IMPLEMENTATION AND IMPLICATIONS OF AGRARIAN REFORM IN INDONESIA

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ABSTRACT
This study aims to find out about agrarian reform in Indonesia, and examine in a comprehensive manner with regard to the policies implemented by seven Presidents of the Republic of Indonesia, sequentially starting from Sukarno, Soeharto, B. J Habibie, Abdurrahman Wahid, Megawati Soekarnoputri, Susilo B. Yudhoyono, and Joko Widodo and its implications for the prosperity of the people which based on justice and economic equality as mandated by Article 33 of the Constitution of 1945, Agrarian Law No. 5 of 1960, and various legislations related. This study uses normative and qualitative data as well as the descriptive nature of this study. The results of this study can be concluded that the Indonesian government must be able to act decisively, consistently and continuously to address gaps in the legal, social, economic, political and security aspect through agrarian reform policies. Agrarian reform is a social movement, the integration of government and community in order to carry out land reform. Land redistribution as a core strategic agrarian reform on the agenda for Indonesian government for the majority of Indonesian people are dependent on the agricultural land.

Keywords: Agrarian Reform, Indonesia, Article 33 of the 1945 Constitution, the Basic Agrarian Law No. 5 of 1960.

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1. INTRODUCTION
In an article in the New York Times, Jon Gertner quoted Joseph Eugene Stiglitz, an economist, author, and Nobel Award in Economics (2001) which states that to measure the progress of nations in the 21st century is the size of the economy and it should be set to represent the individual's current state so that each country can implement other indicators to capture what is happening in the economic, social and environmental beings (http://www.nytimes.com, 2010). Moreover, according to Adam Smith, the economic development sustainability requires the specialization or division of labor so that the productivity of labor increases. Specialization in the production process will be able to
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increase production will be able to improve labor skills, can encourage the discovery of new tools or machines and eventually can accelerate and increase production.

Indonesia is popularly known as an agrarian country, and famous for its rich land and abundant resources, because of its strategic position as a tropical country. As a consequence, Indonesia only has two climates that make stable weather conditions so that the agricultural sector is able to thrive. Therefore, this geographical bonus makes agriculture and plantations are very suitable in Indonesia.

Therefore, in order to examine in depth about the agrarian reform in Indonesia that is concerned with how and what policies on Agrarian Reform and its implications by the seven Indonesian presidents, sequentially starting from Sukarno, Soeharto, BJ Habibie, Abdurrahman Wahid, Megawati Soekarnoputri, Susilo Bambang Yudhoyono, and Joko Widodo and that is related to the realignment of control, ownership, use and utilization of agrarian resources in order to achieve certainty and legal protection and justice and prosperity for all the people of Indonesia, this study used the approach of legal, economic, social and environmental aspects in Indonesia. Furthermore, the reference sources of wisdom every President of the Republic of Indonesia in implementing the Agrarian Reform policy is Article 33 of the Constitution of 1945 along with the explanation. Article 33 is the major political and economic reference for the economic administration in Indonesia (Sihombing, 2016). Thus, the management of natural resources is the authority of the government and the government prohibits the possession of natural resources in the hands of a person. In other words, monopoly cannot be justified, although in fact it is happened and has been long held is the problem of controlling natural resources in the hands of people or a person and the more complex the present defeat of the environment and the rights of society. Thus it is very, very contrary to the principles of Article 33 of the Constitution of 1945 as follows:

"Paragraph (1) reads;

The economy is structured as a joint effort based on the principle of kinship,

paragraph (2); Production branches that are important to the State and which affect the livelihood of the people are controlled by the State,

paragraph (3) states; Earth, water and natural resources contained therein are controlled by the State and used for the greatest prosperity of the people,

paragraph (4), National economy is organized based on economic democracy with the principle of togetherness, efficiency fair, sustainable, environmentally friendly, balance of progress and national economic unity,

paragraph (5); Further provisions concerning the implementation of this article shall be governed by law ".

For example, some records related to economic equality and inequality are not ongoing economic development, especially in the agrarian field in Indonesia in the era of the seven Presidents of the Republic of Indonesia, sequentially starting from Sukarno, Soeharto, BJ Habibie, Abdurrahman Wahid, Megawati Soekarnoputri, Susilo Bambang Yudhoyono, and Joko Widodo is agrarian issues that continue to occur and until recently is a serious issues, agrarian conflicts that came and went without any supervision, management and resolution of the right and continue to be the root of the problem that has negative implications on the legal, social, economic, political, and security in Indonesia. Various series of events that were related to agrarian conflicts in Indonesia are as follows: dredging and damage to natural resources exploitation in this case without seeing the sustainability of fate and human nature and the environment. Massive clearing of land affects (forests and animals), forests are dwindling and wildlife habitats are increasingly narrowed and squeezed, not to mention the
lack of oversight and governance that ignores the importance of environmental functions and benefits for living things.

