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AGRARIAN REFORM AS A HUMAN RIGHTS IMPERATIVE: BRIDGING INEQUALITY AND JUSTICE IN LAND DISTRIBUTION

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Abstract

This study investigates the connection between agrarian reform and human rights, exploring how agrarian reform, as a strategy to address structural inequalities in land distribution, is fundamentally linked to human rights principles. Through a normative approach incorporating statutory, theoretical, and philosophical analyses, this research highlights that agrarian reform is not merely a policy choice but an obligation for States, stemming from their duty to uphold the human right to land. International frameworks, including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP 2007) and the United Nations Declaration on the Rights of Peasants (UNDROP 2018), recognize the right to land as a central element of human rights. In the context of Indonesia, where land inequality remains a significant issue, agrarian reform is essential for achieving social justice and redressing historical injustices, particularly for marginalized groups such as peasants and Indigenous peoples. The study argues that agrarian reform should not be viewed merely as land redistribution but as a broader effort to promote human dignity, equality, and prosperity, thus aligning with the principles of social justice and the State's responsibility to ensure equitable land access. This research contributes to the understanding of agrarian reform as a human rights imperative, offering insights into its theoretical underpinnings and practical implications for legal and policy reforms.

Keywords: Agrarian Reform; Human Rights; Land Rights; Social Justice; State Obligations.

A. Introduction

Inequality has marked the history of humankind since ancient times. Unequal economic and political power reveals a significant divide in the distribution of resources in society. Laws, regulations, and social institutions often play a role in maintaining or worsening such inequalities (Alston, 2015).

In Indonesia, inequality remains a specter that reflects the disparity between the ideal of social justice and reality. Social justice, a core tenet of economic equality, is an ideal that 'Indonesia Merdeka' endeavors to achieve (Dhakidae, 2018). One of the most pronounced manifestations of inequality is unequal access to and control over agrarian resources, a condition entrenched since the colonial era (Lubis et al., 2024). After independence, agrarian reform—namely, an agenda to address agrarian structural injustice and achieve prosperity, particularly aimed at empowering and delivering justice for peasants and marginalized groups—became a political project to correct this inequality.

The Indonesian Basic Agrarian Law (BAL, Law No. 5/1960) was enacted as a responsive legal framework during the era of Sukarno's Guided Democracy (MD, 2020) and serves as the foundational legal basis for agrarian reform in Indonesia. However, political shifts in the mid-1960s impeded the full implementation of this initiative. The rise of Suharto's New Order, characterized by a developmentalist agenda that favored large-scale domestic and foreign

investments (Bachriadi & Wiradi, 2011), led to the "shelving" of agrarian reform. In the Reformasi era of 1998, there was an intention to reorient agrarian reform, as evidenced by the People's Consultative Assembly Decision No. IX/MPR/2001 on Agrarian Reform and Natural Resource Management. Despite these reforms, post-Reformasi agrarian legal politics have predominantly aligned with capital interests, exhibiting (neo)liberal and pro-competition tendencies (Ismail, 2012).

The level of land ownership in Indonesia is notably unequal, as reflected by a ratio exceeding 0.5. According to data from the Central Bureau of Statistics in 2013, land inequality in Indonesia reached 0.68 (Databoks, 2018). Although more recent data are not yet available, the Indonesian National Land Agency estimated that the figure stands at 0.58 (Badan Pertanahan Nasional, 2022). Both sets of data indicate that one percent of Indonesians control more than half of the country's land resources.

President Joko 'Jokowi' Widodo has promoted a popular program, heralded as 'agrarian reform', consisting of land legalization, redistribution, and social forestry, with a target area of approximately 9 million hectares. This program was implemented through Presidential Regulation (Perpres) No. 86/2018, which was later replaced by Perpres No. 62/2023 on the Acceleration of Agrarian Reform.

