Legal Pluralism and the Challenges of Complete and Systematic Land Registration (CSLR) of Customary Land in Bali

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Abstract

The implementation of the Complete and Systematic Land Registration (CSLR) Program has significantly improved land certification in Indonesia; however, applying it to customary land continues to create persistent juridical and institutional challenges because state land administration and customary land governance coexist. Previous studies have primarily examined CSLR through the lenses of administrative effectiveness, legal certainty, or the normative recognition of customary rights, while paying limited attention to how legal pluralism shapes institutional conflicts and the mechanisms needed to reconcile competing legal systems. This study addresses this gap by examining the implementation of CSLR on customary land in Gianyar Regency, Bali, through a legal pluralism framework. This study employs a qualitative socio-legal approach, combining normative legal analysis with empirical data from semi-structured interviews and document analysis. The findings show that the main obstacles to customary land registration are structural rather than merely administrative, including institutional asymmetry between state and customary authorities, the unclear legal status of customary land, limited integration of customary institutions into the registration process, and tensions between communal land tenure and formal land administration. These findings show that legal certainty cannot be achieved solely through standardized registration procedures without accommodating the normative legitimacy of customary governance. This study contributes to the literature by operationalizing legal pluralism as an analytical framework for explaining institutional conflicts in customary land registration and by proposing a Customary Land Verification Forum as an operational institutional mechanism that integrates customary verification into the CSLR adjudication process, thereby reconciling state and customary legal systems while strengthening legal certainty and protecting the collective rights of customary law communities.

Keywords: *Complete and Systematic Land Registration Program, customary land, legal certainty, customary law community.*

Introduction

Land registration functions not merely as administrative record-keeping but as a primary legal tool that determines who can safely use, develop, and transfer land. In Indonesia, the registration system is intended to convert ambiguous ownership into enforceable legal titles, reducing overlap and conflicts that obstruct

investment, tenure security, and rural livelihoods.[1] Yet despite these aims, incomplete coverage, delays, and procedural barriers leave many plots unregistered or contested, fueling disputes, undermining smallholders' access to credit, and weakening land governance.[2] This gap between the law's promise and on-the-ground outcomes motivates the present study.

Land registration implementation in Indonesia faces various problems in practice, especially in regions where land tenure characteristics differ from the individual, formal model that characterizes the state land administration system.[3] One of the most complex land tenure characteristics is seen in customary land. Customary land is controlled, utilized, and regulated according to the norms of customary law communities. Legal relationships over customary land are not only grounded in individual ownership, but also in social structure,[4] communal authority, and customary legitimacy that exist and are preserved for generations.[5]

As part of the agenda to accelerate asset legalization, the government implements the Complete and Systematic Land Registration (CSLR) Program. This program is designed to register every plot of land within a region systematically, simultaneously, and comprehensively.[6] Normatively, CSLR aims to accelerate legal certainty over land, minimize land conflicts, and improve people's access to land

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[1] Prihatin et al., "Bridging Land Tenure Security and Sustainable Development: The Case of Semarang's Land Registration System," *International Journal of Sustainable Development and Planning* 21, no. 3 (March 2026): 1291–99, https://doi.org/10.18280/ijsdp.210327.

[2] Varia et al., *Effectiveness of Online Single Submission Policy for Faster Land Transactions Compliance*, 5, no. 3 (2025)865-896, https://doi.org/http://dx.doi.org/10.33331/rechtsvinding.v8i3.348.

[3] Sudrajat et al., "Problems with Complete Systematic Land Registration Regulations Perspective of Legal Certainty," *Journal La Sociale* 4, no. 1 (March 2023): 8–19, https://doi.org/10.37899/journal-la-sociale.v4i1.753.

[4] Bakker, "Custom and Violence in Indonesia's Protracted Land Conflict," *Social Sciences & Humanities Open* 8, no. 1 (2023): 100624, https://doi.org/10.1016/j.ssaho.2023.100624.

[5] Bedner and Arizona, "Adat in Indonesian Land Law: A Promise for the Future or a Dead End?," *The Asia Pacific Journal of Anthropology* 20, no. 5 (October 2019): 416–34, https://doi.org/10.1080/14442213.2019.1670246.

[6] A. B. Cahyono and U. W. Deviantari, "Land Boundary Delineation to Supporting of Program *Systematic Complete Land Registration* (PTSL) Using Multicopter-RTF Data (Case Study: Wotan Village, Panceng Sub District, Gresik District)," *IOP Conference Series: Earth and Environmental Science* 98 (December 2017): 012049, https://doi.org/10.1088/1755-1315/98/1/012049.

services.[7] The program's success, however, is closely linked to the local social and legal context, especially when the registered object is situated in a customary territory with a strong system of communal land tenure.[8]

Gianyar Regency is one Balinese region that shows this complexity. On the one hand, the state, through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, encourages accelerating land registration through formal procedures that require clarity on the subject, object, and legal basis.[9] Meanwhile, Balinese customary communities, including those in Gianyar Regency, still place land under their communal order and regulate it according to the *awig-awig* (customary laws) and living social practices. In this context, land is not only an economic asset or object of certification, but also a space for identity, communal authority, and sustainable social and religious relationships within customary communities.[10]

The tension between the state land administration system and customary land management raises several problems. CSLR implementation on customary land is often hindered by ambiguous land status, inconsistencies between formal evidence and communal land tenure, weak procedural recognition of customary institutions, and the potential individualization of essentially collective land.[11] These problems show that CSLR implementation on customary land is not only an administrative program, but a meeting point of two legal regimes: state law and customary law.

