

Reconstructing the State's Right of Control Paradigm from a Prophetic Law Perspective

Dian Aries Mujiburohman^{1*}

¹ Politeknik Agraria STPN, Yogyakarta

*Corresponding author: esamujiburohman@stpn.ac.id

ARTICLE INFO	ABSTRACT
Keywords: State Right to Control; prophetic law; agrarian justice; UUPA; Prophetic Triangle Date logs: Received: 26 June 2026 Reviewed: 11 July 2026 Accepted: 21 July 2026 Published: 26 July 2026 How To Cite: Mujiburohman, D.A. (2026). Reconstructing the State's Right of Control Paradigm from a Prophetic Law Perspective. <i>Marcapada: Jurnal Kebijakan Pertanahan</i>, 6(1), 56-70. https://doi.org/10.31292/mj.v6i1.242	The interpretation of the State's Right to Control (HMN) in agrarian law is still dominated by a positivistic approach that positions the state as the center of authority over land, while the ethical dimensions underlying the use of that authority have not received adequate attention. This paper re-examines HMN from a prophetic legal perspective using normative legal research and statutory, conceptual, and philosophical approaches. The study indicates that the UUPA not only regulates state authority in the agrarian sector but also contains the values of transcendence, humanization, and liberation that form a unity. Transcendence views the state as the recipient of the mandate to manage agrarian resources, not as the landowner. Humanization requires that the implementation of HMN respect human dignity through the social function of land and the protection of community rights. Liberation directs state authority to reduce inequality in land ownership, expand access to agrarian resources, and realize agrarian justice. Based on these findings, this paper proposes the Prophetic Triangle Concept of the Right to Control, a conceptual model that integrates transcendence as a source of moral legitimacy, humanization as a principle for the implementation of authority, and liberation as the ultimate goal of agrarian management. This concept offers a new reading of the right to control by shifting its orientation from a paradigm of control to a paradigm of a just mandate.

A. Introduction

Land is a fundamental resource that sustains human life while shaping social, economic, cultural, and environmental systems. For many communities, land is not merely an economic asset but also a living space, an integral part of collective identity, and an inheritance connecting past, present, and future generations (Adam, 2023; Hodel et al., 2024). This understanding has gradually changed with the expansion of modernity and market economies, where land has increasingly been treated as an economic commodity and a vehicle for capital accumulation. Polanyi described this transformation as the emergence of a fictitious commodity, referring to something that was not created for market exchange but is nevertheless treated as an economic asset within market mechanisms (Polanyi, 2021).

This shift has profoundly influenced the development of agrarian law. The relationship between society, the state, and land has become increasingly dominated by a legal-positivist approach that prioritizes administrative certainty, land title certification, and formal legality. The historical dimensions of land tenure, social relations, and the values of justice embedded in agrarian practices have frequently been excluded from primary legal considerations. These developments have

contributed to growing land inequality, agrarian conflicts, land grabbing, and environmental degradation resulting from the excessive exploitation of agrarian resources (Wahanisa et al., 2025).

A growing body of research demonstrates that agrarian problems extend beyond disputes over land ownership and reflect broader inequalities in the relationships among the state, corporations, and communities in controlling agrarian resources (Afrizal & Berenschot, 2022; Nadilla et al., 2025). In many cases, formal legality prevails over the social realities experienced by local communities, leaving groups with longstanding historical ties to land without adequate legal protection (Yendri & Israhadi, 2025). This condition suggests that the central challenge of agrarian law lies not only in the implementation of legal norms but also in the paradigm used to define state authority over land. A perspective that emphasizes administrative authority alone has proven insufficient to address the demands of agrarian justice, equitable land distribution, and environmental sustainability.

The limitations of a formal legality-oriented approach indicate that agrarian issues cannot be resolved solely through legislative reform or improvements in land administration. Law also requires an ethical foundation capable of directing the exercise of state authority toward justice, the protection of human dignity, and environmental sustainability. Within this framework, prophetic law, developed by Kuntowijoyo, offers a perspective that integrates the dimensions of transcendence, humanization, and liberation as the normative basis for both the formation and implementation of law (Kuntowijoyo, 2006). From this perspective, law is understood not merely as an instrument of regulation grounded in state authority but also as a means of realizing divine values, upholding human dignity, and liberating society from various forms of injustice (Dimyati et al., 2021). This approach provides an opportunity to reconsider the philosophical foundation of HMN within the agrarian legal system.

The perspective of prophetic law also corresponds with Islamic teachings concerning the relationship between human beings, the state, and agrarian resources. In Islam, the earth and all that it contains belong to Allah SWT, while humanity is entrusted with the responsibility of serving as khalifah to manage and utilize these resources for the public good (*al-maslahah al-'ammah*). Consequently, land rights are not regarded as absolute rights but are inseparable from moral, social, and ecological responsibilities (Aisyah, 2024; Muhibbin, 2018). The state, as the holder of public authority, is entrusted with ensuring the equitable distribution, utilization, and protection of agrarian resources, preventing excessive concentration of land control, and safeguarding vulnerable communities from exclusive patterns of land appropriation (Fuad et al., 2023; Suhendra, 2017). This understanding of the state as a trustee provides the basis for reinterpreting HMN not as ownership of land but as a constitutional mandate exercised to achieve the greatest possible prosperity of the people.

