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The Inferiority of Land Rights in Agrarian Law Following the Nationalization of Dutch Enterprises: A Property Law Perspective.

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ABSTRACT: This study examines the inferior status of land rights originating from the nationalization of Dutch enterprises within the Indonesian land law system from a property law perspective. Using a normative juridical approach supported by conceptual and historical analysis, the research explores the doctrinal position of post-nationalization land rights and evaluates their conformity with the principles of rights in rem. The findings reveal that nationalized land has not been systematically integrated into the categories of land rights recognized under the Basic Agrarian Law of 1960, resulting in legal ambiguity and structural inferiority. These land rights are predominantly governed through administrative control rather than juridically constituted property rights, thereby weakening legal certainty, enforceability, and protection. This condition has significant implications for the coherence of property law and land governance, contributing to recurring land disputes and tenure insecurity. The study concludes that the inferiorization of post-nationalization land rights stems from incomplete legal integration rather than from nationalization itself, highlighting the need for doctrinally coherent legal reform.

KEYWORDS: Land Rights, Nationalization, Property Law, Legal Certainty, Indonesian Land Law.

I. INTRODUCTION

The nationalization of Dutch-owned enterprises in Indonesia following independence marked a critical turning point in the country's legal, economic, and political development. As an assertion of sovereignty and economic self-determination, nationalization aimed to dismantle colonial economic structures and reorient the control of strategic assets toward national interests.(Castellino, 2000) However, beyond its macroeconomic and political implications, the process of nationalization generated complex legal consequences, particularly in the field of land law. One of the most enduring and underexamined issues concerns the inferior status of land rights arising from the transition of ownership from colonial corporate entities to the post-colonial state and its legal subjects. This condition of legal inferiority continues to shape land tenure relations in Indonesia and raises fundamental questions within the framework of property law *(hukum kebendaan)*.(Fitzpatrick, 1997)

During the colonial period, land ownership and control were governed by a dualistic legal system that privileged European legal subjects under Western

property law while subordinating indigenous populations to customary *(adat law)*. Dutch companies operating in the Dutch East Indies enjoyed strong and clearly defined proprietary rights over land, often secured through long-term concessions, erfpacht, and other real rights recognized under civil law. These rights were embedded within a coherent legal structure that emphasized legal certainty, exclusivity, and enforceability core characteristics of property rights in the Western legal tradition.(Tamanaha, 2021) Consequently, land held by Dutch enterprises was protected by a robust legal framework that ensured economic utility and transferability.

Following independence, the Indonesian government undertook widespread nationalization of Dutch enterprises, culminating in formal legal instruments in the late 1950s and early 1960s. While nationalization was legally justified as an act of state sovereignty, the transformation of land rights previously held by Dutch companies did not occur seamlessly. The enactment of the Basic Agrarian Law of 1960 *(Undang-Undang Pokok Agraria)* sought to unify Indonesia's pluralistic land law system and establish a national agrarian framework rooted in social justice and national interests. Nevertheless, the transition from colonial property regimes to national land law created ambiguities regarding the status, hierarchy, and strength of land rights derived from nationalized assets.(Bhandar, 2018)

Within this context, the problem of inferior land rights emerges as a structural and doctrinal issue in post-nationalization land governance. Land formerly controlled by Dutch enterprises was often converted into rights administered by the state or allocated to state-owned enterprises without clear alignment with the categories of land rights recognized under the new agrarian law. As a result, many of these land rights lack the characteristics traditionally associated with strong proprietary rights, such as permanence, exclusivity, and full legal protection. Instead, they are frequently treated as administrative or derivative rights, vulnerable to revocation, reallocation, or dispute.(You et al., 2022)

From the perspective of property law, this situation reveals a tension between public law considerations and private law principles. Property law, particularly in the civil law tradition, conceptualizes rights in rem as absolute, enforceable against all parties, and grounded in legal certainty. However, land rights originating from nationalization are often positioned ambiguously between public ownership and private control, resulting in a diminished legal status. This inferior position undermines the doctrinal coherence of property law and raises questions about whether such rights can be considered full real rights or merely functional instruments of state policy.(Penner, 1997)