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[7] "Resolution of Agrarian Conflicts on Plantation Land through Restorative Justice in Indonesia," *Lex Scientia Law Review* 8, no. 1 (September 2024), https://doi.org/10.15294/lslr.v8i1.14060.
[8] Firmansyah and Jamilah, "The Concept of Good Faith in Complete Systemic Land Registration in Realizing Legal Guarantee," *Administrative and Environmental Law Review* 3, no. 1 (June 2022): 65–74, https://doi.org/10.25041/aelr.v3i1.2588.
[9] Roustantia et al., "Perkembangan Layanan Pertanahan pada Badan Pertanahan Nasional Melalui Program Proyek Operasi Nasional Agraria (PRONA) dan Pendaftaran Tanah Sistematis Lengkap (PTSL)," *Eksekusi : Jurnal Ilmu Hukum dan Administrasi Negara* 2, no. 4 (November 2024): 347–57, https://doi.org/10.55606/eksekusi.v2i4.1569.
[10] Aldyan et al., "Legal Pluralism in Environmental Management: Evidence from Bali, Indonesia," *Journal of Law, Environmental and Justice* 3, no. 2 (August 2025): 229–67, https://doi.org/10.62264/jlej.v3i2.131.
[11] Kurnia Rheza Randy Adinegoro, "Tantangan Pelaksanaan Pendaftaran Tanah Sistematis Lengkap Di Kabupaten Ende," *Widya Bhumi* 3, no. 1 (April 2023): 1–12, https://doi.org/10.31292/wb.v3i1.42.

Previous studies on Complete Systematic Land Registration (PTSL/CSLR) have generally focused on three interrelated themes. First, research on PTSL implementation highlights, as Hartono et al. (2021) note, persistent administrative challenges in Gianyar, including incomplete cadastral data, limited public awareness, inadequate documentation, and corruption, all of which undermine the effectiveness of land registration and increase the risk of disputes.[12] Second, studies on the legal certainty of land rights by Octavia et al (2025) show that while PTSL has expanded land registration and strengthened legal certainty for individual landowners, the legal protection of customary land remains inconsistent because existing legal frameworks provide insufficient recognition of Indigenous tenure systems and often invalidate traditional land evidence without adequate transitional mechanisms.[13] Third, Artina et al. (2024) advocate participatory land certification, adaptive legal frameworks, and culturally based dispute resolution to reconcile state and customary legal systems.[14] Fourth, studies on the Complete and Systematic Land Registration (CSLR) Program, such as Bayo & Wijaya (2023), analyze CSLR implementation primarily in terms of administrative effectiveness and achieving legal certainty through land certification. Their study emphasizes procedural aspects of land registration but provides limited discussion on the interaction between state land administration and customary land governance.[15] Likewise, Sutarsana (2023) examines the recognition and registration of customary land in Bali, focusing mainly on the legal status of customary land and dispute

[12] Martono et al., "The Legal Element of Fixing the Boundary for Indonesian Complete Cadastre," *Land* 10, no. 1 (January 2021): 49, https://doi.org/10.3390/land10010049.
[13] Octavia et al., "Legal Status of Former Customary Land Ownership Evidence after Its Validity Period Expires: Assessment of the Legal Certainty over Indigenous Peoples' Land Rights," *Law. Human. Environment* 16, no. 3 (September 2025): 160–72, https://doi.org/10.31548/law/3.2025.160.
[14] Artina et al., "Overlapping Regulation: Kepastian Hak Ulayat Atas Tanah Masyarakat Hukum Adat Muara Sakal Pelalawan Riau," *Masalah-Masalah Hukum* 53, no. 1 (March 2024): 23–34, https://doi.org/10.14710/mmh.53.1.2024.23-34.
[15] Bayo & Wijaya, and Fikri Hadi, "Pengakuan Masyarakat Adat dalam Peraturan Perundang-Undangan Di Indonesia," *Jurnal Ilmu Hukum Wijaya Putra* 1, no. 1 (April 2023): 1–11, https://doi.org/10.38156/jihwp.v1i1.87.

resolution.[16] However, the study pays limited attention to the institutional dynamics created by the coexistence of state law and customary law during the land registration process. Consequently, although these studies have significantly contributed to the understanding of CSLR implementation and customary land recognition, they have not systematically examined how legal pluralism shapes institutional conflicts or how institutional mechanisms can reconcile state land administration with customary land governance.