Studies on prophetic law have expanded across various branches of legal scholarship. This approach has been employed to examine bureaucratic reform, environmental law enforcement, restorative justice, constitutional review, public policy, and corporate accountability (Asyikin, 2020; Flora, 2022; Hamdani, 2020; Pranoto & Sudarmanto, 2023; Suciati et al., 2022; Zuliyah et al., 2023). These studies demonstrate that prophetic law broadens legal analysis by integrating the values of transcendence, humanization, and liberation into both legal development and legal application. Nevertheless, its application in agrarian law remains limited. Existing studies on HMN have primarily concentrated on constitutional interpretation, state administrative authority, and the relationship

between the state and land rights. Consequently, the ethical, moral, and transcendental dimensions that may provide normative legitimacy for the exercise of HMN have received relatively little scholarly attention. This gap forms the starting point of the present study.

This study proposes a conceptual reconstruction of HMN through the perspective of prophetic law. The reconstruction is articulated in the Prophetic Triangle Concept of HMN, which conceptualizes agrarian relations as a relationship among God as the absolute owner of agrarian resources, the state as the holder of a constitutional mandate, and land as a trust that must be managed to achieve public prosperity while preserving environmental sustainability. Unlike the conventional conception of HMN, which primarily emphasizes state authority under positive law, this concept places transcendence as the ethical source of legitimacy for the exercise of state authority. Accordingly, this study does not seek to alter the constitutional foundation of HMN as established in Article 33(3) of the 1945 Constitution and Article 2 of the UUPA. Instead, it offers a new perspective for understanding the foundation, objectives, and limits of its implementation.

Based on the foregoing discussion, this study aims to reconstruct the meaning of HMN in Indonesian agrarian law through the perspective of prophetic law. This reconstruction seeks to formulate the Prophetic Triangle Concept of HMN as the philosophical foundation for implementing HMN within the national agrarian legal system. To achieve this objective, the study addresses two research questions. First, how is HMN understood from the perspective of prophetic law? Second, how can the Prophetic Triangle Concept of HMN be formulated as the philosophical basis for implementing HMN within the national agrarian legal system?.

B. Methods

This study employs normative legal research to reconstruct the meaning of HMN through the perspective of prophetic law. The analysis concentrates on the legal norms, principles, doctrines, and concepts that influence the formulation of HMN within the national agrarian legal framework. A normative approach is appropriate because the study does not examine the effectiveness of legal implementation but rather seeks to reformulate the philosophical and conceptual foundations of HMN based on the values of transcendence, humanisation, and liberation.

The study adopts three complementary approaches. First, the statutory approach examines the legal framework governing HMN, including the 1945 Constitution, the UUPA, Constitutional Court decisions, and other legislation concerning land tenure and land use. Second, the conceptual approach explores legal doctrines relating to HMN, the social function of land, agrarian justice, and prophetic law as the theoretical basis for reconstructing the concept of HMN. Third, the philosophical approach looks at the moral principles that govern the relationship between the state, people, and land to create a philosophical basis for rethinking HMN.

The legal materials consist of primary, secondary, and tertiary sources. Primary legal materials include the 1945 Constitution, the UUPA, Constitutional Court decisions, and legislation relating to land tenure and land use. Secondary legal materials comprise books, journal articles, research reports, and other academic works on agrarian law, prophetic law, legal philosophy, and theories of justice. Tertiary legal materials include legal dictionaries, encyclopaedias, and other reference sources that support the interpretation of primary and secondary legal materials.

Legal materials were collected through library research and analysed qualitatively using a prescriptive legal analysis consisting of three stages. The first stage, legal interpretation, was conducted to determine the meaning of legal norms and doctrines governing HMN within the agrarian legal system. The second stage, legal systematisation, was undertaken to identify the relationships among legal norms, principles, and doctrines to develop a coherent construction of HMN. The final stage, legal construction, evaluated prevailing interpretations of HMN in agrarian legal doctrine and formulated a conceptual reconstruction through the Prophetic Triangle Concept of HMN. This concept positions God as the ultimate source of trust, the state as the holder of a constitutional mandate, and land as a trust that must be managed to promote public prosperity and environmental sustainability.

C. Results and Discussion

1. The Positivist Paradigm in the Interpretation of the State's Right to Control Land

Legal positivism is one of the dominant paradigms shaping the development of modern law, including agrarian law. It conceives law as a body of norms that derive their validity from enactment by a competent authority through legally prescribed procedures. The validity of legal norms is determined by their legal source rather than by considerations of morality, religion, or substantive justice (Edwards, 2025; Penner & Melissaris, 2012). Accordingly, the validity of law is analytically separated from judgements about its moral content. A legal norm remains valid as long as it is created in accordance with the procedures established by the legal system (Hovell, 2022; Invernizzi-Accetti, 2018).

