Research Article

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### IMPLEMENTATION OF AGRARIAN LAW IN NATURAL RESOURCE MANAGEMENT IN TOMOHON

Implementasi Hukum Agraria dalam Pengelolaan Sumber Daya Alam di Tomohon

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## Abstract

Agrarian Law Implementation, Natural Resource Management, Land Use Change, Coordination.

This study aims to examine the implementation of agrarian law in Tomohon City, focusing on land status, challenges in enforcement, the impact on natural resource management, and the role of the community in these processes. The research used qualitative methods, including interviews, observations, and document analysis, to gather data on the current agrarian law implementation. The results indicate that while Tomohon has comprehensive regulations, such as Regional Regulation No. 12 of 2013 on Natural Resource Management, the actual implementation remains limited to specific areas. Coordination between relevant institutions, such as the Land Office, the Environment Agency, and the Public Works and Spatial Planning Agency, is weak, hindering effective land and resource management. Additionally, land use changes, particularly the conversion of agricultural land to residential and industrial areas, have led to agrarian conflicts. Another key challenge is the insufficient supervision of land use, allowing violations of agrarian law, such as unauthorized land utilization. Despite some positive impacts on maintaining agricultural land, land conversion has caused significant environmental damage. Moreover, the community's understanding of agrarian law is still low, which limits their participation in land and resource management. Based on these findings, this study recommends enhancing supervision, improving coordination between government agencies, and increasing public awareness and participation in agrarian decision-making processes. These efforts are essential to improving agrarian law enforcement and ensuring sustainable land and resource management in Tomohon City. The findings contribute to the development of more effective agrarian policies in both urban and rural areas.

### **Background**

Agrarian law is a body of law that governs land rights, land use, and the management of natural resources. As a country rich in natural resources, Indonesia has crucial regulations to ensure the sustainability of resource utilization and management. Agrarian law plays a significant role in determining who has the right to control, use, or manage land (Azadi & Vanhaute, 2019; Petrescu-Mag et al., 2019; Reydon et al., 2020). Proper regulation can prevent agrarian conflicts and environmental degradation. However, despite the existence of clear regulations, implementation on the ground often faces obstacles (Söderholm, 2020; Zuniga-Teran et al., 2020). One of the key challenges is the mismatch between existing policies and land management practices. This issue becomes even more complex with urbanization and land-use changes in urban areas. Therefore, it is essential to evaluate how agrarian law is implemented in the management of natural resources in Tomohon.

Tomohon City, located in North Sulawesi Province, has abundant natural resources ranging from agricultural land to protected forests. As the city develops, issues related to land use and natural resource management have become increasingly critical. Improper land management often leads to detrimental ecosystem changes, such as deforestation and soil degradation (Söderholm, 2020;

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Zuniga-Teran et al., 2020). Although regulations such as regional regulations (Perda) and policies related to environmental management exist, the implementation of these laws is not always effective, particularly in the face of rapid urbanization and development. In this context, it is important to assess the application of agrarian law in Tomohon. This study aims to provide an overview of the implementation of agrarian law and its impact on natural resource management in the city. Therefore, this research is highly relevant to the evolving social and economic conditions in Tomohon.

The studies found that the implementation of agrarian law in urban areas is often hindered by unclear land status and ineffective monitoring (Asafo, 2020; Resosudarmo et al., 2019; Waeterloos, 2020). It indicated that much land is used without adhering to applicable legal procedures, leading to disputes and legal uncertainty. This occurs because many people occupy land without clear ownership rights or in violation of its designated purpose. Another studies focused on more structured natural resource management, emphasizing the importance of monitoring and community participation (Addison et al., 2019; Holifield & Williams, 2019; Wehn & Almomani, 2019). In Tomohon, although regulations on natural resource management exist, many instances of land misuse remain. The research highlights the necessity for collaboration between government, communities, and the private sector to create sustainable management practices. A major challenge is the lack of understanding of agrarian law among the community. Therefore, law enforcement at the local level becomes crucial.