Despite the growing recognition of customary land rights through Complete Systematic Land Registration (CSLR), uncertainty remains regarding its implementation on customary land governed by both state law and customary law. Existing studies have primarily examined land administration, legal certainty, or customary land recognition separately, with limited attention to how legal pluralism shapes CSLR implementation.[17] This study therefore investigates how the interaction between state land administration and customary land governance influences CSLR implementation in Gianyar Regency. It analyzes the resulting legal and institutional challenges and proposes policy harmonization to strengthen legal certainty while protecting the collective rights of customary law communities.

Methods

This study uses normative and empirical legal methods with qualitative, descriptive, and analytical approaches. A normative approach examines legal provisions that regulate land registration, the recognition of customary law communities' rights[18], and the implementation of the Complete and Systematic Land

[16] Sutarsana, "Pelaksanaan Pendaftaran Tanah Sistematis Lengkap (Ptsl) di Desa Kedewatan Kabupaten Gianyar," *Kerta Dyatmika* 21, no. 2 (August 2023): 24–35, https://doi.org/10.46650/kd.21.2.1420.24-35.
[17] Ren et al., "Persistence of Land Reallocations in Chinese Villages: The Role of Village Democracy and Households' Knowledge of Policy," *Journal of Rural Studies* 93 (July 2022): 336–44, https://doi.org/10.1016/j.jrurstud.2019.07.003.
[18] Leliak, "Strengthening Legal Protection of Indigenous Peoples' Customary Land Rights In Indonesia's Disruption Era," *LITIGASI* 26, no. 2 (May 2026): 443–72, https://doi.org/10.23969/litigasi.v26i2.20032.

Registration (CSLR) Program. These provisions include the Basic Agrarian Law, land implementation regulations, and relevant legal doctrines. This study uses an empirical approach to analyze how these norms operate in practice, particularly in implementing CSLR on customary land in Gianyar Regency.

This research uses primary and secondary data. Primary data were obtained through semi-structured interviews with seven respondents, selected purposively based on their direct participation in customary land management, CSLR implementation, and land dispute handling in Gianyar Regency. The four key respondents are the *Bendesa* (Head) of Gianyar Customary Village, the Head of Assets of the Regional Finance and Assets Agency of Gianyar Regency, a member of the CSLR Adjudication Committee of the Land Office of Gianyar Regency, and the Coordinator of Dispute Control and Handling of the Land Office of Gianyar Regency. The other three respondents are administrators of customary villages: *the Bendesa of Demayu Customary Village, the Bendesa of Jero Kuta Pejeng Customary Village, and the Penyarikan* (secretary) of Pakudui Customary Village. Interviews were conducted from January to April 2024, specifically on January 12, February 19, March 23, 26, and 27, April 1, and finally April 26. These interviews were supported by research documentation. We obtained secondary data by reviewing literature and documents, including laws and regulations, land archives, asset inventory data, *awig-awig*, dispute resolution documents, and relevant scientific literature.

Respondents were selected using purposive sampling because they have direct insight into the history of customary land tenure, land registration mechanisms through CSLR, and the dynamics of conflict arising from the certification process. The study tested data validity through source and document triangulation. The number of respondents was determined by applying the principle of *data* saturation in qualitative research. The interview process was conducted in stages until the information obtained showed a relatively consistent pattern of findings and no longer produced a significant new category. Respondents' answers from the fifth to the seventh interviews tend to repeat the same pattern of problems:

incomplete physical and juridical data, an ambiguous status of customary land, and limited involvement of customary village institutions during land registration verification. These conditions show that the data obtained have reached an adequate saturation point to illustrate the dynamics of conflict and the problems of customary land registration in CSLR implementation in Gianyar Regency. Thus, the seven purposively selected respondents were considered to represent the main institutional perspectives involved in managing customary land and implementing land registration within the research area.

This study's semi-structured interviews were arranged around key questions exploring the dynamics of CSLR implementation on customary land. These questions are: (1) How is the process of CSLR implementation on customary land in Gianyar Regency, according to the experience of customary institutions or customary villages? (2) What is the main obstacle encountered in the verification process of physical data and juridical data of customary land? (3) What is the position and role of the customary village institution in the process of adjudication and land registration? (4) What is the form of conflict and objection arising in the certification process of customary land? And lastly, what is the respondent's view on the need for an institutional mechanism that accommodates both state land administration and customary land management? These open-ended questions allow respondents to describe institutional experiences or social practices in implementing CSLR.

Data analysis followed several stages: data reduction, categorization of findings, juridical and sociological interpretation, and conclusions. Gianyar Regency was selected as the research location because of the strength of its customary village structures, extensive customary land inventories, and concrete cases that show tension between state land administration and customary land management.