The inferior status of post-nationalization land rights also has

practical implications for legal certainty and economic development. Land is a fundamental factor of production, and secure land tenure is essential for investment, financing, and sustainable development. When land rights are perceived as weak or unstable, holders face difficulties in using land as collateral, transferring rights, or defending their interests against competing claims. In Indonesia, disputes involving land formerly owned by Dutch enterprises frequently arise due to overlapping claims between the state, state-owned enterprises, local governments, and communities asserting customary rights. These disputes highlight the fragility of land rights rooted in nationalization and expose gaps in legal protection.

Furthermore, the inferiorization of land rights cannot be separated from broader issues of justice and historical continuity. While nationalization was intended to rectify colonial exploitation, the resulting legal framework has, in some cases, reproduced inequalities in access to land and legal protection. (Roy, 2023). Communities residing on or around former plantation lands often remain in precarious positions, lacking formal recognition of their rights. At the same time, state-owned entities controlling nationalized land may also face uncertainty due to unclear legal titles. This paradox illustrates that the problem of inferior land rights affects multiple legal subjects and undermines the integrative objectives of national land law.

From a doctrinal standpoint, the persistence of inferior land rights raises critical questions regarding the integration of nationalization outcomes into the system of property law. Property law demands clarity in the classification, acquisition, and extinction of rights in rem. However, post-nationalization land arrangements often rely on administrative decisions rather than juridical acts traditionally recognized in property law. This administrative dominance weakens the civil law character of land rights and blurs the distinction between ownership and control.(Freeman, 2018). As a result, land law operates in a hybrid space that challenges the theoretical foundations of property law.

The issue is further complicated by the evolving role of the state in land governance. As both regulator and landholder, the state occupies a dual position that influences the legal status of land rights. In the aftermath of nationalization, the state's expansive control over land has sometimes led to discretionary practices that conflict with the principle of legal certainty. This condition reinforces the inferior perception of land rights derived from nationalized assets, as their existence depends heavily on state policy rather than on stable legal norms.

Despite its significance, the problem of inferior land rights in the post-nationalization era has not received sufficient scholarly attention from a property law perspective. Existing studies tend to focus on political

economy, agrarian reform, or historical narratives of nationalization, while neglecting the doctrinal analysis of land rights as objects of property law. A property law approach is essential to understand how nationalization has reshaped the hierarchy and substance of land rights and to evaluate whether current legal arrangements are consistent with the principles of rights in rem.

In light of these considerations, examining the inferior status of land rights following the nationalization of Dutch enterprises through the lens of property law becomes both necessary and urgent. Such an analysis not only contributes to a deeper understanding of Indonesia's agrarian legal system but also provides a basis for rethinking legal reforms aimed at strengthening land tenure security. By situating post-nationalization land rights within the theoretical framework of property law, this study seeks to illuminate structural weaknesses in the current system and explore pathways toward a more coherent, equitable, and legally certain regime of land rights..

II. RESEARCH METHOD

This study employs a normative juridical research methodology, also referred to as doctrinal legal research, as its primary approach. The selection of this methodology is grounded in the nature of the research problem, which focuses on the conceptual, structural, and normative status of land rights within the Indonesian legal system following the nationalization of Dutch enterprises.(Iqbal et al., 2025) The research does not aim to measure empirical behavior or social attitudes but seeks to analyze legal norms, doctrines, and principles governing land rights as objects of property law. Accordingly, the study emphasizes legal reasoning, systematic interpretation, and doctrinal analysis as its core methodological tools.

The normative juridical approach is complemented by a conceptual and historical perspective. Conceptually, the research examines land rights through the lens of property law *(hukum kebendaan)*, particularly the theory of rights in rem within the civil law tradition.(Iqbal & Sukirno, 2017) This perspective is essential for assessing whether land rights originating from nationalization fulfill the essential characteristics of property rights, such as legal certainty, exclusivity, enforceability erga omnes, and permanence. By applying property law theory, the study evaluates the hierarchical position of these land rights within the Indonesian land law system and identifies the factors contributing to their inferior legal status.

