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Socio-Legal Analysis of Letter C in Ulayat Land Transactions Among Indigenous Communities

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ABSTRACT

Ulayat land transactions based on the Letter C document remain prevalent in many parts of Indonesia, despite lacking explicit recognition in the national land law framework. This article aims to analyze the legality of customary land transactions using Letter C within both customary and national legal perspectives. Employing a socio-legal research method—which combines normative legal analysis with empirical field data collection through interviews and observation—this study examines how legal pluralism shapes the coexistence of state and customary land systems. The findings reveal that Letter C holds strong social legitimacy at the community level due to its historical, administrative, and symbolic functions. Although weak under national law, courts often consider Letter C as supporting evidence in land disputes, consistent with Government Regulation No. 24 of 1997 and Government Regulation No. 18 of 2021, which acknowledge written documents as indicative evidence of land ownership. Transactions are regarded as valid under customary law when they meet the principles of konkret, kontan, and terang, and receive approval from customary leaders and village authorities. In conclusion, while existing recognition remains limited, the future legal framework should explicitly regulate the evidentiary status of Letter C—either as a complementary proof integrated into the national land information system or as a transitional instrument toward formal certification—to reduce agrarian conflicts and strengthen legal protection for indigenous communities.

Keywords: *Ulayat land; Letter C; legality; customary law; agrarian conflict*

INTRODUCTION

Land is one of the most vital resources in human life. In the Indonesian context, land is not only regarded as an economic asset but also forms a fundamental part of the social, cultural, and spiritual identity of communities, particularly indigenous groups. One form of land ownership that continues to exist is *ulayat* land, which is communally controlled by indigenous communities based on customary law passed down through generations.[1] In practice, transactions involving *ulayat* land are often conducted without referring to formal state instruments such as land

[1]Sumardjono, M. S. W. (2001). Tanah dalam Perspektif Hak Ekonomi Sosial dan Budaya. Yogyakarta: Gadjah Mada University Press, pp. 23–24.

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ownership certificates issued by the National Land Agency (BPN). Instead, they are based on the *Letter C* document, which is locally considered valid for administrative purposes.

Letter C, also known as the third register in village land records, originated during the Dutch colonial administration and is still widely used today, especially in rural areas. Its official function is to record land and building tax objects and subjects. However, in practice, it is often used as proof of ownership or as the legal basis in land transactions.[2] The use of *Letter C* in *ulayat* land transactions raises complex legal questions, as its status is neither explicitly regulated nor formally recognized in the national land law system—particularly in the Basic Agrarian Law (UUPA) of 1960.

This phenomenon illustrates a tension between the state legal system and the customary legal system—a condition referred to in legal theory as *legal pluralism*. In such contexts, communities often favor local legal traditions that are seen as more legitimate and culturally relevant over formal legal procedures, which are perceived as complex, costly, and inaccessible.[3] As a result, land transactions based on *Letter C* are generally considered valid within communities, despite lacking formal legal standing before the state.

From the perspective of agrarian law, the status of *Letter C* as a legal proof of land rights remains problematic. The UUPA mandates that all land rights be registered to obtain full legal certainty. However, millions of land parcels in Indonesia remain uncertified, and communities continue to rely on documents such as *girik*, *petok*, and *Letter C* as the basis for land tenure.[4] This situation is more pronounced in areas dominated by indigenous populations, where the authority of customary law often surpasses formal recognition by the state. Consequently, a legal grey area emerges, increasing vulnerability to land disputes, overlapping claims, and even criminalization of indigenous landowners.

Agrarian conflicts caused by the uncertain legal status of *ulayat* land represent one of the unresolved dimensions of agrarian justice in Indonesia. According to the 2023 report by the Agrarian Reform Consortium (KPA), the majority of land-related conflicts occur in areas where indigenous peoples claim communal rights over land, and one of the main causes is the lack of clear legal recognition for traditional ownership systems.[5] In many cases, even when land transactions are carried out legitimately under customary law and documented through *Letter C*, external parties—especially investors or government agencies—tend to consider them invalid due to the absence of official land certificates from BPN.

In judicial proceedings, the evidentiary value of *Letter C* is often perceived as weak, although not entirely dismissed. While not legally decisive, courts may consider *Letter C* as preliminary evidence of land control or ownership, especially when accompanied by supporting elements such as witness testimony or tax payment records. This indicates a tendency within the national legal system to take a compromise position toward local practices, while still emphasizing the importance of formal legal documentation.

