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## Land Reform: Government Effort in Prospering Rural Communities

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### Abstract

This study discusses the concept of Land reform which has evolved in line with the function of land as a production factor, a source of wealth, a status symbol, and a source of social or political influence. Finally returned the commitment to run the Land reform program to the state officials to make it happen. The Land reform Agenda cannot proceed without the participation of the State. The research method used is descriptive-analytical and uses a normative juridical approach. Data collection techniques use library research and field studies. However, it cannot deny that land reform in Indonesia is none other than the objective of the Agrarian Act number 5 of 1960 itself as the basis for the existence of people's welfare, it always been a reference for land law in our country, including efforts to reform in the land sector. Land reform in Indonesia has entered 3 (three) periods: Old Order, New Order, and Reform. Proves that the land reform program is mandatory, so it is necessary to carry out a comprehensive evaluation in various regions regarding this land reform program.

**Keywords:** land reform, evaluation, development, welfare

### Abstrak

Penelitian ini membahas tentang konsep Landreform yang mengalami perkembangan dari waktu ke waktu sejalan dengan fungsi tanah sebagai faktor produksi, sumber kekayaan, simbol status, dan sumber pengaruh sosial atau politik. Komitmen untuk menjalankan program Landreform akhirnya dikembalikan kepada penyelenggara Negara untuk mewujudkannya. Agenda Landreform tidak dapat berjalan tanpa partisipasi Negara. Metode Penelitian yang digunakan adalah metode Deskriptif Analitis dan dengan metode pendekatan yuridis normatif. Teknik pengumpulan data dengan studi kepustakaan dan studi lapangan. Namun tidak dapat dipungkiri bahwa landreform di Indonesia yang tujuannya tidak lain adalah tujuan dari UUPA itu sendiri sebagai landasan hadirnya kesejahteraan rakyat, selalu menjadi rujukan hukum pertanahan di negara kita termasuk upaya reformasi di bidang pertanahan. Reformasi pertanahan di Indonesia telah memasuki 3 periode, yaitu: Orde Lama, Baru, dan Reformasi. Hal ini membuktikan bahwa program landreform merupakan program wajib, sehingga perlu kiranya dilakukan suatu evaluasi yang menyeluruh di berbagai daerah mengenai program landreform ini.

**Kata Kunci:** landreform, evaluasi, perkembangan, kesejahteraan

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## Introduction

The Indonesian nation faces major problems such as inequality in control, ownership, use, and utilization of land, and the difficulty of community access to land. Because land ownership is concentrated in certain people or groups, many small communities do not own land. Whereas by the ideals of the Indonesian nation, namely Pancasila, in the fifth precept, "the precepts of social justice for all Indonesian people." It

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means that Indonesian people are aware of the same rights and obligations to create social justice in social life.

In line with the fifth principle in order to realize social justice for all Indonesian people, in this case, Indonesia is an agrarian country that depends on the land for its people's lives. Relevant to this, Kertasapoetra said: For the Indonesian people, the land is a source of life with very important value. The importance of the meaning of land for human life is because human life cannot be separated from the soil at all. Humans live on land and obtain food by utilizing the land (Kertasapoetra et.al., 1984: 1).

Before Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles came into effect, there were no clear rules regarding restrictions on land ownership. The absence of regulations regarding land ownership resulted in the emergence of landlord practices. People with a more powerful economic position can own a large area of land, so this impacts those with a weak financial position, namely farmers who cannot hold their agricultural land. It will undoubtedly lead to social inequality between landlords and farmers regarding land ownership, primarily agricultural land.

Since the government issued Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, starting now abbreviated as (UUPA), the Indonesian nation had a national agrarian law. Soil is a significant factor in aspects of human life. Article 1 paragraph (1) of the UUPA states: "the entire territory of Indonesia is the unitary homeland of all Indonesian people who are uniting as the Indonesian nation." In this regard, Limbong stated, "in the agrarian sphere, the land is part of the earth called the earth's surface." (Limbong, 2012: 245).

The position of land in an agrarian society has a crucial role. It must be considered to use as much as possible for the prosperity of the people, individually and in cooperation. That is stated in Article 33 paragraph (3) of the 1945 Constitution that: "Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people". The term "controlled" is explained in Article 2 paragraph (2) of the Act, which mentions the details of the authority of the State to control in the form of:

- a. Regulating and administering the designation, use, supply, and maintenance;
- b. Determine and hold the rights that can be owned over (part of) the earth, water, and space;
- c. Determine and regulate legal relations between people and legal actions concerning the earth, water, and space.

