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The Impact of the Development of Investment and Construction on the Land Reform Years in Indonesia

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Abstract

This study measures the effect of laws that eases liberal investment to land reform utilization in Indonesia regulated from Law Number 5 of 1960 or commonly referred to as the Basic Agrarian Law, the Government of the old order or colonial regulations, the new order or new regulations, and many reforms issued policies that are certainly different from each regime. A literature review is used as the study approach. This study found that the presence of a law that facilitates investment has a major effect on the implementation of land reform, and the regulations that emerge tend to be liberal and only benefit certain parties. This is certainly contrary to the Indonesian legal basis law, namely the 1945 Constitution, especially Article 33 paragraph 3 and also Pancasila. Meanwhile, a successful land reform will increase economic growth in various countries that implement it because land reform helps increase people's income.

Keywords: investment; land reform; economic growth.

Abstrak

Studi ini mengukur ada tidaknya pengaruh Undang-undang yang memudahkan investasi yang cenderung bersifat liberal dengan pelaksanaan land reform yang diatur dalam Undang-undang Nomor 5 Tahun 1960 atau biasa disebut dengan Undang-undang Pokok Agraria, Pemerintah jaman orde lama, orde baru, dan reformasi banyak mengeluarkan kebijakan-kebijakan yang tentunya berbeda setiap rejimnya. Studi ini menemukan bahwa adanya Undang-undang yang memudahkan investasi berpengaruh besar terhadap pelaksanaan land reform, peraturan-peraturan yang muncul cenderung bersifat liberal dan hanya menguntungkan pihak tertentu saja. Hal tersebut tentu bertentangan dengan dasar hukum Negara kita yaitu Undang-undang dasar 1945 terutama Pasal 33 ayat 3 dan juga Pancasila. Sedangkan adanya land reform yang sukses dijalankan justru akan meningkatkan pertumbuhan ekonomi di berbagai Negara yang melaksanakannya, karena membantu meningkatkan pendapatan masyarakat.

Kata kunci: investasi; land reform; pertumbuhan ekonomi.

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Introduction

Land does can not be separated from the state. The existence of a State depends on the presence of territories that consist of water and land. The founders of the nation established the Unitary Republic of Indonesia by upholding the values of the Pancasila as the basis of the State, in which all national and state life must be following the basic values of the Pancasila. The land has an important role to meet the needs of shelter and food for society. With the strategic function of land, the state is allowed the Indonesian authority to regulate, administer, manage and supervise related to the utilization, ownership, and conservation of the earth, including land, water, and natural resources contained inside.

On September 24th, 1960 the Basic Agrarian Law or Undang-Undang Pokok Agraria (UUPA) has appointed as a milestone in the history of agrarian evolution in Indonesia as

general and the reform of the Agrarian Law in particular (Harsono, 2007). The establishment of the UUPA itself was based on Article 33 of Basic Law 1945 Constitution (UUD 1945) which regulates that the Earth, water, and natural resources that contained inside are managed by the State and used for the most extensive prosperity of the people. The state authority to regulate is directed to achieve people's prosperity. The people's rights must legitimately be respected, resolve the benefits of natural resources, including land, carried out by involving the participation of the people so that the benefits can be perceived directly and precisely by the people.

Land reform enforce as one of the ways to meet this goal, plans for the ongoing land reform in Indonesia began since Indonesia was under the President of Ir. Soekarno by establishing Law Number 56 of 1960 regarding the determination of agricultural land area but was less successful in his era, then continued in the new order era, in this era agrarian reform which included land reform was considered a communist product so the rules respecting it were ignored, notably in the era of the new order that prioritizing investment and infrastructure development. In this case, land reform is increasingly unrealized.

The enlightenment in the field of land reform begins in the reformation era, which indicated by the establishment of TAP MPR No. IX/2001 on agrarian reform and natural resource management. Although until presently, the agrarian reform that includes land reforms in Indonesia has not been implemented thoughtfully in Indonesia. The rapidly developing investment will have a good impact on the national economic growth but not necessarily have a good impact on the ideals of the Indonesian people to realize social justice for all people following the mandate of the Pancasila which was formulated by the founders of the nation. Land reform, as aspired by the founders of the nation, is the program that can describe the values of the Pancasila, so far it is still difficult to actualize in Indonesia. The reason is due to the ease of investment without considering any influence on the implementation of land reform in Indonesia.

Many Investment required for the development of the country entering Indonesia that expected that would be strengthened the Indonesian economy. The ease in investing will invite many investors to arrive in Indonesia to invest, for doing business, of course, the investor needs land to run their business. The capital owner or investor easily obtains this. This is assisted by plenty of rules made by the government and legislative bodies, which make it easier for investors.

Indonesia has natural wealth and soil fertility, of course, this is one of the extraordinary potentials to prepare Indonesia becomes economically developed country and can be a self-reliant country, and the implementation of the land reform commit to realizing this, it is not inconceivable that the development of investment will go hand in hand with the land reform program in Indonesia. The ideals of the founders of the Indonesian people to generate social justice for all Indonesian people by obtaining decent welfare evenly, and making the State of Indonesia a developed country in all fields may be achieved soon.

In an economy developing country, there are two crucial sectors, such as the modern sector and the traditional sector. The traditional sector is not only in the form of the agricultural sector in rural areas, but also includes the informal sector in cities (street vendors, retailers, *angkringan* traders). The informal sector is able to absorb the excess labour available during the industrialization process. (Nizar, 2013)

Developed countries that exist today, some of which began to reform the economic sector through the implementation of land reforms in their countries, even today they have become developed countries with the use of high technology and many fast developing industries, but they still adhere to land reform arrangement in their countries in managing the agriculture sector, regulations regarding land reform remain firmly held by the government and its people.

Research Problem

Based on the description above, it is exciting to be further investigated with the formulation of the problem as follows: *first*, how is the impact of the rules that facilitate investment for the realization of land reform in Indonesia; and *second*, how much the influence of the progress of land reform on economic growth.

Discussion

The Rules' Impact that Facilitates Investment for the Arise of Land Reform in Indonesia

The definition of land reform comes from English that involves the word "land" which means land and the word "reform" means reshuffle. Based on this understanding, land reform can simply be interpreted as land reform. Land reform is not only said to be a renewing of the land but also a modernize of human relations with the land and human relations with humans relating to land in order to increase the income of farmers, and this recast is more fundamental. Formerly, land reform called Issue land to the tillers. It was first discussed by Lenin and Sun Yat-Sen, but even so, it can not be concluded that if we use the axiom also means we are followers of communism. This means that it is closely related to the term land reform, which is widely echoed in a communist country, but that does not mean that we also want to carry out land reform, meaning we also tend to recognize communism. (Parlindungan, 1991)

Land reform has been implemented from various countries in accordance with the period of time. Land reform has become the country's main activity exclusively in rural areas in the 20th century. The popularity of this land reform policy has been fluctuating. In addition, land reform has undergone significant changes in its concrete form, including the current reform of a set of policies and programs that are more diverse than in the 20s. Land reforms have become more diverse in the past two decades. It is no longer limited to its distribution, that is, the transfer of land rights from large landowners to people who do not own land, tenants and small farmers by means of direct state action, but other than that the State has various legal and administrative instruments for increase land rights to

landowners. The granting of a certificate to the landowner is expected to provide a guarantee of land rights.