Historically, the research traces the evolution of land rights from the colonial period through the post-independence nationalization process and into the contemporary legal framework. This historical analysis is necessary to understand the transformation of land rights previously held by Dutch enterprises and to identify legal discontinuities that emerged during the

transition from colonial to national land law. Historical legal materials, including colonial regulations, nationalization laws, and early post-independence policies, are examined to contextualize the formation of current legal doctrines governing nationalized land.

The research relies on several types of legal materials as its primary sources of data. Primary legal materials include statutory instruments related to land law and nationalization, such as the Basic Agrarian Law of 1960, legislation on the nationalization of foreign enterprises, government regulations, presidential decrees, and relevant implementing regulations. These materials provide the authoritative legal framework within which land rights are defined and exercised. Judicial decisions issued by Indonesian courts, particularly those addressing disputes over land formerly owned by Dutch enterprises or state-controlled land, are also examined to identify judicial interpretations and patterns in legal reasoning concerning the status of such land rights.

Secondary legal materials constitute an essential component of the research. These include scholarly books, peer-reviewed journal articles, legal commentaries, and academic dissertations addressing land law, property law theory, nationalization, and state control over land. Comparative legal literature on property law in civil law jurisdictions is also consulted to provide a broader theoretical foundation and to situate the Indonesian experience within a wider legal context. Secondary materials serve to clarify legal concepts, support doctrinal arguments, and identify gaps or inconsistencies in existing legal scholarship.

In addition, tertiary legal materials, such as legal dictionaries, encyclopedias, and research indexes, are used to ensure terminological accuracy and to support the systematic organization of legal concepts. These materials assist in refining definitions and maintaining conceptual coherence throughout the analysis.

The method of data collection in this research is library-based legal research. Legal materials are systematically identified, collected, and classified according to their relevance to the research questions. The collected materials are then organized thematically, focusing on key issues such as the legal transformation of land rights during nationalization, the doctrinal characteristics of property rights, and the role of the state in land governance. This thematic organization enables a structured and comprehensive analysis of the problem.

Data analysis is conducted using qualitative legal analysis techniques. The study applies statutory interpretation methods, including grammatical, systematic, and teleological interpretation, to examine the meaning and purpose of relevant legal provisions. Systematic interpretation is particularly important in assessing how nationalization-related land rights fit within the broader structure of Indonesian land law. Teleological

interpretation is employed to evaluate whether existing legal arrangements align with the underlying objectives of land law, such as legal certainty, social justice, and sustainable land use.

Doctrinal analysis plays a central role in evaluating the inferior status of land rights from a property law perspective. This involves assessing the extent to which land rights derived from nationalization satisfy the doctrinal criteria of rights in rem. The research critically examines whether these rights are treated as full proprietary rights or merely as administrative instruments subject to discretionary state control. By identifying inconsistencies between legal doctrine and practice, the study reveals structural weaknesses in the current land law regime.

To enhance analytical depth, the research also adopts a comparative analytical approach at a conceptual level. While not engaging in full comparative law research, the study references property law principles from selected civil law jurisdictions to highlight alternative models of integrating state-controlled land into a coherent property law system. This comparative perspective serves as an analytical tool rather than as an empirical comparison and is used to enrich the evaluation of Indonesian land law doctrines.

The validity of the research is ensured through careful source selection, cross-referencing of legal materials, and consistent application of legal reasoning. By relying on authoritative legal sources and established legal doctrines, the study maintains doctrinal rigor and analytical coherence. Limitations of the research are acknowledged, particularly the absence of empirical field data, which restricts the analysis to normative and doctrinal dimensions. However, given the objectives of the study, this limitation is consistent with the chosen methodology and does not undermine the validity of the findings.