Nevertheless, over the past decade, the program has been criticized for failing to substantially restructure agrarian inequalities. The legalization policy, framed as the "distribution of land title certificates" (*bagi-bagi sertifikat tanah*), has been more prominent (Tempo, 2024), while redistribution has had a limited impact in forest areas, plantation concessions, coastal zones, and in the recognition of indigenous peoples' territories. Moreover, ministerial and institutional sectoral egos have been seen as significant obstacles to its implementation (Luthfi, 2019; Nurhamani, 2024). Rather than succeeding, agrarian conflict has intensified, particularly in plantations, mining, and National Strategic Projects, undermining people's rights. During Jokowi's two presidential terms, the Consortium for Agrarian Reform recorded 2,939 conflicts covering 6.3 million hectares, affecting 1.75 million households across Indonesia (*Konsorsium Pembaruan Agraria*, 2023).

These concerns highlight the crucial intersection between social justice and human rights. Normatively, agrarian reform, as a means to achieve social justice—or more specifically, 'agrarian justice' (Arisaputra, 2015)—*ought to be* intrinsically linked to human rights. At its very concept, human rights envision a human life grounded in freedom, equality, and respect for dignity. Against this backdrop, this study poses a central research question: How are agrarian reform and human rights interrelated from theoretical and philosophical perspectives? With the question in mind, this study aims to examine the extent to which human rights norms can provide a normative basis and clarify whether such norms prescribe the agenda of agrarian reform.

Previous studies have examined the relationship between human rights and agrarian reform. Coomans emphasizes that agrarian reform is not merely a policy choice but a human rights obligation, even though the 'human right to land' has not yet gained broad recognition (Coomans, 2006). Branco highlights the role of agrarian reform as an instrument for advancing human rights more broadly (Branco, 2016). In the Indonesian context, Earlene and Djaja highlight how land ownership inequality can potentially violate human rights, underscoring the urgency of agrarian reform (Earlene & Djaja, 2023).

This study advances these discussions by exploring international and national instruments relating to agrarian reform that have not yet been widely examined. These include, among others, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP 2007), the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP 2018), the General Comment of the Committee on Economic, Social and Cultural Rights on Land Issues (2022), and the Norms and Standards (*Standar dan Norma Pengaturan*, SNP) No. 7 on the Human Right to Land and Natural Resources issued by the Indonesian

National Commission on Human Rights (Komnas HAM RI, 2021). This research further contributes novelty by offering a theoretical justification and philosophical reflection on the relationship between agrarian reform and human rights.

B. Method

This study employs a normative legal methodology. In this context, the term 'normative' refers to examining the law as it ought to be (*de lege ferenda*), rather than solely as it currently exists (*de lege lata*). This study also integrates statutory, theoretical, and philosophical approaches (Irwansyah & Yunus, 2020). The statutory approach is applied to analyze various international and national legal instruments, including statutes, treaties, and conventions, as well as soft law texts such as United Nations General Assembly resolutions and General Comments issued by international human rights treaty bodies. The theoretical and philosophical approaches are used to explore the interconnectedness of human rights and agrarian reform as instruments for achieving social justice. All relevant literature was systematically organized, analyzed, and evaluated to demonstrate the strong link between human rights and agrarian reform.

C. Results and Discussion

1. Land and Human Rights: International Framework

In the initial stages of the development of international human rights law, the concepts of 'land rights' were not formally acknowledged. The United Nations Food and Agriculture Organization (FAO) has defined land rights in the context of property. These rights are characterized as entitlements to land and other natural resources, encompassing the ability to use, control, and transfer a parcel of land, provided that such actions are permissible by law (FAO, 2002). Notably, international human rights standards do not explicitly recognize this right in the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), or the International Covenant on Civil and Political Rights (ICCPR) (Wickeri & Kalhan, 2010).

In human rights discourse, land issues are regarded as cross-cutting concerns. The right to land is closely linked to the rights of vulnerable groups, such as women, Indigenous peoples, and peasants, as well as other human rights, including the right to food, housing, water, health, cultural participation, and Indigenous peoples' right to self-determination (UN CESCR, 2022).