Land reform is an important component of the socialist revolution that exists in Russia, China, Eastern Europe, America, and Africa in the 20th century. The socialist movement devoirs land reform as an important element of the desired process of social transformation. For them, land reform was the main means of breaking the power base of the feudal class and asking for support from the peasants in carrying out a revolution. Correspondingly, Russia underwent land reforms after 1917, China in the 1940s, and the Democratic Republic of Taiwan in the 1950s. Land reform was carried out in rural eastern Europe after World War II. Subsequently, the socialist government began land reforms in Bolivia, Cuba, Nicaragua, Ethiopia, and Mozambique. All land reforms involve the large redistribution of land from large landowners (landlords) to landless people, tenants, and small farmers. The socialist movement caused a series of capitalist world governments to also enact redistributive land reform. The reformist government expects land reforms to enlarge their base of support in politics by meeting the demands of the peasants and weakening the position of large conservative landowners. In its development, it was not only the socialist government that carried out land reform. The Governments of Taiwan and Korea implemented land reforms in the 1940s and 1950s with support from the United States. The South Vietnamese regime also carried out land-to-the-tiller programs in the 1960s and 1970s. Then the most famous is a series of land reforms carried out by the Latin American government under an Alliance sponsored by the United States. (Muller, 2009)

The concept of land reform has changed overtime correspond with current development, land reform is held in communist countries first, in communist countries land reform is accomplished by confiscation of land without compensation, this is very different from the concept of land reform in South Korea or Taiwan which will provide compensation for land that exceeds the maximum land ownership limit. Indonesia's agrarian reform, which includes land reform, is executed to fulfil the constitutional mandate of the 1945 Constitution. It aims to protect all Indonesian people and the land that has been fought for and to improve the welfare of the community, to educate the lives of the people, and to participate in the formation of a world order based on freedom, eternal peace, and social justice. Politics, social and economy are within the goals of agrarian reform. As a political goal, there is a consolidation for a country that has just experienced a political revolution. Then, social equality and empowerment as a goal of social. Furthermore, economic goals include the distribution of income, employment, and productivity. (Widodo, 2017)

Land reform policy in Indonesia began with the announcement of the Basic Agrarian Law (UUPA) in 1960, land reform policy was more interpreted as Agrarian reform in the narrow sense of the renew of land ownership and control as well as the legal relationship concerned with land tenure, Article 7 of the Law Agrarian principal (UUPA) states that to relieve the impairment of the public interest, ownership, and control of land that exceeds the limit is not permitted. Then to achieve the objectives referred to in article 2 paragraph

(3) and Article 7 of the BAL stipulated the maximum area and minimum area of land that may be owned by one family or legal entity, it is contained in Article 17 of the BAL.

The basis formation of the Basic Agrarian Law is Article 33 paragraph 3 of the 1945 Constitution, as we know the 1945 Constitution is a reflection of the Pancasila as the basic principle of the Indonesian state. Therefore Pancasila with the 1945 Constitution is an inseparable unit. The 1945 Constitution is evidence of the value of Pancasila, which is the basic principle of the state. The basis of the Indonesian state was formed after the Jakarta's Charter, which accepted Pancasila as the basis of the state, (Sudrajat, 2016). The ideology of Pancasila has the power to live. Pancasila ideology is essential due to it can demonstrate how a society including the government to think and behave (Wahyudi, 2006)

Based on article 33 of the 1945 Constitution, the state operates the economic sector for the collective or cooperates. One of the statesmen, Indonesia's first Vice-President Mohammad Hatta, argued that cooperation must be a characteristic of the Indonesian economy, as opposed to capitalist companies. Then the idea of "mutual cooperation" emerged as a characteristic of Indonesian culture, which meant mutual assistance. Ideas that oppose capitalism become a national struggle to transform certain systems of interest into a common interest with the whole society. (Ruslina, 2012)

Indonesia has vision as the rule of law with distinctive characteristics, namely the State of legal Pancasila, which is stated in the preamble and articles in the 1945 Constitution of the Republic of Indonesia as the concept of the rule of law. However, forming a new rule of law concept, which is based on the views and philosophy of the noble life of the Indonesian nation, namely the Pancasila State of Law. The concept of the rule of law adopted in the 1945 Constitution of the Republic of Indonesia is an active and dynamic state of law. This rule of law model is oriented to the fulfilment and realization of people's welfare in accordance with the Welvaarstaat principle. (Aswandi, 2019)

The values of the Pancasila were actualized as a first step to the Legal Reform in Indonesia. The re-actualization of the Pancasila has reflected injustice that is highly recognized or fundamental. Therefore, the Pancasila state is characterized by the rule of law or rules of moral justice. Such a legal notion was initiated by Satjipto Rahardjo with the term known as progressive law. In progressive law, we are required to understand the law as a whole about ways of understanding the values of Pancasila. Social justice and the life of humanism can be overcome in various ways. Some of them are through the notion of justice as an ideal law in a positive legal system. (Putra, 2015)

Law is the instrument that idealized to achieve the goals collectively. The own ambitions of the law, both regulated through the idea of a democratic state (democratic) and those realized straight the idea of the rule of law (nomocracy) are intended to enhance public welfare. Even as the national ambitions of Indonesia formulated in the Preamble of the 1945 Constitution, the purpose of the nation of Indonesia as a state is to protect the entire nation of Indonesia and all of Indonesia's blood, promote public welfare, educate the life of the nation, and participate in achieving world order based on independence,

peace, and social justice. The rule of law functions as a means to realize and complete the four goals of the Indonesian state (Asshiddiqie, 2011).

A valuable legal should have stayed itself on the morals of the nation where the law was made or assembled, grows, and develops. The nation's morals then become guides for the principles of law which form the basis for the formation of laws and regulations. For the Indonesian nation, Pancasila in the Preamble to the 1945 Constitution, not only outlines the objectives of the state but also provides the fundamental principles of the state which must be the basis for the formation of laws and regulations. The precepts in Pancasila become the principle of the prosecutor, which is fundamental and becomes the main legal principle in the formation of legislation. Pancasila as the source of law in the formation of law is affirmed today in Article 2 of Law Number 10 the year of 2004, which states "Pancasila is the source of all sources of state law". While Article 3 paragraph (1) of Law Number 10 of 2004 "The 1945 Constitution of the Republic of Indonesia is a basic law in the Statutory Regulations". These two articles mean that every formation of legislation needs to form Pancasila as the source and guidelines for its formation. Pancasila is a legal ideal (*rechtsidee*) that serves as a guideline and as a benchmark in achieving community goals formulated in statutory regulations (Rosadi, 2010).

Pancasila, as the ideology of the Indonesian state, has five aspects, involving social justice for the whole community or Indonesian people. However, the employment of social justice has not been fully implemented, and social justice consists of fair treatment in all areas of life, principally in the political, economic, and socio-cultural fields; realization of social justice; the balance between rights and obligations. Social justice is built from the awareness of the Indonesian people in implementing the fifth precepts in Pancasila through social life. Social justice is not only centred on certain individuals or groups but the whole of Indonesian society. However, people have not received sufficient justice (Naomi et al., 2018). In realizing economic development towards an equitable and prosperous society based on Pancasila, one of them is by conducting land reform. The purpose of land reform is to distribute land to the community (farmers) by the government (Jamilah, 2019).

Indonesia's economic development concept must attend to Pancasila. Pancasila as principle, goal, and guidance in its function. National economy development aims to present social justice and welfare of the community. The economic system that believes in Pancasila must have a valuable conception of Pancasila. Similarly, the Indonesian economic system Pancasila is restrained by moral and ethical norms. Hence our national development is moral development. Also, the utilization of humanity and fair values and respect for human status is also true and fundamental as responsibility for economic life. The concept of a national economic system based on Pancasila is still an idea that continues to evolve and change due to the development and change of Indonesian society. Creating justice, prosperity, and security for all Indonesian people, as stated in the commencement of the 1945 Republic of Indonesia Law, in principle is the responsibility of the state (Chotijah, 2015).

To establish and assemble the agrarian law in Indonesia that suits to the country's basis and the philosophy of life of the Indonesian nation which is namely Pancasila, the establishment of the Basic Agrarian Law forms Pancasila as a guideline and directory in preparing agrarian law in Indonesia, and the rules are (Soetiknjo, 1986):

1. That the relationship between Indonesian and land territory is natural.
2. That the exchange to land has a private and collective nature.
3. That only Indonesians have the strongest relationship with the land in Indonesia, whereas foreigners are still provided to have a relationship with the land. However, the relationship does not harm Indonesian.
4. That every Indonesian has the same rights and opportunities to have a relationship with the land.
5. That every Indonesian has the same rights and opportunities to save Indonesian agricultural products.

Indonesia is dubbed as an agrarian country. Indonesia is known to have productive land and plenty of citizens who use the land as a source of life by utilizing the land, it can be by planting and so on. The economy of developing countries like Indonesia highly dependent on the agricultural sector, the driving force of economic development in developing countries is the developing agricultural sector as well. The land is an essential natural resource, not only because of its function but also its social function, because the land is the beginning of farmers' welfare (Saputra, 2015).

Land reform becomes one of the programs in UUPA. As we perceive that the part of the land reform program is the prohibition of absentee land ownership, agricultural land must be actively worked on, and if the land does not actively work out, or exceeds the land ownership limit, it can be processed to become the property of the State so that it can be distributed to productive farmers who do not have land, the thing that is intended to be achieved with the Land reform Program in Indonesia and is regulated in the Basic Agrarian Law is to enhance the income and living standards of the land tenure farmers, as a foundation or prerequisite for carrying out economic development towards a just and prosperous society based on Pancasila (Perangin, 1986).

