

Elite Capture in Agrarian Reform: An Analysis of Normative Vulnerability in Indonesia

Nurul Adliyah¹, Rizka Amelia Armin², Mustaming³, Hamsah Hasan⁴

^{1,2,3}Universitas Islam Negeri Palopo, Indonesia

⁴Universitas Islam Negeri Sunan Gunung Djati Bandung, Indonesia

email: nurul_adliyah@uinpalopo.ac.id

Abstract: *The persistence of land disputes involving communities, corporations, and the state indicates that the objectives of agrarian reform in Indonesia have not been fully achieved. Normatively, agrarian reform is positioned as a corrective instrument to address inequalities in land tenure, while simultaneously serving as a means to promote social justice and enhance the welfare of smallholder farmers. State land, including land derived from the release of forest areas, is intended to be redistributed to eligible subjects based on priority criteria, particularly small-scale farmers, indigenous peoples, and other vulnerable groups. However, empirical implementation reveals a tendency toward elite capture, wherein actors with superior political, economic, and social capital are able to access and control the benefits of agrarian reform. This condition leads to the marginalization of smallholder farmers who are normatively designated as priority beneficiaries. This study aims to examine the normative vulnerabilities within the legal framework of agrarian reform that enable such practices to occur. This research adopts a normative legal research method, employing both a statutory approach and a conceptual approach. The results demonstrate that agrarian reform implementation remains predominantly oriented toward asset legalization, emphasizing administrative outputs rather than substantive redistribution. Consequently, it has not effectively facilitated structural transformation in land tenure arrangements. Furthermore, the existing regulatory framework exhibits several normative weaknesses, including: (i) ambiguous formulation of criteria for subjects and objects of redistribution; (ii) the absence of transparent and standardized verification procedures; (iii) weak post-redistribution monitoring and evaluation mechanisms; (iv) the lack of legally binding provisions on community participation; (v) insufficient recognition and protection of indigenous communal land rights; and (vi) institutional fragmentation coupled with the absence of effective inter-agency coordination. These normative vulnerabilities create a legal opportunity structure that enables the persistence of patronage practices and elite capture, thereby potentially reproducing inequalities in land tenure.*

Keywords: *agrarian reform; elite capture; normative vulnerability; critical agrarian perspective*

Abstrak: Persistensi sengketa tanah yang melibatkan masyarakat, korporasi, dan negara menunjukkan bahwa tujuan reforma agraria di Indonesia belum sepenuhnya tercapai. Secara normatif, reforma agraria diposisikan sebagai instrumen korektif untuk mengatasi ketimpangan penguasaan tanah, sekaligus sebagai sarana untuk mewujudkan keadilan sosial dan meningkatkan kesejahteraan petani kecil. Tanah negara, termasuk tanah yang berasal dari pelepasan kawasan hutan, dimaksudkan

untuk didistribusikan kepada subjek yang memenuhi kriteria prioritas, terutama petani skala kecil, masyarakat adat, dan kelompok rentan lainnya. Namun, implementasinya menunjukkan adanya kecenderungan praktik *elite capture*, yaitu adanya kecenderungan aktor yang memiliki keunggulan kekuasaan (politik, ekonomi dan sosial) masuk sebagai penerima manfaat, menggeser kelompok petani kecil yang seharusnya menjadi prioritas. Penelitian ini bertujuan menganalisis kerentanan normatif dalam kerangka hukum reforma agraria yang memungkinkan terjadinya praktik tersebut. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan peraturan perundang-undangan dan pendekatan konseptual. Hasil penelitian menunjukkan bahwa implementasi reforma agraria masih didominasi oleh orientasi legalisasi aset, yang lebih menekankan capaian administratif dibandingkan redistribusi substantif. Akibatnya, reforma agraria belum secara efektif mendorong transformasi struktural dalam penguasaan tanah. Selain itu, kerangka regulasi yang ada menunjukkan sejumlah kelemahan normatif, yaitu: (i) perumusan kriteria subjek dan objek redistribusi yang ambigu; (ii) tidak adanya prosedur verifikasi yang transparan dan terstandar; (iii) lemahnya mekanisme pemantauan dan evaluasi pasca-redistribusi; (iv) ketiadaan ketentuan partisipasi masyarakat yang mengikat secara hukum; (v) lemahnya pengakuan dan perlindungan terhadap hak tanah komunal masyarakat adat; serta (vi) fragmentasi kelembagaan yang disertai dengan tidak adanya koordinasi antarlembaga yang efektif. Kerentanan normatif tersebut membentuk suatu *legal opportunity structure* yang memungkinkan berlangsungnya praktik patronase dan *elite capture*, sehingga berpotensi mereproduksi ketimpangan dalam penguasaan tanah.