Another research showed that the implementation of agrarian law is often obstructed by a lack of coordination between government agencies (Boone et al., 2019; Lanzona Jr, 2019; Mkodzongi & Lawrence, 2019). The research found that, although regulations governing land use and natural resources exist, weak oversight results in numerous land misuse cases. Similar issues are present in Tomohon, where many land parcels have been repurposed without clear legal action. Moreover, agricultural land is often used in ways that do not conform to the spatial planning established. This creates tensions among the parties involved in land management. The study suggests that to address this issue, there must be a better understanding of agrarian law within the community. Furthermore, it is crucial to enhance the effectiveness of monitoring and law enforcement to improve resource management. This research provides a perspective that integrating policy and on-the-ground management practices must receive more attention.

Another relevant study highlighted the importance of community participation in agrarian law-based natural resource management (Diver et al., 2019; Mahfud, 2019; Subekti, 2020). The results showed that when communities are involved in land management processes, the outcomes are more sustainable, and violations are reduced. In Tomohon, despite policies related to environmental management, these are often poorly implemented due to a lack of community involvement. The research also revealed that agrarian policies lacking outreach to the community lead to numerous legal violations. It emphasizes the importance of empowering the community to understand their rights and responsibilities concerning the land they manage (Boone, 2019). With better understanding, communities are expected to be more responsible in managing natural resources sustainably. This could reduce agrarian conflicts and speed up the resolution of disputes. Therefore, this research opens up opportunities to explore how the role of the community can contribute to agrarian law management in Tomohon.

Although several studies have been conducted on natural resource management and agrarian law, there remains a gap that needs further exploration, particularly in urban areas. Most previous research has focused on rural areas or regions with more abundant natural resources. Studies on agrarian law implementation in urban areas, especially in Tomohon, are still limited. There is a lack of understanding of the specific challenges faced by smaller cities like Tomohon in managing natural resources and land. Additionally, earlier studies have often discussed legal issues theoretically, without examining their practical impacts on the ground. Therefore, this research aims to fill this gap, particularly concerning how agrarian law is applied in urban areas (Diver et al., 2019). This study focuses on finding concrete solutions to the issues in Tomohon. By addressing this gap, the research will contribute significantly to the development of agrarian policy.

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This study introduces novelty by focusing on the implementation of agrarian law in Tomohon, a topic that has not been extensively studied. Moreover, it examines the relationship between agrarian law regulations and sustainable natural resource management in urban areas. The sustainability of resource management in Tomohon heavily depends on how well agrarian law is applied in daily life. Another novelty is that this study will assess the direct impact of agrarian policies on the local environment and community (Subekti, 2020). The research not only looks at the legal aspect but also considers the social and economic implications of these policies. Therefore, the findings of this study can offer new perspectives for policymakers to formulate more effective policies. The research also introduces a model of management based on the integration of law and existing land management practices, providing an alternative approach compared to previous studies.

The objective of this research is to analyze the implementation of agrarian law in natural resource management in Tomohon. This study aims to identify how agrarian law policies are applied in practice and the challenges encountered in the process. Another objective is to assess how agrarian law contributes to the sustainability of natural resources in Tomohon (Mkodzongi & Lawrence, 2019)). By identifying existing problems and barriers, this research also aims to provide recommendations for improving agrarian policies in urban areas. This research is expected to contribute to the development of agrarian law in Indonesia, particularly in land and natural resource management. Additionally, the research aims to provide understanding to both the community and the government about the importance of agrarian law-based natural resource management. It also seeks to strengthen monitoring and law enforcement capacity to make agrarian policies more effective. Thus, this study has broad objectives, both practical and academic.