This perspective has significantly influenced the interpretation of HMN. Within a positivist framework, HMN is understood as a public legal authority deriving its legitimacy directly from Article 33(3) of the 1945 Constitution and further elaborated in Article 2 of the UUPA. Scholarly discussions therefore concentrate on the constitutional basis of state authority and the scope of powers that may legitimately be exercised. These powers include regulating land allocation, use, availability, and conservation; determining legal relationships between legal subjects and land; governing legal acts relating to land; and supervising land utilisation. In this framework, HMN functions primarily as a legal norm conferring public authority within the administration of land law.

This understanding developed alongside the establishment of the national agrarian legal system, which emphasises legal certainty through uniform regulation. The allocation of land rights, land registration, land certification, and other administrative measures derive their legal legitimacy from state authority exercised under HMN. Land tenure acquires legal recognition only after being incorporated into the institutional framework established by positive law. The state therefore acts not only as a regulator but also as the legal authority that determines the creation, modification, and termination of legal relationships concerning land.

Interpreting HMN as a form of public authority has made an important contribution to the development of land law. It provides the legal basis for land administration, the allocation of land rights, the regulation of land use, and the protection of legal certainty in relationships between legal subjects and land (Mujiburohman, 2021). This framework supports administrative order and legal certainty, both of which are essential for effective governance and economic development.

The positivist perspective also shapes the legal status of land itself. Land is treated as a legal object that may be subject to ownership rights, transfer, encumbrance, security interests, and a wide range of economic uses. This development has accompanied the expansion of market mechanisms that increasingly regard land as a commodity. Polanyi (2021) described land as a fictitious commodity because it is traded as though it were an ordinary economic good despite its inseparable social, ecological, and cultural functions. Legal positivism did not create the commodification of land; rather, it provided the legal framework through which commodification could occur by regulating the allocation, use, transfer, and protection of land rights.

Within the positivist paradigm, the interpretation of HMN focuses primarily on the legality of state authority rather than the normative justification for its exercise. The principal concern is identifying the legal source and scope of state powers. Questions concerning the purposes of those powers, the values that should guide their exercise, and the standards by which their implementation should be evaluated receive comparatively little attention. While legal positivism successfully explains why the state possesses authority over land, it offers only limited guidance regarding how that authority ought to be exercised.

The UUPA, however, indicates that HMN was not designed solely as a legal basis for conferring state authority. The rules about the social role of land, limits on excessive land control, the duty to farm land well, and the need to manage land for the greatest benefit of the people show that state power is based on moral values. Positivist interpretations of HMN have not adequately addressed these dimensions. These dimensions: Positivist interpretations of HMN have not adequately addressed these dimensions. adequately addressed within positivist interpretations of HMN. A more comprehensive understanding of HMN therefore requires an approach that extends beyond the legality of state authority to explain its objectives, guiding principles, and normative limits. This provides the point of departure for reinterpreting HMN through the perspective of prophetic law.

2. Prophetic Values in the Basic Agrarian Law

Critiques of the positivist paradigm suggest that the interpretation of HMN cannot rely solely on the legality of the authority conferred by Article 33(3) of the 1945 Constitution and elaborated in the UUPA. The exercise of state authority also requires a normative foundation that defines its objectives, direction, and limits. Although the UUPA does not explicitly refer to prophetic law, its substantive provisions are consistent with its three core values: transcendence, humanization, and liberation. These values are reflected in the recognition that the earth, water, and airspace are gifts from Almighty God, the regulation of the social function of land, restrictions on excessive land control, the obligation to cultivate land productively, and the use of agrarian resources for the greatest prosperity of the people. This interpretation does not alter the normative construction of HMN; rather, it demonstrates that the exercise of state authority under the UUPA has, from its inception, been grounded in an ethical framework that guides its implementation. The provisions of the UUPA that embody these three values are as follows: Table 1 presents the provisions of the UUPA that embody these three values.

Table 1. Prophetic Values in the Basic Agrarian Law (BAL)

Transcendence	Humanization	Liberation
Preamble (a): Land, water, and airspace as gifts from Almighty God	Article 6: Every land right carries a social function	Article 2(3): State control exercised for the greatest prosperity of the people
Article 1(2): Natural resources as divine gifts and national wealth	Article 7: Restriction on excessive land ownership or control	Article 13: Prevention of monopoly and exploitation in agrarian affairs
Article 5: Agrarian law incorporates principles derived from religious values	Article 10: Obligation to cultivate agricultural land directly and actively	Article 17: Limits on land ownership to promote equitable distribution
Article 14(1)(b): Land allocation for religious and sacred purposes	Article 15: Obligation to maintain land and prevent degradation	Article 18: Fair compensation for land acquisition in the public interest
Article 49: Protection of land for religious purposes and waqf	Article 11: Protection of the interests of economically disadvantaged groups	Article 2(2): State authority to regulate land allocation, use, and management

Source: Adapted from the Basic Agrarian Law (UUPA), 2026.