Discussion

Customary Land and the Recognition of Collective Rights of Customary Law Communities

Customary land is land under the control of customary law communities and managed according to their norms, institutions, and traditional mechanisms.[19] In contrast to individual ownership in the modern legal system, customary land is rooted in collective rights, which make the community the primary subject of land tenure. From this perspective, customary communities' relationship to land has multiple dimensions, including economic, historical, social, religious, and cultural. Land is part of communal identity that connects the current generation to their ancestors, living area, and social order.[20]

Legal literature and legal anthropology view customary land rights as a form of collective authority that allows customary law communities to regulate the utilization, control, and distribution of land within their territory.[21] *Ulayat* rights are central to that relationship because they reflect communal authority over customary territory and affirm customary law communities as living legal subjects.[22] Nevertheless, state recognition of these collective rights is often limited, conditional, and not fully translated into an operating administrative mechanism.[23]

The development of national law undoubtedly shows efforts to strengthen the recognition of customary law communities, through both the Constitutional Court's

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[19] Sandi and Mahmudah, "Implementation of Complete Systematic Land Registration (PTSL) for Customary Land in Sorong Regency," *Journal of Law Justice (JLJ)* 2, no. 3 (November 2024): 206–17, https://doi.org/10.33506/jlj.v2i3.3639.
[20] I. Gede Surata, "Sejarah Adanya Tanah Desa Adat di Bali," *Kertha Widya* 9, no. 2 (January 2022): 54–59, https://doi.org/10.37637/kw.v9i2.886.
[21] Rico J. R. Tambunan et al., "Justice, Land, and Sharia: Conceptualizing Agrarian Courts in the Settlement of Land Ownership Disputes," *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 2 (December 2025): 530–52, https://doi.org/10.18860/j-fsh.v17i2.32486.
[22] Nova Yarsina et al., "Ulayat Land Registration in Providing Legal Certainty through Certification Based on the Principle of Justice," *Nusantara: Journal of Law Studies* 5, no. 1 (March 2026): 187–204, https://doi.org/10.66325/nusantaralaw.v5i1.121.
[23] Nugroho, "Konstitusionalitas Hak Masyarakat Hukum Adat Dalam Mengelola Hutan Adat: Fakta Empiris Legalisasi Perizinan," *Jurnal Konstitusi* 11, no. 1 (May 2016): 109, https://doi.org/10.31078/jk1116.

decisions and the strengthening of collective rights discourse in various sectoral regulations. Empirically, however, that recognition does not immediately solve the problems arising in the field. The gap between normative recognition and administrative implementation becomes a major problem, especially when customary communities encounter a land registration system that requires formal evidence, juridical borders, and rights categories that sometimes do not align with the characteristics of customary lands.[24]

Legal Pluralism in Land Management

It is impossible to separate the issue of customary land from the concept of legal pluralism.[25] In the context of land, legal pluralism refers to a situation in which more than one normative system exists and functions simultaneously within the same social space. In Indonesia, this pluralism is evident in the interaction between national land law and customary law in public life.[26] These two laws do not always align. In many cases, they negotiate, negate, and even contradict each other in determining who is entitled to the land, how to manage land, and what kind of valid mechanism should be used to prove rights.[27]

Within this framework, state law cannot be positioned as the sole source of social legitimacy.[28] Customary communities have their own systems of rules, authority, and dispute-resolution mechanisms that members adhere to strictly. Sally Falk Moore's view of semi-autonomous social fields is relevant because it shows that society establishes and enforces its own rules despite operating within the state

[24] Bedner and Arizona, "Adat in Indonesian Land Law." *The Asia Pacific Journal of Anthropology*, 2019 Vol. 20, No. 5, pp. 416–434, https://doi.org/10.1080/14442213.2019.1670246

[25] Salam et al., "Analysis of The Prospects for The Implementation of The Customary Land Registration System: Benefits and Legal Issues," *Alauddin Law Development Journal* 6, no. 2 (August 2024): 405–17, https://doi.org/10.24252/aldev.v6i2.46518.

[26] Rosmidah Rosmidah et al., "Can Electronic Land Rights Registration Help Prevent Land from Mafia Practices?," *Jambe Law Journal* 7, no. 2 (December 2024): 539–58, https://doi.org/10.22437/home.v7i2.375.

[27] Moore, "Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study," *Law & Society Review* 7, no. 4 (1973): 719–46, https://doi.org/10.2307/3052967.

[28] Onny Medaline, Ikhsan Lubis, and Atheefa Sufeena M Suaree, "Indonesia's Agrarian Governance Through IUS Integrum Nusantara 2045 Paradigm Based on The Quadruple Helix Model," *Jurnal IUS Kajian Hukum Dan Keadilan* 14, no. 1 (April 2026): 19–38, https://doi.org/10.29303/ius.v14i1.1956.

legal system. Thus, the problems of customary land registration are essentially a matter of interaction between two legal systems, going beyond administrative flaws in implementing government programs.