According to the Indonesian Environmental Forum (WALHI) concerning events and facts that occurred throughout 2014, which is still thick with dark colors because of conflicts over natural resources and agrarian not also find the solution (Indonesian Environmental Forum/WALHI, 2015). Then the ecological disaster that indicates the condition of the destruction and environmental degradation continues unchecked and the crisis, and how the struggle of the community of people from one end of the rural areas to the corners of the city to defend the territory of their lives based on their knowledge and experience as a form of survival of her in the middle the inexhaustible state provides protection and recognition of the rights of its people (Lisdiyono, 2017). Furthermore, according to the Indonesian Forum for Environment, the ecological disaster that claimed the highest number of deaths was in Central Java as many as 152, West Java 82, North Sulawesi 57, East Java 36, Papua 33, DKI Jakarta 25, West Kalimantan 22 and North Sumatra 19 people. Of total deaths due to landslide disaster that amounted to 336 people, including because of mining. Landslide and casualties occurred in West Kalimantan, Jambi, North Sumatra, West Java, Bangka Belitung, Palu, East Kalimantan and Papua. Mines have also caused flooding as occurred in Tasikmalaya, New Town and South Kalimantan Tenggarong, East Kalimantan (Indonesian Environmental Forum/WALHI, 2015).

As an example shown in the application of rules of purification in the country that should have been done in 2014 by Act No. 4 of 2009 on Mineral and Coal. However, due to opposition from major mining companies, such as PT. Freeport Indonesia, this rule does not apply to large companies until the end of 2014. As a result, massive degradation of Indonesia's natural resources continues to occur and consequently the continuing destruction of the environment (forest, river, sea, air, biodiversity) and impact on human health). Another example of the parable of natural resources increasingly depleted and the suffering of the people is getting worse, which is a phenomenon that seems to occur in the current construction (Solikin, 2010). The Article 33 Paragraphs (1), (2), (3), (4), and (5) of the 1945 Constitution clearly imply that the control of the economy related to natural resources must be guided by the common interest and for the people's welfare which based on the principle of justice (Sihombing, 2016). Therefore, agrarian reform policy in Indonesia is the main priority agenda for the government.

2. RESEARCH METHODOLOGY

The research method is conducted by using normative approach, as a legal research done by researching library materials or secondary data (Soekanto & Mamudji, 2006). Moreover, the specification of the analysis is done by descriptive analysis (Babbie, 1986). The steps are taken through library research by mainly examining the secondary data in forms of primary and secondary legal materials. Primary legal materials include the Constitution of the State of the Republic of Indonesia of 1945, Basic Agrarian Law (BAL) No. 5 of 1960, Burgerlijk Wetboek, the General Bepalingen Wetgeving van voor Indonesie, and various laws and other related regulations. Secondary law materials are obtained through the study of research results, books, scientific journals, and jurisprudence, as well as other literature on the Agrarian Reformation. To gain a comprehensive understanding, this study conducted a comparative study of secondary data related to agrarian reform in other countries. By using descriptive analysis of the implementation of the Agrarian Reform in Indonesia and the implications of these policies covering certainty, legal protection, justice and prosperity for all the people of Indonesia by the seven presidents of Indonesia, the sub focus of the study is how is the implementation of Agrarian Reform in Indonesia by the seven presidents of Indonesia,
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Sequentially starting from Sukarno, Soeharto, BJ Habibie, Abdurrahman Wahid, Megawati Soekarnoputri, Susilo B. Yudhoyono and Joko Widodo. Moreover, the research problem is what are the implications of these policies by the Agrarian Reform, and have agrarian reform conducted by seven presidents of Indonesia, sequentially starting from Sukarno, Soeharto, BJ Habibie, Abdurrahman Wahid, Megawati Soekarnoputri, Susilo B. Yudhoyono and Joko Widodo covering certainty and legal protection and justice and prosperity for all the people of Indonesia been implemented.

3. CHALLENGES OF AGRARIAN REFORM IN INDONESIA

Of the various issues related to the agricultural reform in Indonesia, the government under President Joko Widodo is working hard to address this issue by the acceleration program of Agrarian Reform. With reference to the state speech of President Joko Widodo, a strong commitment in the era of his government is about the policy that becomes the central agenda to be done. Agrarian reform policies in Indonesia aims to overcome the agrarian issues that have recently occurred and struck villagers in Indonesia, especially farmers who have no land, fishermen and others such as manufacturers to control their agricultural land, and to have full access to other natural resources and benefit from the production of the products (Sihombing 2017). Therefore, according to President Joko Widodo, the central agenda soon to be done in his presidency is agrarian reform, about the land and its regulation.