The mapping presented in Table 1 demonstrates that prophetic values form an integral part of the normative structure of the UUPA, despite not being explicitly articulated. These values are not independent principles but constitute an interconnected framework that shapes the orientation of the national agrarian legal system. Transcendence provides the ethical foundation for the relationship between the state and agrarian resources by recognizing land as a gift from Almighty God that must be managed responsibly. Humanization directs the exercise of state authority toward respecting human dignity through the social function of land and limitations on excessive land control. Liberation positions state authority as an instrument for achieving agrarian justice in pursuit of the constitutional objective of promoting the greatest prosperity of the people.

This interpretation indicates that HMN functions not only as a legal norm conferring public authority but also as a normative principle that defines the objectives and limits of its exercise. While legal validity remains the legal basis for the exercise of state authority, its implementation is guided by the values of transcendence, humanization, and liberation embedded within the national agrarian legal system. The following sections examine each of these dimensions as the conceptual foundation for reconstructing the meaning of HMN.

a. Transcendence: Land as a Divine Trust

Within the framework of prophetic law, the dimension of transcendence recognizes God as the ultimate source of moral authority underlying both the formation and implementation of law. Land is therefore understood not merely as an object subject to state control or individual ownership but as part of God's creation entrusted to humanity for responsible stewardship. The relationship between human beings and land is not one of absolute ownership but of trusteeship, carrying an obligation to maintain a balance among individual interests, the common welfare, and environmental sustainability. This perspective differs fundamentally from legal positivism, which evaluates the legitimacy of state action primarily through formal legality.

The transcendental dimension is embedded in the philosophical foundation of the UUPA. Its Preamble and Article 1(2) recognize the earth, water, and airspace as gifts from Almighty God and as national resources. These provisions affirm that agrarian resources do not originate from the will of either the state or private individuals and therefore cannot be treated as objects subject to unlimited control. Although the state is entrusted with the authority to regulate and administer agrarian resources, this authority arises from a constitutional responsibility rather than proprietary ownership. This understanding distinguishes HMN from the concept of state ownership, as the state is vested with public authority to govern land in accordance with the constitutional objectives of the agrarian legal system.

The transcendental foundation The recognition of religious values as a source of national agrarian law further reflects the transcendental foundation. This principle is evident in the recognition of religious values as one of the sources of national agrarian law. Article 5 of the UUPA requires that agrarian law take into account principles derived from religious law, while Article 14(1)(b) and Article 49 provide protection for land used for religious worship and waqf. These provisions recognize that land possesses not only economic value but also social, cultural, and spiritual significance. Consequently, agrarian law serves not merely to regulate legal relationships concerning land but also to preserve the values that are embedded within society.

This transcendental perspective has important implications for the interpretation of HMN. Traditionally, HMN has been understood primarily as the constitutional basis for the state's authority to regulate land, administer land affairs, establish legal relationships concerning land, and supervise land use. The transcendental perspective does not reject this legal construction; rather, it situates state authority within a broader ethical framework. The legitimacy of state authority derives not only from constitutional authorization but also from its faithful exercise as a public trust directed toward the just, responsible, and socially beneficial management of agrarian resources. Accordingly, the legitimacy of implementing HMN depends not only on compliance with legal procedures but also on whether the exercise of authority fulfills the purposes for which it was constitutionally entrusted.

This perspective is particularly relevant in light of contemporary agrarian policies that increasingly treat land as an economic asset. Land policies have been designed to facilitate investment, industrialization, and economic growth (Yulia et al., 2023), while land has increasingly been regarded as a market commodity that may be traded, pledged as collateral, and consolidated through market mechanisms (Muntaqo et al., 2025). This development corresponds to Peluso and Lund's (2011) analysis of land commodification, whereby economic value becomes the dominant consideration in the governance of agrarian resources. Such developments do not suggest that the UUPA has lost its philosophical foundation. Rather, they indicate that the transcendental dimension has not occupied a central place in the interpretation and implementation of HMN.

Accordingly, reconstructing HMN through the perspective of prophetic law does not seek to modify the constitutional basis of state authority but to reinterpret its normative meaning. The transcendental dimension understands HMN as a constitutional trust whose exercise is constrained by responsibilities owed to God, society, and the sustainable stewardship of agrarian resources. The state acts not as the owner of land but as the holder of public authority entrusted with exercising its powers in accordance with constitutional objectives and the ethical values embodied in the UUPA. In

this way, transcendence serves not only as the philosophical foundation of agrarian law but also as the normative principle that guides and limits the exercise of HMN.

b. Humanization: The Social Function of Land as a Limitation on HMN

While the dimension of transcendence provides the ethical foundation for the relationship between human beings and land, the dimension of humanization defines the orientation of agrarian law in regulating relationships among people. Within the framework of prophetic law, humanization places human beings at the center of the legal system, requiring that all legal arrangements concerning land protect human dignity, promote justice, and prevent patterns of land control that disadvantage others. Land is therefore understood not merely as an object that may be lawfully controlled but as a vital source of livelihood whose use must contribute to the well-being of society. This perspective shifts the focus of agrarian law from the legality of land control to the social responsibilities inherent in every legal relationship concerning land.