In Bali, legal pluralism is evident in the coexistence of the formal land registration procedure and customary villages' awig-awig, which regulates communal land tenure and use. The formal procedure emphasizes the individualization of rights and administrative evidence, while the customary system focuses on communal legitimacy and the authority of customary villages. This contrast creates legal and institutional conflicts that are difficult to avoid. Therefore, customary land registration should be approached with legal pluralism in mind to produce policies that are not only formally valid but also minimize social resistance and conflict.[29]

CSLR and the Problem of Legal Certainty in Customary Land

CSLR is a national strategic program aimed at accelerating the complete and systematic registration of all land plots in Indonesia.[30] Theoretically, this program is directed to increase the legal certainty of land rights, improve the quality of land data, reduce disputes, and expand community access to asset legalization. CSLR is also considered a more effective instrument of land administration reform than a sporadic approach.

Nevertheless, several studies show that CSLR implementation faces normative, administrative, and social obstacles.[31] These obstacles include limited socialization, low-quality physical and juridical data, document discrepancies,

[29] suwitra, "Eksistensi Tanah Adat dan Masalahnya Terhadap Penguatan Desa Adat di Bali," *WICAKSANA: Jurnal Lingkungan dan Pembangunan* 4, no. 1 (June 2020): 31–44, https://doi.org/10.22225/wicaksana.4.1.1816.31-44.

[30] Arif Budiman, "The Implementation of the Complete Systematic Land Registration (PTSL) Program in Malang Regency Land Office," *Jurnal Ilmiah Administrasi Publik* 006, no. 03 (December 2020): 472–78, https://doi.org/10.21776/ub.jiap.2020.006.03.17.

[31] Putrisasmita, "Kedudukan Program Pendaftaran Tanah Sistematis Lengkap dalam Kerangka Reforma Agraria untuk Mewujudkan Kepastian Hukum Pertanahan Di Indonesia: The Position Of A Complete Systematic Land Registration Program Within The Framework Of Agrarian Reform To Realize Land Law Certainty In Indonesia," *LITRA: Jurnal Hukum Lingkungan, Tata Ruang, dan Agraria* 3, no. 1 (August 2023): 18–36, https://doi.org/10.23920/litra.v3i1.1466.

limited community participation, and institutional problems during field implementation.[32] In areas with a customary law-based land tenure structure, these obstacles become even more complex because the registration program encounters document-related issues and different views on land rights.[33]

Hence, measuring legal certainty in the context of customary land cannot rely solely on certificate issuance. Legal certainty should include three elements: congruence between registration outcomes and the valid structure of land tenure according to the customary community, recognition of collective rights holders, and no erasure of communal rights through non-participatory formal procedures. In this context, CSLR on customary land should be viewed through the lens of agrarian justice and legal recognition so that asset legalization does not become an instrument of individualization that reduces the collective rights of customary law communities.[34]

Therefore, this research uses legal pluralism as the main conceptual framework to analyze the problems of systemic customary land registration in Gianyar Regency. This framework analyzes the clash between state land administration and customary village management and assesses CSLR's capacity to accommodate the collective rights of customary law communities in practice.

Dynamics of Customary Land Registration through CSLR in Gianyar Regency

The results show that CSLR implementation for customary land in Gianyar Regency faces structural obstacles beyond ordinary administrative issues. An interview with the Regional Finance and Asset Agency of Gianyar Regency reveals that the regency has carried out a large-scale land inventory within customary

[32] Rosmidah Rosmidah, Adeb Davega Prasna, and Arjun Deswal, "Public Interest, State Control, And Proportional Compensation: Constitutional Tensions In Indonesia's Land Acquisition Regime," *Indonesia Private Law Review* 7, no. 1 (May 2026): 67–76, https://doi.org/10.25041/iplr.v7i1.5043.
[33] Suharto and Supadno, "Hambatan-Hambatan dalam Pelaksanaan Program Pendaftaran Tanah Sistematik Lengkap (PTSL)," *The Indonesian Journal of Public Administration (IJPA)* 9, no. 1 (July 2023), https://doi.org/10.52447/ijpa.v9i1.6824.
[34] Shinta Pangesti and Debora Pasaribu, "Electronic Land Certificates to Prevent Land Mafia in Indonesia," *Administrative and Environmental Law Review* 6, no. 2 (December 2025): 133–44, https://doi.org/10.25041/aelr.v6i2.4419.

village territories and therefore has an initial database of customary lands. However, when a formal registration mechanism through CSLR is introduced, this inventory fails to address the resulting problems, which often concern land status, rights holders, and each plot's ownership category.

The interview with the CSLR Adjudication Committee of the Land Office of Gianyar Regency suggests that Gianyar Regency has many types of customary land, including *tanah pekarangan desa* (village land for housing), *tanah ayahan desa* (village land that villagers can use, but in exchange, they have to contribute to the village), *tanah pura* (temple land), *setra* (grave), and *tanah lapang desa* (village field). Land registration normatively aims to provide certainty regarding the status of rights, the subject of rights, and the object of rights. Yet, in practice, it is insufficient to treat customary land registration just like ordinary land registration, as it is impossible to translate the characteristics of customary land, such as the communal control structure, the attachment to *awig-awig*, and the social and religious relations, into a formal land document.