Traditionally, the conceptualization of the right to land is associated with the property right, as articulated in Article 17 of the UDHR. Although the UDHR does not mention land, it affirms that individual or collective property shall be protected by law. However, the property right is no longer included in the catalogue of human rights in the ICCPR and ICESCR. This exclusion arises from conflicting paradigms among States during the drafting process of these twin covenants, as they were unable to reach a consensus on the essence, scope, and permissible limitations of the property right (Casla, 2023). Despite its inclusion in the UDHR, the right to property as a human right is not recognized under international customary law (Schabas, 2021).

Equating the right to land with the right to property poses significant issues. Historically, the property right has been considered a 'conservative' right, primarily because it serves to protect the interests of the wealthy and landlords. In essence, the property right is often referred to as the 'right of the landed' (Gilbert, 2013). This right is rooted in liberalism and individualism, catering to the bourgeoisie.

There is also a strong argument that land rights are included within the right to adequate housing (hereinafter, the 'right to housing'). The right to housing is a component of the right to an adequate standard of living contained in Article 11 (1) of the ICESCR. El Muhtaj notes that various terms are used to refer to the right to housing. One such term is the right to land ('land

right'). This is because housing is closely linked to various aspects of life, such as land, water, sanitation, livelihoods, and urban issues (Muhtaj, 2009).

Nevertheless, equating the right to housing with the right to land is still considered inaccurate. Extending the interpretation of land rights as part of the right to housing is only relevant in countries whose legal systems adopt the 'vertical attachment' principle, which equates the ownership of land and the objects (housing) built upon it. There are also countries, such as Indonesia, that apply the 'horizontal separation' principle, whereby land and buildings or objects above it are viewed as legally separate entities (Mahfud et al., 2020).

The link between the right to housing and the right to land cannot be ignored. Through General Comment No. 4 (1991), the Committee on Economic, Social, and Cultural Rights (CESCR) stated that legal security of tenure is one aspect of the right to housing and a form of legal protection against forced eviction. Regarding access to housing, the General Comment also stresses that the government must guarantee everyone's right to live in secure housing, enabling them to live in peace and with dignity, including access to land (Gilbert, 2013; UN CESCR, 1998).

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), an international human rights treaty regarding women's rights, explicitly addresses land issues. CEDAW requires State Parties to take a range of measures related to the rights of rural women, such as the right to obtain agricultural credit or loans, marketing facilities, appropriate technology, and equal treatment in agrarian reform and land-related issues. The convention also stipulates that women must obtain the same rights regarding the ownership, acquisition, management, administration, enjoyment, and disposition of property. These provisions implicitly cover land issues.

For Indigenous people, land is a vital source of livelihood, culture, and identity. Indigenous communities, often confronted with the interests of corporate capital sponsored by State power for natural resource exploitation, are typically displaced through forced evictions. Two international instruments are particularly significant in relation to Indigenous peoples' land rights: the International Labour Organization (ILO) Convention No. 169 of 1989 and the UNDRIP. ILO Convention No. 169 contains specific regulations regarding land rights (Articles 13–19). These provisions require States to respect the cultural and spiritual significance of the relationship between Indigenous peoples and their land. Indigenous peoples must not be evicted, and free and informed consent is a prerequisite for relocation or displacement. Furthermore, Indigenous peoples must be able to recover their traditional lands once relocation or displacement has ended.

The adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007 was a significant milestone in the international recognition of Indigenous peoples' land rights. Article 26 of the UNDRIP expressly asserts that Indigenous peoples have rights to the lands, territories, and resources that they have traditionally occupied or owned. This right includes the right to use the resources according to relevant customs (Fahmi & Siddiq Armia, 2022). The same provision also requires States to provide legal recognition and protection of Indigenous peoples' lands.

The struggle of civil society organizations and peasant movements to recognize the land rights of peasants later led to the birth of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) in 2018. The adoption of this Declaration is inextricably linked to the persistent struggle led by *La Vía Campesina*, the transnational peasants' movement that has consistently advocated for entirely new normative demands, such as 'the right to land' and 'food sovereignty' (as opposed to demands for 'the right to property' and 'food security' alone). Article 17 (1) of UNDROP specifically includes substance related to peasants' land rights and stipulates the following:

> "Peasants and other people living in rural areas have the right to land, individually and/or collectively, in accordance with article 28 of the present Declaration, including the right to have access to, sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures and forests therein, to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures."