The principle of humanization is reflected in the normative structure of the UUPA, particularly through the doctrine of the social function of land established in Article 6. This provision affirms that every land right carries a social obligation and therefore cannot be exercised solely for the benefit of the rights holder. This principle is reinforced by Article 7, which limits excessive land control; Article 10, which requires agricultural land to be actively cultivated by its rights holder; Article 11, which requires agrarian legal relations to take into account the interests of economically disadvantaged groups; Article 13, which obliges the state to prevent monopolistic practices and exploitation; and Article 15, which requires the proper maintenance of land and the prevention of environmental degradation. Taken together, these provisions demonstrate that the UUPA regulates not only land rights themselves but also the manner in which those rights should be exercised within society.

From the perspective of prophetic law, the social function of land limits not only private land rights but also the exercise of state authority. Traditionally, the doctrine of the social function has been interpreted primarily as an obligation imposed upon land rights holders, whereas HMN has generally been viewed as a source of public authority constrained only by statutory law. Such an interpretation does not fully reflect the systematic structure of the UUPA. Although Article 2(2) grants the state authority over land, Article 2(3) directs that authority toward achieving the greatest prosperity of the people. Accordingly, the principle of the social function applies not only to individual land rights but also to the manner in which the state exercises its public authority. Every land policy must therefore be justified by the social benefits it generates rather than solely by its formal legal validity.

This interpretation provides a broader normative standard for evaluating the implementation of HMN. The legitimacy of agrarian policies should not be assessed solely by reference to the legal authority of the state or compliance with procedural requirements, but also by their ability to balance development objectives, the protection of community rights, and the preservation of the social function of land. When the exercise of state authority restricts public access to land or reinforces the concentration of land control in the hands of particular groups, HMN departs from the humanistic orientation that constitutes one of the fundamental principles of the UUPA. From this perspective, the

social function of land is no longer understood merely as a limitation on private rights but as a normative principle binding all public authorities responsible for agrarian governance.

Contemporary agrarian governance shows that this orientation remains unrealized. In recent decades, policymakers have primarily focused on designing land policies to promote investment, infrastructure development, and economic growth. At the same time, unequal patterns of land control remain a persistent challenge. Most farmers continue to cultivate relatively small landholdings, whereas large-scale land control persists through various forms of land rights and state-issued concessions (Soedomo, 2021). Indigenous peoples and local communities likewise continue to face significant obstacles in obtaining legal recognition of their long-standing relationships with ancestral lands (Bakker & Moniaga, 2010; Li, 2014). These developments suggest that the social function of land has more frequently been applied as an obligation imposed upon rights holders than as a normative standard for evaluating the exercise of state authority.

Against this background, reconstructing HMN through the perspective of prophetic law positions humanization as a principle that both guides and limits the exercise of state authority. The state's responsibility extends beyond maintaining orderly land administration to ensuring that every land policy strengthens the protection of human beings as the primary subjects of agrarian law. This interpretation expands the social function of land from a principle governing individual land rights into a constitutional principle that binds the exercise of all public authority in agrarian affairs. In this manner, the aspect of humanization functions as the normative link between the ethical foundation created by transcendence and the quest for agrarian justice, which is achieved through liberation.

c. Liberation: HMN as an Instrument of Agrarian Justice

The dimension of liberation represents the ultimate objective of prophetic law. While transcendence provides the ethical foundation for state authority and humanization directs its exercise toward the protection of human dignity, liberation defines the purpose that agrarian law is intended to achieve. From this perspective, law extends beyond regulating legal relationships concerning land; it must also enable society to overcome agrarian structures that perpetuate inequality, marginalization, and injustice. HMN is therefore understood not as an end in itself but as a constitutional instrument for creating a more equitable system of land tenure and governance.

This orientation is embedded within the normative framework of the UUPA. Article 2(3) provides that the exercise of HMN must aim to maximize the people's prosperity. This orientation aims to achieve the greatest prosperity for the people. This objective is further reflected in provisions requiring the state to prevent excessive concentration of land control, regulate the productive use of land, establish limits on landholding, and protect community rights in implementing projects that serve the public interest. Taken together, these provisions demonstrate that state authority in agrarian affairs was not intended to expand state control over land but to establish a more equitable agrarian structure consistent with the objectives of the UUPA.

From the perspective of prophetic law, the constitutional objective articulated in Article 2(3) is to promote the greatest prosperity of the people, and this prosperity, as articulated in Article 2(3), cannot be reduced to economic growth alone. Prosperity also means fair access to agricultural resources, less inequality in land control, and strong protection for communities that depend on land

for their livelihoods. Within this framework, liberation transforms the role of HMN from a mechanism for regulating land use into a constitutional obligation requiring the state to address structural inequalities in the agrarian system. Agrarian justice is therefore understood not as a possible consequence of state authority but as the fundamental objective that must guide every land policy.

In practice, however, the implementation of HMN has not consistently reflected this orientation. The state's extensive authority over land has more frequently been exercised to promote development, investment, and economic growth than to address structural inequalities in land tenure. The concept of the public interest has also been interpreted increasingly broadly to encompass large-scale economic projects involving corporate actors (Wardana & Darmawardana, 2024). At the same time, agrarian reform has largely been implemented through asset legalization and improvements in land administration rather than through land redistribution capable of transforming patterns of land control in a substantive way. These developments suggest that the implementation of HMN continues to emphasize its administrative function more strongly than its transformative potential.