The Articles in UUPA are the reflection of Pancasila. This can be seen from the fourth and fifth precepts, and their embodiment can be identified in Article 9 paragraph 2 of the Basic Agrarian Law, which reads:

Every Indonesian citizen, both male, and the female, has the same opportunity to gain the right to land and to get benefits and results, both for themselves and their family. Having the same opportunity to obtain a right to land is a reflection of the fourth precept while having the same opportunity to get benefits and the results both for themselves and their families are in accordance with the guidelines that are arrested from the fifth precept.

Thus, giving a plot of land to every Indonesian people is impractical as the country's land area has restricted. At least, we need to build an effort to provide land rights. This can be accomplished if there are regulations to limit the area of land that can be claimed as owned or controlled by individuals or legal entities. Regarding to the Article 7 of UUPA

says that to restrict the impairment of the public interest, ownership and control of land that eclipse the limit is prohibit, and regarding this maximum area is further regulated in Article 17 of the Basic Agrarian Law which says Paragraph 1 keeping in mind the provisions in Article 7 then to manage the objectives referred to in article 2 paragraph 3 set the maximum area and/or minimum land that may be owned by a certain right in Article 16 by a family or legal entity, additionally states paragraph 2 Determination of the maximum limit referred to in paragraph 1 of this article is done with legislation in a short time, again Paragraph 3 Land which is excess of the maximum limit referred to in paragraph 2 of this article is taken by the government with compensation for further distribution to the people who need it according to the provisions in Government Regulations and Paragraph 4 of this article states that achieving the minimum limit referred to in paragraph 1 of this article, which will be determined by statutory regulation, is carried out gradually.

In Articles 7 and 17 of the BAL, the principle of equality has been concluded, and it aims people possibility to have land, for farmers of course large enough to be able to provide a decent living. To applicate article 17, Law No. 56 of Prp. 1960s which determine the maximum limits of land area that can be owned or controlled by a family or individual (article 1-6) and a minimum area of 2 ha, for agricultural land to be sought by the government.

The struggle to persuade farmers and their families have at least 2 ha of agricultural land, and the maximum is determined for each region, this effort can be achieved by taking into account also providing employment opportunities for farmers who do not receive land, except if it is also determined that the agricultural land is actively cultivated by the owner himself. This is an attempt to prevent the existence of landowners who reside elsewhere (absentee land, farmers, or not), who hands over the cultivation of land to others, maybe to farm labourers, tenants, or proficient. This situation provides an opportunity for response exploitation.

Indonesia adopts civil law. Many written rules are composed to regulate the running of the government and regulate the life of the nation and state, and investment policy is one of the important things to arrange, the policy is usually realized in some regulations both in the form of laws and regulations underneath. Developing countries are more in need of investment, notably foreign investment, due to low general levels of domestic savings. Foreign investment, can and does act as a medium for transferring the need for resources such as technology, managerial capabilities, export channels and capital from industrial countries to developing countries. Therefore, the investment will increase productivity and influence on the economic growth (Sodik, 2005).

The presence of foreign investment is absolutely required. It plays a role in the economy of developing countries. For instance, plenty of developing countries were saved by foreign investments during the economic crisis in 1997, and although the country was affected by the economic crisis by planting stable or increasing foreign capital, it will improve the country's economy.

Investment in Indonesia flowed rapidly begins from the new orde era, in the period 1967 to 1971, at that time the Indonesian government had welcome the for 428 foreign investors with a total investment value of US \$ 1.6 billion, outside the petroleum sector, the government of the new orde acts the liberalization, the liberalization period lasted from 1983-1997. The New Orde government liberalized the industrial, agricultural, and food sectors. By utilizing cheap labour costs, the New Orde government tried to attract foreign investors. Foreign investors also entered the agricultural sector by producing chemical fertilizers and pesticides (Detik Finance: 2018).

When the new order regime came to power, the agricultural sector was far behind. The green revolution program that began in 1968 through the modernization of the agricultural sector was indeed able to bring about a macro improvement in the growth of this sector. The achievement of national rice self-sufficiency from 1984 to the end of 1990 was a great achievement that was recognized by the FAO. However, this achievement has also not been able to provide a fair and encouraging description in the aspect of the distribution of land risks. The 1993 agriculture census shows that of 69% of agricultural land area only 14% of the area is controlled by rural households, while at other poles 43% of rural households are still in a state that does not control land at all (landless). (Sukardi, 2004)

In the era of the old order, the attention on the land reform was proved by the rules of *Keppres* No 131 the year of 1961 about the implementation of land reform management which was later refined by Presidential Decree No. 263 of 1964 concerning about the improvement of the land reform committee as meant in *Keppres* or Presidential Decree No. 131 of 1961. a Land reform Committee was formed in Indonesia begins from the provincial, district, up to sub-district and village levels.

However, in the New Order era, then appears the Presidential Decree No 55 of 1980 regarding Organization and execution for Land Reform, whereby the Landform Committee that was previously formed is dissolved and transferred to the Ministry of Home Affairs bureaucracy, from ministers to sub-district heads and village heads. The emergence of the Presidential Decree illustrates the position and role of the community becomes increasingly unclear.

In the New Order era, Land reform was ignored. In regards to using liberalization in the industrial area, agricultural and food sectors certainly become a concept that exists in the UUPA is very destructive for the New Order regime. Many rules reflect the injustice of land use. This happens due to the enactment of Law No. 1 of 1967 concerning foreign investment, with a large number of foreign capital access the New Order era, land ownership by a group of large capitals has emerged.

The agrarian policy in the New Order era was indicated by three policies. *First*, the implementation of the land reform stopped on the administrative-technical issues. *Second*, the presence of the main policies rejection was governing agrarian issues in Indonesia as stipulated in the UUPA and the Production Sharing Agreement Act or *Undang-Undang Perjanjian Bagi Hasil* (UUPHBH). *Third*, eliminating the legitimacy of

participation from farmer mass organizations in the process of implementing the land reform agenda in Indonesia. The New Order's general policy was marked by many characteristics, namely: stability which was a top priority, in the socio-economic field, development commit to foreign debt, foreign capital, and speculating on the strong; and in the field of agrarian accept a shortcut policy, namely the Green Revolution without Agrarian Reform. The characteristics of agrarian reform policies in the New Order era can be born because in the New Order era (up to 1992) several legal products have been born in the form of laws in the electoral and regional government fields, but not in the agrarian field. In the field of national agrarian was not issued a law, but there are partial statutory regulations or statutory regulations which are hierarchically under the degree of law. (Sutadi, 2018)

Other regulations that are not in accordance with the UUPA and hinder the implementation of land reforms are Government Regulation no. 40 of 1996 concerning Land Use Rights, Building Use Rights, and Land Use Rights. In Article 5 of the Government Regulation, it states that the maximum area of land that can be granted with a Cultivation Right to a Legal Entity is determined by the Minister by allowing the considerations of the authorized officials in the field of the business concerned, bearing in mind the area required to carry out the most efficient business unit in the field concerned, the area of the land that should not exceed 25 hectares, but in this regulation, the legal entity is not clear about the maximum amount of land that can be given in granting of Cultivation Rights, the Regulation is certainly in the interests of investors, especially foreign investors. Finally, the land can be administered for a long time and with a large land area.

During the New Order era, to avoid large socio-political vulnerabilities, land reform was implemented in a very different form. Improvement of farmers' access to land is done through policies in the form of balancing population distribution with land area, by moving the population to areas with the large land area through transmigration. This program was then accompanied by a PIR (*Perkebunan Inti Rakyat*) development program. The area of land granted to transmigrants and smallholders follows the minimum limit of tenure of 2 hectares of arable land per family (Syahyuti, 2004).

The program of Land reform in the New Order era is more concerned with land policy for development by referring to economic growth which is used as a reference for carrying out infrastructure development in Indonesia. This can be found in the dissemination of Law of the Republic of Indonesia Number 15 of 1997 concerning Transmigration, which is a form of development policy aimed at equitable distribution of the population so that other development programs can be applied (Sutadi, 2018).

The implementation of the green revolution in the New Order era tended to pursue productivity without structuring an unbalanced agrarian structure and ignoring the equitable distribution of results, further compounded by thoughts that alienated the access of small farmers and farm labourers to land resources. The government encourages small farmers to sell their land, even if there is no coercion. The farmer is expected to acquire skills to work on plantations or transmigrate. Thus only farmers who have large

tracts of land are allowed to control agricultural land, while small farmers must be willing to give up their land for large-scale farming (Hairani, 2014).