Based on the state's right to control as affirmed in Article 2 of the UUPA, then according to the provisions of Article 4 of the UUPA, which reads, "Individuals or legal entities are given several kinds of land rights." Therefore, every person or legal entity with these rights can defend their rights. Land is also a natural resource with high economic and social value. Article 10 paragraph (1) "Every person and legal entity that has a right to agricultural land are in principle obliged to work or actively cultivate it by preventing extortion".

The preceding implies that land has a social function, following Article 6 of the Basic Agrarian Law Number 5 of 1960, which states that: "All land rights have a social process,

namely any land rights that exist in a person, may not be solely eyes are used for their interests, the use or not of them causes harm to the community. Land use must be adjusted to the circumstances and the nature of the rights so that they are beneficial for the welfare and benefit the community and the state.

The government, to realize this, issued a policy to limit agricultural land so that there is no inequality in land ownership. This restriction was carried out by giving Law Number 56 (Prp) of 1960 concerning Determination of Agricultural Land Areas and Government Regulation Number 224 of 1961 concerning Implementation of Land Distribution and Compensation. The government took over agricultural land because it was subject to *absentee*, maximum excess, and state land, which was used as land for land reform and redistributed to poor farmers.

Therefore, it is necessary to evaluate the land reform program running for many years so that the State of readiness of the government and society can be appropriately monitored to achieve the welfare of the people, which has been the goal of the State. Therefore, the evaluation of this land reform program will be carried out primarily in Banjaranyar Village, Banjaranyar District, Ciamis Regency. The location of this research is known to have a lot of abandoned agricultural land, so the implementation of the land reform program should have been going well concerning opportunities to implement the land reform program.

This study presents an explanation of the concept of land reform, which often confuses some parties, then continues with the structure of land use and control in Ciamis Regency. After that, a brief description of the performance of the implementation of land reform in Ciamis Regency, which has been running from 2015 to 2020, and the next which is the central part describes the natural obstacles faced in implementing land reform in Ciamis Regency, as well as efforts to deal with this. Based on the above, it is exciting to study both *das sollen* and *das sein* (law in book and law in action) regarding the Land reform Program in Ciamis Regency from 2015 to 2020.

## **Research Problems**

Based on the background of the problem above, there are three things: What the researcher wants to answer is about how land reform is an effort by the government to improve the welfare of rural communities in Ciamis Regency? and what obstacles and actions can be made in land reform as a government effort to improve the welfare of rural communities, especially in Ciamis Regency?

## **Research Method**

Methods The method used in this study describes the research results through the analytical description. Descriptive, because the study aims to obtain an overview of land reform as the government's efforts to improve the welfare of rural communities in Ciamis Regency. Analytical because it analyzes the provisions of the laws and regulations that are recorded. The normative juridical approach provides a general description of the social conditions in the research location then analyzes juridically based on the applicable rules.

Whether the law is fully implemented or not, legal certainty can be achieved. In carrying out research in the context of compiling this research, the author chose a location in the jurisdiction of Ciamis Regency, precisely in Banjaranyar Village, Banjarsari District, Ciamis Regency.

## Discussion

### Systematics of Regulation of Tenure Rights on Land

The regulation of tenure rights over land in a juridical sense is control based on requests which are protected by law. In general, giving authority to the right holder to physically control the land they own, the question is what is the procedure or systematic arrangement of land tenure rights that exist today. Land in this case related to the transfer of rights or ownership is a fiduciary object where according to Sukarman (2018), what is meant by the fiduciary is: "Fiduciary is the transfer of ownership of an object based on trust provided that the object whose ownership rights are transferred remains in possession of the owner of the object" (Fiducia is the transfer of ownership of an object based on trust provided that the thing whose ownership rights are transferred remains the property of the object's owner). According to Harsono (1999), the systematic arrangement of land tenure rights in land law can be divided into two, namely:

1. Land law provisions governing land tenure rights as legal institutions are as follows:
  - a. Make a name for the right of ownership in question;
  - b. Determining the contents, namely regulating what is allowed, obligatory and prohibited to be done by the right holder as well as the number of times of mastery;
  - c. Regulating matters concerning the subject, who may be the holder of the rights and the conditions for their control;
  - d. Regulate matters regarding the land.
2. The provisions of the land law governing the rights of tenure over land as a concrete legal relationship are as follows:
  - a. Regulate matters regarding its creation into a concrete legal relationship, with the name or designation of certain land tenure rights;
  - b. Regulating matters regarding its transfer to other parties;
  - c. Arrange matters regarding deletion; and
  - d. Arrange matters regarding the proof.