From the standpoint of prophetic law, this situation indicates that the principal challenge lies not in the normative framework of the UUPA itself but in the way HMN is interpreted and exercised. The principle of liberation requires that every exercise of state authority in agrarian affairs be evaluated according to its capacity to reduce inequality, expand public access to land, and prevent the emergence of land tenure structures that systematically disadvantage particular groups. State authority loses its prophetic significance when it produces only administrative legal certainty without contributing to meaningful improvements in agrarian justice.

The three dimensions of prophetic law together form an integrated framework for understanding HMN. Transcendence provides the ethical legitimacy of state authority, humanization governs the manner in which that authority should be exercised by placing human dignity at the center of agrarian law, and liberation directs the exercise of state authority toward the realization of agrarian justice. Their interrelationship demonstrates that HMN cannot be understood solely as a legal norm conferring public authority, as suggested by the positivist paradigm. Rather, HMN is a constitutional authority whose legitimacy, normative limits, and objectives are derived from the integrated values of transcendence, humanization, and liberation. On this basis, this study proposes the Prophetic Triangle Concept of HMN as a reconstructed conceptual model that integrates these three dimensions into a coherent theoretical framework.

3. The Prophetic Triangle Concept of HMN

Conventional agrarian law is generally developed through two principal paradigms. The first places individuals as holders of land rights with the legal authority to possess, use, and benefit from land in accordance with applicable law. The second positions the state as the holder of public authority to regulate and control land use in the public interest. Although these paradigms explain the legal relationship between the state, individuals, and land, they provide only limited guidance regarding the values that define the foundation, direction, and purpose of state authority. Consequently, HMN has predominantly been perceived as a legal designation of public authority rather than as a constitutional trust founded on ethical principles.

The preceding discussion of transcendence, humanisation, and liberation demonstrates that these three dimensions form an integrated framework for understanding HMN. Transcendence provides the ethical legitimacy of state authority; humanisation guides the exercise of that authority by safeguarding human dignity and the social function of land; and liberation defines its ultimate objective, namely, the realisation of agrarian justice. The interaction among these three dimensions forms the basis of the Prophetic Triangle concept of HMN, summarised in Table 2.

Table 2. Conceptual Structure of the Prophetic Triangle Concept of HMN

Dimension	Function within HMN	Orientation	Implication
Transcendence	Ethical legitimacy of state authority	Divine trust	HMN is understood as a constitutional mandate that entails both moral and constitutional accountability.
Humanization	Normative guidance for the exercise of HMN	Social function of land and human dignity	The exercise of state authority must protect community rights while respecting social and ecological responsibilities.
Liberation	Objective of implementing HMN	Agrarian justice	HMN must be directed toward reducing inequalities in land control and promoting the greatest prosperity of the people.

Source: Compiled by the author, 2026.

Table 2 demonstrates that each dimension performs a distinct yet complementary function in shaping the meaning of HMN. Transcendence explains the ethical source of state authority, humanization governs the manner in which that authority should be exercised, and liberation defines the objectives that its exercise must pursue. The relationship among these three dimensions. Figure 1 illustrates the relationship among these three dimensions.

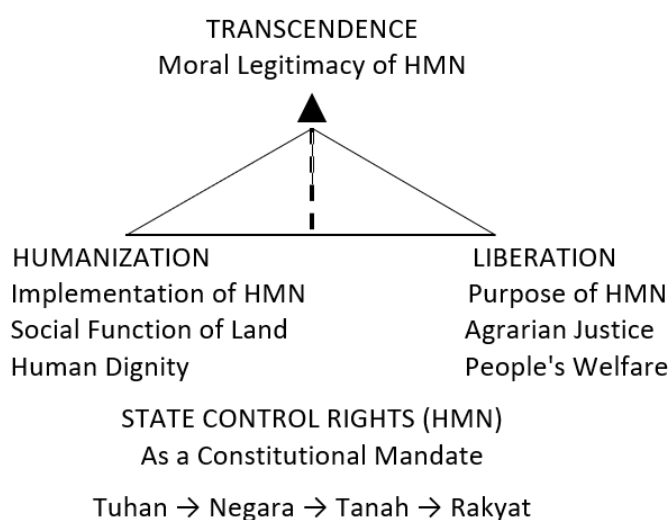


Figure 1. The Prophetic Triangle Concept of HMN

Figure 1 illustrates that the three dimensions are not hierarchical but constitute an integrated and interdependent framework. Transcendence occupies the apex of the triangle because it provides the ethical legitimacy of state authority. Humanization and liberation form the two supporting dimensions of the framework. Humanization ensures that land policies remain centered on human

dignity and the social function of land, whereas liberation directs the exercise of state authority toward correcting structural inequalities in land tenure and achieving agrarian justice. HMN is positioned at the center of the triangle because it represents the point at which ethical legitimacy, the exercise of public authority, and the objectives of agrarian governance converge. The effective implementation of HMN requires the simultaneous operation of all three dimensions so that state authority remains consistent with the normative orientation established by the 1945 Constitution and the UUPA.