The implications of this study are crucial for the development of agrarian policies in Tomohon. The findings can provide input to local governments on how to improve the implementation of agrarian law in the city. By understanding the challenges in managing natural resources, more responsive policies that meet the needs of the community can be formulated (Holifield & Williams, 2019). This research will also contribute to more sustainable environmental management by utilizing agrarian law as a regulatory instrument. Moreover, the findings can raise awareness among the community about the importance of complying with agrarian law in managing land and natural resources. Another implication is the potential to increase community participation in urban planning and resource management. This research can also strengthen coordination between local governments and communities in resolving agrarian disputes. Therefore, this research has the potential to make a broad impact on policy and practice in Tomohon.

The recommendations from this study are to extend the research to other areas with similar conditions to compare the implementation of agrarian law across regions. Future research is also recommended to explore further the role of the community in agrarian law management. The limitation of this research is its focus only on Tomohon, which may not fully represent the conditions of other regions. Therefore, further research is expected to broaden the geographical scope for a more comprehensive understanding. This research can also be continued using a quantitative approach to delve deeper into the effectiveness of agrarian law. Additionally, there should be regular evaluations of agrarian policies to ensure they are responsive to social and economic changes.

### **METHOD**

This study employs a qualitative approach (Strijker et al., 2020) with a descriptive research design to analyze the implementation of agrarian law in natural resource management in Tomohon City. The qualitative approach was selected because this research aims to gain an in-depth understanding of the agrarian law phenomena occurring in the field. The data collected will consist of interviews, documentation, and observations of the agrarian law implementation process. This approach enables the researcher to assess how the existing policies are applied by local governments, as well as how the community responds and engages in land management. The study

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also focuses on analyzing the factors influencing the implementation of agrarian law policies. In data collection, the researcher will conduct in-depth interviews with relevant stakeholders, such as local government officials, village heads, landowners, and private entities involved in natural resource management. The results from these interviews will provide a more comprehensive picture of the challenges and opportunities in the implementation of agrarian law. With this qualitative approach, the study is expected to generate richer and more informative data.

Data collection techniques used in this research include interviews, observations, and document studies. In-depth interviews will be conducted with various sources, including local government officials, village heads, landowners, and private parties involved in natural resource management. Observations will be made to directly monitor the implementation of agrarian law policies on the ground, paying attention to practices occurring in land and resource management. Additionally, a document study will be conducted by gathering regional regulations, policy documents, and reports related to natural resource management in Tomohon City. The collected data will be analyzed using content analysis techniques, allowing the researcher to identify key themes emerging from the data. This method also enables the researcher to understand the relationship between the policies implemented and their impacts on the ground. The data will be analyzed inductively, which allows for theory building based on the obtained data. All collected data will be processed systematically to produce valid and accountable findings.

The location of this study is Tomohon City, North Sulawesi Province, chosen for its distinctive challenges in natural resource management and the implementation of agrarian law. Tomohon is a developing city with abundant natural resource potential, yet it faces issues related to land management and spatial planning. The study will focus on areas that are key to natural resource management, such as agricultural land, plantations, and forested areas. The researcher will identify locations experiencing agrarian law issues, such as land disputes and improper land use. This research will also explore how natural resource management policies are implemented in each of these areas. When selecting research locations, the researcher will also consider the social, economic, and environmental diversity in Tomohon. This is done to obtain a broader perspective on the implementation of agrarian law in various types of areas. As a result, the findings of this study will be more representative and relevant to natural resource management in urban areas.

The data analysis technique used in this study is thematic analysis, which will be employed to identify patterns or key themes emerging from the collected data. Thematic analysis will help the researcher understand how agrarian law is applied in natural resource management and what factors influence its implementation. After the data is obtained from interviews, observations, and documentation, the researcher will categorize the data according to relevant themes, such as land management, community involvement, and challenges in implementing agrarian law. The categorized data will then be further analyzed to draw deeper conclusions about the effectiveness of agrarian law in Tomohon City. Additionally, to enrich the analysis, the researcher will compare the findings with previous relevant studies. This comparison will provide a clearer understanding of the relationship between agrarian law and natural resource management in Tomohon. The results of this analysis are expected to offer useful recommendations for the development of agrarian policies in urban areas.