Kata Kunci: reforma agraria; *elite capture*; kerentanan normatif; perspektif agraria kritis

INTRODUCTION

Agrarian reform constitutes the implementation of the mandate of Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which affirms state control over land, water, and natural resources for the greatest prosperity of the people (UUD Republik Indonesia 1945 2002). This policy is grounded in the principles of social justice and the recognition of customary law (Sulistyaningsih 2021). Within the framework of the Basic Agrarian Law (*UUPA*) and Pancasila, agrarian reform is positioned as a corrective instrument to address inequalities in land tenure while simultaneously improving the welfare of smallholder farmers (Shohibuddin 2018a). However, its design and implementation are not independent of the influence of political dynamics, bureaucratic structures, and elite interests, which in practice continue to generate significant regional disparities (Lucas and Warren 2013a; Sihombing 2017).

The state's commitment to implementing agrarian reform has been reaffirmed through various contemporary policies. One of the most recent is the issuance of Presidential Regulation No. 86 of 2018 on Agrarian Reform. This regulation constitutes a mandate derived from the People's Consultative Assembly Decree No. IX/MPR/2001 on Agrarian Reform and Natural Resource Management (Rongiyati 2018a), and serves as an operationalization of the Basic Agrarian Law (*UUPA*), which obliges the state to restructure land ownership and control in a just and sustainable manner (Noer Fauzi Rachman 2012a). Subsequently, the government enacted Presidential Regulation No. 62 of 2023 on the

Acceleration of Agrarian Reform Implementation to ensure that its execution can be carried out more effectively and efficiently (Mulyaputri 2024a).

Presidential Regulation No. 86 of 2018 (Permen PPPA Nomor 6 Tahun 2014) conceptualizes agrarian reform through two principal pillars, namely asset reform and access reform. Asset reform is primarily focused on the redistribution of Agrarian Reform Object Land (*Tanah Objek Reforma Agraria*—TORA), while access reform is directed toward the economic empowerment of beneficiaries to ensure that redistribution does not merely result in formal legalization (Rongiyati 2018a). However, from a normative perspective, the design of this policy framework still leaves considerable room for administrative discretion. Such vulnerabilities are evident from the designation of forest areas as objects of agrarian reform, the processes of identification and verification of TORA beneficiaries, to the complexity of inter-agency coordination among the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), the Ministry of Environment and Forestry (KLHK), and the Ministry of Villages (Shohibuddin 2018a). The absence of strict normative parameters has the potential to generate deviations between normative objectives and implementation realities (Noer Fauzi Rachman 2012a), including creating opportunities for *elite capture* at the local level, manifested in the influence of political and economic elites in determining beneficiaries.

The designation of prospective Agrarian Reform Object Land (*Tanah Objek Reforma Agraria*—TORA), including land derived from the release of forest areas by the Ministry of Environment and Forestry (KLHK), is not immune to the risk of *elite capture*. A study by the Agrarian Reform Consortium (*Konsorsium Pembaruan Agraria*) indicates that the release of forest areas as agrarian reform objects, when not based on community proposals, renders such areas vulnerable to appropriation by business actors and opportunistic interest groups (Shohibuddin 2018a). At the implementation level, local patronage practices frequently intervene in the process of identifying agrarian reform subjects, thereby undermining the principle of distributive justice as mandated within the national agrarian legal framework (Noer Fauzi Rachman 2012a). This vulnerability is further reflected in the persistently high incidence of agrarian conflicts from year to year, indicating the limited effectiveness of agrarian reform's corrective function in addressing structural inequalities (Tim Riset KPA 2025a).

The high incidence of agrarian conflicts, indications of *elite capture*, and the tendency to intervene in the determination of agrarian reform beneficiaries suggest that the problems of agrarian reform are not merely implementational in nature but also rooted in normative vulnerabilities within its legal and institutional design. Departing from this condition, this study aims to analyze the normative vulnerabilities embedded in the legal structure of agrarian reform in Indonesia that potentially facilitate elite capture. The focus of the analysis is to identify and map the critical points of weakness within the agrarian reform framework. This study is expected to contribute conceptually to the discourse and policy development of agrarian reform in Indonesia.