The New Order period seems to uphold Pancasila values and maintain Pancasila values in the community, and this can be seen from the existence of the Pancasila Education Program or P4 (Guidelines on the Understanding and Practicing of Pancasila), the program has the aim to explain the third Five-Year Plan or *Rencana Lima Tahun Ketiga* (Repelita III). In *Repelita* III the main key is equality. In the Pancasila educational material on equality, it discusses trilogy development, which consists of the distribution of development benefits, boosting economic growth, and securing national stability. Then, the other component is an eight-equal distribution program. Eight lines of blocking include basic needs (food, clothing, housing); educational opportunities and health services; income and employment; entrepreneurial opportunities for women and youth; justice; and geographical distribution (Michael, 2016).

The presence of the Pancasila Education program or P4 (*Pedoman Penghayatan dan Pengamalan Pancasila* or Guidelines for Living Up and Practicing Pancasila) does not allow the satisfactory impression of the New Order policy which is perceived by the society, otherwise many New Order government policies are not in favour of the people in the case by the emergence of regulations on ownership of land that benefits the parties, investors or financiers, this can be seen from the many regulations that benefit investors and the implementation of land reform, and it does not respect the community and divorce the ideals of the Pancasila values.

In the history of the Soeharto government, a part of Indonesia's economy was captured over as his own and his family's interests. It adjusts the precepts of social justice does not reach for all Indonesian. In 1989, Soeharto moved further by ordering the Indonesian Economists Association to avoid the many complaints about social injustice. On this occasion, Suharto invited the *konglongmerat* or rich people to take part in the economic sector. The Indonesian economy during the New Order conflicted with Pancasila. This is considered because the value of social justice for all Indonesian people is not implemented properly. The existence of power offense becomes a factor that triggers social injustice.

After the Indonesian New Order era dropped, the Indonesian New Order era entered the era of reform, in this era, the Decree of the People's Consultative Assembly of the Republic of Indonesia appears, Number IX/MPR/2001 in 2001 regarding Agrarian Reform and Natural Resource Management, this certainly gave a breath of fresh air to the implementation of agrarian reform during the New Order era did not strive, in Article 6 the MPR decree mandated the House of Representatives of the Republic of Indonesia together with the President of the Republic of Indonesia to immediately regulate the implementation of agrarian reform and natural resource management and revoke, change and replace all laws and regulations that did not implement in line with the Decree.

Furthermore, whether the chore to the House of Representatives and the President to carry out this can constitute the land reform work properly according to what is in the

UUPA is certainly not the case, because there are still many regulations that degrade the UUPA and are not suited to the UUPA at the time of this reform there are Laws, the Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, in 2013 in DKI Jakarta and Provinces in Java and Sumatra in 2013 there were many conflicts due to land acquisition for infrastructure development under the pretext of development being carried out in the public interest, the process of the birth of agrarian policies is often driven by the interests of large investors and international financial institutions, one of which is Law Number 2 of 2012 led by the Asian Development Bank (ADB) so that debts in the field of infrastructure projects are more smoothly implemented in Indonesia (Agrarian Reform Consortium, 2013).

TAP MPR No. IX / 2001 grow into recent expectation for agrarian fighters, but over time these prospects have failed due to the TAP MPR is only legal on paper where its mandate has never been carried out. In the outcome of the amendment to the fourth 1945 Constitution, liberal-patterned regulations were present in Indonesia (Parangin-angin, 2014). In the era of industrial reform, the oil palm sector is spreading, the land area of oil palm plantations is expanding from year to year, according to data from the Central Statistics Agency or Badan Pusat Statistik (BPS) in 2013 it was stated that the area of oil palm plantations in Indonesia over the past seven years has tended to increase, inflation around 2.49 sd 11.33 per cent per year. In 2008 the land of Indonesian oil palm plantations was recorded at 7.33 million hectares, increased to 10.13 million hectares in 2012. Then in 2013, it is estimated that the area of oil palm plantations still increased by 4.47 per cent from 2012 to 10, 59 million hectares (Central Statistics Agency, 2013).

The area of oil palm plantations is increasing from year to year said by the Central Statistics Agency that the area of oil palm plantations in Indonesia before 2017 during the last four years tends to show the expansion. The inflation ranged from 2.77 to 4.70 per cent per year. In 2013 Indonesia's oil palm plantations were recorded at 10.47 million hectares, increasing to 11.26 million hectares in 2015 or the development of 7.60 per cent (Central Statistics Agency, 2017).

The expansion of oil palm plantations every year, of course, is very detrimental to the community and increasingly hampering the implementation of land reforms in Indonesia, this vast oil palm plantation land is only controlled by a few entrepreneurs with large capital, even in 2013 there was bribery committed by one company palm oil to the Buol Regent, and his case was handled by the Corruption Eradication Commission or *Komisi Pemberantasan Korupsi* (KPK) a bribe to the Buol Regent starting with a request from HGU and IUP Hardaya Inti, which is a subsidiary of the Cipta Cakra Group. Previously, Hardaya Inti had a location permit for 75,090 hectares in Buol since 1994. From that area, only 20 thousand hectares had obtained HGU in 1996. Because the remaining 52,309 hectares had not yet obtained the use rights, Hardaya sought to apply for the permit. The company requested use rights for a part of the land, which was 33 thousand hectares in 1999. However, due to the new Head of Land Agency's regulation prohibiting a company from holding an HGU of more than 20 thousand hectares in one province, the

application was rejected. Hardaya has planted 4,500 hectares of land with oil palm (Tempo.co, 2013).

The extortion occurred because of overlapping regulations, that is, on the other hand, the National Land Agency has its regulations which do not allow the granting of business rights that exceed the provisions and on the other hand, there is the authority of the regional government to permit in the case of land distribution. Keppres Number 34 of 2003, which states that the regency or city-regional government has the authority to determine the subject and object of land redistribution, as well as the maximum excess land compensation and absentee land.

In 2018 Presidential Regulation No. 86 of 2018 concerning Agrarian Reform was enacted. In the Presidential Regulation, it is said that Agrarian Reform is a restructuring of the structure of control, ownership, use, and use of land that is more just through the Arrangement of Assets and accompanied by the Arrangement of Access for the prosperity of the people of Indonesia. The purpose of agrarian reform is to reduce inequality in land tenure and ownership to create justice, deal with agrarian disputes and conflicts, create a source of prosperity and prosperity of an agrarian-based community through arrangements for control, ownership, use and use of land, create jobs to reduce poverty, improve community access to economic resources, increase food security and sovereignty, then develop and maintain the quality of the environment (Pandamdari, 2019).

The question that arises from the Presidential Regulation No. 86 of 2018 concerning Agrarian Reform is whether the Arrangement of Assets and accompanied by the Arrangement of Access is likewise what is aspired to in the Basic Agrarian Law especially regarding land reform, what if the structuring of these assets actually applies to companies large companies owned by investors who have large capital as well. There are still many poor farmers who have not to own land by getting small wages from their work as farm labourers, certifying land is certainly very important in ensuring the legal certainty of landowners, but the redistribution of land to small farmers is not to be omitted.

In 2019, Indonesia implemented one of economic policy; it is called through land reform. The expansion of land mostly comes from forest land. About 12% of the country's land area is for redistribution to farmers and communities in 2019. Forest redistribution is carried out with an emphasis on social forestry programs. This is considered to affect people's livelihoods. In a study conducted by Resosudarmo, namely analyzing forest land reforms in Central Kalimantan. Land reform policies have increased the area distributed to local communities. Resosudarmo (2019) assumes that the distribution of the land must be monitored and enforcement of the regulations. The distribution of the forest land certainly can not reflect the land reform that is under the Basic Agrarian Law because it only affects a small portion of the community around the forest, and has not been evenly distributed to farmers throughout Indonesia.

In 2019, the draft Land Law also appeared in Article 26 paragraph 4 and paragraph 5, which states that in certain cases, the Minister may provide an extension of the term of Cultivation Right for a maximum of 20 (twenty) years. The granting of an extension of the

Cultivation Right of Cultivation by the Minister as referred to in paragraph 4 is carried out by considering the age of the plant, type of investment and investment attractiveness, in this Land Bill the Right to Cultivate or *Hak Guna Usaha* (HGU) is possible to be extended twice and that changes the provisions of the previous regulations only gives a one-time extension, with this two-time extension the HGU has a total period of 90 years, this second HGU extension also takes into consideration the type of investment and investment attractiveness. The policy in the land bill is seen to be more accommodating to the interests of investors, owners of large capital with high investment attractiveness will benefit from the long period of land ownership.