In conclusion, the methodological framework adopted in this study is designed to provide a comprehensive and rigorous examination of the inferior status of land rights in post-nationalization Indonesian land law. Through a normative juridical, conceptual, and historical approach, the research seeks to contribute to the development of property law scholarship and to offer a doctrinal basis for future legal reform in the field of land governance..

III. RESULT & DISCUSSION

A. The Legal Status and Doctrinal Position of Land Rights Originating from the Nationalization of Dutch Enterprises within the Indonesian Land Law System: A Property Law Perspective

The nationalization of Dutch enterprises in Indonesia constitutes a decisive legal event that fundamentally altered the structure of land ownership and control in the post-colonial period. From a property law perspective, nationalization did not merely transfer economic assets from foreign hands to

the state; it also transformed the juridical character of land rights attached to those assets. Consequently, understanding the legal status and doctrinal position of land rights originating from nationalization requires an examination of how these rights are constructed, classified, and treated within the Indonesian land law system, particularly in relation to the theory of rights in rem *(hak kebendaan).*

In classical property law doctrine, rights in rem are defined as absolute rights that grant direct and exclusive authority over an object and are enforceable erga omnes. Such rights are characterized by legal certainty, permanence, and protection against interference by third parties.(Siphuma, 2020) Within the civil law tradition inherited by Indonesia, land rights are traditionally placed at the core of property law, given their economic value and social significance. However, the process of nationalization introduced a distinct category of land control that does not easily conform to these doctrinal characteristics.

During the colonial period, Dutch enterprises held land rights based on Western legal institutions such as eigendom, erfpacht, and opstal. These rights were firmly embedded in the civil law system and enjoyed a high degree of legal certainty and enforceability. The holders of these rights possessed clear authority to use, transfer, encumber, and defend the land against any interference. From a doctrinal standpoint, these rights constituted full-fledged rights in rem, supported by a coherent system of registration and judicial protection.(Szilágyi, 2021)

The post-independence nationalization process disrupted this legal continuity. Through a series of nationalization laws and implementing regulations, the Indonesian state assumed control over enterprises and land previously owned by Dutch entities. While these measures were politically legitimate and legally justified as expressions of sovereignty, they did not automatically integrate nationalized land into the newly established system of land rights under the Basic Agrarian Law of 1960. Instead, nationalized land was often placed under state control without a clear determination of its juridical status as a specific type of land right recognized by the agrarian law.

The Basic Agrarian Law introduced a unified national land law system grounded in the principle of state control over land, natural resources, and space. This principle grants the state the authority to regulate, allocate, and manage land for the greatest benefit of the people. However, the law also recognizes various types of land rights such as ownership rights *(hak milik),* cultivation rights *(hak guna usaha),* building rights *(hak guna bangunan),* and use rights *(hak pakai)* which are intended to function as rights in rem within the national legal order.(Suartining & Djaja, 2023) The doctrinal challenge arises when land originating from nationalization is not clearly converted into one of these

recognized rights but remains under ambiguous state administration.

From a doctrinal perspective, land rights derived from nationalization occupy an uncertain position between public law control and private law property rights. In many cases, such land is managed by state-owned enterprises or government agencies based on administrative assignments rather than juridical acts of rights creation. These assignments often lack the essential elements of property rights, such as a definitive duration, transferability, and protection through land registration. (Abraham, 2023). As a result, the legal status of these land rights becomes inferior when compared to land rights that are clearly defined and registered under the agrarian law.

This inferior position is further reinforced by the dominance of administrative law mechanisms in the governance of nationalized land. Decisions regarding the allocation, use, and revocation of such land are frequently based on policy considerations rather than on property law principles. While administrative discretion is necessary in managing state assets, excessive reliance on administrative instruments weakens the proprietary nature of land rights. From a property law standpoint, this blurring of boundaries undermines the doctrinal clarity of rights in rem and diminishes their legal force.(Smith, 2012)

Another significant aspect of the inferior status of post-nationalization land rights lies in their vulnerability to competing claims. Because their juridical basis is often unclear, nationalized land is susceptible to disputes involving former right holders, local governments, customary law communities, and private parties. Courts are frequently confronted with cases where the state's control over land is asserted without clear evidence of a legally recognized land right. In such situations, judicial decisions tend to prioritize state authority, further marginalizing the proprietary dimension of land rights and reinforcing their subordinate status within the legal hierarchy.