Now Joko Widodo labeled the redistribution program 9 million hectares of land as agrarian reform implementation (http://www.kpa.or.id). In fact, the whole issue is intertwined and must be one package with the process of land redistribution. Without it, the steps taken by Joko Widodo cannot be classified as referring to the agrarian reform (http://www.kpa.or.id). According to the Agrarian Reform Consortium (KPA) there are challenges and obstacles of redistribution 9 million hectares which will be executed (http://www.kpa.or.id). At this point, the analysis indicates that the 9 million hectare redistribution policy of Joko Widodo is too far to be classified as an agrarian reform. Whereas in the midst of the complicated question about agrarian in Indonesia, the government is challenged to be able to solve the problem. For example, in KPA notes, every day, more than 353 ha of agricultural land turned into non-agricultural use. This excludes the ex-cultivation rights lands to oil palm plantations that continue to occur. As a result, the Gini coefficient did not move from the gap number, there was a significant gap between the decrease in the number of farmers and the increase in the number of urbanization and migrant workers.

On the other hand, various obstacles are still being faced by the government to implement agrarian reform. First, the lack political capacity from ministers in the working cabinet of Joko Widodo. The political capacity refers to the track record of the alignment of the agrarian reform movement. Thus, even though Jokowi has political will, it is not accompanied by political capacity of the ministers and the bureaucracy. In this context, the agrarian reform is difficult to materialize. Secondly, the unpopularity of the issue of agrarian reform in higher education institutions has resulted in the lack of scientific studies and agrarian reform experts in Indonesia. Thirdly, there are no integrated land records in Indonesia, especially the data from the Ministry of Agricultural and Spatial Planning / National Land Agency, the Ministry of Agriculture and Forestry Ministry.

Challenges must necessarily be answered by the government and obstacles must continue to be suppressed, even abandoned. Although it is too high to expect agrarian reform to be implemented in Joko Widodo’s government, the redistribution program of 9 million hectares must be monitored. Agrarian Reform Consortium (KPA) assesses that political will from Joko Widodo should continue to be pushed to close to the ideal point. So, now, the focus is directed
at pushing the redistribution policy of 9 million hectares on target and not just dividing the land.

Therefore, some of the innovations that have to do Joko Widodo in implementing the Agrarian Reform program are maturation redistribution plan, including the discussion related to the conflict, the establishment of land bank until certification. Then, evaluation of land rights in Java, as well as minimization the control of land from PT Perkebunan Nusantara (PTPN), State Forest Company of Indonesia (Perhutani) and private companies, considering the large population in Java (http://www.kpa.or.id). Meanwhile, according to Sihombing (2016), the land policy should be aimed at improving the stock of land in strategic places for business and residential purposes. There are two problems which need to be understood and explored by the government in the framework of land policy, namely global land legal policy, and legal policy of the central and local government.

In the framework of globalization era, the government has implemented policies and autonomy in various bureaucratic sectors with the aim to increase state revenues from the non oil and gas sector and to improve the national productivity and efficiency. There are also needs for coordination regarding legal policy between the central, provincial and regional governments, especially regarding the authority of government duties in the field of land (http://journal.uta45jakarta.ac.id/index.php/IUSCONS/article/download/94/73).

From the various descriptions, it can be inventoried about how the implementation of the Agrarian Reform in Indonesia by the seven presidents of Indonesia, sequentially starting from Sukarno, Soeharto, B.J Habibie, Abdurrahman Wahid, Megawati Soekarnoputri, Susilo B. Yudhoyono and Joko Widodo, and analyze whether the implications of these policies covering certainty and legal protection and justice and prosperity for all the people of Indonesia have been implemented by reference to the definition of agrarian reform as the process of restructuring arrangement of ownership, control, and use of agrarian resources especially land and in article 2 of MPR Decree No. MPR No. IX / MPR / 2001 explained that "agrarian reform includes an ongoing process with respect to the realignment of control, ownership, use and utilization of agrarian resources, carried out in order to achieve certainty and legal protection and justice and prosperity for all Indonesian people."

| No | President/term of office | Agrarian reform policy | Purpose | Indicators of agrarian reform policy implications |
|----|--------------------------|------------------------|---------|------------------------------------------------|------------------------------------------------|
| 1  | Soekarno / August 8, 1945 - March 12, 1967 | 1. Established Basic Agrarian Law (BAL) in 1960. 2. Established Rules of Profit Sharing and Law Maximum Limit of Agricultural Land. 3. Used government regulation No. 224/1961 on the Implementation of Distribution and | Determine that the functions of land and natural resources are placed as a means of liberating the people to escape from dependence or possibly exploited by major economic powers. The situation that will be realized by agrarian justice is a state is able to guarantee the absence of monopoly in the control and utilization of land and natural resources. | Certainty and Legal Protection | Justice and prosperity for all people of Indonesia |
|    |                          |                        | 1. Restrict the ownership of agricultural land by the landlords, then a maximum limitation shall be allowed for the farmers to own. 2. Form land reform committee involving representatives of the government and farmers' organizations ranging from national to village level. This committee is carrying out land reform in particular define the object, subject and redistribution mechanisms. It is also some setting priorities, in which | 1. This division of agricultural products can also be used as a reference in determining the price of land taken by the government from the old landowners. 2. The results of land distribution from the 1963-1969 in Java amounted to 197,395.6531 hectares, involving | |