According to the discussion above, it can be seen that the existence of regulations that better accommodate the interests of investors greatly affects the land reform that regulates fair land tenure for the community because with these policies the possibility for the community to obtain land rights will close to them. Large investors will success and the Indonesian people will not get justice, the values that have been realized in the Basic Agrarian Law will be painful to implement due to many regulations degrade the existence of UUPA. The Basic Principle of the Agrarian Law proclaiming the presence of the UUPA is to compare the three countries that have successfully implemented land reforms, they are Japan, Taiwan, and South Korea, these three countries have the economic power.

In Hungary, we can see that investment will reduce the availability of productive agricultural land and hinder the implementation of reforms in the land sector. Hungary is a country with a strong tradition of Agriculture, agriculture used to play a very important role in the economic sector. On the other hand, with the regime's alteration, the contribution of agriculture causes gross domestic income and decreasing employment opportunities. In recent decades the area of arable land has continued to decline significantly in Hungary. This failure was consolidated around 2012 as a result of continued development and increased development in rural areas. Agricultural area refused from around 6.47 million hectares to 5.35 million hectares between 1990 and 2017. During this period, the area of uncultivated land increased from 1 million hectares to more than 1.9 million hectares.

Industrial development, urbanization, and transportation development require recent areas. It causes the expense of agricultural land. The problem is not come from the low quality of agricultural land used for the development, because the most sufficient land for construction is flat or slightly sloping, that is, most convenient for agriculture, the proportion of uncultivated areas spread over a wide range, that is influenced by the level of urbanization. Following the administration of the capital area, the existence of productive agricultural land is increasingly reduced in this marked by a significant expansion in industry and the rise of the mining area.

An area of 16,177 hectares of agricultural land in Hungary received permission for conversion to land that would be used for non-agricultural use. It happened during the period 2010 to 2015. The damaged area exceeded 1000 hectares in only six cities, i.e. Pest, Bács-Kiskun, Hajdú- Bihar, Borsod-Abaúj-Zemplén, Baranya, Győr-Moson-Sopron. They

are the capital area of Hungary. In the Pest County region, settlements are growing rapidly to obtain the metropolitan city, while in the cities of Bács-Kiskun and Győr-Moson-Sopron are becoming automotive industrial areas (Koncz, 2018).

Then, we observe other eastern European countries. In the State of Slovakia, in Slovakia there are several issues regarding the protection of agricultural land, the first is the constantly changing policy respecting to land protection, namely the number of land conversion functions from the land for agriculture to land for purposes other than agriculture, for instance turning agricultural land into forested land causes overgrowth on forest land, this is accompanied by the phenomenon of growth in other sectors in the intensive economic sector (especially in the development of the industrial and transportation sectors). This adjustment may be temporary or can be permanent, then it can also be intentional or spontaneous. This trend results in very large land area differences and causes agricultural land crises that can be seen by leaving agricultural land and the amount of uncultivated agricultural land (Lazíková, 2018).

The annual growth of agricultural land price is around four per cent. There are no regulations on the price of agricultural land in the Slovak Republic. The main reason is the strong resistance to the existence of domestic farmers. Agricultural land in the Slovak Republic, despite having a low price, is relatively expensive for domestic farmers, most of whom are unable to purchase. Conversely, foreign and foreign farmers or non-agricultural financiers who have a higher capability can buy agricultural land even at a higher price because agricultural land in Slovakia is considered to have a relatively low price for them. Landowners naturally prefer to sell at high prices, so it is logical that if buyers at higher prices will be able to get the land. (Illas, 2009)

The diversity in land use also comes from other countries like Spain. Agricultural land use is closely related to Spain. A research conducted by Delgado-Serrano, José Ángel Hurtado-Martos results, several reasons generate land use in Spain. The main reason for land diversity is due to the high displacement of dwellings or settlements (Urban Sprawl) to urban areas. As a result of the displacement, land that should have been agricultural land was used for residential land. About 62% of new urban areas come from agricultural areas and 25% from forest areas or woodland. Then European and Spanish public policies that have encouraged economic growth that depend on the high land consumption sector, such as construction, transportation, and tourism also affect land use revolution. This is considered to be an opportunity for economic growth in Spain. The socioeconomic cause was also an important influence of the policy. The impact is a decrease in the capacity to produce food as a result of reducing agricultural land. Reasons for land use in the period analyzed in Spain do not follow clear directions for sustainable development (Serrano, 2018).

With the various policies implemented towards the use of agricultural land for non-agricultural sectors in several European Union countries, it becomes important to arrange a regulation to protect the use of agricultural land. An academics, Palsova from the Department of Law, Faculty of European Studies and Regional Development, the Slovak

University of Agriculture in Nitra proposed a project entitled, “Central European Initiative on Agricultural Protection”. The project aims to strengthen communication between key stakeholders in the protection of agricultural land in central Europe. Some of the activities carried out in the program include (Palšová, 2018):

1. An international conference is held to discuss the protection of agricultural land, which has an impact on the agribusiness and food sectors.
2. Proceedings of scientific papers from researchers, academics and experts who will analyze and evaluate the socio-economic, ecological, legal and political aspects of protecting agricultural land in Central European Indonesia in the context of the European Union's environmental agribusiness policies and efforts to maintain the quality of agricultural land in Europe
3. The book (document), which will present the legal regulations on the protection of agricultural land in Europe and the requirements needed to maintain the quality of agricultural land and will summarize the analysis and expertise of protection of agricultural land from the Central European Countries. This book perhaps contains best practices in maintaining the quality of agricultural land.
4. Presentation of the demand for the protection of agricultural land in the European Union (UE) countries. It is considered to have a positive impact on the achievement of the EU as an agribusiness and food policy objective.

The use of regulations can facilitate investment. However, it does not restrict the implementation of land reforms that should be learned by the government. Perhaps, some study on many investment policies that hamper or even frustrate the land reform program that is being carried out in a country. An Independent and develop economic country is certainly much coveted by all Indonesian people, this is also convenient to the dreams of the nation's founders who have been discoursing on the land reform program since 1960.

The Influence of Land Reform Implementation upon Economic Development

The economic growth is a country's economic problems chiefly towards a better condition during a certain period. It can be related to the condition of the development in the production capacity of an economy that is realized in the form of national income escalation. Economic growth is an indication of the success of economic development. In the macro analysis of economic growth achieved by one country is measured from the balance of real national income received by one country (Ernita, 2013).

Secure and steadily distributed land rights have a contribution to social life and economic progress, contributing to democracy, peace, productivity, and gender equality among others. Inequality in land ownership rights between small farmers and developers becomes a factor to encourage land reform. Unbalanced land rights will affect resource imbalances and receiving income. The inequality in question is the difference in the amount and value of land according to the distribution of land ownership, land tenure rights, and the incompatibility of land ownership rights (Wegerif, 2020).

Economic development moves significantly after the implementation of land reform can be seen from a number of countries that have implemented land reforms and have succeeded in improving the country's economy. Land reform has been applied after the country experienced an extreme economic downturn. The instability of land ownership in Japan, Taiwan, and South Korea can be overcome by implementing a land reform program, the results of production in the agricultural sector are increasing with equal distribution of land ownership by farmers. The three countries are currently developing economic growth rapidly because it was preceded by a land reform program (Grabowsk, 2002).

In 1952 as a whole 64 per cent of families in Taiwan were or 44,924 families who became agricultural labourers. They have not sufficient land. In South Korea in 1947, farmers who had full rights to land were only 13.8 per cent, half of the owners are 34.6 per cent, and tenants are 49.9 per cent. (Rajagukguk, 1985)

In east Asian countries such as Japan, South Korea, and Taiwan, land reforms have had a significant influence on the country's economic progress. These countries have extensive land reform. Land reforms eliminate the landlord class and provide the basis for the distribution of economic growth. The external influence of American power turned out to have a positive impact on land reform in Japan, South Korea, and Taiwan. Land reform in these three countries is the result of the opening of internal historical and economic forces over a long period. Land reform is implemented in rural areas where farmers are the main target. The rural development process consists relatively accelerated in agricultural growth and commercialization. The extent to which farmers benefit from this process varies from country to country. In Japan, there is a significant increase in living standards, while in Taiwan, it is quite good but not more than Japan. Unlike in South Korea, which is not seen concretely. With advances in living standards, land reform also had an effect on commercialization among farmers which led to protests. However, the disturbance did not change the political and social structure. It is just caused a dispute over the parties where tenants and landowners struggle in making formal and informal contracts regarding land use. The solution to figuring out this problem is by compromise. A compromise usually is won by the tenant; in this case, the transition to the terms can benefit them. Land reforms in Japan, South Korea, and Taiwan also influenced the landlord's orientation and character. The landlord-tenant system in the three regions of the country has been changed for the sake of farmer-tenants. This is based on the history of land reform after World War II. The openness of historical forces and internal economic forces is the basis for the success of land reform in the three countries (Grabowsk, 2002).