This situation presents a complex legal dilemma, particularly in guaranteeing substantive justice for indigenous communities who rely on non-formal legal systems. On one hand, the state encourages land certification to ensure legal certainty and prevent disputes; on the other hand, it has yet to develop an inclusive mechanism to recognize land rights based on customary law and traditional administrative documents such as *Letter C*. This raises a fundamental

[2]Tjitrawinata, E. S. (2012). Sistem Informasi Pertanahan dan Pembuktian Hak Milik. Bandung: Mandar Maju, p. 45.
[3]Hooker, M. B. (1975). Legal Pluralism: An Introduction to Colonial and Neo-Colonial Laws. Oxford: Clarendon Press, pp. 1–2.
[4]Harsono, B. (2005). Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanaannya. Jakarta: Djambatan, pp. 265–266.
[5]Konsorsium Pembaruan Agraria (KPA). (2023). Laporan Tahunan Konflik Agraria di Indonesia 2023. Jakarta: KPA, pp. 15–17.

question: Can *ulayat* land transactions based on *Letter C* be considered legally valid? And if so, under what conditions and limitations can such validity be accepted?

To address these questions, a socio-legal approach is required—one that not only examines the normative aspects of positive law but also takes into account the practical and social realities experienced by local communities. This perspective views law as a social phenomenon that must be understood within its broader cultural, economic, and political contexts.[6] Thus, the legality of a transaction is not determined solely by the existence of written law but also by the extent to which it is accepted and practiced within the society.

This study aims to analyze the legality of *ulayat* land transactions based on *Letter C*, from the perspectives of both customary and national law. Specifically, the research explores: (1) the legal position of *Letter C* within the national land law framework; (2) the practical use of *Letter C* in land transactions among indigenous communities; and (3) the judicial interpretation of such transactions in the context of legal disputes. The analysis focuses on the intersection of formal legality and social legitimacy, and how the state might construct a legal mechanism that bridges these two dimensions.

By examining real cases and the applicable legal norms, this study seeks to contribute to the development of more socially responsive land policy—one that reflects the lived realities and needs of indigenous communities. In the long term, the findings are expected to support a legal framework that acknowledges local wisdom without sacrificing national legal certainty. Thus, the state must not only uphold formal legal standards in assessing land transactions but also accommodate local evidentiary practices that have proven effective in indigenous settings.

Furthermore, this study offers a reinterpretation of the role of Letter C within the historical evolution of Indonesia's land administration system. From a historical standpoint, Letter C is a legacy of the colonial bureaucracy that, somewhat ironically, has endured longer at the village level than modern land registration systems. Its persistence reflects the state's failure to extend its administrative reach to the grassroots. This exposes a structural gap in legal access that must be addressed through a more democratic and decentralized legal approach.

In the statutory context, the position of Letter C can also be traced in Government Regulation No. 24 of 1997 on Land Registration. Although the regulation does not explicitly recognize Letter C, the explanation of Article 24 acknowledges that written documents—such as land tax receipts, village records, or other administrative notes—may serve as indicative evidence of ownership in the absence of formal certificates. This provision implicitly places Letter C within the category of supporting evidence, bridging local administrative practices and the state's formal registration system. Hence, while Letter C does not confer conclusive rights, its evidentiary relevance is indirectly preserved within Indonesia's positive law framework.

In this way, the study not only presents a legal analysis of the status of Letter C but also opens space for broader discussion on the future of ulayat land recognition and agrarian reform in Indonesia. Amid increasing land conflicts, large-scale investment, and pressures on customary territories, the urgency to recognize and understand local land practices is more critical than ever. This research aspires to serve as a relevant academic contribution to the development of legal scholarship—particularly in the fields of agrarian law, customary law, and socio-legal studies.

METHOD

This study employs a socio-legal approach, which not only examines the normative aspects of positive law but also considers legal practices within society—particularly among

[6]Cotterrell, R. (2006). Law, Culture and Society: Legal Ideas in the Mirror of Social Theory. London: Routledge, pp. 21–22.

indigenous communities that conduct land transactions using the *Letter C* document. This approach is chosen because the legal status of *Letter C* in *ulayat* land transactions cannot be fully understood through a purely normative legal framework. It must instead be analyzed through the interaction between state law and customary law as it operates in community life. This method allows the researcher to explore how social legitimacy is formed and how the state legally responds to such practices.