The peasant movement spearheaded by *La Vía Campesina*, which normatively and politically advocated for UNDROP, introduced a novel perspective on the 'property' or 'ownership' of land: the right to land, within the framework of peasants' human rights, aligns more closely with a vision of welfare and equality than with the classical liberal understanding of property (Heri, 2020). The emphasis is placed on the social or collective dimension of the right to land—echoing, to some extent, the concept of land rights in Indigenous peoples—as a critique of massive land grabbing and the concentration of land ownership among a select few.

The notion of the right to land arose as a reaction to capital accumulation, which has resulted in the exclusion of marginalized communities. This right also serves as a critique of land commodification (Franco & Suárez, 2021). The impact of global peasant movements, the problem of land grabbing, and the necessity for sustainable management of land and natural resources have made the articulation of the human right to land a pressing issue (Gilbert, 2020).

However, in General Comment No. 26 of 2022, the CESCR did not explicitly treat the right to land as a stand-alone right. The Committee's approach to land issues employs two methods: one based on the relationship between land and rights categories in the ICESCR, and the other concerning the rights of vulnerable groups such as women, Indigenous peoples, and peasants. In this context, the CESCR refrains from extensive interpretation to establish a new distinct right but rather analyzes existing human rights standards and adopts a comprehensive and coherent approach to land issues.

Land conflicts often involve violence, intimidation, and criminalization (Berenschot et al., 2021), making land issues highly pertinent to civil and political (CP) rights. These situations profoundly affect the enjoyment of the right to life. Notably, Paragraph 26 of General Comment No. 36 of 2019 on the Right to Life, issued by the Human Rights Committee (HRC), the treaty body of the ICCPR, emphasizes that States have an obligation to protect life. This duty requires them to address threats to the right to life, such as conflicts over land-grabbing and the living spaces of Indigenous communities. States must also ensure that individuals can enjoy the right to life with dignity, which includes unimpeded access to public resources such as water, food, and housing (UN HRC, 2019). Consequently, safeguarding individuals' access to land and protecting them from forced eviction is essential for a dignified life.

Ultimately, even though its recognition as a stand-alone right is still largely confined to declarations, the human right to land has been woven into the corpus of modern international human rights law. Additionally, the CESCR's General Comment No. 22 of 2022 on Land Issues should be acknowledged as an authoritative interpretation of the binding covenant provisions. Consequently, States Parties to the ICESCR, adhering to the principle of *pacta sunt servanda*, must consider the General Comment as normative guidance for implementing land law and agrarian reforms.

2. Right to Land as a Human Right under the National Law

In principle, agrarian issues are regulated under the domestic legal regime. The concepts, regulations, and principles related to land rights differ across countries. The acquisition of land rights and regulations concerning the use, control, and transfer of land are generally determined by national law or policy or customary law (UN OHCHR, 2015).

In Indonesia, land rights are governed by the Basic Agrarian Law (BAL). Conceptually, 'land rights' can be defined as:

> "Rights over the 'surface of the earth' that authorize the holder to use the land in question, including the body of the earth and water as well as the airspace above it, insofar as necessary for interests directly related to the use of the land, within the boundaries determined by the BAL and other higher legal regulations." (Sumardjono, 2008).

The BAL governs different types of land rights, with the right to property (*hak milik*) being described as the "strongest and fullest." Although the BAL's regulations are said to be based on national customary law, a closer look reveals that many of the rights it includes are derived from European land rights, as outlined in the Dutch Civil Code (Wignjosoebroto, 2014). Boedi Harsono (2008) points out that the BAL recognizes the *Ulayat* rights of Indigenous communities in Indonesia. However, the drafters of the BAL did not specifically intend to protect this right. They deliberately chose not to regulate *ulayat* rights, believing that these should be governed by local customary law. The drafters also thought that regulating *Ulayat* rights would hinder their natural evolution, which was expected to decline over time. *Ulayat* rights have not been restored or strengthened in line with modern developments, which are marked by the growing importance of individual land rights and the introduction of land registration.