Table 1 Policy, Objectives and Implications of Agrarian Reform in Indonesia

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<th>Compensation for Land, and Government Regulation No.10 / 1961 on Land Registration and Law No.21 / 1964 on the Court of the Land Reform.</th>
<th>the organizers of the land reform face many obstacles, problems because many tenants are not fixed and changes in public administration so that it becomes absentee land (guntai). This often creates conflicts between farmers or other groups. 3. If there is a conflict in the implementation of the Land Reform was a matter of determining whether the object, the subject, the mechanism of redistribution and other complaints resolved through courts of land reform.</th>
<th>307,904 family. This means that only 3.49 percent from the 5,647,000 hectares of agricultural land, and only 8.14 percent of households from an estimated 4,761,065 million farmers is affected by agrarian reform.</th>
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<td>2</td>
<td>Suharto / March 12, 1967 - May 21, 1998</td>
<td>Set land labeling to large-scale investment by using Law No. 1 of 1967 on Foreign Investment as a device 2. Law of Agrarian Land Reform of 1960 is regarded as the product of the Indonesian Communist Party so it is abandoned (but fortunately, not revoked). Agrarian reform is not well implemented because Suharto take over agricultural land belonging to indigenous peoples' customary rights by investors. In the process of this takeover of community land often appreciated is very low, and is also related to the issue of rent of land. In other words, there are confiscation of land belonging to the people that occurred during the New Order.</td>
<td>There is no certainty and legal protection to the farmers because the act as a tool. State, claiming the right to land and / or natural resources for the benefit of capitalism is clearly only profitable owners of capital and on the other hand afflict many people and for the people who objected to deprivation on their land would be considered anti-development or communist. The agrarian reform is not implemented.</td>
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<td>3</td>
<td>B.J Habibie / May 21, 1998 - October 20, 1999</td>
<td>Revisiting the land reform policy by forming a committee under the leadership of Prof. Dr. Muladi, but has not had time to work this committee, since there has been a change of president. The committee was later unclearly reported. Did not have time to realize about the purpose of agrarian reform.</td>
<td>There is no legal certainty and protection to farmers and no progress in agrarian reform, due to a very short tenure, lasting only for one year and five months. There is no progress in agrarian reform.</td>
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Referring to the table, it can be analyzed that the President of the Republic of Indonesia there are negligent or have not had time to run and even abandoned land reform while in power. The essence of agrarian reform is a program to realize people's prosperity. Concretely, agrarian reform becomes a strategy for fighting poverty, reducing unemployment, narrowing socioeconomic disparities and inequality mastery of agrarian resources that have taken place and a crucial issue since Indonesia's independence, especially since the initial investment in the New Order (Lucas & Warren, 2003; Lee Peluso, Afiff, & Rachman, 2008).
4. CONCLUSIONS AND RECOMMENDATIONS

The agrarian reform is a social movement, the integration of government and community in order to carry out land reform that aims to reduce poverty, agrarian-based job opportunities, maintaining economic resources, improve the quality of life and increase food security. Land redistribution has effective strategies in accuracy, updating, integration of land records, identifying the relevant amount of land object and subject of the recipient, the land object redistribution, forming the land bank, certifying, and formulating strategies completion, management and reduction of land disputes. Therefore, the government may establish ad hoc committees assigned specifically to oversee the implementation of agrarian reform.

From the description of aspects of the implementation of the agrarian reform, it can be concluded that the policies and the implementation of land reform to be affected by the agrarian laws that guide the President of the Republic of Indonesia. The government must be able to act decisively, consistently and continuously to address gaps in the legal, social, economic, political and security through agrarian reform policies for the prosperity of the people who berasaskan to justice, namely economic equality as mandated by Article 33 of the 1945 Constitution, Basic Agrarian Law (BAL) No. 5 of 1960, and various legislations related. Agrarian reform can be interpreted as upholding and strengthening farmers' rights to land tenure and land reform, land redistribution as the core of the agrarian reform must be a strategic agenda for the President of the Republic of Indonesia because the majority of Indonesian people are dependent on the land, agriculture.

REFERENCE

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