

## **ANALYSIS OF THE TRANSFER OF CURRENT LAND INTO A NATIONAL STRATEGIC PROGRAM FROM AN AGRARIAN LAW PERSPECTIVE CASE STUDY: GREEN GREBBING IN PAPUA**

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### **Abstract**

This study comprehensively examines the issues of the transfer of customary land of indigenous legal communities, particularly in Papua, into the National Strategic Program scheme from the perspective of agrarian law. The phenomenon known as green grabbing, which is the transfer of indigenous land using a green narrative (environment and sustainable development) to achieve food self-sufficiency targets, has caused serious structural conflicts between the communal rights of the Papuan indigenous communities and the government's interests in implementing large-scale infrastructure and economic development projects. This study uses a normative juridical method through several legal approaches. The results of the study show that the mechanism of transferring customary land into the National Strategic Program has neglected the fundamental rights of Papuan indigenous law communities and is contrary to the social function as specified in Law Number 5 of 1960 concerning the Basic Regulations of Agrarian Principles. Furthermore, it was found that the instrumentalization of the green narrative in the context of the National Strategic Program in Papua has become a new legitimacy for the seizure of customary land, which substantively harms the customary sovereignty of Papuan communities.

**Keywords: Ulayat Land, National Strategic Program, Green Grabbing, Indigenous Papuan Communities**

### **INTRODUCTION**

Land in the context of the life of the Papuan indigenous people should not be considered as just a simple civil object, more than that, land for the Papuan indigenous people is an entity that is integrally integrated with the identity, spirituality and sustainability of the life of indigenous communities. The ontological relationship between the Papuan indigenous people and their land/customary rights has been connected long before the formation of the Unitary State of the Republic of Indonesia and has also been maintained from generation to generation through the instillation of customary law which will always live and develop in the environment of the life of indigenous peoples.<sup>1</sup> The state's recognition of the sustainability of the life of indigenous peoples and their rights to customary land has actually received a strong constitutional basis through Article 18B paragraph (2) and Article 28I paragraph (3) of the 1945 Constitution of the Republic of Indonesia which expressly recognizes and respects the units of indigenous peoples and their traditional rights.<sup>2</sup> The Indonesian government, in Law Number 5 of 1960 concerning Basic Agrarian Regulations (hereinafter referred to as the Agrarian Law), affirms the principle that "land shall be used to the greatest extent possible for the prosperity and welfare of the people." However, in its implementation, the Basic Agrarian Law faces structural and political obstacles, where development priorities often ignore the protection of indigenous

<sup>1</sup> Indah Maria Maddalena Simamora et al., "Legal Protection of Customary Rights of Indigenous Communities Against the Takeover of Customary Land by the State," *Journal of History Education and Social Humanities Research* 3, no. 3 (2023): 353–59.

<sup>2</sup> Arif Rahmadi, "The Urgency of Determining the Customary Rights of Indigenous Communities Regarding Land Service Policies in Papua," *Jurnal Tunas Agraria* 5, no. 1 (2022), <https://jurnaltunasagraria.stpn.ac.id/index.php/JTA/article/view/170>.

communities and prioritize investment.<sup>3</sup> In recent decades, Papua has become one of the regions most intensively receiving development pressure through various government programs designated as National Strategic Programs (PSN). The determination of National Strategic Programs in Papua covers various sectors ranging from infrastructure, oil palm and sugar cane plantations, rice field clearing, industrial forest plantations, and various other programs intended to achieve Indonesia's food self-sufficiency. The paradox that then arises is that programs that are rhetorically constructed as manifestations of development and environmental conservation have actually become instruments for the systematic takeover of customary land from the hands of indigenous Papuans.<sup>4</sup> The phenomenon occurring in international academic literature is known as "green grabbing," conceptualized by James Fairhead. This is the practice of controlling land and natural resources in the name of sustainable development, environmental conservation, or national interests. This concept explains that the state or a corporation uses environmental and development narratives to gain legitimacy in controlling indigenous peoples' land. In Papua, the practice of "green grabbing" manifests itself in the designation of customary forest areas or communal lands for oil palm plantations, sugar cane plantations, rice field clearing, and national food projects, all carried out without regard for the rights of indigenous peoples.<sup>5</sup> The main problem arises when the transfer of customary rights is carried out without the substantive involvement of customary leaders or even indigenous communities. Indigenous communities are merely positioned as objects of development and do not have an equal bargaining position with the state or corporations.<sup>6</sup>