Taiwan has implemented land reforms on its territory. Land reform in Taiwan has had an impact on the country's economic development, especially in the agricultural sector. There are two phases of land reform that have had this positive impact. Among in 1895 to 1945, water resources have developed on a large scale and improved technology in the production of rice and sugar cane. The second phase is encouraging agricultural development. Some agricultural development programs include reducing land rent, selling public land, and the land-to-the-tiller program in 1953. According to Koo (1966),

the consequences of land reform on the economy, based on (1) the estimated increase in income based on rice production per hectare and (2) aggregate income from the agricultural sector, namely with the income inflation of tenant farmers and cultivators (Koo, 1966).

The development of the agricultural sector in Taiwan is inseparable from the impact of land reform. Taiwan's agricultural development continues to progress with its agricultural technology. The e-commerce platform for agriculture is an example of the progress of agricultural technology in the country. Taiwan utilizes the internet as easier access to managing advanced agriculture. The e-commerce farming platform used is to connect two countries in the cross-border agricultural development of the two countries. Here, Taiwan and Hainan (China) are connected to the e-commerce farming platform. As a result, farmers and business farmers can easily understand the development of agriculture within each country (Song, 2018).

Agriculture is one of Japan's economic strengths, its background as a country that prioritizes agriculture becomes a fundamental factor for Japan to develop the economy in the next stage, the early stages of development Japan has a culture that is agricultural culture, where cooperation is a prominent aspect (Adji, 1997). The evidence of land reform positive effect on the economy of a country can be seen in the implementation of land reforms in Japan. The war has caused great devastation. Japan faces many problems, such as famine. Imports have stopped, and domestic agricultural production is very critical. The Japanese government at that time had to overcome a very severe food shortage. In this situation, drastic land reforms were realized from 1946 to 1950 under the strong guidance of The Supreme Commander for the Allied Powers (SCAP) (Kawagoe, 1999).

The instability of the land ownership structure was faced by Japan after losing in World War II. At that time, more than 4 million families worked all or part of the land. Most of them have small agricultural land, but more than 1.5 million of them are landless farming families. After World War II land reform was led by General McArthur (Rajagukguk, 1985). With land reform going on in Japan it is also clear that with the recovery of agricultural land by farmers who may have been only cultivators or tenants or farm labourers, now production can be increased. (Parlindungan, 1991). Japan is indebted to the United States for helping to provide a foundation for postwar economic growth. The existence of Japanese democratization, antitrust policy, land reform, and changes in labour issues, encourage the Japanese economy competitive and dynamic. Japan was able to maintain an economic growth rate until 1973 because of a supportive environment (Purbantina, 2013).

After the war, the Japanese Ministry of Agriculture independently drafted an outline of land reform, when the Occupation Forces had not taken a clear stance on reform. This is an outline approved by the cabinet on November 22nd, 1945 and the Land Reform Bill or RUU was prepared as a revision of the 1938 Agricultural Land Adjustment Act. The bill contained three main provisions, and they are as follows:

- 1) compulsory transfer of all land owned by absent landlords and all land leased from other landowners, whose individual ownership exceeds 5 hectares;
- 2) replacement of traditional land rent in the form of cash equivalent rent, calculated based on the price of the landlord's rice. This implies a substantial reduction in the rental rate since the price of the landowner is much lower than the producer price;
- 3) reorganization of the Agricultural Land Committee. This bill was proposed to parliament on December 4, 1945. However, on December 9, 1945, SCAP submitted a memorandum and ordered the Japanese government to prepare an agrarian reform plan.

The above provisions purpose to remove economic barriers to the rise and strengthening of democratic tendencies, as well as build respect for human dignity, and destroy the economy of slavery that has enslaved Japanese peasants or farmers for centuries as feudal oppression. There are several obstacles in the implementation of land reform in Japan, SCAP shows a number of damaging diseases ruined the agrarian structure, such as;

- a) high frequency of land ownership;
- b) extensive rentals in conditions of destructive to the tenant;
- c) the heavy burden on agricultural debt combined with high-interest rates on agricultural loans;
- d) government fiscal policies that discriminate against agriculture that supports industry and trade;
- e) authoritative government control over farmers and farmer organizations without regard to the interests of farmers

The Japanese government was instructed to submit a rural land reform program, which contained steps to ensure a fairer distribution of agricultural land from the government to smallholder farmers, and to protect new landowners from returning to tenants. That is the point suggested by SCAP in a number of ways that illustrate the problem of agriculture before the war. Many wages or incomes of farmers as agricultural labourers are very biting.

As an initial step in implementing the program, the members of the Village Land Committee or Komite Tanah Desa were elected in December 1946 and people at the prefectural level in February 1947. As the Occupation Forces ordered that reforms must be completed within two years, the first mandatory purchase was made in March 1947, right after committee election. The purchase was made in a row more than ten times and 1,630,000 hectares of agricultural land were acquired by the government in late 1948. The land obtained was immediately sold to the cultivators.

Through five years of drastic reforms, most of the agricultural land under the lease period emerged from the hands of cultivators. Before the reform in 1941, almost half of the agricultural land was planted by tenant farmers. Ownership of these lands was drastically transferred to the land of former land tenants. When land reform was nearing completion

in 1949, 13 per cent remained leased land. It further declined to only 9 per cent of agricultural land in 1955.

Thus, the number of landowners increased from 31 per cent in 1941 to 70 per cent in 1955, and tenant farmers, who did not own a small amount of agricultural land, declined dramatically from 28 per cent to only 4 per cent during the same period. The number of tenant farmers, who own less than half of their total planting area, also decreases from 20 per cent to 5 per cent. On the other hand, landlords who did not work their fields also disappeared as much as 80 to 90 per cent of their land, estimated at around 560,000 hectares, had been distributed. About 70 to 80 per cent or more than 1 million hectares of land leased or owned by village landlords are also distributed. Then, the landowners of Japanese agriculture were dissolved.

In the last 1948, Japanese policymakers began to talk about stopping reforms, because the transfer of agricultural land was almost complete. However, SCAP expressed its concern about this step. On October 21, 1949, MacArthur sent a letter to Yoshida, Japan's Prime Minister, stating the land reform program in Japan was the most successful in history, so the benefits of reform had to become a permanent part of rural Japanese society. To maintain the results of the reforms, the Japanese government proposed an amendment from the Owner-Farmer Formation of the 1945 Special Act, but that was described in parliament. Then the Japanese government issued Regulation No. 307 (an order for the sale of agricultural land, where the owner-farmer Formation of the Act on Special Acts and Agricultural Land Adjustment Laws had to be applied) in 1950 as a temporary measure until the Agricultural Land Law came into force.

The Agricultural Land Law (*Nochi ho*) was enacted in 1952. In this context, the law is inherently defensive and negative, characterized by the orientation of a strong owner farmer, agricultural land must be owned by the tiller farmer. The law is not a new thing, but the Act of Owner-Farmer Special Actions, Adjustment of Agricultural Land.