Data were collected through two primary techniques: literature review and field research. The literature review involved analyzing legal documents such as the Basic Agrarian Law (UUPA) of 1960, Ministerial Regulations issued by the Ministry of Agrarian Affairs/National Land Agency (ATR/BPN), and scholarly works on customary law, legal pluralism, and agrarian conflict. Field research was conducted through direct observation and in-depth interviews with customary leaders, village officials, and community members who have been involved in *ulayat* land transactions using *Letter C*, particularly in West Nusa Tenggara as a representative location of active customary law practices.

The analysis was carried out qualitatively by interpreting the data within the framework of agrarian law and legal pluralism theory. Field findings were compared with existing legal regulations and judicial practices to identify gaps or inconsistencies between formal law and local practice. Data validity was strengthened through triangulation techniques, by cross-checking information from different sources to ensure objectivity and reliability of the conclusions.

ANALYSIS AND DISCUSSION

The Legal Status of Letter C in Indonesia's National Land Law System

Within Indonesia's national land law framework, the recognition of land rights is primarily governed by Law No. 5 of 1960 concerning the Basic Agrarian Principles (*UUPA*). This law provides the legal foundation for a unified land administration system, replacing the dualism of colonial-era land regimes between Western law and customary law.[7] One of the core principles of the *UUPA* is land registration, formalized through the issuance of land title certificates by the National Land Agency (*Badan Pertanahan Nasional*, or BPN). Under this legal framework, only registered and certified land rights are deemed to possess full legal certainty.

However, in practice, many communities still rely on non-formal or locally administrative documents such as *Letter C*, *girik*, *petok D*, or village-issued land statements as evidence of ownership. *Letter C*, in particular, is a colonial-era land record originating from Dutch administrative structures, specifically the *Landraad* system, which served to document land and tax objects at the village level.[8] While not originally designed as a legal instrument to prove ownership, *Letter C* holds significant value as a historical record of land possession and use by local communities across generations.

In positive law, *Letter C* is not recognized as official proof of land rights as stipulated under Government Regulation No. 24 of 1997 on Land Registration. Article 24(1) of this regulation states that unregistered land must be supported by documents such as deeds of sale, grants, wills, or partition agreements. Paragraph (2) further allows for recognition of land possession if it has been continuous for 20 years, even without formal documentation (PP 24/1997). In this context, *Letter C* may serve as supporting—but not primary—evidence.

[7]Harsono, B. (2005). Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanaannya. Jakarta: Djambatan, pp. 55–58.

[8]Tjitrawinata, E. S. (2012). Sistem Informasi Pertanahan dan Pembuktian Hak Milik. Bandung: Mandar Maju, pp. 42–45.

This legal stance presents challenges in the context of indigenous communities, where *Letter C* is often considered the main legal basis in *ulayat* land transactions. These communities tend not to access formal land certification systems for various reasons: economic constraints, lack of procedural knowledge, and stronger trust in the legitimacy of customary law, which holds higher social recognition.[9] In such cases, state law faces the complex task of bridging the gap between formal legal norms and prevailing social realities. *Letter C* thus becomes a point of convergence between the modern legal system and traditional legal practices.

Some regulatory developments have signaled limited recognition of administrative documents like *Letter C*. For example, Ministry of Agrarian Affairs Regulation No. 1 of 2021 on Electronic Certificates, Article 14, states that physical and legal data in land registration may be sourced from legacy documents held by the public. Similarly, in the implementation of the Complete Systematic Land Registration (PTSL) program, *Letter C* is often accepted as a basis for land claims (ATR/BPN, 2021).[10] Though not formally acknowledged as conclusive legal proof, *Letter C* serves as an important administrative entry point in asset legalization processes.

From a legal theory perspective, the position of *Letter C* can be understood through the lens of **legal pluralism**. According to Hooker, legal pluralism acknowledges that more than one legal system can coexist within a single social order. In this case, both state and customary laws assert valid claims in governing land relations. *Letter C* functions as a symbolic and procedural instrument reflecting the continued existence of customary legal systems amid state legal dominance.[11] When the state fails to provide accessible and equitable legal mechanisms, indigenous communities inevitably rely on systems that are more responsive to their cultural and social contexts.