This issue becomes even more complex when contextualized within the framework of Indonesian agrarian law. The Agrarian Law philosophically positions land as a gift from God Almighty intended for the prosperity of all Indonesian people. The concept of the State's Right to Control, hereinafter referred to as (HMN), as stipulated in Article 2 of the Agrarian Law, is not actually a state ownership right to land, but rather the authority granted to the state to regulate the use, supply, and maintenance of the earth, water, and airspace. However, in its implementation, the State's Right to Control is often interpreted expansively to legitimize the takeover of land/customary rights for the benefit of the National Strategic Program.<sup>7</sup> Beyond the impacts on indigenous communities, the transfer of customary land/rights also has serious ecological consequences. Land clearing for plantations and strategic projects in Papua is driving increased deforestation and threatening the sustainability of tropical forest ecosystems that have long served as a buffer for the global environment. Papua is one of the world's most biodiverse regions, so large-scale exploitation of forest areas will directly impact ecosystem damage and change the social structure of communal communities.<sup>8</sup>

Based on this description, this research intends to comprehensively and critically examine:

- 1) How is the legal construction of the transfer of customary land into a National Strategic Program in the Indonesian agrarian legal system?
- 2) How does the practice of green grabbing operate as a mechanism for taking over customary land in Papua?
- 3) What are the legal implications of the practice of green grabbing on the rights of Papuan indigenous peoples?

## RESEARCH METHODS

The method used in this research is the normative juridical method<sup>9</sup>, which is a method that focuses on the study of both primary and secondary legal materials in order to answer the legal issues being studied. The choice of the normative juridical method is based on the consideration that the problems being studied are related to positive legal norms, legal principles and applicable legal doctrines, both at the national and international levels. The approach used in this research consists of several legal approaches, namely: 1) The Statutory Regulation Approach which involves the study of all laws and regulations relevant to the legal case being studied; 2) The conceptual approach

<sup>3</sup> Thalia Firda Soraya and Sri Wahyu Handayani, "Protection of Customary Rights in the National Agrarian Law System Amidst the Current of National Development," *Al-Zayn: Journal of Social Sciences & Law* 3, no. 5 (2025): 6710–18.

<sup>4</sup> Rahul Soembari and Lukas Yandendai, "Legal Protection of Indigenous Papuans' Customary Land Rights Against the Expansion of National Strategic Projects in South Papua Province," *Cassowary Law Journal* Vol. 1 No. (2024): 94–110.

<sup>5</sup> Soembari and Yandendai.

<sup>6</sup> Arvia Tantia Zahra, R. Ardini Rakhmania Ardan, and Zulfika Ikrardini, "Protection of Customary Law Communities' Customary Rights Regarding Land Acquisition for National Strategic Projects Reviewed from PP 39/2023," 2023, 12–16.

<sup>7</sup> Januar Rahadian Mahendra and Supanto, "Development Policy vs. Indigenous Peoples' Rights: Resource Conflict and Violence in Papua," 2025.

<sup>8</sup> Tri Mulyadi, Muhammad Yusuf, and Hendrik Dengah, "The Existence of Customary Rights of Indigenous Communities in Jayapura City in the Context of the Threat of Land Grabbing," *Journal of Law, Politics and Social Sciences* 4, no. 1 (2025): 175–86, <https://ejurnal.politeknikpratama.ac.id/index.php/jhpis>.

<sup>9</sup> Suhaimi, "Legal Problems and Approaches in Normative Legal Research," *Angewandte Chemie International Edition*, 6(11), 951–952. , nd, 202–10.

which refers to the views and doctrines of agrarian law and customary law; 3) The Case Approach which examines court decisions and concrete cases related to the transfer of customary land in Papua.

## DISCUSSION

### The Position of Customary Rights in the National Agrarian Legal System

Customary rights are one of the fundamental customary legal institutions where customary rights are the rights of customary law community groups to a territory that is controlled and has been passed down from generation to generation and used to meet the needs of the customary community.<sup>10</sup> Boedi Harsono in his monumental book "Indonesian Agrarian Law: History of the Formation of the Basic Agrarian Law, Content and Implementation", describes customary rights as the rights of a community to land that contain two aspects, namely the private (civil) aspect in the form of the relationship between the community and its land area, and the public aspect in the form of the authority of the community to regulate the control and use of land in its area.<sup>11</sup>