RESEARCH METHOD

This study employs a normative legal research design with statutory and conceptual approaches. It focuses on analyzing the legal framework governing agrarian reform policy in Indonesia. The approaches utilized include the statute approach and the conceptual approach (Nurhayati et al. 2021). The statute approach is conducted through an examination of Law No. 5 of 1960 concerning Basic Agrarian Principles, Presidential

Regulation No. 86 of 2018 on Agrarian Reform, as well as other relevant regulations. The conceptual approach is employed to analyze the concepts of *elite capture*, normative vulnerability, and critical agrarian perspectives as the analytical framework. The legal materials used consist of primary, secondary, and tertiary sources obtained through library research (Amalia et al. 2016). The analysis of legal materials is carried out qualitatively using a descriptive-analytical method to identify normative vulnerabilities within agrarian reform policies and their implications for the potential occurrence of elite capture.

RESULTS AND DISCUSSION

Elite Capture in Agrarian Reform

Elite capture refers to a situation in which individuals or groups possessing advantages in political, economic, or social power are able to appropriate the benefits of a policy or program that is intended for the public (Fahd, Zulfiqar; Abbas 2022). In the context of public policy, *elite capture* denotes a condition in which powerful actors are able to influence or dominate the process of resource redistribution that should be allocated to weaker or more vulnerable groups (Platteau 2004a). Within the agrarian context, this phenomenon occurs when such actors utilize their access to bureaucratic structures and local power networks to position themselves as beneficiaries of land within agrarian reform programs. This condition consequently displaces smallholder farmers, agricultural laborers, and indigenous communities who are normatively designated as priority subjects of agrarian reform, resulting in their reduced access or even complete exclusion.

The phenomenon of elite capture in the agrarian sector may arise from multiple factors and represents the manifestation of overlapping processes in which strategically positioned actors obtain disproportionate benefits from land, agricultural programs, and development initiatives. Elites may emerge from various dimensions, including economic status (e.g., large-scale landowners and capitalist farmers), political position (e.g., village officials, local government authorities, and customary leaders), and social standing (e.g., lineage-based elites and leaders of community organizations or associations) (Vervisch et al. 2013). The presence of elite capture practices within agrarian reform consequently undermines the normative objectives of land redistribution programs, perpetuates inequalities in land ownership, and fails to resolve pre-existing structural conflicts.

The practice of elite capture in Indonesia's agrarian reform is not merely associated with individuals who overtly misuse the program, but rather operates through more subtle structural mechanisms. Local elites exploit their positions within socio-political networks to influence administrative processes from within, ranging from the proposal of priority agrarian reform locations, the compilation of prospective beneficiary lists, to the formalization of verification documents. This pattern is further exacerbated by the weak participation of vulnerable groups in these administrative processes, which predominantly take place within bureaucratic institutions that remain largely inaccessible to poor farmers and indigenous communities (Shohibuddin 2018b). Inequalities in access to information and disparities in bargaining capacity between elites and priority groups generate asymmetries that ultimately benefit those already in positions of power. Accordingly, *elite capture* should not be understood as an anomaly within agrarian reform programs, but rather as a manifestation of deeper power asymmetries that have yet to be effectively addressed within the existing normative policy design.

Accordingly, elite capture in agrarian reform cannot be understood merely as incidental implementation deviations, but rather as a recurring and systemic phenomenon

rooted in power structures, social relations, and imbalanced policy governance. The persistence of this practice across various contexts indicates the existence of enabling conditions within the legal and institutional framework that allow distributive distortions to occur continuously. The construction of norms, unequal distribution of authority, and supervisory mechanisms that potentially facilitate elite capture suggest the presence of gaps within the normative design of agrarian reform that have not yet been fully capable of anticipating and constraining the dominance of more powerful actors.

An analysis of the legal framework of agrarian reform in Indonesia indicates that its implementation remains predominantly oriented toward asset legalization, namely the provision of land certificates and formal recognition of rights over land already under control, rather than promoting structural redistribution to groups that lack access to land. Presidential Regulation No. 86 of 2018 on Agrarian Reform normatively incorporates two pillars, namely asset reform and access reform. However, in practice, the asset reform pillar—centered on land legalization and certification—has been far more dominant in both implementation and the outcomes reported by the government (Rongiyati 2018b). This condition gives rise to a paradox: agrarian reform proceeds administratively, yet fails to address the root causes of structural inequality in land tenure.