In land governance, the ambiguous status of *Letter C* creates legal gaps that are vulnerable to abuse. Indigenous communities are frequently criminalized for occupying land without "valid" legal titles, even when their tenure is long-standing and widely recognized within the community. Conversely, third parties such as investors or corporations may exploit such legal ambiguity to justify coercive land acquisition. These dynamics demonstrate that the unclear legal status of *Letter C* has implications beyond mere administrative uncertainty—it contributes to structural injustice.[12]

Administratively, BPN tends to adopt a rigid approach, recognizing only certified land rights. However, in practice—particularly within land redistribution and agrarian reform programs—documents like *Letter C* are still used as preliminary verification tools.[13] In other words, *Letter C* has been de facto recognized, even though it lacks de jure status equivalent to land certificates. This inconsistency reveals the state's dilemma between strictly enforcing positive law and flexibly responding to complex social realities.

Notably, some judicial rulings have also considered *Letter C* as valid supporting evidence, albeit with limited probative value. This indicates that courts, while upholding the law, also adopt a contextual and compromising stance—acknowledging the social and historical weight carried by *Letter C* in many communities.

[9]Sumardjono, M. S. W. (2001). Tanah dalam Perspektif Hak Ekonomi Sosial dan Budaya. Yogyakarta: Gadjah Mada University Press, pp. 27–29.

[10]ATR/BPN. (2021). Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 1 Tahun 2021 tentang Sertipikat Elektronik, Article 14.

[11]Hooker, M. B. (1975). Legal Pluralism: An Introduction to Colonial and Neo-Colonial Laws. Oxford: Clarendon Press, p. 1.

[12]Fitzpatrick, D. (2005). Best Practice Options for the Legal Recognition of Customary Tenure. Development and Change, 36(3), pp. 451–455. https://doi.org/10.1111/j.0012-155X.2005.00420.x

[13]Konsorsium Pembaruan Agraria (KPA). (2023). Laporan Tahunan Konflik Agraria di Indonesia 2023. Jakarta: KPA, pp. 18–20.

A viable solution is to promote legal recognition of village-level administrative documents, allowing *Letter C* and similar records to be updated and integrated into the national land information system. Through digital integration and participatory verification involving indigenous communities, the state can enhance legal certainty without undermining local legitimacy. In parallel, public legal education and training in land administration are crucial for empowering indigenous populations to navigate formal land systems effectively.

In conclusion, the legal status of *Letter C* in Indonesia's land law system lies in a grey zone: it is not explicitly recognized as legal proof of land ownership, yet it continues to be used in both administrative and judicial practices as complementary evidence. This reflects a persistent tension between the state's formal legal framework and the contextual needs of local communities. Therefore, land law reform must aim toward conditional and gradual recognition of local documentation such as *Letter C*, particularly within the broader effort to legalize indigenous land assets. With such an inclusive approach, the state can foster a more equitable and accessible land governance system.

Indigenous Land Transaction Practices Using Letter C

Indigenous communities across Indonesia have their own legal systems governing the control, utilization, and transfer of *ulayat* land. As land that is communally owned by a customary group, *ulayat* land is not entirely subject to the national land law regime, but rather to the customary laws that prevail within the community.[14] In this context, transactions involving *ulayat* land are often conducted based on customary consensus and are documented through local administrative instruments such as the *Letter C*, which serves as a marker of legitimacy.

In practice, *Letter C* does not stand alone but forms part of a transactional process involving customary leaders, hamlet or village heads, and community witnesses. For instance, among the Sasak people in Lombok, *ulayat* land transactions are carried out openly in front of customary elders (*pegawai adat*), hamlet heads, and local residents. Once the parties agree on the price and object of sale, a symbolic handover—typically a down payment or a traditional offering—is made as a sign of agreement (*kanggo*). This process is then formalized through a written statement that is attached to the *Letter C* as supporting administrative documentation.

These transactions generally follow three core principles that mirror the civil law doctrine of sale and purchase in Indonesian legal tradition:[15] **concreteness** (the land must have clear boundaries), **cash payment** (the transaction is settled in full at once), and **transparency** (the process is public and witnessed). These principles provide a degree of social security and validity to the transaction, even in the absence of formal legal documents. In this context, *Letter C* serves not only as administrative evidence of past land control or inheritance, but also as a community-endorsed basis for transfer.