Legal recognition of the existence of customary rights in the Indonesian agrarian legal system can be found in the 1945 Constitution Article 18B paragraph (2) and Article 28I paragraph (3) and Article 3 of the Agrarian Law which states that the implementation of customary rights and other similar rights of customary law communities, as long as they still exist in reality, must be such that they are in accordance with national and state interests, which are based on national unity and must not conflict with other higher laws and regulations.<sup>12</sup> This normative formulation contains two things that are in tension with each other, on the one hand there is recognition of the existence of customary rights, but on the other hand there are limitations to customary rights because their implementation is only recognized if they "still exist" and "do not conflict with national interests". This condition shows the existence of dualism between the recognition of customary law pluralism and the dominance of the concept of State Control Rights. The state uses State Control Rights as legitimacy to regulate, manage, and determine land use for the benefit of national development. As a result, customary rights are often in a position of being subordinate to the interests of investment and national economic development.<sup>13</sup>

In the development of Indonesian agrarian law, the Constitutional Court through Decision Number: 35/PUU-X/2012 has provided a significant constitutional interpretation of the existence of customary land which confirms that customary forests are forests located in the territory of customary law communities, not part of state forests.<sup>14</sup> The Constitutional Court's decision is an important pillar in the recognition of the rights of customary law communities to customary land and the natural resources contained therein, because for the first time the Constitutional Court explicitly separated customary forests from state forests.<sup>15</sup> However, the implementation of this decision in the field still faces various structural obstacles, bureaucracy, and strong economic and political interests.

Furthermore, Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 14 of 2024 concerning the Implementation of Land Administration and Registration of Customary Land Rights of Indigenous Communities actually contains a mechanism for recognizing and registering customary land.<sup>16</sup> However, in its implementation, this regulation has highly bureaucratic and burdensome requirements for indigenous communities, thus actually becoming an obstacle to the effective protection of customary rights. In Papua specifically, Special Regional Regulation of Papua Province Number 23 of 2008 concerning Customary Rights of Indigenous Communities and Individual Rights of Indigenous Communities to Land should be a strong protective

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<sup>10</sup> Rahmadi, "The Urgency of Determining the Customary Land Rights of Indigenous Communities Related to Land Service Policies in Papua."

<sup>11</sup> Boedi Harsono, *Indonesian Agrarian Law: History of the Formation of the Basic Agrarian Law, Contents and Implementation* (Jakarta: DJAMBATAN, 2008).

<sup>12</sup> President of the Republic of Indonesia, "Law of the Republic of Indonesia Number 5 of 1960 Concerning Basic Agrarian Principles," 1960.

<sup>13</sup> Soembari and Yandendai, "Legal Protection of Indigenous Papuans' Customary Land Rights Against the Expansion of National Strategic Projects in South Papua Province."

<sup>14</sup> Constitutional Court of the Republic of Indonesia, "Constitutional Court Decision Number 35/PUU-X/2012," 2012.

<sup>15</sup> Ragil Meiliana Nur Fitri and Sunny Ummul Firdaus, "Analysis of Constitutional Court Decision Number 35/Puu-X/2012 in Providing Status and Protection for Customary Forests," *Res Publica: Journal of Public Policy Law* 8, no. 1 (2024): 87, <https://doi.org/10.20961/respublica.v8i1.75299>.

<sup>16</sup> Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency, "Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 14 of 2024 Concerning Registration of Community Customary Land Rights," 2024.

instrument, but in reality it is not sufficient to stem the penetration of large-scale development programs into customary areas.<sup>17</sup>

### Legitimacy of Customary Land Transfer in National Strategic Programs

The National Strategic Program is a policy instrument implemented by the central government to accelerate infrastructure development and encourage national economic growth. Based on Presidential Regulation Number 3 of 2016 concerning the Acceleration of the Implementation of National Strategic Projects and its amendments, the National Strategic Program covers strategic sectors such as infrastructure, transportation, investment, energy, plantations, food security, and industrial areas.<sup>18</sup> Normatively, the legitimacy of the National Strategic Program is based on the state's need to improve public welfare and equitable national development.<sup>19</sup> However, in its implementation, the National Strategic Program often gives rise to agrarian issues because it requires large-scale land acquisition. In Papua, a number of projects designated as National Strategic Programs or part of the Strategic Priority Program have had very serious implications for the sustainability of indigenous peoples' rights to their customary land.<sup>20</sup> The transfer of customary land into the National Strategic Program scheme gained strong legitimacy through the concept of the State's Right to Control as stipulated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia and the Basic Agrarian Law. The state is given the authority to regulate the allocation, use, and utilization of land for the greatest possible welfare of the community. Therefore, in practice, the concept of the State's Right to Control is often interpreted broadly as the state's legitimacy to take over customary land for the national interest. As a result, the state is in a very dominant position in determining the use of customary land, and indigenous communities are always in a position of submission to state power.<sup>21</sup>