The Prophetic Triangle Concept of HMN does not alter the normative construction of HMN established by Article 33(3) of the 1945 Constitution and Article 2 of the UUPA. Instead, it reconstructs the understanding of state authority by integrating the dimensions of transcendence, humanization, and liberation into a single conceptual framework. Within this framework, HMN is understood not merely as a source of public authority but as a constitutional trust that derives its ethical legitimacy from transcendence, is exercised through respect for human dignity and the social function of land, and is ultimately directed toward the realization of agrarian justice. Accordingly, the Prophetic Triangle Concept of HMN offers a coherent theoretical model that integrates the foundation, implementation, and objectives of state authority within the national agrarian legal system.

D. Conclusion

This study indicates that the main challenge in implementing HMN is not a lack of constitutional or normative foundations but the way it is interpreted. The dominance of a positivist approach has positioned HMN primarily as a source of state authority to regulate, administer, manage, and supervise agrarian resources. This interpretation has contributed to legal certainty and orderly land administration; however, it has not fully provided an ethical framework regarding the objectives and limits of state authority. Consequently, the implementation of HMN has tended to emphasize legal-formal aspects and economic development objectives, while the protection of human dignity, equitable land distribution, and agrarian justice have not always occupied a central position in land governance.

This study further demonstrates that the UUPA does not merely contain rules governing legal relationships concerning land but also embodies a philosophical foundation oriented towards prophetic values. The value of transcendence is reflected in the recognition that the earth, water, and airspace are gifts from Almighty God that must be managed as a trust. The value of humanization is expressed through the social function of land, which places respect for human dignity as the basis for exercising land rights and authority. The significance of liberation is manifested in measures designed to avert the undue concentration of land control, enhance public access to agricultural resources, and achieve social justice. These three values do not operate independently but constitute an integrated philosophical framework that provides legitimacy, direction, and purpose for the implementation of HMN.

Based on these findings, this study proposes the Prophetic Triangle Concept of HMN as a theoretical contribution to the development of agrarian law. This idea changes the meaning of HMN from being about state control over land to being about a constitutional trust that must be used in three connected ways. Transcendental humanization serves as the source of moral legitimacy,

affirming that the state is not the owner of agrarian resources but the holder of a mandate to manage them. Humanization functions as the principle guiding the exercise of state authority by requiring respect for human dignity, protection of community rights, and recognition of the social function of land as the basis for land policy. Liberation represents the ultimate objective by directing the implementation of HMN towards reducing inequalities in land control, expanding access to agrarian resources, resolving agrarian conflicts, and achieving social justice. Through this framework, HMN is understood as an authority that is not only constitutionally valid but also grounded in moral legitimacy and oriented towards justice.

The Prophetic Triangle concept carries normative implications for the interpretation of Article 33(3) of the 1945 Constitution and Article 2 of the UUPA. The interpretation of these provisions should not be limited to the perspective of state authority alone but should also consider the values underlying the formation of the national agrarian legal system. In practice, this concept may serve as an evaluative framework for land policies, agrarian reform, the resolution of agrarian conflicts, recognition of indigenous peoples' rights, and the management of agrarian resources. Such an approach ensures that land governance does not merely satisfy requirements of legal validity but also promotes justice, social benefit, and sustainability. Therefore, the reconstruction of HMN proposed in this study does not modify the existing legal structure but enriches the understanding and implementation of state authority in accordance with constitutional objectives and the foundational aspirations of the UUPA.

This study remains limited to a normative analysis of the philosophical construction of HMN within the 1945 Constitution and the UUPA. Future research may examine the application of the Prophetic Triangle concept through empirical and case-based studies, including analyses of judicial decisions, land policies, agrarian reform implementation, and agrarian conflict resolution across different regions. Such studies are necessary to assess the extent to which this conceptual model can be operationalized as an analytical framework and as a guide for formulating and implementing agrarian law policies.

References

- Adam, A. G. (2023). Systematic review of the changing land to people relationship and co-evolution of land administration. *Heliyon*, 9(10), e20637. <https://doi.org/10.1016/j.heliyon.2023.e20637>
- Afrizal, & Berenschot, W. (2022). Land-Use Change Conflicts and Anti-Corporate Activism in Indonesia: A Review Essay. *Journal of East Asian Studies*, 22(2), 333–356. <https://doi.org/10.1017/jea.2022.12>
- Aisyah, A. (2024). Islamic Perspective on Land Law in Indonesia. *Ipsa Jure*, 1(7), 9–20. <https://doi.org/10.62872/xy00ww64>
- Asyikin, N. (2020). Legal Politics of Bureaucratic Reform in Really Good Governance According to Prophetical Law. *Legality: Jurnal Ilmiah Hukum*, 28(1). <https://doi.org/10.22219/ljih.v28i1.10393>
- Dimiyati, K., Nashir, H., Elviandri, E., Absori, A., Wardiono, K., & Budiono, A. (2021). Indonesia as a legal welfare state: A prophetic-transcendental basis. *Heliyon*, 7(8), e07865. <https://doi.org/10.1016/j.heliyon.2021.e07865>