The systematics above will provide an easier understanding of the provisions of land law in their formation preparation process and study them regularly. Besides that, it can also offer convenience in knowing what conditions are included and not included in land law.

### Land Reform Concept

Land reform from the English language, namely "Land" and "Reform." Land means land, while Reform means an overhaul or change to build or form or rearrange new agricultural structures. In a narrow sense, Land reform is the rearrangement of the structure of land tenure and ownership, which is a vital part of the concept of agrarian

Reform. Boedi Harsono stated: "Land reform includes piracy regarding land ownership and control as well as relationships related to land tenure. This means that it seems that until the land reform has not been implemented, land ownership and control in Indonesia is deemed necessary to change its structure".

When viewed from the meaning above, basically, Land reform requires a land redistribution program for the benefit of those who work the land and restrictions on individual rights to land resources. In Indonesia, there is a difference between agrarian reform and land reform. Agrarian reform is defined as land reform in a broad sense which includes five programs (Harsono, 1999):

1. Renewal of Agrarian Law.
2. Abolition of foreign rights and colonial conceptions of land.
3. A gradual end to feudal exploitation.
4. The reforms recognize the ownership and control of land as well as legal relations related to land tenure.
5. Planning for the supply, designation and use of the earth, water and natural resources contained therein in a scheduled manner according to their capabilities.

Cohen defines agrarian reform as a broad range of government efforts that cover a wide variety of development policies through the following ways:

1. Land retribution regulations
2. Productivity growth measures
3. Institutional credit
4. Land taxes
5. Restrictions on disclosure and wages
6. The transfer and bookkeeping of new land

According to Flores, effective agrarian reform must meet the following criteria: Agrarian reform must take productive land and its income. Agricultural reform must be carried out as soon as possible and massively (widely). Finally, agrarian reform must be accompanied by more enthusiastic development policies in agriculture and outside of it.

Clearly, regarding the relationship between the Basic Agrarian Law, Agrarian Reform, and Land reform, the 1960 Basic Agrarian Law is the juridical/legal basis for implementing agrarian Reform in Indonesia. On the other hand, agricultural Reform is a corrective effort to rearrange the unequal agrarian structure, which allows human exploitation towards a new order with a system that hinges on agrarian justice. Meanwhile, land reform is the embodiment of sustainable agrarian Reform. Therefore, the series of comprehensive activities and land reform in Indonesia have been carried out through two (2) steps, namely (Sukarman, 2016: 108):

1. Reorganization of land politics and law based on Pancasila and the 1945 Constitution of the Republic of Indonesia, *Bhinneka Tunggal Ika* and the framework of the Republic of Indonesia;
2. The process of implementing Land Reform Plus, namely the determination of land assets and permanent housing for cultivators and occupants of the object of asset reform and structuring land assets for the community and structuring community

access to economic and political resources that enable the community to utilize their land optimally. optimal.

### **Land reform Purpose**

Land reform, the implementer of the passage of national agrarian law, is not necessarily implemented without being based on a fundamental goal. Nevertheless, several experts stated the objectives of land reform. According to Efendi Warin, the purpose of land reform held in Indonesia is "to increase the land-cultivating farmers' income and standard of living, as the basis or prerequisite for carrying out economic development towards a just and prosperous society based on Pancasila" (Peraning, 1994: 122).

Land reform is an effort to make changes to land ownership. Its implementation is closely related to the political will of a country. The World Bank also provides an understanding of land reform in various land tenure and ownership patterns in multiple communities. Whereas basically, this pattern exists due to various factors, namely:

1. The political system and situation;
2. Economic structure;
3. Social system;
4. Legal system;
5. Demographic situation;
6. The farming system;
7. Respective national resource bases.

According to Russel King, the objectives of holding land reform are:

1. To improve the existence of equal distribution of land; there are two dimensions to this goal; First, there is an effort to create equal distribution of land rights among the landowners land owner. This can be done with incentives, namely by redistribution of land; second, to reduce income disparities.
2. To increase and improve the usability of land use. Moving on from this According to Sukarman (2016: 13), in accordance with the mandate of the 1945 Constitution of the Republic of Indonesia Article 27 Paragraph (2) which reads that every citizen has the right to work and a decent living for humanity. Besides that, the other objectives of land reform are:
  - a. To provide a definite law on the claims of the community;
  - b. Making clear laws on land that has become a residence for land cultivators;
  - c. Creating and guaranteeing the community to gather and associate;
  4. Creating reliable agricultural cooperatives;
  - d. Reducing poverty;
  - e. Creating job opportunities;
  - f. Improving community access to economic resources, especially land;
  - g. Reorganizing the ownership, use and utilization of land and land resources;
  - h. Reducing land disputes and conflicts;
  - i. Improve and maintain the quality of the environment;

- j. Improving community food security and renewable energy;
- k. Improving people's welfare.