Article 33 (3) of the 1945 Indonesian Constitution serves as the constitutional basis for the BAL. This constitutional provision stipulates that the land, water, and natural resources contained therein are controlled by the state and are utilized for the greatest benefit of the people. Furthermore, the concept of 'the State's right of control' (*hak menguasai negara*) is derived from this provision, which also implies the dominant role of the State in land governance (Bedner, 2016).

The BAL does not refer to land as a 'human right.' However, under Indonesian law, land ownership is also viewed as a human right. The previous Indonesian constitutions, including the Constitution of the United States of Indonesia (Republik Indonesia Serikat) and the Provisional Constitution of 1950, recognized the right to property. These constitutional guarantees are essentially similar versions of Article 17 of the UDHR (Ashri, 2023). The Provisional Constitution of 1950 later included a provision on the 'social function' principle, affirming that the right to property is not absolute and can be limited (Arizona, 2014).

After the amendments, the 1945 Constitution guaranteed the right to property through Article 28H (4). This right is also recognized in Article 36 of Law No. 39 of 1999 on Human Rights (Law 39/1999), with an emphasis on the social function, meaning that every enjoyment of the right to property must consider the 'public interest'. On this basis, the right can be revoked as long as it is in accordance with applicable laws and regulations.

According to Sumardjono (2008), agrarian resources are an integral part of each individual's economic rights. Natural resources are a collective right of all people that encompasses both group and individual dimensions. Arizona also notes that the substance of land and natural resource rights can be seen in various constitutional guarantees in the 1945 Constitution, namely: the right of recognition, guarantees, protection and certainty before a just law, and of equal treatment before the law; the right to personal protection and security; the right to a prosperous life, both physically and spiritually, including housing; the right to property; and traditional rights for Indigenous communities (Arizona 2014). From this perspective, the right to land is an implied right derived from various other human rights rather than a stand-alone right. Accordingly, Arisaputra (2015) underscores the need to guarantee the right to land in the 1945 Constitution explicitly.

3. Agrarian Reform as a Human Rights Obligation

Traditionally, civil and political (CP) rights are considered 'negative rights,' while economic, social, and cultural (ESC) rights are viewed as 'positive rights.' This distinction implies that CP rights require the State to abstain from interfering (negative) with the enjoyment

of freedoms. In contrast, ESC rights necessitate State intervention (positive) to realize human rights (Ssenyonjo, 2020). The 'Tripartite Typology' theory emerged as a critique of this simplistic 'negative-positive' dichotomy. It conceptualizes three State obligations: to respect, to protect, and to fulfill human rights, applicable to both CP and ESC rights. Developed from the ideas of Asbjørn Eide and Henry Shue, this theory has become a key interpretive tool for analyzing the realization of ESC rights (De Schutter, 2019; Eide, 1987; Nolan, 2018; Shue, 2020).

In summary, the 'obligation to respect' requires the State to avoid interventions that impede the enjoyment of human rights; the 'obligation to protect' mandates the State to protect rights holders from interference or violations by third parties, such as corporations; and the 'obligation to fulfill' compels the State to undertake various legislative, administrative, budgetary, judicial, and other actions to fully realize human rights (International Commission of Jurists, 1997; Nowak, 2003).

How does agrarian reform relate to the Tripartite Typology theory? Upon careful examination, agrarian reform and human rights are intertwined in this theory. Specifically, the 'obligation to fulfill,' which requires active State involvement and measures, can theoretically justify the implementation of agrarian reform.

Conceptually, this obligation envisions the State as a 'provider' of public material resources, including land. To clarify, agrarian reform should be defined as "a continuous process involving the restructuring of control, ownership, use, and utilization of agrarian resources, aimed at achieving legal certainty and protection, as well as justice and prosperity." Essentially, agrarian reform serves as a means to reduce inequality and foster social justice.

At a more abstract level, this agenda should be viewed as a form of active State intervention in the management of agrarian resources. Such interventions are designed to deliver welfare to marginalized groups, particularly peasants, fishers, Indigenous peoples, and the poor. The word that encapsulates the essence of agrarian reform is 'redistribution.' As the holder of public authority legitimized by the consent of the people, the State must tackle inequality through this agenda to build a more just and equal society.