# RESULT AND DISCUSSION RESULT

In this section, the research results will be presented in the form of qualitative data obtained through interviews, observations, and document studies. The data collected is related to the implementation of agrarian law in Tomohon City, land status, challenges in implementing agrarian law, the impact of agrarian law on natural resource management, and the role of the community in natural resource management. Each finding will be presented in a table, followed by a detailed explanation of the meaning and implications of the findings.

Table 1. Description of Agrarian Law Implementation in Tomohon

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No.	Aspect Discussed	Findings	Explanation
1	Regional Regulation	Perda No. 12 of 2013 on Natural Resource Management	This regulation governs land use, conservation, and environmental management.
2	Policy Implementation	Policy implementation is limited to certain areas	Many policies have not been applied comprehensively across the entire area of Tomohon.
3	Relevant Government Agencies	Land Office, Environmental Office, BPSDA	Although there are relevant agencies, coordination between them still needs optimization.

This study finds that Tomohon City has fairly comprehensive regulations, such as Perda No. 12 of 2013, which governs natural resource management and land use. However, despite the existence of clear regulations, the implementation of these policies needs improvement in certain areas and is not yet evenly distributed across the city. Coordination between the relevant government agencies, such as the Land Office, the Environmental Office, and BPSDA, is also not yet functioning effectively, leading to suboptimal land and natural resource management.

Table 2. Land Status and Land Rights

No.	Aspect	Findings	Explanation
	Discussed		<del></del>
1	Land Status	Most of the land is privately	Land in Tomohon is mostly privately
		owned	owned, although not fully registered.
2	Land Use	Many lands are used	The conversion of agricultural land into
		contrary to their designated	residential and industrial areas still
		purpose	frequently occurs.
3	Land Conflict	Rarely are conflicts	There are minimal agrarian conflicts due to
		between landowners and	changes in land use that do not align with
		developers	spatial planning.

Most of the land in Tomohon is still controlled by the community under private ownership, though many of these lands are not registered with the National Land Agency (BPN), leading to unclear land status. Additionally, many lands are used in ways not consistent with their intended purposes, such as agricultural land being converted into residential or commercial areas. This land use conversion triggers several agrarian conflicts between landowners and developers, especially in rapidly developing areas. This highlights the importance of tighter monitoring and regulation to ensure land use aligns with spatial planning.

Table 3. Challenges in Agrarian Law Implementation

No.	Aspect Discussed	Findings	Explanation
1	Lack of Supervision	Agrarian law enforcement is not optimal	Insufficient supervision by the government causes many violations of agrarian law.
2	Interagency Coordination	Coordination between relevant agencies is weak	Unclear roles among agencies causes difficulties in managing natural resources holistically.
3	Land Misuse Cases	Land use without permission or misuse of function	Many lands are used without valid permits, causing harm to the environment and the community.

One of the biggest challenges in the implementation of agrarian law in Tomohon is the lack of effective supervision of land and natural resource use. The local government lacks the necessary resources to regularly monitor land management. Coordination between government agencies responsible for managing natural resources, such as the Environmental Office and the Land Office, is still very limited. This results in land misuse, such as land conversion that does not align with spatial

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planning, making it difficult to avoid. Several agrarian conflicts even arise due to non-compliance with existing regulations in land management.

Table 4. Impact of Agrarian Law on Natural Resource Management

No.	Aspect Discussed	Findings	Explanation
1	Positive Impact	Agricultural land maintenance is well- maintained	Several agricultural areas in Tomohon have been successfully managed due to the existing regulations.
2	Negative Impact	Can cause environmental damage due to land use conversion	Conversion of agricultural land and forests into residential and industrial areas causes ecosystem damage.
3	Effectiveness of Agrarian Policy	The policy has been effective in addressing issues	Land management policies have had a significant impact on environmental sustainability.