- Edwards, P. (2025). Hans Kelsen, international law and the 'primitive' legal order. *Jurisprudence*, 16(4), 691–720. <https://doi.org/10.1080/20403313.2025.2457805>
- Flora, H. S. (2022). Restorative Justice in the New Criminal Code in Indonesia: A Prophetic Legal Study. *Rechtsidee*, 10(2). <https://doi.org/10.21070/jihr.v11i0.836>
- Fuad, F., Tardjono, H., Machmud, A., Rohayah, N., & Maghucu, P. (2023). Ownership of Land: Legal Philosophy and Culture Analysis of Land Property Rights. *Jurnal Media Hukum*, 30(2), 98–116. <https://doi.org/10.18196/jmh.v30i2.18264>
- Hamdani, F. (2020). Paradigm of Legal Thought: Legal Prophetic Perspective. *Journal of Transcendental Law*, 2(1), 11–27. <https://doi.org/10.23917/jtl.v2i1.11328>
- Hodel, L., le Polain de Waroux, Y., & Garrett, R. D. (2024). Characterizing culture's influence in land systems. *Nature Sustainability*, 7(8), 973–982. <https://doi.org/10.1038/s41893-024-01381-z>
- Hovell, D. (2022). The Elements of International Legal Positivism. *Current Legal Problems*, 75(1), 71–109. <https://doi.org/10.1093/clp/cuac003>
- Invernizzi-Accetti, C. (2018). Reconciling legal positivism and human rights: Hans Kelsen's argument from relativism. *Journal of Human Rights*, 17(2), 215–228. <https://doi.org/10.1080/14754835.2017.1332519>
- Kuntowijoyo. (2006). Islam Sebagai Ilmu: Epistemologi, Metodologi, Dan Etika. In *Tiara Wacana*.
- Muhibbin, M. (2018). The Concept of Land Ownership in The Perspective of Islamic Law. *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, 17(01), 61–74. <https://doi.org/10.30631/al-risalah.v17i01.25>
- Mujiburohman, D. A. (2021). Transformasi Dari Kertas Ke Elektronik: Telaah Yuridis dan Teknis Sertipikat Tanah Elektronik. *BHUMI: Jurnal Agraria Dan Pertanahan*, 7(1), 57–67.
- Nadilla, D. F., Subiyakto, B., Rochgiyanti, R., Arisanty, D., & Syaharuddin, S. (2025). Agrarian Conflict in Indonesia: A Literature Review of The Relationship Between Hegemony and Ecological Impact. *Publikasi Berkala Pendidikan Ilmu Sosial*, 5(2), 204. <https://doi.org/10.20527/pakis.v5i2.15517>
- Penner, J., & Melissaris, E. (2012). Classical Legal Positivism: Bentham, Austin, and Kelsen. In *McCoubrey & White's Textbook on Jurisprudence* (pp. 40–58). Oxford University Press. <https://doi.org/10.1093/he/9780199584345.003.0003>
- Polanyi, K. (2021). *The great transformation: the political and economic origins of our time*. Beacon Press.
- Pranoto, E., & Sudarmanto, K. (2023). The Positive Fictional Principle After the Implementation of The Job Creation Law: A Prophetic Legal Paradigm. *Jurnal IUS Kajian Hukum Dan Keadilan*, 11(1), 46–59. <https://doi.org/10.29303/ius.v11i1.1168>
- Suciati, St. M., Sarif, A., Rasmuddin, & Arfa, A. (2022). Liability of Mining Companies Related to Environmental Pollution in the Perspective of Prophetic Law. *Rechtsidee*, 10(2). <https://doi.org/10.21070/jihr.v11i0.955>
- Suhendra, A. (2017). Models of Land Ownership in Islam: Analysis on Hadis Ihyā' al-Mawāt. *ESENSIA: Jurnal Ilmu-Ilmu Ushuluddin*, 18(2), 189–199. <https://doi.org/10.14421/esensia.v18i2.1480>
- Wahanisa, R., -, S., & Mukminto, E. (2025). Politics of Land Grabbing: The Silent Death of Emancipation in Agrarian Law. *Jurnal Penelitian Hukum De Jure*, 25(2), 133–150. <https://doi.org/10.30641/dejure.2025.V25.133-150>

- Yendri, A., & Israhadi, E. I. (2025). The Dynamics of Land Ownership and the Asynchrony of Agrarian Regulations as Triggers of Land Conflicts and Social Injustice in Indonesia. *Jurnal Greenation Sosial Dan Politik*, 3(4), 1046–1054. <https://doi.org/10.38035/jgsp.v3i4.529>
- Zuliyah, S., Shalihah, F., Suryadi, S., Megawati, M., Putri, U. T., & Nugroho, R. M. (2023). The Philosophical Thought of the Prophetic Law in the Indonesian Legal System. *WISDOM*, 26(2), 242–254. <https://doi.org/10.24234/wisdom.v26i2.1002>