
AGRARIAN REFORM IN HISTORICAL PERSPECTIVE, CONCEPT AND IMPLEMENTATION

Listyowati Sumanto
Universitas Trisakti, Jakarta
Email: listyowati@trisakti.ac.id

ABSTRACT

Land reform in a broad sense is called Agrarian Reform, and in a narrow sense it is called Land reform. This study aims to describe Agrarian Reform in the perspective of history, concept and implementation in Indonesia. This type of research uses normative legal research, is descriptive. The data were analyzed qualitatively. Drawing conclusions using deductive logic. The results show that Landreform has experienced a history of policy change. Agrarian Reform is a restructuring of the structure of control, ownership, use and utilization of land that is more equitable through asset management and is accompanied by structuring access for the prosperity of the Indonesian people. The substance of Presidential Regulation Number 86 of 2018 concerning Agrarian Reform places more emphasis on aspects of asset management and land access by conducting land redistribution, land legalization, and community empowerment compared to aspects of handling agrarian disputes and conflicts as a source of land ownership inequality. Therefore, it is necessary to regulate proportionally regarding the handling of disputes and conflicts. After the issuance of Law no. 11 of 2020 concerning Job Creation, the land object for Agrarian Reform is undergoing expansion.

KEYWORDS

Target, Realization, Agrarian Reform



This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International

How to cite:

E-ISSN:

Published by:

Listyowati Sumanto (2022). Agrarian Reform in Historical Perspective, Concept and Implementation. Journal Eduvest. Vol 2(7): 1.426-1.433

2775-3727

<https://greenpublisher.id/>

INTRODUCTION

Lenin first coined the term land reform in a communist country for political purposes and to attract the attention of the people who were suffering because of the pressure of the landlords, the slogan "land to the tiller" was used (Dorner, 1992). Land reform can be interpreted in a broad sense called Agrarian Reform, and in a narrow sense called Land reform. Agrarian reform can be grouped according to the process: (i) radical land reform of land belonging to large landowners taken over by the state, and distributed to landless farmers; (ii) land restitution of extensive plantation land originating from community land is taken over by the state, then the land is returned to the original owner with compensation (compensation); (iii) land colonization opening and developing a new area, then people from densely populated areas are moved to the new area, and are given land with a certain area (similar to the transmigration program in Indonesia); (iv) market-based land reform is carried out based on the help of market mechanisms (Noer Fauzi, 200).

In general, a country has carried out agrarian reform before carrying out its industrialization in the context of increasing productivity and people's welfare, including Africa and Latin America, Taiwan, South Korea, Vietnam, Japan. Taiwan started in 1949 through the land program for cultivators, the sale of state arable land, reduction of rental fees, as a result most of the farmers became independent producers and the cultivators owned the land. Japan's success is the Land Reform Act of 1946 which states that landowners who exceed the maximum area must sell the excess land to the government with reasonable compensation. Steps to avoid land speculation were implemented by South Korea in 1989-1990 through the Land Value Increment Tax (on land not used, a high tax was applied), the Comprehensive Land Holding Tax (a high tax was imposed on any excess of the minimum area of agricultural land), as well as agricultural land worked by not a farmer.

In Indonesia, of course, this understanding is different, because the definition of land reform in a broad sense according to the Food and Agriculture Organization includes interrelated programs aimed at removing all obstacles that arise from the weakness of the land structure in the economic and social fields. Meanwhile, the definition of land reform in a narrow sense includes changes in land ownership and control as well as legal relations related to land tenure. Land reform aims to create a just and prosperous society and increase the standard of living of farmers.

Basically, the implementation of the land reform program in Indonesia and Japan is no different from land reform in communist countries (Rachman, 2011). In Indonesia and Japan, former land owners are given compensation. Land taken over by the government is redistributed to farmers with property rights by collecting income. The aim of land reform is to expand the land ownership of farmers, while recognizing the existence of property rights, and even strengthening them through land regulation and registration; While land reform in communist countries (Russia, China), land was confiscated without compensation. Land is not redistributed to farmers with property rights, but is cultivated collectively and land reform aims to abolish property rights to land.