Regulation Number 307 of 1950 is comprehensively compiled into this law. The Agricultural Land Law strictly controls the market on agricultural land. Agricultural land transactions are subject to approval from local authorities. Landlords are not permitted to sell their land to anyone other than their land tenants, which means that if the land is under the lease, only the purchaser may be a land tenant farmer. The maximum ownership of agricultural land is set to 3 hectares (12 hectares in Hokkaido). Land can be traded at market prices if land exceeds the limit. However, only farmers who plant more than 0.3 hectares of agricultural land (2 hectares in Hokkaido), are allowed to buy. Companies are not allowed to own agricultural land. Land rent is also tightly controlled at very low levels. Rental rights are very protected, and it is almost impossible for landowners to evict tenants from their agricultural land. Inactive ownership is not permitted, even though the village of the landlord is permitted to own up to 1 hectare of leased land. Therefore, if a village landlords move outside the village, their rented land is considered absent inactive. (Kawagoe, 1999)

After losing in World War II, for approximately seven years, Japan was under the occupation of US-led associate military. During the US occupation, Japan devoted its attention to the development of industrial and economic fields. This was done with hard work and earnestly so that in a relatively short period, Japan grew into an industrial country that could be said to be in line with countries that had advanced before. In the 1950s, the Japanese economy experienced rapid progress. More than ten years after that, the average growth rate has reached around 10%. This is a record that has never been equalled by any large country (Suherman, 2004).

The implementation of land reforms in Japan is one of the foundations for Japan to develop the economy in the country, although Japan is now known as an industrial country and has advanced technology, it all begins with improvements in the agricultural sector through land reforms that were carried out after World War II ended. The capable agricultural culture with cooperation generates Japan develop in various aspects, so it is now included in the category of developed countries.

The American government's land reform program in South Korea, which began in March 1948 paved the way for further reforms in the country. American officials hope that a similar land program will be implemented by the new government in Seoul and the decline of Communist influence in South Korea will soon follow its disposal of private lands. The new South Korean law proposes that the founding constitution of 1948 includes a clause that transfers land to farmers. A concrete plan for land redistribution by the Korean government was formally implemented in June 1950. Land reforms imposed by the American government not only had an impact on the sustainability of reforms in Korea. But on the other hand, it can also solve the problem of differences regarding the scale and method of land redistribution. The new South Korean government will buy land from Korean landowners, who will receive their compensation rights. Farmers will pay for the land they have acquired, and they will be subject to agricultural land ownership. Land reform by the new government is an important step towards the collapse of landowners in South Korea.

Land reforms which are created by the American government in South Korea are a form of an effort to maintain a Korean state free of communism. However, land reform has had an impact on the sustainability of land reform in the new Korean government. The process from the beginning to the implementation can interpret the motives, processes, and impacts of the land reform program under the U.S. military government. But on the other hand, the American government has a goal that South Korea becomes a democratic country based on economics and good survival (Kim, 2016).

Land reform has also been successfully implemented in China, beginning in 1949. Land reform in China has had a positive impact in contributing to the emerging land market. Also, land reforms can increase government revenues to finance large urban infrastructure projects and increase the rationalization of land use. Then land reform also creates jobs. With the new employment, increasing people's income (Ding, 2002) with the distribution of agricultural land in China, land ownership rights, and related property

rights in rural China affect farmers' production behaviour. The right to use the land for a long (or unlimited) time encourages more economical use of investment. Another benefit for farmers is that it can be used as insurance against economic fluctuations and periodic recessions in the agricultural market (Lia, 1998).

China has enforced land reform several times because in practice land reform requires changes that are better than before. Changes to land reform are seen by China as a better effort or strategy to achieve the objectives of land reform. Land reform in China focuses on land use rights. In the late 1970s, China launched economic reforms, which were spearheaded by rural reforms. China broke relations with Soviet doctrine, then China introduced a family-based contract system, called the contractual responsibility system or known as the Household Responsibility System (HRS). Since then, HRS has become a national legal pattern on agricultural land tenure (Chen, 1980).

Since the change of land policy in the countryside, the economy in China has formed an economy based on liberalization and marketization. Since 1978, land reform in rural China has succeeded in resolving the problem of poverty. In the years from 1978 to 1985, rural income in China experienced an increase like never before. One of the strategies that made this success was the implementation of the Household Responsibility System (HRS) as a land institution in the regions. The basic rules of the HRS are listed in Article 9 of the 1986 Land Management Law which states that: land can be allocated to individuals or units to be used and managed. Each one is responsible as an individual or unit and must pay taxes, but is free to dispose of the surplus. According to Document No. 1 of 1984, the contract period is 15 years, and individuals in rural areas are given the right to transfer land (Vendryes, 2010).

After the problems that occur in land reform using the contract responsibility system, China is taking new steps to improve agrarian institutions under the call for the second phase of rural reform. The strategy used by China in subsequent land reforms is to use land rights protection for farmers. Through the nationalization of agricultural land, farmers will be given permanent land use rights. They can buy, sell, mortgage, and inherit their rights (Chen, 1980). China is carrying out a "trifurcation of land rights" policy. The policy is aimed at increasing the efficiency of agricultural land use without damaging the social function of agricultural land. In addition, trifurcation policies also help balance the social and economic functions of agricultural land.

This trifurcation concept focuses on the need to balance owner autonomy with other values such as social. This provides a new perspective for defining property rights based on functions served by certain properties. Inland trifurcation, there is a process consisting of identification of the nature of newly established rights; configuration of rights and duties of related entities; and state intervention in the enforcement of rights relevant to the aim of realizing certain social values. State intervention in restructuring the property rights involved is direct, to achieve a balance between the social and economic functions of agricultural land, or between equity and efficiency in the use of agricultural land (Li, 2020).

In China, land reform aims to protect the interests of farmers in transferring land rights and enable them to get better land-use rights. In conclusion, land reform not only helps the process of land transfer better but also provides opportunities for farmers with more direct access to the land market, thus enabling them to negotiate directly with developers regarding the value or price of land and allow them to get a fairer compensation from the transaction (Yuen, 2014).

Land reform provides a good role in the progress of economic development. Reallocating the distribution of agricultural land helps in economic progress strategies. Land reform can reduce poverty and increase agricultural productivity. In Asia, China, Japan, South Korea, and Taiwan have carried out land reforms with satisfactory results where land reform has had a positive impact on poverty alleviation. Besides, agricultural growth also increased after the land reform. Of the four countries in Asia, land reform began after the second world war. The government reallocates land from landlords to agricultural land. Providing compensation to landlords is a strategy to reallocate land. Granting land rights to smallholders has provided them with income opportunities. By managing agricultural land, they get new jobs and more income. In other words, land reform can be a “win-win” strategy that increases equity and efficiency (Boyce, 2005).

Indonesia as an agrarian country can adopt from the four countries by implementing land reforms to pursue better economic growth, agricultural lands distributed to landless farmers will increase production in agriculture and will affect economic growth, regulations which prevent the implementation of land reform must be immediately reviewed so that it runs in harmony between the existence of land reform and the large investment needed by Indonesia. The countries of Japan, Taiwan, and South Korea can now be said to be developed countries, they are not communist countries, but they have no problem with the implementation of land reforms in their countries, even land reforms in Japan and South Korea are driven directly by the United States that approves and orders the governments of the two countries. At that time to immediately carry out land reform. Land reform is implemented well in all walks of life in these countries. This can illustrate that the existence of land reform will have a good impact for a country because it will increase income from the people in that country. Land reform can be run in synergy with the entry of investment but certainly with clear rules, especially regarding the division of land for agriculture as well as for industry, if both are going well it is not impossible that Indonesia will become a developed and economically independent country. The goal of Pancasila is that justice and prosperity for all the people of Indonesia can be achieved.

Land reform implementation has obstacles. These obstacles will be able to influence the success or can frustrate a land reform program in a country this can be seen from the implementation of land reforms in the Philippines. There is a study comparing the effects of land reform in Taiwan, Korea, and the Philippines. All three countries have the same historical background of independence, where during World War II inequality and high levels of corruption. In practice, land reform has both positive and negative impacts on these countries. Positive impact refers to the success of land reform, while negative refers

to failure that occurs as a result of land reform. The success and failure of land reform were influenced by corruption but was also largely determined by exogenous factors such as external communist threats and US pressure at the time after World War II. Widespread land reforms in Korea and Taiwan around 1950 could disperse the influence of oligarchic elites such as corruption so that the distribution of income and wealth was equal. Due to the absence of control from certain groups, Taiwan and Korea succeeded in implementing land reform. Thus, land reform opens space for greater state autonomy.

In contrast to the Philippines, which failed to carry out land reform because there is oligarchic power and has a high level of inequality among the people. The various levels of inequality and class structure in these countries significantly influence the level of corruption. The interests of oligarchs in the Philippines are so strong that they have a strong influence on political influence and encourage countries to protect their interests. Because of the people's constant demand for land reform, politicians repeatedly launched land reform. On the other hand, landlords increasingly rely on political corruption to prevent or weaken reform in the land sector. The conclusion is high corruption, and the difficulty of controlling state corruption may be an obstacle to the consolidation of democracy (You, 2014). The existence of land reform in the Philippines was carried out to encourage agricultural productivity by reallocating large agricultural land to small agricultural land, the distribution of land was intended for small farmers (Adamopoulos, 2019), but this failed to be realized.