This finding shows that the main problem of CSLR implementation on customary land in Gianyar Regency lies in the gap between the logic of state land administration, which demands formal certainty, and the reality of customary land tenure, which rests on social legitimacy, tenure history, and customary villages' communal management.

Table 1. Customary Land Registration in Gianyar Regency through the CSLR Program from 2017 to 2023

Year	Number of Registered Plots
2017	16,120
2018	2,925
2019	2,548
2020	144
2021	381
2022	102
2023	112

***Source**: research data processing results.*

According to the table above, 2017 saw the highest achievement, with 16,120 plots of land registered. This achievement can be attributed to the initial phase of CSLR implementation, which received considerable political, administrative, and budgetary support. However, the number declined significantly in 2018 and 2019. In 2020, the decline worsened even further. From 2021 to 2023, the number of registered plots remained low and even stagnant.

The decline and stagnation indicate that CSLR implementation on customary land in Gianyar Regency is plagued not by administrative problems but by structural ones. Findings from the field discover several factors that contribute to the low number of registrations: (1) incomplete physical data and juridical data, (2) limited inventory of customary land, (3) poor synchronization between formal evidence and customary control, and (4) public resistance and caution toward the land certification process that can potentially change land status from communal to individual. Therefore, the problem of CSLR implementation on customary land does not solely concern the low number of registered lands. The lack of a registration model that accommodates the legal characteristics of customary land also challenges CSLR implementation on customary land.

In addition to CSLR registration data, an interview with the Regional Finance and Asset Management Agency of Gianyar Regency reveals that 31,068 plots of land within customary village territories were registered as of December 31, 2023. These registered plots include village-owned lands and separate assets spread across 67 villages/*kelurahan* in 7 sub-districts. This data suggests that, from an administrative perspective, customary villages have vast and expansive land assets. However, the expansive administrative inventory is not yet proportional to the certainty of the land's juridical status within the framework of formal registration. This supports the hypothesis that the main problem in implementing CSLR on customary land lies in the gap among asset inventory, communal control, and rights registration under the national land system. The following table presents further details on inventory

distribution, specifically data on villages with the highest and lowest numbers of registered land.

Table 2. Distribution of Land Inventory in Customary Village Territories in Gianyar Regency: Village with the highest number of lands

No.	Village/Kelurahan	Number of Plots
1	Batuan	1,276
2	Blahbatuh	1,017
3	Peliatan	989
4	Batubulan	916
5	Mas	839

***Source**: research data processing result*

The varying number of plots each village has suggests a capacity gap across villages in inventorying and managing land assets. Villages with a high number of plots tend to show better administrative capacity than those with a low number of plots, indicating weak inventory, documentation, or regulation of land status. In customary villages, this gap can lead to conflicts, overlapping claims, and legal uncertainty at the local level.

The villages' differing capacity to conduct inventories is not entirely due to administrative factors. Interview results reveal two factors contributing to the low number of land inventories: 1) the limitation of land administration at the customary village level, especially concerning documentation of land tenure history, land borders, and past recording of village assets, which is mostly in the form of collective knowledge, not systematic documentation. 2) Caution or social resistance from some customary communities to the inventory process. They perceive the inventory process as the first step towards individual certification.

In some cases, they worry that formal data collection will change the land's communal status into an object of individual rights, potentially weakening customary village control over the land. Thus, the low number of inventories in certain villages indicates more than an administrative capacity problem. It also reflects social dynamics and public perceptions of the legal implications of the land registration process.

Legal and Institutional Problems in Customary Land Registration

The findings reveal four major problems in customary land registration in Gianyar Regency: First, customary law communities and the state have fundamentally different ways of defining land tenure and ownership. From the perspective of customary communities, land is a part of communal relations that cannot always be reduced to individual, formal evidence.[35] The state land system, however, requires a clear subject, object, and basis of rights, all of which must be available for administrative verification. This contrast is the primary source of friction in the land registration process.

Second, land registration implementation tends to individualize land, even though land is considered communal from social and legal perspectives. Formal procedures often rely on administrative evidence without first ascertaining whether the registered land is customary land under the communal authority of a customary village. This circumstance can potentially shift or even erase the legitimacy of customary communities' collective rights.

Third, regulations on the status of *tanah ulayat*, or customary land, are ambiguous, as it is not explicitly stated in customary documents or formally documented.[36] Consequently, the state apparatus may perceive the land as state land, even though it is essentially part of customary village territory. In practice, this situation can allow third parties to gain land rights that are communal at their core.