The Agrarian Reform Consortium (*Konsorsium Pembaruan Agraria*—KPA) reports that during the 2015–2023 period, the government managed to reclaim only approximately 77,000 hectares of abandoned land and former *Hak Guna Usaha* (HGU) concessions out of a total of 7.24 million hectares that should have constituted objects of redistribution (Tim Riset KPA 2025b). Meanwhile, the land certification program through Complete Systematic Land Registration (*Pendaftaran Tanah Sistematis Lengkap*—PTSL) has predominantly served communities that already possess land, rather than those who lack access to land entirely. This condition aligns with the critique advanced by the critical agrarian perspective Shohibuddin (2018b), which emphasizes that asset legalization cannot substitute for genuine land redistribution, as it does not alter existing power relations over land but merely formalizes them. In other words, the agenda of agrarian reform has undergone a reduction from structural transformation into an administrative service.

Analysis of Normative Vulnerabilities in the Legal Framework of Agrarian Reform

Based on the findings of this study, at least six points of normative vulnerability are identified within the legal framework of agrarian reform in Indonesia, which structurally create opportunities for the practice of *elite capture*, namely: (1) the formulation of criteria for agrarian reform subjects and objects; (2) the verification and determination of beneficiaries; (3) weak post-redistribution monitoring mechanisms; (4) the absence of legally binding mechanisms for community participation throughout all stages of agrarian reform; (5) weak recognition and protection of indigenous communal rights as priority subjects; and (6) institutional fragmentation and the lack of effective coordination among implementing agencies. These six points of vulnerability do not operate in isolation; rather, they interact to form a legal opportunity structure that is conducive to the expansion of elite interests within agrarian reform programs.

Open-Ended Formulation of Criteria for Agrarian Reform Subjects and Objects

Presidential Regulation No. 86 of 2018 defines agrarian reform subjects to include economically disadvantaged communities, farmers, fishers, and communities engaged in land-related conflicts. However, this formulation is not accompanied by measurable and binding parameters, such as limits on land ownership size, income thresholds, or operational definitions that can be objectively verified (Shohibuddin 2018b). This

weakness is further exacerbated by the absence of objection mechanisms or civil society participation in the process of determining the list of beneficiaries, resulting in a selection process that tends to be conducted in a closed manner within bureaucratic institutions. The Ombudsman of the Republic of Indonesia, in its systemic review of agrarian reform implementation, found that there are no adequate regulations governing the criteria for parties eligible to propose Priority Locations for Agrarian Reform (*Lokasi Prioritas Reforma Agraria—LPRA*), nor clear requirements regarding the conditions of TORA objects. Consequently, the determination process falls entirely within the discretionary authority of public officials (Ombudsman RI 2022). Such an open-ended formulation generates significant ambiguity, which creates favorable conditions for the entry of elite actors through interpretive gaps regarding who is genuinely entitled to benefit from agrarian reform.

Verification and Determination of Agrarian Reform Beneficiaries

An analysis of Article 10 of Presidential Regulation No. 86 of 2018 indicates the absence of binding standard operating procedures (SOPs) governing the verification and determination of beneficiaries of agrarian reform objects. The processes of identification, verification, and determination of beneficiaries of Agrarian Reform Object Land (*Tanah Objek Reforma Agraria—TORA*), as regulated under Presidential Regulation No. 86 of 2018 and its amendment in Presidential Regulation No. 62 of 2023, rely heavily on the discretion of officials within the Agrarian Reform Task Force (*Gugus Tugas Reforma Agraria—GTRA*), at both the district/city and central levels (Mulyaputri 2024b). The absence of standardized, transparent, and publicly auditable verification procedures renders this process highly vulnerable to intervention by local power holders.