Land reform in the narrow sense of Law Number 56 Prp of 1960 concerning Determination of Agricultural Land Area Limits aims to strengthen and expand land ownership for all Indonesian people, especially the peasants. However, some past facts show that land obtained by farmers from land reform activities, then the land is sold back to other parties, because they do not have access to agricultural technology, financial resources, business management, economic activities, so that in the end land reform does

not help improve farmers' welfare. This condition encourages land reform in a broad sense which can be equated with agrarian reform

RESEARCH METHOD

This research uses normative and descriptive legal research type. As a normative juridical research, this research is based on the analysis of legal norms, both law in the sense of law as it is written in the books (in legislation) (Budianto, 2020). Thus the object analyzed is the legal norms in the legislation that are concretely applied by the Government in this case the Ministry of Agrarian Spatial Planning/National Land Agency. In-depth understanding of norms and regulations regarding Agrarian Reform by basing it on Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles which is further regulated in implementing regulations related to Agrarian Reform. Secondary data obtained through literature study consists of primary legal materials (laws and regulations), secondary legal materials (books, journals, mass-media).

Data collection techniques through literature study. Qualitative data analysis went through three stages including data reduction, data presentation and drawing conclusions/verification. Data reduction is defined as the process of focusing on simplification, transformation of data that emerges from written notes in the field. Presentation of data as a collection of information arranged in a unified and simplified form, selectively so as to allow conclusions to be drawn. Drawing conclusions using deductive logic, namely the way of thinking from general statements drawn to specific conclusions.

RESULT AND DISCUSSION

Land policies that are only focused on economic growth in an effort to increase productivity, basically have an effect on inequality in land ownership and control, increasing unemployment and poverty in rural areas. Agricultural reform efforts so far have focused on developing policies aimed at restructuring land ownership and use (land reform) (Bottazzi & Rist, 2012). In the sense that the neglect of the arrangement of production assets, results in the loss of public access to land.

1. History of Agrarian Reform Policy

1945-1960 Period: The main foundation of agrarian reform (land reform) is stated in the 1945 Constitution Article 33 paragraph (3) that "Earth, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. The land policy in Article 33 paragraph (3) of the 1945 Constitution is further elaborated in Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA) focused on improving control and ownership from the colonialist system to a national system. Land controlled and owned by foreigners and foreign legal entities was nationalized. Land ownership that is not in accordance with the spirit of nationalism, such as land ownership exceeding the maximum area, perdikan villages, private lands, self-government is reorganized by the state for the national interest. The period 1960-1967: known as the Land Reform Period, land policy was aimed at the distribution and redistribution of land for farm laborers, small farmers, cultivators. 1967-1997 period: land policy was based on national economic growth, aimed at supporting investment or investment policies, as well as land rights certificates for people from economically weak groups. 1997-2005 period: land policy in the reform era, aimed at land registration policies controlled by the lower economic class. Period 2005-present:

Land policy is aimed at "land for justice and people's welfare", through land redistribution, controlling abandoned land, increasing the legalization of community assets, resolving disputes implemented through Agrarian Reform (Neilson, 2016).

The enactment of MPR Decree No. IX/MPR/2001 concerning Agrarian Reform and Natural Resource Management "it is hoped that this will improve the inequality in the structure of ownership, control, use, and utilization of agrarian resources and can prevent various conflicts in this regard". In an effort to improve the quality of life and develop Indonesia as proclaimed by President Joko Widodo in Nawa Cita (2014).

As a form of government commitment that has been promised through Nawacita since 2014, Presidential Regulation Number 86 of 2018 concerning Agrarian Reform was formed. Agrarian Reform is present through Presidential Regulation Number 86 of 2018 concerning Agrarian Reform, in addition to reducing inequality in ownership, control, use, and utilization of land, but will also provide new hope for change and distribution of socio-economic equality of the community as a whole, improve community welfare, create new fields of work. work and reduce poverty, create sources of prosperity, increase food security and sovereignty, handle agrarian disputes and conflicts. Since Presidential Regulation Number 86 of 2018 concerning Agrarian Reform was ratified on September 24 2018, this regulation has become the legal umbrella and main basis for the implementation of Agrarian Reform in Indonesia. According to Usep Setiawan, Member of the Expert Assembly of the Agrarian Reform Consortium, Presidential Regulation Number 86 of 2018 is a reference for the government in carrying out land redistribution, land legalization, and community economic empowerment.