Beyond its administrative utility, *Letter C* also holds deep symbolic meaning. In many regions, it is passed down through generations as historical proof of a family's or clan's claim to land. Among Minangkabau communities in West Sumatra, for example, *Letter C* is often linked to the identity of a *kaum* or ethnic lineage that holds *ulayat* rights. Even in cases where the land is no longer actively used, families tend to retain the *Letter C* as cultural proof

[14]Sumardjono, M. S. W. (2001). Tanah dalam Perspektif Hak Ekonomi Sosial dan Budaya. Yogyakarta: Gadjah Mada University Press, pp. 27–29.

[15]Harsono, B. (2005). Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanaannya. Jakarta: Djambatan, pp. 155–157.

of ownership.[16] Thus, transactions involving *Letter C* reflect not merely legal or economic exchanges, but also profound social and cultural dimensions.

Local village institutions also play an important role in supporting *Letter C*-based transactions. Many village heads maintain archives of *Letter C* documents and issue land ownership statements to residents wishing to sell their land. These statements often serve as the basis for executing a deed of sale before a notary or land deed official (*Pejabat Pembuat Akta Tanah*, PPAT), even when the land in question is not yet formally certified. This demonstrates an informal synergy between traditional and state structures at the village level. Although not explicitly regulated by law, such practices offer practical solutions to the limited access indigenous communities have to formal land administration services.[17]

Nevertheless, challenges remain. One major issue is the absence of national standards regarding the format, content, and legal weight of *Letter C*. Each village or region may apply different formats and procedures, making *Letter C* vulnerable to forgery, duplication, or misuse by unauthorized parties. In some cases, internal family or inter-clan disputes arise because *Letter C* is interpreted as proof of individual ownership, when in fact *ulayat* land under customary law is communally held.[18] This conflict between the collective nature of customary law and the individualized format of administrative documents can fuel horizontal conflict within communities.

Another key limitation is the lack of public understanding of formal legal systems. Many indigenous people believe that transactions valid under customary law are automatically valid under national law. This misconception can have serious implications when land obtained through such transactions is used for investment, as loan collateral, or when challenged in court. In many cases, land transactions based solely on *Letter C* are rejected by financial institutions or not recognized by the judiciary due to their weak legal standing.[19] This indicates a significant gap in legal knowledge and access between indigenous communities and the formal legal system.

On the other hand, *Letter C*-based practices also demonstrate that indigenous societies have established effective legal systems and internal dispute resolution mechanisms without state intervention. Disputes are typically settled through *musyawarah adat* (customary deliberation), involving elders and prioritizing restorative justice. In cases of conflict, clarification and mediation are conducted at the community level before involving formal authorities. In this sense, *Letter C* functions not only as proof of ownership but also as a mechanism for social order and stability (Cotterrell, 2006).[20]

The use of *Letter C* has also evolved, particularly in communities increasingly exposed to state legal systems. In some villages, people are now combining the two systems by drafting customary land documents and initiating registration through programs such as the Complete Systematic Land Registration (*Pendaftaran Tanah Sistematis Lengkap*, or PTSL). In these programs, *Letter C* is accepted as supporting documentation for land certification. This blended

[16]Yunizar, R. (2019). Eksistensi Letter C dalam Perspektif Hukum Adat Minangkabau. Jurnal Hukum dan Keadilan Lokal, 14(2), 88–105, esp. p. 90.

[17]Surbakti, R. (2020). Rekognisi Hukum Adat dalam Reforma Agraria: Antara Retorika dan Implementasi. Jurnal Hukum dan Pembangunan, 50(1), 1–18. https://doi.org/10.21143/jhp.vol50.no1.2405

[18]Fitzpatrick, D. (2005). Best Practice Options for the Legal Recognition of Customary Tenure. Development and Change, 36(3), pp. 451–453. https://doi.org/10.1111/j.0012-155X.2005.00420.

[19]Hooker, M. B. (1975). Legal Pluralism: An Introduction to Colonial and Neo-Colonial Laws. Oxford: Clarendon Press, pp. 45–47.

[20]Cotterrell, R. (2006). Law, Culture and Society: Legal Ideas in the Mirror of Social Theory. London: Routledge, p. 112.

approach has proven effective in reducing land disputes and providing legal certainty while preserving local values.[21]

In summary, the use of *Letter C* in *ulayat* land transactions illustrates the resilience of local legal systems that continue to function and adapt alongside the formal legal order. On one hand, *Letter C* serves as a symbol of social legitimacy; on the other, it operates as an administrative instrument that can facilitate eventual state recognition. The ongoing challenge lies in how the state can formally accommodate such practices through inclusive legal frameworks that respect and respond to the diversity of local legal traditions.

