reform. This highlights the need for an integrated approach that combines legal reform with economic empowerment strategies. Institutionally, the implementation of TORA reflects a complex governance structure involving multiple actors at different levels. While this structure is intended to ensure comprehensive evaluation, it also creates challenges in terms of coordination and accountability. Weak institutional capacity and a lack of clear division of authority may lead

to inconsistent policy implementation, thereby reducing the overall effectiveness of agrarian reform programs.

Furthermore, the classification of TORA into priority categories demonstrates a regulatory attempt to manage risk and ensure compliance with spatial planning principles. However, this approach must be balanced with considerations of social justice. Excluding certain areas based solely on technical criteria without considering community dependence may undermine the broader objectives of agrarian reform. Therefore, a more inclusive and context-sensitive approach is required. In the broader context of agrarian governance, the integration of accretion land into the TORA framework reflects the state's effort to respond to dynamic geographical and social conditions. Nevertheless, the effectiveness of this policy depends on its ability to bridge the gap between legal norms and empirical realities. Persistent challenges such as administrative inefficiency, institutional fragmentation, and social inequality indicate that further reform is necessary.

The utilization of accretion land as TORA must be understood within the framework of agrarian reform as an instrument of social justice and economic redistribution. The success of this policy should not be measured solely by the number of land certificates issued, but also by its impact on reducing inequality, preventing conflicts, and improving community welfare. A more critical and evaluative approach is therefore essential to ensure that agrarian reform policies achieve their intended transformative outcomes.

In addition, the optimization of accretion land as an object of Agrarian Reform Object Land (TORA) requires a policy approach that goes beyond administrative formalities and embraces a transformative orientation. Agrarian reform should be positioned as an instrument of social engineering aimed at correcting structural inequalities in land tenure. In this regard, the success of integrating accretion land into the TORA scheme should not be measured solely by the number of legalized land parcels, but also by its capacity to enhance community economic resilience and strengthen social equity in coastal areas. Thus, agrarian reform must be understood as a multidimensional and continuous process rather than a one-time redistribution program.

At the institutional level, strengthening governance structures is crucial to ensure the effective implementation of TORA, particularly through enhanced inter-agency coordination and the development of an integrated, technology-based land administration system. Without robust institutional support, the potential of accretion land as a strategic resource for agrarian reform cannot be fully realized. Therefore, an integrative approach that combines legal reform, institutional capacity building, and economic empowerment is essential to ensure that the TORA policy is not merely normative but also capable of delivering tangible outcomes in achieving agrarian justice and sustainable community welfare.

A rigorous legal analysis demonstrates that the designation of accretion land as part of Agrarian Reform Object Land (TORA) under Article 14 of Presidential Regulation Number 62 of 2023 must be interpreted within the broader constitutional and statutory framework

governing state control over land. Such a designation implies not only formal inclusion within redistribution schemes but also the imposition of a legal obligation upon the state to operationalize such inclusion through clear, consistent, and accessible procedures. The empirical condition identified in coastal areas such as Dororejo Village, particularly the absence of accurate land data and mapping, indicates that the normative recognition of accretion land as TORA remains largely declaratory rather than effectively implementable. This discrepancy between normative classification and administrative readiness reflects a structural weakness in the legal framework, where regulatory intent is not supported by adequate institutional infrastructure. A coherent legal argument, therefore requires that the validity of TORA designation be assessed not only on formal legality but also on its capacity to produce enforceable and equitable outcomes.

A doctrinal examination grounded in the principle of distributive justice reveals that the inclusion of accretion land within agrarian reform policies carries a strong normative expectation of prioritizing communities that have historically utilized such land. The empirical findings indicating unequal access to information, bureaucratic procedures, and institutional support demonstrate that the current implementation framework fails to fully realize this expectation. The emergence of overlapping claims among communities, private actors, and state institutions further illustrates that the regulatory framework lacks effective conflict resolution mechanisms. Such conditions indicate that the legal structure governing TORA has not yet achieved internal coherence, particularly in reconciling competing interests within a unified redistribution scheme. A legally sound approach would therefore necessitate the development of preferential recognition mechanisms and conflict mitigation strategies that are explicitly embedded within the regulatory design.

An administrative law perspective further highlights that the multi-level governance structure of TORA implementation, involving coordination between regency, provincial, and national task forces, creates significant procedural complexity that may undermine legal certainty and efficiency. The processes of physical and juridical verification, while normatively essential, are constrained by data discrepancies and limited institutional capacity, thereby affecting the reliability and timeliness of land determination. The classification of TORA into priority categories introduces additional legal implications, particularly where exclusion from redistribution disproportionately affects communities already dependent on accretion land for their livelihoods. Such a framework raises concerns regarding proportionality and fairness, as technical criteria may override substantive considerations of social justice. A restructured legal framework is therefore required to ensure that administrative procedures function not as barriers but as facilitators of equitable land redistribution, supported by integrated institutional coordination and data-driven governance. The operational integration of accretion land into the agrarian reform framework can thus only be effectively realized through the establishment of clear, harmonized, and community-oriented legal mechanisms that bridge normative regulation with empirical land control practices. The resolution of the second research problem

consequently lies in the formulation of an adaptive legal-operational model that ensures legal certainty, equitable access, and conflict prevention in the redistribution of accretion land within the TORA scheme.

4. CONCLUSION

This study demonstrates that accretion land within Indonesia's land law system remains juridically classified as state-controlled land, yet its governance is characterized by significant normative–empirical gaps that undermine legal certainty and equitable access for coastal communities. Although accretion land holds substantial potential as an object of agrarian reform through the TORA mechanism, its implementation is constrained by fragmented regulations, administrative complexity, and weak institutional coordination, resulting in limited effectiveness in achieving distributive justice. This research contributes to the literature by offering a novel conceptualization of accretion land as a systematic and legally viable component of agrarian reform, while simultaneously constructing an integrative legal-operational framework that bridges doctrinal regulation with empirical land use practices in coastal areas. The study further provides practical contributions by proposing a multidimensional reform approach encompassing regulatory harmonization, institutional strengthening, and data-driven land governance to enhance policy effectiveness. Ultimately, the findings emphasize that the successful redistribution of accretion land requires not only formal legal recognition but also adaptive, inclusive, and context-sensitive governance capable of transforming agrarian reform into a genuinely equitable and sustainable instrument of land management.

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