The political power and firmness of the government are very influential in the implementation of land reform. We can see this research on land reform in the Philippines above, every country that wants to carry out land reform successfully must have political and governance policies that are aligned to support the implementation of land reforms in a country, implementation land reform in a State-controlled by a certain group would certainly be very rejected because it would usually be detrimental to the ruling group, they would prefer something that brought profit.

Land reform implementation can also be achieved in developing countries without the assistance of a large and developed country, when Japan and Korea carry out their land reform assisted by the United States in terms of its implementation, then what about Indonesia, which has not resolved a real land reform at all, is it bold to implement it or not, as we know the rule of law regarding the implementation of land reforms in Indonesia, and the government only thinks about the mechanism and implementation of the land reform, we can see from several countries in the Asia and Africa region as a reference to developing countries that have successfully implemented land reform in their country.

In Vietnam, land reform began in 1993 in the context of overcoming widespread poverty and land degradation. The strategy used is to use manure in agricultural business. The results confirm that soil reform has a positive effect on the application of manure for crop production by farmers. Land reform, the division of privatized land, has a statistically significant and positive impact (Nguyen, 2016)

Vietnam has conducted land reforms in the northern uplands of the country. Land reform policies have influenced the use of chemical fertilizers and rural land productivity. Soil reform in Vietnam has a positive impact on the use of chemical fertilizers and land productivity. The policy adopted to protect farmers' rights to their land is through land certification. Farmers get more secure protection of their land rights, so they can intensify their crop production by using more chemical fertilizers, and as a result, the use of land productivity is higher. In addition, economic theory suggests that increasing tenure security will lead to increased agricultural productivity (Nguyen, 2012).

Other developing countries in Asia that have successfully implemented land reforms are India, in India, the policy of conducting land reform has had a positive impact, namely reducing poverty. Land reform can be endogenous and protect the forces that drive poverty. Empirical analysis shows that poverty reduction is related to land reform, mainly due to a law that has removed intermediaries and reformed tenant provisions. The role of land redistribution seems to have become very important in the Indian context. Also, the general balance of wages is fulfilled (Besley, 2000).

Land reform in India helps to reduce rural poverty. Land reforms are carried out by improving the unfair distribution of land ownership, but also depend on small farmers. It aims to encourage agricultural growth, for example, the aim of land reform in West Bengal, India is to eliminate structural anomalies in rural Indian communities by bringing publicly controlled changes in land ownership and to improve land tenure systems (Datta, 2018).

Agrarian reform is intended to overhaul the structure of land ownership for equity because of uneven land ownership, causing differences in power and the ability to achieve access to capital and means of production. Land ownership depends on the background of revolutionary styles such as communism and non-communist socialism. Some Asian countries which have a capitalist revolutionary style such as Japan, Taiwan, and South Korea also carry out agrarian reforms to start development. Some countries have implemented "mixed" economic systems (with socialist elements) such as India and Pakistan, and there are some countries that have adopted Socialists such as China and Vietnam. Economically, these countries experienced extraordinary growth (Kaligis, 2019).

In addition to the Asian region, we can also see developing countries in the African region that have carried out land reforms well and feel the impact economically. Ethiopia has made a policy change in land use in forest areas used for agricultural land. The policy was carried out since 1970 to advance independence in the food sector. Land change policy has an impact on increasing agricultural production activities for food self-sufficiency. Even so in Ethiopia, many areas are prone to soil erosion, but the expansion of agricultural land has an impact on soil balance. The introduction of knowledge about appropriate soil conservation measures is essential to reduce erosion and to improve the welfare of community communities in watersheds. The expansion of agricultural land is important for the welfare of the community, especially in the field of food procurement (CHAKA, 2019).

Land reform in rural areas of South Africa has been successful. Previously, South Africa had experienced a crisis in agriculture. This is caused by the lack of land

accommodations for small farmers. Though small farmers have the potential for farming skills and are involved in commercial agriculture. The country needs to carry out land reforms to procure large amounts of agricultural land. However, the state is not consistent in providing land reform policies to beneficiaries. Implementation of land reform is very poor in terms of the area of land distributed and in terms of agricultural production and the creation of livelihoods. This is not in line with the original aims of land reform. The country is considered inconsistent. Workers and peasants' rights are not protected. The use of agricultural groups or cooperatives is used but does not consider the participation of beneficiaries, poor quality of post-settlement support; and capacity issues in public services are also a cause of failure of land reform. The success of land reform requires significant changes in design and implementation. The reformed program must be based on looking at farm families, starting with the provision of housing and gardens for the production of supplementary food for commercially oriented small family farms, and the large participation of beneficiaries or their groups identified in financial planning, implementation, and management the project. This will allow the government to focus on the identification of the land to be acquired, approval of the land acquisition and investment plans, and supervision of financial management.

In the success of land reform, South Africa has a constitutional and policy framework that is very conducive to land and land reform. The country's constitution provides a mandate for tenure reform, restitution, and redistribution. The agricultural reform policy of the 1990s eliminated all the privileges and subsidies that had been directed by commercial farmers by the apartheid regime. Thus in principle, the policy was implemented equally to all types of farmers. This constitutional and policy framework is one of the most beneficial in the world because it is a reference for implementing land reform successfully and quickly (Mkhize, 2014).

Land reform was also successfully implemented in Ghana. In implementing land reform, Ghana improved its legal system, which impeded land reform. In Southwest Ghana, the problem with land redistribution is due to the weak law covering it. Factors of strong or insubstantial law regarding land ownership rights by small farmers become a problem that makes inequality. Those who have weaker land rights are more affected by land allocations to developers and other investors. These problems can be a factor in food insecurity which can later affect national and international food security. On the other hand, it has been recognized that smallholder agriculture has contributed at least 60% of the food needed in the world. Then, to overcome this problem is to improve security or the relationship is the law governing land ownership rights to small farmers (Nara, 2020).

Moreover, the last example of a country on the continent of Africa that has successfully carried out land reform in Zimbabwe. A panel survey in Zimbabwe on the impact of land reform in that country, shows clearly that the welfare of the society has increased over the last 20 years. It can be found by the presence of livestock wealth. It raised almost tripled; their productivity has significantly increased the income of farmers households. The increment is fivefold higher than communal households in the same area,

70,000 households in Zimbabwe who have so far benefited from land redistribution, they represent about 5% of the population of farmers, but produces between 15 and 20% of the total production of corn and cotton, besides that most of them can also meet their food for their own consumption needs. The redistribution effort so far (3.2 million ha) has no negative impact on large-scale commercial agricultural output (Deininger, 2000).

The developing countries above have succeeded in implementing land reforms, the impact of the implementation of land reforms in these countries was very good. It belongs to how the effect is impressed to the society because the economic growth in a country would increase. In addition, land reform policy encourages people's income. It also causes the welfare's improvement, Indonesia must be able to see this as something good to emulate and implement.

Conclusion

Laws that tend to facilitate investment in Indonesia have been closely affecting the implementation of land reform in Indonesia. The regulations in which ease investments are likely to assist certain parties. In this case, it is appropriate with what is mandated in Article 33 paragraph 3 of the 1945 Constitution, the management of land that is used for the greatest prosperity of the people. It also neglects the Basic Agrarian Law (Law No. 5 of 1960). The land will be controlled by a handful of parties who have large capital so that the implementation of land reform will be difficult to do. Social justice and prosperity for all Indonesian people, as stated in Pancasila and aspired by the founders of the nation will be challenging to realize.

The implementation of land reform will accelerate the rate of economic growth, because land reform can increase agricultural production, which will have an impact on increasing people's income, especially for productive farmers. Land reform should be able to go hand in hand with the rise of investment which is coming in. Finally, it encourages the country to develop and become an independent economic country.

Suggestion

The government has to immediately remove all the regulations that become a barrier to the implementation of land reform in Indonesia. Land reform needs to meet the goals. It will stimulate to achieve a prosperous society and an economically independent country. The rules regarding land reform must be implemented and not just as written. The regulations that can form a maximum investment, and the implementation of land reform need to be considered to be arranged and implemented in Indonesia. Eventually, the pace of investment and the implementation of land reform can go hand in hand as in Japan, South Korea, and Taiwan.

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