The positive impact of agrarian law implementation in Tomohon can be seen in the well-maintained agricultural land management in some areas, largely due to clear regulations regarding land use. However, the negative impacts are also quite significant, especially in terms of environmental damage. The conversion of agricultural land into residential or industrial areas not only harms the environment but can also lead to natural disasters such as floods. The existing agrarian policies in Tomohon need to be further refined to be more effective in maintaining a balance between development and the sustainability of natural resources.

Table 5. The Role of the Community in Natural Resource Management

No.	Aspect Discussed	Findings	Explanation
1	Public Understanding	Public understanding of agrarian law is still low	Many members of the public do not understand their rights and obligations concerning the land they manage.
2	Public Participation	Active public participation is limited	The public is not fully involved in the active management of natural resources.
3	Evaluation of Participation Policy	The existing policy does not sufficiently encourage participation	The existing policy is not enough to encourage the public to engage more actively in natural resource management.

The community in Tomohon still has limited understanding of their rights related to agrarian law, which hinders their participation in natural resource management. Many are unaware that they have the right to participate in planning and managing the land they own. Public participation in land and natural resource management in Tomohon is also very limited. Furthermore, the existing policies are not sufficiently effective in encouraging the public to participate more actively, which potentially reduces the effectiveness of these policies.

### Discussion

1. Implementation of Agrarian Law in Tomohon

The effectiveness of the existing regulations in managing natural resources in Tomohon can be assessed through the implementation of Regional Regulation No. 12 of 2013 on Natural Resource Management. Although this regulation covers various aspects of land use and environmental conservation, the application of these policies on the ground is still limited to certain areas. This indicates that while regulations have been established, their implementation is not yet widespread across Tomohon. This issue may stem from the local government's limited resources in conducting thorough supervision. On the other hand, coordination between the government agencies involved in natural resource management is also a significant issue. The Land Office, the Environmental

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Office, and BPSDA each have their respective responsibilities, but there is still a lack of clarity in the division of tasks and authority. This has affected the holistic management and ineffective supervision. Despite the presence of regulations, without optimal supervision and coordination, the effectiveness of agrarian law remains limited in providing positive impacts for the sustainability of natural resources in Tomohon.

This study compares the findings in Tomohon with studies on natural resource management and agrarian law in other areas. One relevant study shows that the implementation of agrarian law in urban areas often faces similar challenges, such as conflicts over land use and insufficient supervision. However, in other regions, it was found that stricter policies and tighter supervision could reduce violations of agrarian law. In Tomohon, despite having clear policies, there remains a significant gap in implementation that leads to land misuse and inconsistency between land allocation and its use. This comparison highlights the common challenges faced in implementing agrarian law across various regions, particularly in terms of supervision and law enforcement. In Tomohon, despite similarities in the patterns of agrarian conflicts, other regions with stricter supervision have succeeded in reducing land violations and misuse. This suggests that the gap in the implementation of agrarian law in Tomohon could be addressed by enhancing supervision and strengthening coordination between the involved agencies. The primary challenge in implementing agrarian law in Tomohon is the lack of effective supervision over land use. Inadequate supervision allows many violations of agrarian law, such as land conversion that does not align with the designated land use in spatial planning. This worsens the condition of natural resources in Tomohon, particularly in agricultural areas, which are shrinking due to conversion into residential and industrial zones. The local government is also constrained in conducting routine supervision due to a lack of human resources and budget for such programs. Additionally, coordination between the related agencies in natural resource management is still weak, further exacerbating the implementation of agrarian law. The Land Office, the Environmental Office, and BPSDA often work separately, with no clear coordination regarding their tasks and responsibilities. This results in fragmented natural resource management and difficulties in addressing existing issues. Land misuse and agrarian conflicts often occur due to the lack of consistent law enforcement and the unclear roles of the agencies involved in agrarian law enforcement.