Judicial Perspective on Ulayat Land Transactions Based on Letter C

In Indonesia's national legal system, land disputes involving *ulayat* land and traditional documents such as *Letter C* often raise challenges in the evidentiary process. While, normatively, land registration and ownership certificates issued by the state are considered valid legal proof, in practice many indigenous communities lack access to the formal certification process. Consequently, parties to disputes frequently present local administrative documents such as *Letter C* as evidence of possession or ownership. In this context, the judiciary plays a strategic role in assessing the evidentiary value of such documents in a contextual manner.

Judicial assessments of *ulayat* land transactions based on *Letter C* vary depending on the legal approach taken. Some judges adopt a formalist stance, recognizing only land ownership proven by official certificates issued by the state. Under this approach, *Letter C* is considered to lack adequate legal force as evidence of land rights. However, a growing number of judges apply a more substantive and sociological approach, evaluating *Letter C* within its social and historical context—especially when the document reflects long-term, uncontested possession of the land in question.

In cases involving indigenous peoples, courts often consider the testimony of customary leaders, village officials, and witnesses familiar with the land's history. This approach aligns with Article 24(2) of Government Regulation No. 24 of 1997 on Land Registration, which permits recognition of land rights based on uninterrupted possession for twenty years without dispute. In such circumstances, *Letter C* functions as supporting documentation to reinforce factual claims of possession. While its evidentiary value is not absolute, it can play a contributory role in proving land control.

It is important to note that there is no positive legal provision explicitly recognizing *Letter C* as a valid proof of land rights. However, in legal practice, the document cannot be dismissed outright due to its historical and social significance, particularly in rural areas where customary law still prevails. *Letter C* thus acts as a bridge between local legal traditions and state law, reflecting Indonesia's legal pluralism.[22] Within such a pluralistic system, judges are expected not only to interpret the law normatively but also to contextualize it within the socio-cultural realities of the community concerned.[23]

Nonetheless, courts face challenges in consistently evaluating the legal strength of documents like *Letter C*. The absence of standardized guidelines for assessing local administrative documents leads to inconsistent interpretations among judges and courts, resulting in legal uncertainty. This inconsistency can disadvantage indigenous communities lacking legal literacy or representation. Therefore, the judiciary must develop a fair and contextual interpretive

[21]ATR/BPN. (2021). Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 1 Tahun 2021 tentang Sertipikat Elektronik, Article 14.

[22]Hooker, M. B. (1975). Legal Pluralism: An Introduction to Colonial and Neo-Colonial Laws. Oxford: Clarendon Press, pp. 2–3.

[23]Cotterrell, R. (2006). Law, Culture and Society: Legal Ideas in the Mirror of Social Theory. London: Routledge, pp. 91–93.

framework that considers *Letter C* alongside other social evidence, such as physical possession, community recognition, and customary leadership testimony.

Overall, the judiciary has the potential to play a crucial role in recognizing legitimate local legal practices that are socially valid but not formally acknowledged by state law. Recognizing *Letter C* as part of a broader factual evidentiary system is a step toward building a more inclusive and adaptive legal system responsive to indigenous realities. This aligns with the principle of substantive justice, a foundational value in modern judicial reasoning. To achieve this, capacity-building is required among judges to better understand legal pluralism and customary wisdom in resolving land disputes.

Supreme Court decisions have consistently demonstrated the nuanced role of Letter C in Indonesian land disputes. While the Court explicitly recognizes that Letter C does not constitute formal proof of ownership under the national land law, it has repeatedly acknowledged its evidentiary value when supported by factual possession and corroborating testimony from local witnesses. For instance, in a number of disputes, the Court considered Letter C as indicative evidence that affirms the historical continuity of land control and the administrative recognition at the village level. This judicial approach reflects a pragmatic compromise between the rigidity of national regulations and the socio-cultural legitimacy of customary practices.