The mechanism for allocating customary land for the National Strategic Program is generally pursued through two main channels. The first is land acquisition for public purposes, as regulated in Law Number 2 of 2013 concerning Land Acquisition for Development in the Public Interest, and its implementing regulations, as stipulated in Government Regulation Number 19 of 2021 and its amendments, under which the state has the authority to acquire land by providing adequate compensation.<sup>22</sup> The second pathway is through concessions to state-owned enterprises and private entities in the form of mining, plantation, or land use rights permits that directly or indirectly convert customary land into corporate production areas.<sup>23</sup> A concrete case illustrating this problem can be found in the Merauke Integrated Food and Energy Estate (MIFEE) development program in South Papua, implemented by the 6th President of the Republic of Indonesia, Susilo Bambang Yudhoyono. This program is a national food project requiring millions of hectares of land for plantation and food industry development. In its implementation, customary land of indigenous communities was transferred through a mechanism of releasing customary rights and granting investment permits to companies.<sup>24</sup> This program continued to become a National Strategic Program, a state policy used by the 7th President of the Republic of Indonesia, Joko Widodo, since 2016 as a solution aimed at encouraging economic development.<sup>25</sup> This condition shows that the legal legitimacy of the transfer of customary land into the National Strategic Program does not only come from agrarian regulations, but is also formed through the legal politics of national development. The state uses law as an instrument of legitimacy to accelerate economic development and investment.

<sup>17</sup> Revana Giara Effendy, "Analysis of Papua's Special Autonomy from the Perspective of Indigenous Papuans," *Binamulia Hukum* 12, no. 2 (2023): 309–22, <https://doi.org/10.37893/jbh.v12i2.436>.

<sup>18</sup> "Presidential Regulation of the Republic of Indonesia Number 3 of 2016 Concerning the Acceleration of the Implementation of National Strategic Projects," 2016.

<sup>19</sup> Salvadoris Pekey, "The Rights of Papuan Indigenous Peoples to Customary Land in the Development of National Strategic Infrastructure," *International Private Law Issues in Inheritance Cases* Vol. 1 No. (2024): 74–84.

<sup>20</sup> M Iqbal Ramadhan Silehu, "Protection of Papuan Customary Rights in the National Strategic Program," *Journal of Law and Social Order* 4, no. 1 (2025): 1–14.

<sup>21</sup> Soembari and Yandendai, "Legal Protection of Indigenous Papuans' Customary Land Rights Against the Expansion of National Strategic Projects in South Papua Province."

<sup>22</sup> Zahra, Ardan, and Ikrardini, "Protection of Customary Land Rights of Indigenous Communities Regarding Land Acquisition for National Strategic Projects Reviewed from PP 39/2023."

<sup>23</sup> Soraya and Handayani, "Protection of Customary Rights in the National Agrarian Legal System Amidst the Flow of National Development."

<sup>24</sup> Rika Maryam, "Land Acquisition of Customary Land of Papuan Customary Law Communities in the MIFEE (Merauke Integrated Food and Energy State) Program Reviewed from an Agrarian Law Perspective" 5 (nd): 14–28.

<sup>25</sup> Silehu, "Protection of Papuan Customary Rights in the National Strategic Program."

### Green Grabbing Practices as a Form of Legalized Land Grabbing

In the development of agrarian law, the practice of land grabbing no longer uses coercion and physical force as occurred during the Dutch colonial era. Land grabbing is currently undergoing a transformation into a more complex form through the use of legal instruments, development policies, and environmental narratives ( green narratives ). This phenomenon is known as the concept of green grabbing , introduced by Fairhead, Leach, and Scoones as a new form of natural resource accumulation that uses environmental issues as a means of legitimacy to gain access to resources on land previously owned by indigenous communities.<sup>26</sup> In the concept of green grabbing , the primary justification is not solely for economic interests, but rather the use of narratives related to the environment and sustainable development to gain social acceptance and legal legitimacy. In Papua, environmental issues and sustainable development are present in various programs such as palm oil and sugar cane plantations, mining, rice field clearing, and national food projects.<sup>27</sup>