Fourth, conflicts in customary land registration are linked to institutional legitimacy. Not all registration processes involve meaningful participation from the *prajuru* (administrators) of customary villages, despite their social authority to ascertain the status, history, and boundaries of land tenure under customary law.[37]

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[35] Kearney et al., *Indigenous Law and the Politics of Kincentricity and Orality* (Cham: Springer International Publishing, 2023), https://doi.org/10.1007/978-3-031-19239-5.
[36] Ma'ruf et al., "Tracing the Continued Existence of Ulayat Land: Granting Management Rights in the Context of Protecting the Rights of Indigenous Peoples," *Notaire* 7, no. 1 (March 2024): 23–46, https://doi.org/10.20473/ntr.v7i1.54223.
[37] Sukirno et al, "Reconstructing Village Druwe Land Administration to Protect the Communal Land in Bali," *BESTUUR* 12, no. 2 (January 2025): 104, https://doi.org/10.20961/bestuur.v12i2.90365.

Consequently, the lack of participation from customary authorities raises public doubt about the registration result.

These four problems show that customary land registration in Gianyar Regency cannot be reduced to an administrative problem. In essence, the problem lies in the absence of an adequate institutional bridge between the logic of state land administration and customary land management. From a legal pluralism perspective, this reflects a lack of synchronization between two normative systems, both alive and recognized in social practice.[38]

Typologies of Customary Land Registration Conflict in Gianyar Regency

Field findings show that customary land registration conflicts in Gianyar Regency are not limited to a single type. In fact, the conflicts are classified into three main typologies. First, the conflict between a customary village and the local government, as is the case with the Gianyar Public Market dispute. Second, internal conflict between a customary village and its villagers, as seen in the dispute over *tanah teba/tanah ayahan desa* in Jero Kuta Pejeng Village and Demayu Village. Third, conflict between customary villages, as in the *tanah laba pura* dispute in Pakudui Village. These typologies show that customary land registration is not merely an administrative problem. It is, in fact, a clash between the logic of state land administration and the structure of communal control that lives in customary communities.

In the case of the Gianyar Public Market, the conflict centers on competing claims between the regional government and the customary village over the land's registered status. This case shows that asset inventories and formal registration do not necessarily align with the customary village's history of communal control. In such circumstances, certification can turn from an instrument of legal certainty to a

[38] Turner and Wiber, "Legal Pluralism and Science and Technology Studies: Exploring Sources of the Legal Pluriverse," *Science, Technology, & Human Values* 48, no. 3 (May 2023): 457–74, https://doi.org/10.1177/01622439211069659.

new source of dispute if carried out without adequate social and customary verification.

In Jero Kuta Pejeng Village and Demayu Village, the conflict revolves around *tanah teba*/*tanah ayahan desa*, which was initially to be certified on behalf of customary villages. However, half the villagers objected. These two cases indicate that the main problem is not just about the existence of formal evidence. Rather, the problem lies in the vague line separating a customary village's communal rights from its villagers' individual control. The Jero Kuta Pejeng Village dispute also demonstrates that the most acceptable resolution comes from mediation that results in compromise: half of the object is recognized as the customary village's asset. In contrast, the other half has its certificate revoked. Additionally, the opportunity to apply for individual rights remains open if a valid entitlement document is available. Therefore, internal conflict over customary land within a customary village is essentially a conflict of rights classification, rather than a conflict of registration procedure.

The *Tanah Laba Pura* conflict in Pakudui Village shows a more complex dispute between customary villages, driven by one village's expansion, and it continues in court. This dispute asserts that not all customary land disputes can be resolved by internal deliberation. Certain types of disputes still require administrative mediation and court decisions as instruments of conflict resolution. In general, these three typologies suggest that the main problem in implementing CSLR for customary land is not the low number of registered lands. Instead, it is the lack of verification mechanisms to accurately distinguish the characteristics of customary land objects before the certification process begins.[39]

[39] Huda et al., "The Strategic Development of Quality Improvement Land Data Incrementally Using Integrated PESTEL and SWOT Analysis in Indonesia," *Land* 13, no. 10 (October 2024): 1655, https://doi.org/10.3390/land13101655.

Institutional Model of Customary Verification Integration in CSLR

Based on these empirical findings, policy harmonization requires more than involving customary villages. Instead, policy harmonization must be translated into a technical institutional model for CSLR implementation.[40] This study proposes establishing the CSLR Customary Land Verification Forum at the regency level as a coordination and administrative mechanism that operates before certificate issuance for plots of land identified as customary land. This ad hoc forum is situated within each CSLR work area. It involves the Land Office, the regional government/the Regional Finance and Asset Management Agency, the village government or kelurahan, the *bendesa* or *prajuru* of the customary village, and the adjudication committee. This model is necessary to prevent informal customary verification and to avoid casuistry consultation after a dispute occurs.

