



# LEGAL ANALYSIS OF LAND USE RIGHTS (CASE STUDY IN TAKALAR REGENCY)

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## Keywords

*Right to Use, Land, Legal Analysis, Land Dispute*

## Abstract

*This study aims to analyze the legal aspects related to land use rights in Takalar Regency. Land use rights are a form of right given to individuals or legal entities to utilize land that does not belong to them, with certain time and use restrictions regulated in the law. This study uses an empirical juridical approach, which combines the study of applicable laws and regulations with field data collected through interviews and observations. The results of the study show that there are several problems in the implementation of land use rights in Takalar Regency, such as the lack of public understanding of the regulations governing land use rights, as well as the overlap of land use that causes legal disputes. This study concludes that more intensive socialization from the government is needed and improvement of the supervision mechanism to avoid abuse of land use rights. Thus, this research is expected to contribute to efforts to improve the regulation and implementation of land use rights in Indonesia, especially in Takalar Regency.*

## 1. INTRODUCTION

Land has a very important role as one of the main resources in the economy, especially in the agricultural, housing, and industrial sectors. In the economic field, land is the basis for production activities, both for agriculture that supports food security and for infrastructure development and industrial estates that support economic growth. In addition, land is also often used as an investment instrument, where the value of land tends to increase over time, providing long-term benefits for its owners (Davy, 2024). These resources are a strategic commodity because of their limitations, so proper management is needed to prevent conflicts and support sustainable development ( et al., 2022). Socially and culturally, land has a very important value in people's lives, especially in Indonesia, where the relationship between the community and land is often related to traditional identities and values. Many indigenous peoples consider land to be part of their ancestral heritage that is inseparable from their history and culture (Dang, 2023). Land also serves as a symbol of social status, power, and family continuity, as land inheritance is often a marker of family status in society. In this context, wise land management is essential to maintain social harmony and protect the rights of indigenous peoples and other groups (Basuki et al., 2024)

Land rights in Indonesia are regulated in the Basic Agrarian Law (UUPA) No. 5 of 1960, which is the main legal basis for land management and utilization. The UUPA regulates various types of land rights, such as property rights, business use rights, building use rights, and use rights. Each type of right has different characteristics, limitations, and legal provisions according to its function. One of the rights that is specifically regulated is the right to use, which gives permission to individuals or legal entities to

use land owned by the state or other parties within a certain period of time and conditions. This right is limited, both in terms of use and duration, and is usually used for certain purposes, such as housing, offices, or public facilities (Olumba et al., 2024).

The right to use has an important role in the management of land resources because it allows access to land for parties who do not have property rights, but still need land for certain purposes. In agrarian legislation, the right to use can be granted to Indonesian citizens, foreigners domiciled in Indonesia, as well as foreign and domestic legal entities (Etale & Simatele, 2024). Although the right to use provides flexibility in land use, the regulation is still closely monitored by the government so as not to violate legal provisions or cause conflicts. Therefore, the right to use must be properly administered so that there is no misuse, dispute, or injustice in land tenure.

In practice, the implementation of land use rights often faces various problems in the field. One of the main problems is the lack of public understanding of the regulations governing the right to use, including the restrictions on use, the time period, and the rights and obligations inherent in those rights (Sutaryono et al., 2024). Many people do not understand that the right to use has a certain duration and is not a full title, so they often mistakenly consider the land they use as permanent private property. This can trigger conflicts when the tenure expires or when the land is allocated for other interests by the owner, be it the state or the private sector. The lack of socialization and education about the right to use from the government and authorities has also exacerbated the situation, causing many people to be caught up in legal disputes (Adegbami & Adesanmi, 2020).

Land disputes are a fairly frequent problem related to land use rights, especially in areas that have high land use dynamics, such as Takalar Regency. These disputes usually arise due to overlapping land uses, unclear ownership status, and different interpretations of the limitation of the right to use. For example, there are cases where land with the status of use rights is used for commercial purposes by a party who does not have a permit or land is used without an official extension after the use right period has expired. These conflicts can involve local communities, governments, and even private companies, all of whom claim the same land rights. Without a clear and transparent settlement mechanism, land disputes due to use rights can harm all parties and cause legal uncertainty and social disturbances (Davy, 2024).