From a property law perspective, this condition reflects a departure from the principle of numerus clausus, which requires that property rights be limited to a closed list of legally recognized types. The persistence of land arrangements that do not correspond to any recognized category of land rights undermines the coherence of the property law system. Nationalized land, when treated as a sui generis object of state control rather than as a defined property right, exists outside the doctrinal framework of rights in rem, thereby reinforcing its inferior legal position.

The doctrinal ambiguity surrounding nationalized land also affects its economic function. In property law theory, strong land rights facilitate economic transactions by enabling land to be used as collateral, transferred through legal acts, and protected against arbitrary interference. However, land originating from

nationalization often lacks these attributes. State-owned enterprises managing such land may face difficulties in securing financing due to unclear land titles, while private parties occupying or utilizing the land may lack sufficient legal protection. This functional weakness further illustrates the inferior status of these land rights within the property law system.

Moreover, the inferiorization of land rights cannot be separated from the ideological orientation of post-independence land law. The emphasis on social function and state control, while normatively justified, has sometimes overshadowed the importance of legal certainty and doctrinal consistency. In the context of nationalized land, the prioritization of public interest has often resulted in the dilution of proprietary protections. While property law acknowledges that land has a social function, it also requires that limitations on property rights be clearly defined and legally structured. The absence of such structure contributes to the diminished status of nationalized land rights.

From a doctrinal standpoint, the inferior position of post-nationalization land rights reveals a tension between revolutionary legality and systemic legality. Nationalization was carried out in a revolutionary context aimed at dismantling colonial dominance. However, the long-term sustainability of land law requires integration into a stable and predictable legal system. The failure to fully convert nationalized land into recognized land rights represents a gap between these two dimensions of legality.

In examining the doctrinal position of nationalized land rights, it becomes evident that their inferiority is not inherent but constructed through legal design and practice. The state's reluctance or inability to clearly define the proprietary status of nationalized land has resulted in a category of land rights that lacks full recognition within property law. This constructed inferiority is maintained through administrative practices, judicial deference to state authority, and the absence of comprehensive legal reform addressing the legacy of nationalization.

In conclusion, the legal status and doctrinal position of land rights originating from the nationalization of Dutch enterprises within the Indonesian land law system remain ambiguous and inferior when examined from a property law perspective. These land rights occupy a marginal position between public control and private property, lacking the defining characteristics of rights in rem. This condition undermines legal certainty, weakens the coherence of property law doctrine, and perpetuates structural vulnerabilities in land governance. Understanding this doctrinal inferiority provides a critical foundation for evaluating the broader implications of post-nationalization land law and for formulating legal reforms aimed at restoring doctrinal clarity and strengthening land rights protection..

B. The Inferiorization of Post-Nationalization Land Rights: Legal Certainty, Enforceability, and Implications for Property Law and Land Governance in Indonesia

The inferior status of land rights originating from the nationalization of Dutch enterprises is not merely a doctrinal anomaly but a condition that produces far-reaching legal and institutional consequences. When examined through the core attributes of property law legal certainty, enforceability, and protection as rights in rem it becomes evident that the post-nationalization legal framework has systematically contributed to the inferiorization of these land rights. This section analyzes how such inferiorization is constructed within the legal system and explores its broader implications for the coherence of property law and land governance in Indonesia.