In the context of patron–client relations that remain strong at the village and sub-district levels in Indonesia, local officials often serve as entry points for political or economic elites to influence verification outcomes (Lucas and Warren 2013b). Another study by Noer Fauzi Rachman (2012b) specifically highlights the absence of standard operating procedures for determining beneficiaries. In the absence of strict normative parameters, bureaucratic discretionary authority is not only vulnerable to patronage but may also function as an active instrument of reverse redistribution, whereby land designated as agrarian reform objects is allocated not to rightful beneficiaries, but to those with greater power (Noer Fauzi Rachman 2012b). This condition corresponds to what Platteau (2004b) identifies as a critical point in community-based redistribution programs, where the absence of robust external oversight mechanisms is consistently exploited by local elites to monopolize access to public resources. The lack of standardized verification procedures thus constitutes one of the most significant points of normative vulnerability within the agrarian reform framework.

Weak Post-Redistribution Monitoring Mechanisms

The third normative vulnerability relates to weak post-redistribution mechanisms. Based on the analysis conducted, Article 25 of Presidential Regulation No. 86 of 2018 does stipulate the prohibition of TORA abandonment and the obligation to utilize land in accordance with its designated purpose, as well as requiring ministerial approval for the transfer of rights or changes in land use. However, these provisions are not accompanied by a structured monitoring system, effective sanctions, or an independent oversight body with the authority and capacity to conduct periodic field verification (Shohibuddin 2018b). The notion of “ministerial approval” remains administrative in nature and lacks transparent procedural standards. As a result, once land rights have been allocated, there is no adequate

mechanism to ensure that the land is actually utilized by legitimate beneficiaries in accordance with the objectives of agrarian reform.

The weakness of post-redistribution monitoring creates opportunities for the consolidation of land by ineligible parties through informal transactions, de facto control, or concealed transfers following redistribution, which ultimately reproduces the very inequalities in land tenure that agrarian reform seeks to correct. This condition is empirically confirmed in the case of the Senama Nenek indigenous community in Riau, where, following land redistribution through the TORA mechanism, there was no adequate oversight of the management of plantation cooperatives as beneficiary entities. As a result, several land recipients sold their land to wealthier groups within the same community, well before the expiration of the restriction period on land transfer (Afrizal et al. 2026).

Absence of Legally Binding Community Participation Mechanisms

The fourth normative vulnerability relates to the absence of legally binding mechanisms for community participation across all stages of agrarian reform. Presidential Regulation No. 86 of 2018 does not explicitly regulate the rights of the public to file objections, access the list of prospective beneficiaries, or attend verification hearings for the determination of beneficiaries. The authority to determine beneficiary lists at the district level is not accompanied by obligations for public consultation or notification to affected communities. Moreover, mechanisms for appeal to the provincial level are not explicitly regulated. Article 10 of the Regulation merely stipulates that the identification and verification of subjects are conducted by the Agrarian Reform Task Force (Gugus Tugas Reforma Agraria—GTRA), without establishing procedurally binding mechanisms for civil society participation. The leadership structure of the Agrarian Reform Task Force (Gugus Tugas Reforma Agraria—GTRA), which is based on formal governmental positions, may also generate inherent conflicts of interest and amplify the risk of local patronage. Regional heads, in their capacity as chairs of the GTRA, may utilize this position to allocate TORA to political supporters, relatives, or patronage clients. This condition is further reinforced by the provisions of Article 9 of Government Regulation No. 224 of 1961, which mandate the announcement of beneficiary lists without providing a formal objection mechanism that carries legal consequences.

The absence of participatory safeguard norms within the legal framework of agrarian reform results in a beneficiary selection process that is conducted in a closed manner within the bureaucracy. The lack of structured participatory mechanisms not only limits public oversight over the redistribution process, but also creates conditions in which local elites can intervene in the determination of beneficiary lists from the earliest stages without detection or challenge by affected communities (Shohibuddin 2018b). Once established at the district level, beneficiary lists are difficult to revise at higher levels of authority. This information asymmetry—between elites who possess access to bureaucratic channels and poor farmers who lack the capacity to access and contest administrative processes—effectively becomes one of the primary entry points for elite capture in agrarian reform programs.