Case studies in Takalar Regency are very relevant in understanding the problem of land use rights because this area is experiencing complex land use dynamics, especially with the development of the agricultural, industrial, and housing sectors. Takalar Regency, located in South Sulawesi, is an area rich in natural resources, with land of high value for various interests. However, along with the increasing need for land for development, many problems arise related to land use rights (Mancino & Bose, 2021). Cases such as unclear land status, overlapping land use, and abuse of use rights by individuals and legal entities are often sources of disputes that require legal resolution. This shows the importance of strict regulation and supervision in the implementation of use rights so that land use can run in accordance with applicable regulations (Ramadan et al., 2022).

The issue of right to use in Takalar Regency is also relevant in the social context, because many people depend on land for their daily needs, especially in the agricultural sector. Legal uncertainty regarding the right to use can cause losses to people who have been using the land for a long time, but do not have a sufficient understanding of the legal status of the land they occupy. Land dispute cases in Takalar are often protracted, causing social and economic tensions, both at the community and local government levels. By studying and analyzing the problems in Takalar Regency, it is hoped that more effective and fair legal solutions can be found, as well as provide better policy recommendations in the management of land use rights in Indonesia.

## 2. RESEARCH METHODS

This study uses the library research method to analyze the right to use land in a legal context. Library research, or literature research, is carried out by collecting, studying, and analyzing various sources of literature relevant to the research topic, such as agrarian law books, scientific journals, articles, and laws and regulations related to land use rights, including the Basic Agrarian Law (UUPA) No. 5 of 1960 and government regulations that specifically regulate land use rights. This method was chosen because it allows researchers to understand the basic concepts and historical developments regarding land use rights and apply relevant legal theories in the analysis of the case being studied. In addition, this study also uses legal documents, such as court decisions and analyses of similar cases, to understand how the right of use is applied in the field.

The data collected from these literature sources were analyzed in a qualitative descriptive manner, in which the researcher examined how the regulation on the right to use was interpreted and applied in various cases, both in Indonesia and in other countries that have similar legal systems. This analysis will provide a comprehensive overview of the strengths and weaknesses of tenure regulations, as well as identify potential problems that may arise in practice. With this library research method, the research seeks to provide a deep understanding of the legal framework of land use rights and provide policy recommendations to improve the governance of land use rights, especially in the context of Indonesian law.

## 3. RESULT AND DISCUSSION

### General Description of Land Use Rights

Land use rights are a form of right granted to individuals or legal entities to use land owned by the state or other parties for a certain period of time and for certain purposes. This right is regulated in the Basic Agrarian Law (UUPA) No. 5 of 1960, which stipulates the basis of agrarian law in Indonesia. The right of use allows the holder to utilize the land without having to own full ownership, providing flexibility in land management for various needs, such as housing, agriculture, and public facilities (Etale & Simatele, 2024). In general, the right to use can be granted to Indonesian citizens, domestic legal entities, and foreigners domiciled in Indonesia in accordance with applicable regulations (Sutaryono et al., 2024).

Although the right to use provides access to land use, there are certain limitations that must be observed. The right to use has a limited duration, usually 25 years and can be extended according to needs and agreements. In addition, land granted use rights cannot be used freely; Its use must be in accordance with the designation that has been determined, for example for housing, public facilities, or social projects (Ubink & Pickering, 2020). The right to use also does not have the right to sell the land, because the land remains the property of the state or its original owner. If the tenure expires, the land must be returned to the owner, unless the tenure is extended.

In practice, usufructs are often used by individuals or legal entities that need land for short- or medium-term purposes. The government often grants use rights to social institutions, education, or government institutions that need land for public purposes. In addition, foreign nationals who cannot own land ownership rights in Indonesia can use the right of use for

residential or business purposes, subject to the terms and limitations set by law (Zakaria et al., 2024). This helps support optimal land use without having to cause long-term ownership problems.

However, in its implementation, land use rights also face various challenges. One of the common problems that arises is the lack of public understanding regarding the legal limitations and provisions of the right to use. Many people do not realize that the right to use is temporary and only gives the right to use, not own, the land. This misunderstanding often leads to conflicts or disputes, especially when the right to use expires or when the right holder seeks to use the land for purposes that are not in accordance with the designation. In addition, disputes often occur due to overlapping claims on the same land, especially in areas with high economic value (Basuki et al., 2024).