2. Concept and Implementation

Agrarian Reform in Indonesia emphasizes the concept of land redistribution by distributing land controlled by the state, maximum excess land area, absentee land, and other state lands that have been designated as land objects for Agrarian Reform to farmers. However, in general, there are 3 main things in Agrarian Reform, namely asset management, access arrangement, and land dispute resolution. This is in line with the National Strategy for the Implementation of Agrarian Reform 2015-2019 which includes: (1) strengthening the regulatory framework and resolving agrarian conflicts; (2) structuring the control and ownership of land objects for Agrarian Reform (TORA); (3) legal certainty and legalization of rights to TORA; and (4) community empowerment using TORA.

The concept of agrarian reform or Agrarian Reform includes a continuous process related to the realignment of control, ownership, use, utilization of agrarian resources, which is carried out in the context of achieving legal certainty and protection and justice, through asset management and access arrangement for the prosperity of all Indonesian people (Lu et al., 2015). Development must be based on a sense of justice and equity.

Presidential Regulation Number 86 of 2018 defines Agrarian Reform as a reorganization of the structure of control, ownership, use, and utilization of land that is more equitable through asset management and structuring access for people's prosperity. Asset management is the restructuring of control, ownership, use and utilization of land in order to create justice in the field of land tenure and ownership, which is carried out through redistribution of agricultural and non-agricultural land and distribution of benefits, while asset legalization is carried out through land certificates. Regarding land certification, since the enactment of Agrarian Reform in the National Medium-Term Development Plan (RPJMN), the Government has been aggressively implementing land certification throughout Indonesia through the Complete Systematic Land Registration (PTSL) program with the target that all land parcels in Indonesia have certificates. In 2017 as many as 5 million certificates have been issued, in 2018 the target is 7 million

certificates, and 2019 as many as 9 million certificates, and by 2025 it is targeted that all land owners in Indonesia have certificates.

Agrarian Reform through structuring access as a supporting activity for asset management, namely providing access opportunities through the provision of capital and marketing (Rineksi, 2022), mentoring, and providing agricultural technology to subjects of agrarian reform to improve welfare based on land use. This activity involves cross-sectoral between two or more ministries/agencies and local governments (Simangunsong, 2014).

In contrast to asset management which has been partially implemented by the government through land certificates, dispute resolution and agrarian conflicts as the root cause of national agrarian problems (Ginting, 2020), there is less space for regulation in Presidential Regulation Number 86 of 2018, it appears that conflict resolution is not a top priority in Agrarian Reform. Presidential Regulation Number 86 of 2018 specifically regulates land settlement in Chapter IV concerning the Handling of Agrarian Disputes and Conflicts by establishing a tiered Agrarian Reform Task Force. However, this provision only regulates the parties involved in the resolution of disputes or conflicts and then delegates further arrangements to a Ministerial Regulation. This means that regulations for handling agrarian disputes and conflicts still have to wait for the establishment of a Ministerial Regulation (Sparrow, 2011). The large number of agrarian conflict disputes and the complexity of the problems in current disputes and conflicts require serious attention from the government to resolve them immediately (Whitehead & Tsikata, 2003). In addition to institutions for handling agrarian disputes, it also needs to be supported by strong regulations so that in its implementation it does not cause conflicts with other laws and regulations and the resulting dispute handling has legal certainty for every party involved in it (Ramadhani, 2021). Thus, a strong legal basis is also important in handling disputes. In this case, what needs to be considered is the content and binding power of this Government Regulation, namely in regulating the handling of disputes and conflicts (Noor, 2021).

Objects of access arrangement: (1) Empowerment of community lands originating from former Land Use Rights, Abandoned Land and Release of Forest Areas designated as Land Objects for Agrarian Reform. (2) Empowerment of community land for land that has been designated as a transmigration location. (3) Empowerment of community land that has been determined as the location for Complete Systematic Land Registration. (4) Empowerment of community land and business actors, which have been designated as cross-sectoral asset legalization activities. (5) Empowerment of land already owned by the community or legal entity which is determined to be the object of the Agrarian Reform Object Land.

The form of Agrarian Reform consists of land redistribution, asset legalization, and social forestry (Lesttari, Yunani, & Hidayat, 2022). The stipulation of land for the object of agrarian reform includes “Land ex-Hak Guna Usaha, Right to Build or Right to Use; land subject to conversion provisions; land voluntarily surrendered by the owner; land rights whose holders violate the provisions of laws and regulations; land reform object ; land of the former object of land reform ; raised ground; former mining area land; land granted by the government; land of exchange from and by the government; land purchased by the government; land released from conversion production forest area; land of former forest area that was once released”.