The concept of green grabbing can be understood more deeply through the Accumulation by Dispossession theory developed by David Harvey. According to Harvey, modern capital accumulation is not only carried out through economic production, but also through the process of taking over resources previously owned or controlled by indigenous communities.<sup>28</sup> Through this concept, customary land becomes a very strategic object because it has high economic value for investment in plantations, mining, and national development projects. The state then uses its legal authority to transform customary land into economic assets that can be integrated into the National Strategic Program. At this point, law plays a central role in the accumulation process, the state issues various regulations that allow for changes in the status of areas, the granting of concessions, and the issuance of business permits to corporations.

green grabbing concept is the loss of living space for indigenous communities, particularly in Papua. Customary land cannot function solely as an economic asset, but also as a social, cultural, and spiritual space that is part of the identity of indigenous communities. When customary land is transferred to state development areas, indigenous communities not only lose access to land but also lose access to traditional knowledge, cultural sites, hunting grounds, food sources, and spiritual connections with their ancestors.<sup>29</sup> The case of the Awyu indigenous community is the most recent example of green grabbing in Indonesia, where the state granted PT Indo Asiana Lestari (PT IAL) a permit to open an oil palm plantation to manage tens of thousands of hectares of forest area claimed as the Awyu customary territory.<sup>30</sup>

### Legal Conflict Between Customary Rights and the State's Right to Control

One of the most fundamental issues in agrarian law in Indonesia is the conflict between the concept of customary rights and the concept of the State's Right to Control, where the conflict is not only in administrative and technical land issues, but there is a paradigm conflict about who has the highest authority in using natural resources, especially in indigenous communities' areas.<sup>31</sup> In Papua, this conflict is increasingly complex because for indigenous communities, land not only has economic value, but also has social, cultural, religious values, and collective identity that are inherent from generation to generation so that land cannot be separated from the identity of the indigenous group itself.<sup>32</sup>

Constitutionally, customary rights have been recognized by the Indonesian constitution through Article 18B paragraph (2) of the 1945 Constitution, which emphasizes that the state must recognize and respect customary law communities and their rights as long as they are still alive and in accordance with societal developments. This recognition is reinforced through Article 3 of the Agrarian Law, which emphasizes that the implementation of customary rights must be recognized as long as they actually still exist. However, at the same time, this recognition

<sup>26</sup> James Fairhead, Melissa Leach, and Ian Scoones, "Green Grabbing: A New Appropriation of Nature?," *Journal of Peasant Studies* 39, no. 2 (2012): 237–61, <https://doi.org/10.1080/03066150.2012.671770>.

<sup>27</sup> Soembari and Yandendai, "Legal Protection of Indigenous Papuans' Customary Land Rights Against the Expansion of National Strategic Projects in South Papua Province."

<sup>28</sup> David Harvey, "The 'new' Imperialism: Accumulation by Dispossession," nd, 63–87, <https://doi.org/10.4324/9781315251196-10>.

<sup>29</sup> Mulyadi, Yusuf, and Dengah, "The Existence of Customary Land Rights of Indigenous Communities in Jayapura City in the Context of the Threat of Land Grabbing."

<sup>30</sup> Desty Yusmiyati et al., "Analysis of the Rejection of the Cassation for the Cancellation of PT Indo Asiana Lestari's Environmental Permit for the Rights of the Awyu Indigenous Community" 2, no. 1 (2026).

<sup>31</sup> Mahendra and Supanto, "Development Policy vs. Indigenous Peoples' Rights: Resource Conflict and Violence in Papua."

<sup>32</sup> Andreas Jefri Deda and Suriel Samuel Mofu, "Customary Law Communities and Customary Rights in West Papua Province as Indigenous Papuans Reviewed from the Perspective of Custom and Culture: A Contemporary Ethnographic Study," *Journal of Public Administration* 11, no. 2 (2014).

clashes with Article 33 paragraph (3) of the 1945 Constitution, which states that the land, water, and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. This is reinforced through Article 2 of the Agrarian Law, which positions the state as the holder of rights over all of Indonesia's land, water, and airspace. The concept of state rights is not actually intended as state ownership rights over land. This concept only delegates authority to the state to regulate the allocation, use, supply, and maintenance of land, water, and space. However, in its implementation, the concept of State Control Rights is often broadened in meaning, positioning it as if the state is the primary owner of all land in Indonesia. As a result, the state has the legitimacy to grant mining permits, concession permits, business use rights, and National Strategic Programs in areas that actually belong to indigenous communities.<sup>33</sup> The main problem with this concept of state rights lies in the lack of clear boundaries of state authority, which often causes the state to use State Control Rights as a legal basis to limit or even eliminate indigenous peoples' rights in the name of national development and the public interest.<sup>34</sup> As a result, State Control Rights no longer function as an instrument of public protection, but instead become an instrument of state domination over indigenous peoples' rights.