Weak Recognition and Protection of Indigenous Communal Rights

The fifth normative vulnerability relates to the weak recognition and protection of indigenous communal rights as priority subjects in agrarian reform. Law No. 5 of 1960 on Basic Agrarian Principles (*UUPA*), particularly Article 3, does recognize customary (*ulayat*) rights insofar as they “still exist in reality”; however, this conditional recognition

imposes a disproportionate, one-sided burden of proof on indigenous communities. Furthermore, Law No. 41 of 1999 on Forestry, under Article 5 paragraph (2), classifies customary forests as part of state forests insofar as they have not been formally designated, notwithstanding the Constitutional Court Decision No. 35/PUU-X/2012, which has corrected such classification. The inconsistency between the Constitutional Court's ruling and the unrevised provisions of the Forestry Law creates legal uncertainty that directly affects the implementation of agrarian reform. As a consequence, areas that are substantively indigenous territories may be designated as TORA objects and redistributed to third parties without adequate consultation with the concerned communities.

Presidential Regulation No. 86 of 2018 identifies indigenous communities as one of the priority subjects of agrarian reform; however, it does not provide a specific recognition mechanism that is integrated with the land registration system. This condition renders indigenous communities vulnerable to marginalization, both in terms of the determination of agrarian reform objects and subjects, such that a program intended to be inclusive may instead reproduce the very marginalization they have historically experienced (Noer Fauzi Rachman 2012b). The case of the Senama Nenek community in Kampar, Riau, provides clear empirical evidence: although the community fulfills all criteria as a legally recognized Indigenous Law Community (Masyarakat Hukum Adat—MHA) entitled to communal land rights, and despite the provision of Article 14 paragraph (3)(b) of Presidential Regulation No. 86 of 2018 explicitly allowing for the formalization of communal land rights, the government opted for the individualization of rights through the issuance of 1,385 individual land ownership certificates (Shani et al. 2024). This decision was driven by a quantitative certification target orientation as the primary metric of program success, rather than by a substantive commitment to the restoration of indigenous communal land rights (Afrizal et al. 2026). The findings of this study demonstrate that the normative vulnerability arising from weak recognition of communal rights is not merely theoretical, but has been concretely manifested in the practical implementation of agrarian reform.

Institutional Fragmentation and the Absence of Inter-Agency Coordination Norms

The sixth normative vulnerability relates to institutional fragmentation accompanied by the absence of coordination norms among agencies responsible for implementing agrarian reform. Presidential Regulation No. 86 of 2018 distributes the implementation of agrarian reform across three principal ministries, namely the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) for land redistribution, the Ministry of Environment and Forestry (KLHK) for the release of forest areas, and the Ministry of Villages for access-based empowerment programs. Although Article 8 of Presidential Regulation No. 86 of 2018 establishes the Agrarian Reform Task Force (Gugus Tugas Reforma Agraria—GTRA) as a coordination forum, the provision does not define a clear decision-making hierarchy in cases of overlapping authority or divergent interpretations among the three ministries. The GTRA does not possess binding decision-making authority over the respective technical ministries, resulting in coordination that largely depends on the informal commitment of the officials involved. Presidential Regulation No. 62 of 2023, which seeks to accelerate the implementation of agrarian reform, has not normatively resolved the issue of institutional fragmentation. The absence of clear coordination norms creates gaps that can be exploited by well-networked elite actors to engage in parallel lobbying toward ministries that adopt more permissive interpretations of the requirements for determining TORA objects and subjects. In this

context, institutional fragmentation is not merely an issue of administrative inefficiency, but also constitutes a normative vulnerability that structurally benefits actors possessing cross-ministerial bureaucratic network capacity (Lucas and Warren 2013b).

The combination of these six normative vulnerabilities forms what this study conceptualizes as a *legal opportunity structure*, namely a configuration within the legal design that—albeit unintentionally, yet consistently—provides gaps and opportunities for actors with greater political, economic, and social power to appropriate redistributive mechanisms for their own interests. This concept is particularly relevant in explaining why *elite capture* in Indonesia's agrarian reform should not be understood merely as an incidental implementation deviation, but rather as a predictable consequence of a normative design that lacks sufficient resilience against asymmetrical power pressures.

From a critical agrarian perspective, as developed by Shohibuddin (2018b), this problem is closely related to the political nature of agrarian reform itself. A genuinely redistributive agrarian reform necessarily entails correcting entrenched power relations, and therefore inevitably encounters resistance from actors whose interests are threatened by changes in the agrarian structure. When the normative design fails to anticipate such resistance—whether through stringent criteria, transparent procedures, or effective oversight—agrarian reform programs risk becoming arenas for the reproduction of inequality rather than instruments for its correction.