Technically, this forum works in five stages. First, object pre-identification: initial screening of lands within customary village territory or lands with a history of communal control by matching CSLR data with the regional asset inventory data, customary village data, and *awig-awig* or *pararem* documents. Second, verification of land status: an inspection of tenure history, land category, and the parties who manage or receive the benefits of the land. This stage produces a customary land verification report. Third, administrative classification of objects: determining whether or not a plot of land is a customary village's communal land, a customary village's land managed individually by villagers, specific land for religious purposes, such as temple land or *laba pura*, or land in dispute. Fourth, a mechanism for administrative objection: a medium for customary villages and their villagers, or the regional government, to object to certificate issuance. Fifth, follow-up: a recommendation on whether the land continues in the certification process, is put on hold for mediation, or is temporarily removed from the CSLR target list. Thus,

[40] Gherheș et al., "Challenges in Systematic Property Registration in Romania: An Analytical Overview," *Land* 14, no. 5 (May 2025): 1118, https://doi.org/10.3390/land14051118.

customary land verification does not remain an abstract principle; it becomes a documented administrative step.

This model produces both a report and a clear administrative status for each object. If a plot of land is declared customary communal land, then individual certification cannot be processed immediately. For land under dispute or objection, the adjudication committee must place it on administrative hold until mediation is complete or a sufficient legal basis is presented.[41] If verification shows that the land is managed individually with a proven basis of rights and no objection from the customary village, the certification process continues. This model is important because it bridges the need for state land administration and the need to recognize customary law-based land tenure structures.

Thus, integrating customary land verification into CSLR is not merely an obligation to "involve the customary village," but a coordination procedure to produce object classification, verification documents, an objection mechanism, and binding administrative consequences before formally registering rights. At this point, harmonization between state law and customary law becomes a reality.

Normatively, the Customary Land Verification Forum can gain a legal basis by strengthening regulations on CSLR implementation at the ministry level. Currently, the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency regulates CSLR implementation. It specifically regulates technical instructions and the adjudication mechanism of systematic land registration. Therefore, one policy option is to include a customary land verification mechanism as an administrative step in CSLR implementation by revising CSLR implementation rules or adding new provisions to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency concerning CSLR technical instructions. This arrangement allows customary villages to participate in

[41] Abedi et al., "Enhancing Access to Justice for Land and Property Disputes through Online Dispute Resolution and Artificial Intelligence," *Computer Law & Security Review* 59 (November 2025): 106194, https://doi.org/10.1016/j.clsr.2025.106194.

a consultative manner and provides clear procedural legitimacy for verifying land objects before certificate issuance.[42] Strengthening the legal basis is important to ensure that integrating customary verification into CSLR implementation becomes part of a binding administrative procedure that can be applied consistently in areas with customary land characteristics. This way, customary verification no longer depends heavily on informal coordination in the field.

Although the proposed Customary Land Verification Forum model can strengthen integration between state land administration and customary land management, its implementation is not without practical challenges. One potential challenge is limited regional budget support to finance field verification, interagency coordination, and facilitation of deliberation with relevant parties. Furthermore, bureaucratic dynamics can surface sectoral ego between institutions, especially when the regional government, land office, and customary village authority each has different interests in determining a plot of land's status. Therefore, to ensure the forum works effectively, coordinative commitment between institutions and a clear policy from the central and regional government becomes crucial. These supports also help ensure the customary verification mechanism in land administration practice runs consistently.

Conclusion

This study concludes that implementing the Complete and Systematic Land Registration (CSLR) Program for customary land in Gianyar Regency reflects a broader challenge of legal pluralism rather than merely an administrative deficiency. The findings show that conflicts in customary land registration arise from the interaction between two competing legal systems: the state land administration system, which prioritizes formal legal certainty through

[42] Iwan Permadi, Diah Pawestri Maharani, and Md Yazid Ahmad, "Legal Perspectives on Digitalising Land Certificates: Analyzing Synchronization and Harmonization in Indonesia's Job Creation Law," *Jurisdictie: Jurnal Hukum Dan Syariah* 15, no. 2 (January 2025): 337–79, https://doi.org/10.18860/j.v15i2.28859.

standardized administrative procedures, and customary land governance, which is grounded in communal legitimacy, historical tenure, and customary authority. These findings extend the application of legal pluralism by illustrating how institutional asymmetry between state and customary legal orders shapes land registration outcomes and contributes to the individualization of communal land rights.

From a policy perspective, the study argues that improving customary land registration requires institutional integration rather than procedural acceleration alone. The proposed Customary Land Verification Forum provides an operational mechanism for incorporating customary verification into the CSLR adjudication process through object identification, verification of tenure history, administrative classification, objection handling, and coordinated decision-making. Rather than establishing a new institution, the model strengthens coordination among existing state and customary authorities, thereby enhancing legal certainty while safeguarding the collective rights of customary law communities.

The findings also suggest that strengthening legal pluralism in land administration requires regulatory reform. Specifically, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency should incorporate mandatory customary verification procedures into the technical regulations governing CSLR implementation, particularly in regions where customary land tenure remains significant. Future studies should examine the proposed institutional model's applicability in other customary law regions of Indonesia and evaluate its effectiveness through comparative empirical research with broader community participation, including customary villagers, land certificate beneficiaries, and community members affected by land registration policies.

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