Eide underscores that 'land reform'—as a component of agrarian reform—is vital to the fulfillment of ESC rights. This policy is comparable to other key strategies for realizing ESC rights, such as public expenditure (Eide, 2001). In line with this, the CESCR has stipulated that agrarian reform falls within the scope of the State's obligation to fulfill human rights related to the land. More equitable land distribution reduces poverty and contributes to social inclusion, economic empowerment, and improved food security (UN CESCR, 2022).

In the context of peasants' rights, UNDROP's Article 17 (6) adds the following:

> "Where appropriate, States shall take appropriate measures to carry out agrarian reforms to facilitate broad and equitable access to land and other natural resources necessary to ensure that peasants and other people working in rural areas enjoy adequate living conditions, and to limit excessive concentration and control of land, taking into account its social function. Landless peasants, young people, small-scale fishers, and other rural workers should be given priority in the allocation of public lands, fisheries, and forests."

Furthermore, in Norms and Standards (SNP) No. 7 of 2021, the Indonesian National Commission on Human Rights highlighted that insufficient efforts to fully implement agrarian reform, which would enable people to achieve decent living conditions, constitute a violation of the human right to land. This is consistent with constitutional norms regarding the management of agrarian resources for the maximum benefit of the people (Komnas HAM RI, 2021).

The aforementioned instruments clearly indicate that the fundamental right to land serves as the normative foundation for agrarian reform (Cotula, 2022). This suggests that agrarian reform is part of the State's duty to uphold human rights. Moreover, the link between human rights and

agrarian reform is value-related. Conceptually, the human rights value system includes elements of social justice, liberalism, popular democracy, and the rule of law (Nowak, 2003). Agrarian reform aligns with these principles, as social justice—or more specifically, 'agrarian justice'—is the goal of the agrarian reform agenda.

To a certain degree, agrarian reform conflicts with right-libertarian ideology, which advocates for the State's role to be as minimal as possible. This philosophical perspective envisions the State as a mere 'night-watchman' or 'watchdog' that ensures individuals fully exercise their freedoms. From the right-libertarian viewpoint, initiatives such as agrarian reform, which involve redistributing resources or wealth, may exceed the State's 'legitimate' boundaries and potentially jeopardize individual liberty (Ashri and Ashri, 2025; Mochtar and Hiariej, 2024).

Conversely, agrarian reform aligns more closely with ideologies that support redistribution, including those with leftist leanings or welfare State models. A study by Bhattacharya et al. on the political economy of land reform across roughly 165 countries (1900–2010) found that agrarian reform is more prevalent in nations with left-leaning political inclinations and tends to be less effective in those with right-leaning tendencies (Bhattacharya et al., 2019).

Ideally, agrarian reform must be grounded in three intertwined principles: social justice, social function, and the State's right of control over agrarian resources. If any of these principles are ignored, genuine agrarian reform will not be realized. Social justice is the virtue that constitutes the primary reason for the existence of social institutions (Rawls, 1999). Meanwhile, the principle of social function permits the State as a public power institution to limit excessive ownership and control of agrarian resources by economically and politically dominant groups. Although the State's right of control may imply strong authority, it is necessary to correct inequalities.

According to the principle of social function, the concentration of land ownership by a handful of individuals is not permissible. The social function of land is incompatible with 'absentee' ownership. Against this backdrop, the right to land is conceived as having a geographical dimension that provides privileges to local people (FIAN International, 2017), in line with the phrase 'land to the tiller.' However, in Indonesia's experience, the principle of social function—which, in theory, could be the basis for revoking the right to property for the 'public interest'—has been manipulated to seize land from the people in the name of development (Arizona, 2015).