The implementation of Agrarian Reform according to the Government's promise in 2019 will carry out agrarian reform covering an area of 9 million ha of land to be distributed to farmers (Nurrochmat, Boer, Ardiansyah, Immanuel, & Purwawangsa, 2020). Agrarian reform consists of two schemes: 4.5 million ha of 'asset legalization', and

4.5 million ha of 'land redistribution'. Agricultural development requires land for the extensification of staple food crops. In order to be self-sufficient in food, 14.98 million ha of paddy fields are needed for rice, 6.21 million ha for corn, 2.27 million ha for soybeans, and 12.28 million ha for sugarcane.

The Ministry of Agriculture and Forestry targets that within a period of 5 years (2015-2019) it can print an area of 1 million ha of new rice fields. At that time there was a forest that had the potential to become agricultural land covering an area of 34.7 million ha, consisting of a land area of 7.5 million ha for Other Use Areas, and 6.8 million ha of Conversion Production Forest, and the remaining 20.5 million ha in the Forest area. Production; while for rice fields, there is only 8.1 million ha of raw paddy land, but there is 8.3 million ha of potential for development. For dry land, the potential area is 22.4 million ha, consisting of 7.1 million ha of seasonally dry land and 15.3 million ha of annual dry land. In addition, there are 21.5 million ha of peat soil and 33.5 million ha of swamp land.

For the implementation of the redistribution program, land comes from "land used for Cultivation Rights, abandoned land, state land, forest area release, production forest for conversion." These lands are redistributed to smallholders (farmers who own or rent agricultural land less than 0.5 ha), farm laborers, fishermen, youth, women, indigenous peoples. Release 4.1 million ha of forest area is allocated 20% of plantation companies from forest area release, and in unproductive forest area of 2.1 million ha from conversion production forest. Apart from land that is the object of agrarian reform, the government has issued a Social Forestry program, in 2019 a target of 4.3 million ha of land for farmer groups, cooperatives, farmer groups associations.

Based on these data, it shows that the government has made efforts to reserve sufficient land for agriculture, which means that apart from an approach to increasing productivity (intensification), a land expansion approach (extensification) is also carried out as a solution to produce sufficient food.

Table 1. Targets Based on RPJM 2015 – 2019 and 2020 – 2024

Land of Agrarian Reform Object			
Asset legalization 4.5 Million Ha		Land redistribution 4.5 Million Ha	
Transmigration Land:	Complete Systematic Land Registration:	Ex-HGU, Abandoned Land, Other State Land:	Forest Area Release: Release of Forest Areas for Land for Agrarian Reform Objects (TORA)
Land Ownership Certificate.	Community land certificate systematically.	Redistribution of State Land from the Right to Cultivate the expiry period is not extended, abandoned land and other state lands.	Target 4.1 million Ha. It has become another use area (APL) of 1,569,154 Ha
Target: 0.6 million Hectare	Target 3.9 million Ha	Target 0.4 million Ha	
Achievements: 168,819 plots covering an area of 113,109 ha. (18.85%)	Achievements: 24,287,348 Fields covering an area of 6.88 million Ha (176.41%)	Achievements: 1,599,611 fields, area of 1,045,646 ha. (261.41%)	Achievements: 544,541 fields an area of 264,845 Ha (6.45%)
TOTAL Asset Legalization covering an area of 6.99 million Ha (155.40%)		TOTAL Land Redistribution of 1,310,491 Ha (29.12%)	

The success of the Land for Object of Agrarian Reform (TORA) program by means of 'redistribution' of land can bring a very positive macro impact, because the availability of new land is very supportive of achieving the national food self-sufficiency target. Meanwhile, the granting of certificates of land rights ('legalization of assets') brings good micro effects for farming families, because they can be used as capital in developing farming and agribusiness.

After the issuance of Law no. 11 of 2020 concerning Job Creation in conjunction with Government Regulation Number 64 of 2021 concerning Land Banks, it is stipulated that at least 30% of State Land controlled by the Land Bank is intended for Agrarian Reform activities. Strengthening the concept of Management Rights allows the development of 'benefit distribution' activities other than land redistribution (Hull, Babalola, & Whittal, 2019).