The government also faces challenges in the supervision and management of use rights. Although the regulations are clear, the lack of oversight from the authorities leads to many abuses of the right of use. For example, land that should be used for social or public purposes is instead diverted for commercial activities without clear permission. In addition, complicated administrative processes and slow bureaucracy are also obstacles to the effective implementation of the right to use. Therefore, it is necessary to improve the management and socialization of use rights so that the public better understands their rights and obligations, as well as prevent disputes (Zheng & Zhang, 2021).

To overcome the existing problems, the solution that can be done is to strengthen the supervision mechanism, clarify administrative procedures, and increase socialization to the community regarding land use rights. The government needs to ensure that the right to use is granted and extended in accordance with applicable rules, and that the right holder must comply with the limits and conditions that have been set (Ubink & Pickering, 2020). With better management, use rights can be an effective instrument in land use, as well as reduce conflicts or land disputes that often occur due to misunderstandings or legal ambiguities.

### **Regulation and Implementation of Right to Use in Indonesia**

The regulation of the Right to Use in Indonesia is primarily governed by the Undang-Undang Pokok Agraria (UUPA) No. 5 Tahun 1960, which lays the foundation for land law in Indonesia. This regulation sets out the various forms of land rights recognized in the country, including the right to use, right of ownership, right to cultivate, and right to build (Inguaggiato et al., 2021). The Right to Use is a limited form of land tenure that allows individuals, foreign nationals, or legal entities to use state or privately-owned land for a specific purpose and duration without conferring full ownership. The goal of this regulation is to facilitate the fair and efficient use of land resources while maintaining state control over national land assets.

The Right to Use can be granted to Indonesian citizens, foreign residents, or legal entities (both domestic and foreign), under certain conditions. According to the UUPA, the duration of the Right to Use is generally limited to a maximum of 25 years, with the possibility of renewal depending on the specific circumstances of each case (Sutaryono et al., 2024). The land under this right may be used for various purposes, such as housing, public infrastructure, or commercial activities, provided that the usage aligns with the stipulations of the land title.

However, unlike full ownership rights, the Right to Use does not permit the holder to sell or transfer the land permanently. Any violation of the terms of this right may result in its revocation or non-renewal by the authorities (Murray & Gordon, 2024).

In terms of implementation, the Right to Use has been widely utilized in Indonesia, particularly in urban areas and for foreign nationals who are prohibited from owning land outright. Many legal entities, both private and public, also utilize the Right to Use to facilitate projects that require temporary land use without necessitating full ownership. For instance, foreign investors may use this right to establish businesses, construct buildings, or operate facilities without violating Indonesian land ownership laws ( et al., 2022). Additionally, state land is often granted under the Right to Use for public infrastructure projects such as roads, schools, and hospitals, supporting the country's development objectives.

However, the implementation of the Right to Use faces challenges, particularly in terms of administrative processes and legal clarity. In many cases, landholders lack sufficient knowledge of the specific conditions and limitations of their rights, leading to misunderstandings or violations of land use regulations. There is also an issue of bureaucratic inefficiency, where the process for obtaining, renewing, or transferring the Right to Use can be lengthy and complicated (Adegbami & Adesanmi, 2020). This has sometimes led to delays in development projects or disputes between landholders and authorities, particularly in cases where the land's intended use changes over time.

Another key issue in the implementation of the Right to Use is the frequent occurrence of land disputes, particularly in regions with high land value or scarce resources. Overlapping land claims, unclear property boundaries, and the misuse of land designated under the Right to Use for unintended purposes often result in legal conflicts. These disputes are often exacerbated by the lack of proper land registration and documentation, which makes it difficult to ascertain the rightful holder of land rights. In some cases, local governments have struggled to enforce regulations, leading to unauthorized land use or illegal occupation of state-owned land under the guise of Right to Use.

To address these challenges, several policy improvements are necessary for the regulation and implementation of the Right to Use in Indonesia. Firstly, there is a need for better public education and outreach on the specifics of the Right to Use to ensure that individuals and businesses understand their rights and obligations. Secondly, the government should streamline administrative processes to reduce delays and provide clearer guidelines on how to obtain and renew land use rights (Etale & Simatele, 2024). Finally, enhanced land registration systems and enforcement mechanisms are essential to resolving disputes and ensuring that land is used in accordance with its designated purposes. With improved regulation and implementation, the Right to Use can continue to serve as a valuable tool for economic development, urban planning, and equitable land distribution in Indonesia.