Papua is one of the regions most glaringly at odds with the conflict between customary rights and the State's Right to Control, as a significant portion of national development lies on the customary lands of Papuan indigenous communities. Various development projects, such as oil palm and sugarcane plantations, mining, infrastructure development, and other National Strategic Programs, utilize the concept of State Right to Control to gain access to customary lands. The land dispute between the indigenous people of West Papua and Pertamina demonstrates that one of the primary causes of the dispute is differing perceptions of land status. The indigenous people maintain that the land remains their customary land, while the state considers it within its jurisdiction based on the permits and development policies that have been issued.<sup>35</sup> Similar cases have occurred in South Papua and West Papua regarding permits for the opening of oil palm plantations, where the indigenous people believe the state has ignored their historical rights over customary lands, while the government argues that the program is intended to support national development and increase investment.<sup>36</sup> This conflict demonstrates that the agrarian issues in Papua are not merely land ownership conflicts, but also conflicts over the legitimacy of control over living space between indigenous peoples and the state.

## CONCLUSION

Based on the research results, it can be concluded that the transfer of customary land into the National Strategic Program scheme indicates a tension between national development interests and the protection of the rights of indigenous legal communities. Although normatively customary rights have received constitutional recognition through Article 18B paragraph (2) and Article 28I paragraph (3) of the 1945 Constitution and strengthened through Article 3 of the Agrarian Law, in its implementation this recognition is still not absolute and is often under the domination of the state through the concept of the State's Right to Control. This condition causes the customary rights of indigenous communities to be in a weak position when faced with large-scale government development policies.

The legal legitimacy of customary land transfers within the National Strategic Program is built through a broad interpretation of the concept of State Control Rights. The state uses this authority as a basis for regulating the allocation, use, supply, and maintenance of customary land for the benefit of national development. However, its implementation often ignores the substantive participation of indigenous communities and merely positions them as objects of development. This results in land acquisition processes and the granting of concessions to corporations potentially reducing or even eliminating indigenous communities' access to areas that have long been their living spaces. Furthermore, the practice of green grabbing in Papua demonstrates that narratives of sustainable development, food security, and environmental preservation have been used as instruments of legitimacy in the acquisition of indigenous land. This not only results in the loss of indigenous people's control over customary land but also erodes the social, cultural, and spiritual identities inherent in that land. Therefore, green grabbing can be understood as a

<sup>33</sup> Pekey, "The Rights of Papuan Indigenous Peoples to Customary Land in the Development of National Strategic Infrastructure."

<sup>34</sup> Muh. Afif Mahfud, "The State's Right to Control and Legal Protection of the Customary Rights of Indigenous Communities: A Theoretical Study and Its Implementation" 19, no. 1 (2017): 63–79.

<sup>35</sup> Mikhael Silas David, Jemmy Sondakh, and Jolanda M. Korua, "A Legal Review of the Customary Rights of the West Papuan Indigenous Peoples Regarding the Land Dispute Between Pertamina and Local Residents," *Journal of the Faculty of Law, Sam Ratulangi University, Lex Administratum* XIII, no. 1 (2023): 17, <https://www.indonesia-investments.com/culture/item8>.

<sup>36</sup> Soembari and Yandendai, "Legal Protection of Indigenous Papuans' Customary Land Rights Against the Expansion of National Strategic Projects in South Papua Province."

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form of land grabbing legitimized through legal instruments and state policies that have substantially harmed indigenous Papuans.

Ultimately, the agrarian conflicts in Papua are not solely related to land ownership issues, but also involve a legitimacy conflict between the customary rights of indigenous communities and the state's authority to manage natural resources. The lack of clarity regarding the boundaries of authority within the concept of State Control Rights has led to the recurrence of various agrarian disputes. Therefore, reform of agrarian law is needed that positions indigenous communities as legal subjects and guarantees the concrete protection of customary land in every national development process.

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**ANALYSIS OF THE TRANSFER OF CURRENT LAND INTO A NATIONAL STRATEGIC PROGRAM FROM AN AGRARIAN LAW PERSPECTIVE CASE STUDY: GREEN GREBBING IN PAPUA**

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