The increasing incidence of agrarian conflicts over time constitutes a strong indicator that the corrective function of agrarian reform has not been effectively realized (Wicaksono 2023). This reinforces the argument that the problem of *elite capture* cannot be addressed solely through technical improvements in implementation, but instead requires more fundamental normative reforms oriented toward strengthening the bargaining position of priority groups, particularly smallholder farmers, agricultural laborers, and indigenous communities, throughout all stages of agrarian reform. The case study by Afrizal et al. (2026) on the implementation of TORA within the Senama Nenek indigenous community in Riau further demonstrates that a liberal agrarian reform orientation—prioritizing the formalization of individual land rights and the achievement of quantitative certification targets—structurally constrains the realization of distributive justice in land tenure that is pluralistic and grounded in communal rights, even where the existing legal framework normatively allows for such recognition.

CONCLUSION

The practice of elite capture in Indonesia's agrarian reform is not merely associated with individuals who overtly misuse the program, but rather operates predominantly through subtle structural mechanisms. Inequalities in access to information and disparities in bargaining capacity between elites and priority groups generate asymmetries that ultimately benefit those already in positions of power. Elite capture should therefore not be understood as an anomaly within agrarian reform programs, but as a reflection of deeper power asymmetries that have yet to be effectively addressed by the existing normative policy design. Moreover, it cannot be reduced to incidental implementation deviations, but must be recognized as a recurring and systemic phenomenon rooted in power structures, social relations, and imbalanced governance arrangements.

An analysis of normative vulnerabilities within the legal framework of agrarian reform—from Law No. 5 of 1960 on Basic Agrarian Principles (UUPA) to Presidential

Regulation No. 86 of 2018 and Presidential Regulation No. 62 of 2023—identifies six key points of normative weakness that structurally constitute a legal opportunity structure for the expansion of elite interests: (1) the open-ended formulation of subject and object criteria without measurable parameters; (2) the absence of transparent and publicly auditable verification standard operating procedures; (3) weak post-redistribution monitoring mechanisms; (4) the absence of legally binding norms for community participation; (5) weak recognition and protection of indigenous communal rights; and (6) institutional fragmentation and the lack of clear inter-agency coordination.

The implications of this study suggest that addressing the problem of elite capture requires more fundamental normative reforms, including the establishment of a comprehensive agrarian reform regulatory framework, the codification of measurable criteria for TORA subjects and objects, the integration of legally binding participatory safeguards, the strengthening of post-redistribution monitoring mechanisms, and the harmonization of regulations across ministries responsible for agrarian reform implementation. Without normative reforms oriented toward strengthening the bargaining position of priority groups, agrarian reform risks continuing to function as an instrument for legitimizing the status quo, rather than as a mechanism for correcting structural inequalities in land tenure.

REFERENCES

- Afrizal, Rahmi Surya Dewi, and Zuldesni. 2026. “The Developmental Politics of Land Conflict Resolution: Insights From Indonesia’s TORA Programme.” *Journal of International Development*, ahead of print. <https://doi.org/10.1002/jid.70079>.
- Amalia, Nanda, Peter Mahmud Marzuki, S. Nasution, et al. 2016. “Metode Penelitian Hukum: Sebagai Suatu Pengantar.” In *Lex Privatum*, vol. 2. no. 1. Preprint.
- Fahd, Zulfiqar; Abbas, Mossvi. 2022. *Understanding Elite Capture*. In *Pakistan Institute of Development Economics (PIDE)*.
- Lucas, Anton, and Carol Warren. 2013a. *Land for the People: The State and Agrarian Conflict in Indonesia*. In *Land for the People: The State and Agrarian Conflict in Indonesia*. <https://doi.org/10.1355/sj30-2o>.
- Lucas, Anton, and Carol Warren. 2013b. *Land for the People: The State and Agrarian Conflict in Indonesia*. In *Land for the People: The State and Agrarian Conflict in Indonesia*. <https://doi.org/10.1355/sj30-2o>.
- Mulyaputri, Elsani. 2024a. “Redistribusi Tanah Objek Reforma Agraria (TORA) Guna Mewujudkan Kesejahteraan Masyarakat Dalam Rangka Percepatan Pelaksanaan Reforma Agraria.” *Ranah Research: Journal of Multidisciplinary Research and Development* 7 (2). <https://doi.org/10.38035/rj.v7i2.1269>.
- Mulyaputri, Elsani. 2024b. “Redistribusi Tanah Objek Reforma Agraria (TORA) Guna Mewujudkan Kesejahteraan Masyarakat Dalam Rangka Percepatan Pelaksanaan Reforma Agraria.” *Ranah Research: Journal of Multidisciplinary Research and Development* 7 (2). <https://doi.org/10.38035/rj.v7i2.1269>.
- Noer Fauzi Rachman. 2012a. *Land Reform Dari Masa Ke Masa*. Yogyakarta.
- Noer Fauzi Rachman. 2012b. *Land Reform Dari Masa Ke Masa*. Yogyakarta.