The State's right to control without the vision to deliver social justice inevitably creates injustice. In this context, the State's right of control can clearly become a 'double-edged sword' that facilitates both social inclusion and exclusion. This is relevant to the Indonesian case. In Sukarno's progressive-populist Guided Democracy regime, the concept of the State's right of control supported agrarian reform. During the New Order, an authoritarian regime characterized by 'State capitalism,' this right facilitated capital accumulation while simultaneously depriving people' rights. From this experience, the right of State control functioned merely as a mechanism for enclosure, akin to colonial practices exemplified by the '*domein verklaring*' principle, which appropriated individuals' land in the absence of formal legal proof of ownership (Rahangiar, 2022). Nonetheless, the State's right of control remains necessary as a legitimacy for redistribution agendas aimed at creating social justice. Therefore, social justice must be a virtuous objective.

At the operational level, agrarian reform should extend beyond merely addressing the technicalities of land redistribution and must be deeply rooted in relevant human rights principles. These encompass the principles of good governance and participation, which are crucial for ensuring that reform processes are equitable, transparent, and inclusive. Good governance ensures that State institutions operate under the rule of law and prioritize public interest over narrow political or economic agendas. Equally significant, public participation affirms the legitimacy of agrarian reform. Participation grants affected communities, such as

peasants, Indigenous peoples, and fishers, a meaningful role in the decision-making process. By incorporating these principles, agrarian reform transcends being merely a policy tool; it transforms into a rights-based framework aimed at addressing unequal agrarian structures within society.

D. Conclusion

This study underscores the vital role of agrarian reform as an essential human rights issue, with particular emphasis on the right to land. While this right has been gradually acknowledged in international human rights frameworks, especially concerning the rights of Indigenous peoples (as seen in the UN Declaration on the Rights of Indigenous Peoples, or UNDRIP 2007) and the rights of peasants (as articulated in the UN Declaration on the Rights of Peasants, or UNDROP 2018), it diverges from the classical concept of property rooted in individualism. Instead, the human right to land is conceptualized as a means to tackle inequality and foster social justice for historically marginalized communities, such as peasants, Indigenous peoples, and rural populations. This conceptual shift calls for a broader understanding of land rights—not as a tool of capital accumulation but as a means of securing equality and dignity for all.

The recognition of land rights as a human right places a significant responsibility on States. Governments are legally and morally obligated to address agrarian inequalities, particularly because such disparities directly affect the realization of fundamental human rights. Agrarian reform, therefore, is not merely a political choice but a legal duty that reflects the State's commitment to upholding social justice and human dignity. The State must take proactive measures to implement agrarian reforms that ensure equitable access to land, as failing to do so constitutes a violation of human rights. This necessitates the formulation and enforcement of legal and policy measures aimed at redistributing land in a way that uplifts marginalized groups and addresses the structural inequalities inherent in the current agrarian systems.

For agrarian reform to be successful, it must be grounded in three interrelated principles: social justice, the social function of land, and the State’s right of control over agrarian resources. Social justice serves as the guiding virtue, ensuring that land is redistributed in a way that benefits those who have been historically disenfranchised. The principle of the social function of land emphasizes that land should not be treated as a commodity or a tool for profit but as a resource meant to serve the public good. It ensures that land is used in a way that contributes to the well-being of society as a whole, particularly for those who depend on it for their livelihoods. Finally, the State's right of control over land resources reflects the government's authority to regulate land use and ownership, ensuring that land is not monopolized by a few but is used in ways that promote the collective welfare.

However, the implementation of agrarian reform must be approached with caution. Without the central tenet of social justice, the other principles—social function and State control—are at risk of becoming tools for perpetuating inequality. It is critical, therefore, that agrarian reform policies be implemented with a clear focus on justice for the marginalized. This can only be achieved by ensuring that agrarian reform is not reduced to a mere process of land certification or legalizing land ownership. Instead, it must encompass real redistribution efforts, specifically targeted at the communities who need it the most.

Furthermore, the success of agrarian reform hinges on principles of good governance and public participation. Good governance ensures that reforms are transparent, accountable, and equitable, while public participation guarantees that affected communities have a say in the decisions that impact their lives. This inclusive approach is essential for ensuring that agrarian reforms are not only legally valid but also socially legitimate. In conclusion, this study argues that agrarian reform, when aligned with human rights principles and social justice, can play a pivotal role in addressing land inequality, securing human dignity, and building a more just and equitable society.

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