### **Social And Economic Impacts Of The Issue Of Right To Use In Takalar Regency**

The issue of the Right to Use in Takalar Regency has significant social and economic impacts on the local community and development dynamics. Takalar, located in South Sulawesi, is an area rich in natural resources and agricultural potential. The regulation of land use rights

in this region is crucial for facilitating economic growth and social equity. However, the challenges surrounding the Right to Use often lead to various negative consequences that affect both individuals and the broader community (Zakaria et al., 2024). Understanding these impacts is essential for formulating effective policies and interventions to address the issues at hand.

One of the primary social impacts of the Right to Use in Takalar is the prevalence of land disputes and conflicts among community members. Due to a lack of awareness regarding land rights and the specific terms of the Right to Use, many individuals often claim ownership of the same piece of land, leading to tensions and conflicts. These disputes can escalate into prolonged legal battles, causing significant stress and instability within the community. Additionally, the lack of a clear resolution process for these disputes can result in social divisions, where neighbors and community members become adversaries over land use issues. This situation undermines social cohesion and can hinder cooperative community efforts, which are essential for local development (Olumba et al., 2024).

Economically, the Right to Use has both positive and negative ramifications. On the one hand, it provides opportunities for individuals and businesses to utilize land for productive purposes, such as agriculture, housing, and commercial enterprises. This can lead to increased economic activity and improved livelihoods for local residents. However, when the Right to Use is mismanaged or misused, it can result in economic loss (Zakaria et al., 2024). For instance, if land designated for public use is illegally converted for personal gain, it can limit access to essential services and resources for the broader community. Moreover, ongoing land disputes can deter investment in the region, as potential investors may be wary of entering a market fraught with legal uncertainties and conflicts over land rights.

Furthermore, the issue of the Right to Use in Takalar has implications for agricultural productivity and food security. Many local farmers rely on land under the Right to Use for their livelihoods. When disputes arise or when land use regulations are unclear, farmers may hesitate to invest in their land, leading to decreased agricultural output. This can have a ripple effect on the local economy, as reduced agricultural production can result in higher food prices and limited access to fresh produce for the community (Ramadan et al., 2022). Additionally, uncertainty around land rights can discourage younger generations from pursuing agricultural careers, as they may feel insecure about their ability to use land productively.

The implementation of the Right to Use also intersects with local governance and public service delivery in Takalar. When land use rights are unclear or poorly enforced, it can hinder the local government's ability to plan and provide essential services, such as infrastructure development, schools, and healthcare facilities. For instance, if land designated for public facilities is occupied without proper authorization, it can prevent the construction of much-needed services in the community (Basuki et al., 2024). This situation can lead to inadequate access to basic services, further exacerbating social inequalities and limiting opportunities for residents.

To address these challenges, it is vital to enhance public awareness and education regarding land rights and the implications of the Right to Use in Takalar. Implementing community-based programs that inform residents about their rights and responsibilities can

empower them to engage in more effective land management and dispute resolution. Additionally, the local government should improve its administrative processes for granting and renewing the Right to Use, ensuring transparency and accessibility for community members. By fostering a clearer understanding of land use rights and improving governance, Takalar Regency can mitigate the negative social and economic impacts associated with the Right to Use and promote sustainable development for its residents (Dang, 2023)

In conclusion, the social and economic impacts of the Right to Use in Takalar Regency are multifaceted and require comprehensive strategies to address the challenges faced by the community. The prevalence of land disputes, the implications for agricultural productivity, and the effects on local governance all underscore the importance of effective land management and clear regulations. By focusing on education, transparency, and community engagement, stakeholders can work towards a more equitable and sustainable approach to land use that benefits both individuals and the broader community in Takalar Regency.

## CONCLUSION

The conclusion of this study shows that land use rights in Indonesia, especially in Takalar Regency, have significant social and economic impacts. Although the right to use provides opportunities for individuals and legal entities to use land for various purposes, many challenges have arisen, including land disputes and public misunderstanding of existing regulations. This problem has the potential to disrupt social stability, hinder investment, and harm agricultural productivity. Therefore, a better understanding of the right to use and consistent law enforcement are needed to reduce conflicts and improve community welfare. As a recommendation, increasing public education about the right to use and transparency in the administrative process is essential to ensure that the community can manage and use their rights effectively. In addition, local governments need to strengthen dispute resolution mechanisms and increase cooperation with communities in land management. With these steps, it is hoped that the right to use can be implemented more fairly and efficiently, provide greater benefits to the community, and support sustainable economic development in Takalar Regency.

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