- Nurhayati, Yati, Ifrani Ifrani, and M. Yasir Said. 2021. "Metodologi Normatif Dan Empiris Dalam Perspektif Ilmu Hukum." *Jurnal Penegakan Hukum Indonesia*, ahead of print. <https://doi.org/10.51749/jphi.v2i1.14>.
- Ombudsman RI. 2022. *Rampungkan Kajian Sistemik Reforma Agraria, Ombudsman RI Temukan Potensi Maladministrasi*. <https://ombudsman.go.id/pers/r/rampungkan-kajian-sistemik-reforma-agraria--ombudsman-ri-temukan-potensi-maladministrasi>.
- Permen PPPA Nomor 6 Tahun 2014, KemenPPPA RI (2014).
- Platteau, Jean Philippe. 2004a. "Monitoring Elite Capture in Community-Driven Development." *Development and Change* 35 (2). <https://doi.org/10.1111/j.1467-7660.2004.00350.x>.
- Platteau, Jean Philippe. 2004b. "Monitoring Elite Capture in Community-Driven Development." *Development and Change* 35 (2). <https://doi.org/10.1111/j.1467-7660.2004.00350.x>.
- Rongiyati, Sulasi. 2018a. "Reforma Agraria Melalui Perpres Nomor 86 Tahun 2018." *Info Singkat X* (19).
- Rongiyati, Sulasi. 2018b. "Reforma Agraria Melalui Perpres Nomor 86 Tahun 2018." *Info Singkat X* (19).
- Shani, Fauzan Maulana, Adi Afrianto, Bunga Mareta Dwijananti, and Iwan Kustiwan. 2024. "Mengurai Konflik Agraria Di Desa Senama Nenek Dengan Pendekatan Drivers-Pressures-State-Impact-Responses (DPSIR)." *Tunas Agraria* 7 (2). <https://doi.org/10.31292/jta.v7i2.310>.
- Shohibuddin, Mohammad. 2018a. *Perspektif Agraria Kritis: Teori, Kebijakan Dan Kajian Empiris*. Edited by Tim STPN Press. STPN Press.
- Shohibuddin, Mohammad. 2018b. *Perspektif Agraria Kritis: Teori, Kebijakan Dan Kajian Empiris*. Edited by Tim STPN Press. STPN Press.
- Sihombing, B. F. 2017. "Agrarian Reform in Indonesia: A Juridical Review." In *International Journal of Civil Engineering and Technology*, vol. 8. no. 11. Preprint.
- Sulistyaningsih, Retno. 2021. "Reforma Agraria Di Indonesia." *Perspektif* 26 (1). <https://doi.org/10.30742/perspektif.v26i1.753>.
- Tim Riset KPA. 2025a. *Catatan Akhir Tahun 2025 Konsorsium Pembaruan Agraria | 1. Konsorsium Pembaruan Agraria*.
- Tim Riset KPA. 2025b. *Catatan Akhir Tahun 2025 Konsorsium Pembaruan Agraria | 1. Konsorsium Pembaruan Agraria*. <https://www.kpa.or.id/publikasi/tancap-gas-di-jalur-yang-salah/>.
- UUD Republik Indonesia 1945, Sekretariat Jenderal MPR RI (2002).
- Vervisch, Thomas G. A., Koen Vlassenroot, and Johan Braeckman. 2013. "Livelihoods, Power, and Food Insecurity: Adaptation of Social Capital Portfolios in Protracted Crises-Case Study Burundi." *Disasters* 37 (2). <https://doi.org/10.1111/j.1467-7717.2012.01301.x>.

Wicaksono, Adhi. 2023. "Data KPA: 2.710 Konflik Agraria Selama 9 Tahun Pemerintahan Jokowi." *CNN Indonesia*.