Legal certainty constitutes a foundational principle of property law. It ensures that holders of land rights can clearly identify the content, duration, and scope of their rights, as well as rely on state protection against interference. In the Indonesian context, land rights recognized under the Basic Agrarian Law of 1960 are designed to provide such certainty through standardized categories of rights and a formal land registration system. However, land originating from nationalization often falls outside this framework, resulting in persistent uncertainty regarding its legal status.(Budiningsih & Silviana, 2025)(Wahyuono & Wahyu Tris Haryadi, 2023)

One of the primary sources of legal uncertainty lies in the absence of systematic conversion of nationalized land into clearly defined land rights. While colonial land rights held by Dutch enterprises were extinguished through nationalization, their replacement rights were not consistently articulated within the agrarian law system. In many cases, nationalized land remains recorded as state land under management rather than as land subject to specific rights such as cultivation rights or building rights. This administrative classification does not provide the same level of legal certainty as registered property rights, as it lacks clarity regarding duration, transferability, and legal remedies.

The dominance of administrative discretion further exacerbates this uncertainty. Decisions concerning the allocation and use of nationalized land are frequently issued through ministerial decrees, management assignments, or policy directives. These instruments, while legally valid within administrative law, do not function as constitutive acts of property rights. Consequently, the rights derived from them are inherently unstable and subject to revocation or modification based on shifting policy priorities. From a property law perspective, this condition undermines the predictability and reliability that are essential to rights in rem.

The issue of enforceability further illustrates the inferiorization of post-nationalization land rights. In classical property law doctrine, rights in rem are enforceable erga omnes, meaning they bind all parties and can be defended against any form of interference. This enforceability is typically guaranteed

through registration, publicity, and judicial protection. However, land rights derived from nationalization often lack these protective mechanisms, weakening their enforceability both in theory and in practice.

Judicial practice reveals a pattern in which courts tend to prioritize assertions of state control over claims based on property law principles. In disputes involving nationalized land, courts frequently emphasize the state's authority under the doctrine of state control rather than scrutinizing the proprietary status of the land in question. While this approach aligns with public law considerations, it diminishes the role of property law as an independent source of rights and protections. As a result, holders or users of nationalized land face significant challenges in enforcing their interests, particularly when competing claims arise.(Smith, 2012)

This weakened enforceability has tangible consequences for various legal subjects. State-owned enterprises managing nationalized land often encounter difficulties in defending their land use against encroachment or competing claims, as their authority is based on administrative control rather than registered property rights. Similarly, private parties or communities occupying or utilizing such land frequently lack effective legal remedies, as their relationship to the land is mediated through informal arrangements or policy-based permissions. This situation creates a hierarchy of land rights in which post-nationalization land occupies an inferior position relative to fully recognized property rights.

The inferiorization of land rights is also evident in the limited protection afforded to nationalized land under the land registration system. Registration serves a dual function in property law: it provides publicity and establishes a presumption of legal validity. However, nationalized land is often excluded from comprehensive registration or recorded in a manner that does not confer strong legal protection. This exclusion reinforces the perception that such land does not constitute a full property right but merely an object of administrative management. The absence of robust registration mechanisms deprives these land rights of one of the most important safeguards of property law.

Beyond doctrinal concerns, the inferior status of post-nationalization land rights has significant implications for land governance. Effective land governance requires a balance between state regulation and the protection of individual or institutional rights. When land rights are weak or ambiguous, governance becomes reliant on discretionary decision-making rather than rule-based administration. This reliance increases the risk of inconsistency, arbitrariness, and conflict, particularly in a context where land scarcity and competing interests are prevalent.

The persistence of inferior land rights also contributes to the proliferation of land disputes. Overlapping claims involving the state, state-owned enterprises, local governments, customary law communities, and private actors are a recurring feature of land governance in Indonesia. Many of these disputes can be traced back to the ambiguous legal status of land originating from nationalization. Without clear property rights, competing claims cannot be effectively resolved through legal reasoning alone, leading to

prolonged litigation and social tension.(Penner, 1997)

From the perspective of property law coherence, the inferiorization of nationalized land rights represents a structural inconsistency within the legal system. Property law is premised on the idea that rights in rem are clearly defined, limited in number, and systematically regulated. The existence of a large category of land that does not fit neatly into this framework undermines doctrinal clarity and weakens the internal logic of property law. This inconsistency challenges the principle of numerus clausus and creates uncertainty regarding the boundaries between public ownership and private property.