### 2. The Impact of Agrarian Law on the Environment and Society

The impact of agrarian law implementation on the environment in Tomohon can be seen in the maintenance of agricultural land, which remains well-preserved in certain areas. The existing regulations regarding land use, particularly in the agricultural sector, have successfully promoted more organized and sustainable land management. However, an unavoidable negative impact is the environmental damage caused by uncontrolled land use conversion. The conversion of agricultural land and forested areas into residential or industrial zones results in a reduction of green open spaces and potentially causes significant ecological damage. The social impact of agrarian law implementation in Tomohon can be seen in the changes in the community's lifestyle. Many residents who previously relied on agriculture for their livelihood have now shifted to the industrial or commercial sectors due to land conversion. This has caused significant lifestyle changes, particularly for those who depended on agricultural land. The effective implementation of agrarian law is expected to maintain a balance between development and social sustainability by improving community welfare through more responsible natural resource management.

Based on the findings of this research, the main recommendation is to enhance the effectiveness of supervision and enforcement of agrarian law in Tomohon. One way to achieve this is by strengthening coordination among the government agencies involved in natural resource management. The local government should establish a more integrated monitoring team to directly observe the implementation of agrarian policies on the ground. Additionally, land management policies should be refined to accommodate both development needs and environmental protection. Furthermore, to improve public participation in natural resource management, policies that encourage active community involvement are necessary. Education and socialization about agrarian

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law are crucial to enhancing public understanding of their rights and obligations regarding the land they manage. The local government should also provide greater opportunities for the public to participate in decision-making processes regarding land use. By doing so, the management of natural resources in Tomohon will become more sustainable and provide greater benefits for all parties involved.

The implications of this research suggest that sustainable natural resource management requires serious attention to the consistent application of agrarian law. This study contributes to providing insights into the challenges faced in implementing agrarian law in urban areas, specifically in Tomohon. These findings are expected to provide valuable insights for the development of more effective agrarian policies in Indonesia, emphasizing the importance of supervision, coordination among agencies, and public participation in natural resource management. Overall, this research also influences the development of policies for natural resource management in both urban and rural areas. Agrarian policies based on public participation and effective supervision will be more successful in maintaining natural resource sustainability and improving the quality of life for the community. The findings of this study can serve as a reference for improving existing regulations, particularly in managing natural resources that involve multiple stakeholders from various sectors.

#### CONCLUSION

Based on the findings discussed, it can be concluded that the implementation of agrarian law in Tomohon City presents various challenges that need to be addressed in order to improve the effectiveness and sustainability of natural resource management. Although there are relatively comprehensive regulations, such as Regional Regulation No. 12 of 2013 on Natural Resource Management, the implementation of these policies is still limited to certain areas, and supervision of land use has not been optimal. Coordination between the government agencies involved is also not yet functioning effectively, leading to the inability to manage land and natural resources in Tomohon holistically. The impact of agrarian law implementation on the environment and society is quite significant, both positively and negatively. On one hand, agricultural land management remains well-preserved in some areas. However, on the other hand, land conversion for residential and industrial development has led to environmental damage, adversely affecting the ecosystem. In addition, public participation in natural resource management is still limited, highlighting the need for policies that more actively encourage community involvement in land management.

The main recommendations from this study are to enhance supervision of agrarian law implementation and strengthen coordination among relevant agencies. The local government needs to improve monitoring mechanisms and strengthen the role of the community in natural resource management. This can be achieved by expanding socialization on the rights and obligations of the community regarding land, as well as providing more space for them to participate in decision-making processes related to land use. The findings of this study provide an important contribution to the development of agrarian policies in Indonesia, particularly in the context of natural resource management in urban areas. These findings are expected to serve as a reference to improve the implementation of more effective agrarian policies that can maintain the balance between development and environmental sustainability.

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