The recognition of Letter C by the judiciary highlights the persistence of legal pluralism in Indonesia's agrarian system. Courts are compelled to address the coexistence of state law and customary law by adopting a contextual interpretation that goes beyond formal legality. Such flexibility prevents the wholesale exclusion of indigenous communities from access to justice. By treating Letter C as complementary proof, the judiciary acknowledges the gap between formal land registration and the reality of rural landholding patterns, ensuring that substantive justice can be achieved even when formal documentation is absent. This approach illustrates that the judiciary has become an important site for negotiating the interface between positive law and customary norms.

However, recent legislative developments introduce new challenges that could undermine the judiciary's pragmatic stance. The Job Creation Law and its implementing regulation, Government Regulation No. 18 of 2021, particularly Article 95, stipulate that written evidence of former customary land (hak lama) must be registered within five years of the regulation's enactment. This provision effectively places a strict temporal limit on the recognition of documents such as Letter C, reducing their value as longstanding evidence of indigenous land control. From a socio-legal perspective, this requirement risks excluding communities that lack sufficient resources, legal knowledge, or administrative access to comply within the limited timeframe.

The imposition of a rigid registration deadline also reveals the tension between national policies that prioritize efficiency and certainty, and local realities that depend on gradual, socially embedded processes of land validation. While the regulation aims to streamline certification and reduce disputes, it inadvertently marginalizes vulnerable groups. By requiring immediate formalization, the state disregards the transitional role that Letter C has played for decades in bridging customary legitimacy and administrative recognition. This risks deepening agrarian inequality by privileging those who can afford formal legal compliance while excluding those most dependent on customary documentation.

Critically, while the regulation seeks to accelerate legal certainty, it fails to appreciate the transitional and complementary function of Letter C. Instead of eroding its value, future reforms should create mechanisms that formally incorporate Letter C into the land registration system as preliminary or supporting evidence. Such integration would ensure compliance with positive law while safeguarding indigenous land rights. This model could resemble sporadic

land registration schemes under Government Regulation No. 24 of 1997, where informal documents are acknowledged as valid starting points in the certification process. By aligning legal formalities with lived practices, the law could better balance legal certainty and social justice.

In conclusion, judicial practice has shown that Letter C remains indispensable in resolving land disputes, providing both historical continuity and social legitimacy. Rather than diminishing its evidentiary strength through restrictive legislation, the state should build upon judicial precedents that recognize the contextual value of Letter C. Future land law reforms must therefore clarify its position as either a complementary proof within certification procedures or a transitional instrument toward full ownership titles. This approach would align Letter C with the certainty of formal certificates while preserving its socio-cultural legitimacy, ultimately ensuring that Indonesia's legal system delivers both legal security and equitable protection for indigenous communities.

CONCLUSION

This study demonstrates that ulayat land transactions based on Letter C remain highly relevant in indigenous communities, serving as a form of social legitimacy for land control and transfer. Although not formally recognized under Indonesia's national land law, Letter C plays a vital administrative and symbolic role, connecting historical land use with social structures. Its continued use reflects the persistence of customary law, which operates alongside state law, highlighting the inability of the current land regime to fully reach and accommodate local realities.

Within the framework of positive law, Letter C functions as a secondary form of evidence—its legal weight is limited but still considered, particularly when supported by physical possession and local testimony. Courts have shown a willingness to interpret such documents contextually, reflecting an emerging legal flexibility that embraces legal pluralism. Thus, Letter C occupies a hybrid position: weak as a title under national law yet influential in practice as complementary proof in judicial and administrative processes.

Looking ahead, the state must develop a more inclusive legal architecture that formally acknowledges local administrative documents like Letter C as part of broader asset legalization and agrarian reform efforts. One possible model is to integrate Letter C into the national land registration system as transitional or complementary evidence leading toward the issuance of formal land certificates. In this framework, Letter C would not equate to a certificate of title but could serve as a recognized preliminary proof, similar to sporadic land registration mechanisms under Government Regulation No. 24 of 1997. Such recognition would ensure continuity between customary documentation and modern land titling while reducing legal uncertainty.

Indonesia's future land law should therefore clarify the evidentiary status of Letter C by explicitly regulating its function: either as a supporting instrument in the certification process or as a bridge toward full formal ownership. This approach will align Letter C with the certainty offered by land title certificates while preserving its socio-cultural legitimacy. Ultimately, the legal system must not only secure rights through formal documentation but also deliver equitable protection for indigenous communities that have long relied on local legal traditions to assert and defend their land rights.

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