Moreover, the inferior status of post-nationalization land rights affects the economic function of land. Secure property rights are widely recognized as a prerequisite for investment, access to credit, and efficient land use. When land rights are perceived as weak or contingent upon administrative discretion, economic actors are reluctant to invest or engage in long-term planning. This hesitation limits the productive use of land and undermines broader development objectives. In this sense, the inferiorization of land rights is not only a legal issue but also an economic and developmental concern.(Szilágyi, 2021)

The social implications of inferior land rights further highlight the limitations of the post-nationalization legal framework. While nationalization was intended to promote social justice and redistribute economic power, the resulting land arrangements have often failed to provide meaningful security to vulnerable groups. Communities residing on former plantation lands frequently remain in a precarious legal position, lacking formal recognition of their rights and facing the constant threat of eviction. This outcome contradicts the normative goals of land reform and underscores the need for a more coherent integration of nationalized land into the property law system.

At a theoretical level, the inferiorization of land rights reflects an unresolved tension between public law dominance and private law protection. The strong emphasis on state control has resulted in the marginalization of property law principles, leading to a hybrid system that lacks doctrinal stability. While state intervention in land matters is justified by constitutional mandates and social objectives, it should not negate the fundamental requirements of property law, particularly legal certainty and enforceability. A balanced approach is necessary to reconcile these competing demands.(Siphuma, 2020)

In evaluating the implications of this condition, it becomes clear that the inferior status of post-nationalization land rights is not an inevitable consequence of nationalization itself but rather the result of incomplete legal integration. The failure to systematically redefine and register nationalized land as recognized property rights has perpetuated a legacy of legal ambiguity. Addressing this issue requires a reconceptualization of nationalized land within the framework of property law, ensuring that state control is exercised through legally structured rights rather than through discretionary management.

In conclusion, the post-nationalization legal framework has contributed significantly to the inferiorization of land rights in terms of

legal certainty, enforceability, and protection as rights in rem. This condition undermines the coherence of property law and creates substantial challenges for land governance in Indonesia. The persistence of inferior land rights reflects structural weaknesses in the integration of nationalization outcomes into the agrarian legal system. Recognizing and addressing these weaknesses is essential for strengthening land tenure security, enhancing legal certainty, and ensuring that land governance operates within a coherent and principled property law framework.

IV. CONCLUSION

The analysis demonstrates that land rights originating from the nationalization of Dutch enterprises occupy an ambiguous and structurally inferior position within the Indonesian land law system when examined from a property law perspective. These land rights were not systematically transformed into clearly recognized categories of rights in rem under the Basic Agrarian Law of 1960, resulting in a doctrinal gap between state control and proprietary rights. As a consequence, nationalized land has largely been governed through administrative mechanisms rather than through juridically constituted property rights, undermining the core characteristics of property law, namely legal certainty, exclusivity, and enforceability erga omnes. This condition reflects a broader inconsistency in the integration of nationalization outcomes into the framework of property law and reveals the persistence of a hybrid legal structure that weakens doctrinal coherence.

Furthermore, the inferiorization of post-nationalization land rights has generated significant implications for land governance and legal certainty in Indonesia. The dominance of administrative discretion over clearly defined property rights has contributed to weakened enforceability, increased vulnerability to competing claims, and recurrent land disputes involving state entities, private actors, and local communities. Beyond its doctrinal implications, this inferior legal status has constrained the economic and social functions of land by limiting investment security and perpetuating tenure insecurity. These findings indicate that the enduring problems associated with nationalized land are not inherent to the act of nationalization itself but arise from the absence of comprehensive legal integration within the property law system. Addressing this structural deficiency is essential to restore legal certainty, strengthen land rights protection, and ensure a more coherent and just regime of land governance consistent with the principles of property law.

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