The expansion of the Agrarian Reform object includes abandoned land and abandoned areas in accordance with Government Regulation Number 20 of 2021 concerning Control of Land and Abandoned Areas in conjunction with Government Regulation Number 43 of 2021 concerning Settlement of Mismatches Between Spatial Planning, Forest Areas, Permits, and/or Land Rights. Furthermore, in Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flat Units and Land Registration, it is determined that, "On land with Management Rights, cooperation for land use can be carried out with other parties by granting land rights based on agreements", so that the concept of 'benefit distribution' can be developed, i.e. permanent land ownership, but the benefits are shared with other parties.

CONCLUSION

The success of agrarian reform will be realized if the government has a strong commitment, accurate and complete information and data are available, gains support from the legislature, gets participation from all relevant parties, programs are carefully prepared, and implemented gradually and consistently.

REFERENCES

- Bottazzi, Patrick, & Rist, Stephan. (2012). Changing land rights means changing society: The sociopolitical effects of agrarian reforms under the government of Evo Morales. *Journal of Agrarian Change*, 12(4), 528–551.
- Budianto, Agus. (2020). Legal Research Methodology Reposition in Research on Social Science. *International Journal of Criminology and Sociology*, 9, 1339–1346.
- Dorner, Peter. (1992). *Latin American land reforms in theory and practice: a retrospective analysis*. Univ of Wisconsin Press.
- Ginting, D. (2020). Policies on prevention and eradication of land mafia: Agrarian reform in Indonesia. *Utopía y Praxis Latinoamericana: Revista Internacional de Filosofía Iberoamericana y Teoría Social*, (2), 255–263.
- Hull, Simon, Babalola, Kehinde, & Whittal, Jennifer. (2019). Theories of land reform and their impact on land reform success in Southern Africa. *Land*, 8(11), 172.
- Lesttari, Idah Puji, Yunani, Ahmad, & Hidayat, Yusuf. (2022). Implementation Of

- The Agrarian Reform Program Through Land Redistribution In The Effort To Increase The Welfare Of The Community Of The Village Of Tinggiran Darat, Mekarsari District, Barito Kuala Regency, South Kalimantan Province. *Journal of Development Studies*, 1(1), 13–26.
- Lu, Yonglong, Jenkins, Alan, Ferrier, Robert C., Bailey, Mark, Gordon, Iain J., Song, Shuai, Huang, Jikun, Jia, Shaofeng, Zhang, Fusuo, & Liu, Xuejun. (2015). Addressing China's grand challenge of achieving food security while ensuring environmental sustainability. *Science Advances*, 1(1), e1400039.
- Neilson, Jeff. (2016). 11. Agrarian transformations and land reform in Indonesia. In *Land and Development in Indonesia* (pp. 245–264). i seas Publishing.
- Noor, Aslan. (2021). Certificate Of Electronic Liability Rights: Normative Legal Study on The Execution of Object Liability Based on Law No 4 Of 1996. *Review of International Geographical Education Online*, 11(4), 1570–1580.
- Nurrochmat, Dodik Ridho, Boer, Rizaldi, Ardiansyah, Muhammad, Immanuel, Gito, & Purwawangsa, Handian. (2020). Policy forum: Reconciling palm oil targets and reduced deforestation: Landswap and agrarian reform in Indonesia. *Forest Policy and Economics*, 119, 102291.
- Rachman, Noer Fauzi. (2011). *The resurgence of land reform policy and agrarian movements in Indonesia*. University of California, Berkeley.
- Ramadhani, Rahmat. (2021). Legal Protection For Land Rights Holders Who Are Victims Of The Land Mafia. *International Journal Reglement & Society (IJRS)*, 2(2), 87–95.
- Rineksi, Trisnanti Widi. (2022). Strengthening GTRA Institutions in Responding to the Challenges of Agrarian Reform in Rejang Lebong Regency. *Marcapada: Jurnal Kebijakan Pertanahan*, 1(2), 105–122.
- Simangunsong, Rosma. (2014). The impact of internal control effectiveness and internal audit role toward the performance of local government. *Research Journal of Finance and Accounting*, 5(7), 50–58.
- Sparrow, Malcolm K. (2011). *The regulatory craft: controlling risks, solving problems, and managing compliance*. Brookings Institution Press.
- Whitehead, Ann, & Tsikata, Dzodzi. (2003). Policy discourses on women's land rights in Sub-Saharan Africa: The implications of the re-turn to the Customary. *Journal of Agrarian Change*, 3(1-2), 67–112.