### **Land reform: The Government's Efforts in the Welfare of Rural Communities in Ciamis Regency.**

The mandate in the constitution, ideally every law born in Indonesia must be based on Pancasila by containing consistency of substance from the top to the lowest hierarchy. Stufenbau theorie teaches that the legal system is hierarchically ordered in which a specific legal provision originates from another higher lawful provision. The lower stipulation is the stipulation. The law is more concrete than higher. Han Kelsen said that the highest rule is voraugest the *grundnorm* (presumed). *Grundnorm* as the highest rule is outside and underlies the positive legal system, its contents: "*Man soll sich so verhalten, wie die Verfassung vorschreibt*" (people should behave as stipulated in the constitution).

So the laws in Indonesia must also be aimed at achieving the goals of the state as stated in the preamble to the 1945 Constitution of the Republic of Indonesia, namely to build the entire nation and the entire homeland of Indonesia, to educate the nation's life, to promote the welfare and prosperity of the people. The constitutional provisions must be used as an instrument of development politics and legal politics of realigning national agrarian politics within the framework of agrarian reform by making Pancasila a legal, political paradigm. Pancasila can function as a *philosophical ground slag* and *common platform* in the context of state life (Asshiddiqie, 2011: 56).

Legal politics is a fundamental policy in determining the legal product that will be born. Padmo Wahjono explains this understanding that legal politics is a basic policy that determines the direction, form, and content of the law to be formed. Thus, national legal politics must, of course, be able to encourage and fill all elements in the work system following the ideals of federal law so that they work following the purposes of the nation, state goals, legal standards, and the guiding principles of the Indonesian state law contained in the preamble to the Constitution NRI 1945 (Mahfud, 2011: 23).

The politics of agrarian law in Indonesia must adhere to the Pancasila paradigm as a source of national basic law. That is, Pancasila is the source of all state laws (Hamidi, 2006: 77). Legal reform with the Pancasila paradigm means changes to existing laws or the creation of new laws that contain and radiate the values of Pancasila. In this case, agrarian reform includes a restructuring of ownership, control and use of agrarian resources, especially land for the benefit of farmers, farm laborers, and small people in general whose essence is land redistribution as well as being the basis for prosperity (Adhim, 2012). According to Bachriadi (2007), the essence of agrarian reform is *land reform* in the sense of redistribution of land ownership and control. Meanwhile, Sumardjono (2007) explained that agrarian reform is to overcome inequality in the structure of ownership/control and utilization of natural resources (agrarian resources), including land".

So the substance or character of agrarian reform based on political orientation to achieve the ideals and goals of the nation with the Pancasila paradigm must be: *first*, the national agrarian law politics consistently protects the interests of its people, gets the right

to live in physical and spiritual prosperity in a just manner, has the right to have ownership and property rights. It cannot be taken over arbitrarily by anyone. *Second*, the politics of national agrarian law must be guided by religious, moral values and protect human rights without discrimination. From these two things, it can be seen that two social values are combined into one in the political concept of agrarian law with the Pancasila paradigm.

Talking about the community's welfare, which is an inseparable part of the paradigm of economic development, economic development is said to be successful if the level of community welfare is getting better. As stated in the Basic Agrarian Law Number 5 of 1960, which contains philosophical values regarding land control and ownership, preamble letter c says that national agrarian law must embody the incarnation of the One Godhead, humanity, nationality, populist and social justice, as the spiritual principle of the State and the ideals of the nation as stated in the preamble to the 1945 Constitution of the Republic of Indonesia, especially Article 33 paragraph 3 (Isnaeni, 2017: 308).

The success of economic development causes gaps and inequalities in people's lives without increasing people's welfare. According to Badrudin, community welfare is a condition that shows the state of people's lives, which can be seen from the standard of living of the community (Badrudin, 2012: 21). Community welfare is a condition where basic needs are met, which can be seen from a decent house, the fulfillment of the need for clothing (clothing) and food (food), education, and health, or a situation where a person can maximize their utility at a certain level of budget limits and conditions where the needs are fulfilled. Physical and spiritual (Todaro & Smith, 2015: 12).

Concerning human needs, this study discusses land reform as an effort by the government to improve the welfare of rural communities in the Ciamis Regency, which is managed through the Land Redistribution program. Land redistribution is the division of land controlled by the state. It has been confirmed to be the object of land reform given to sharecroppers who have met the requirements stated in Presidential Regulation Number 86 of 2018 concerning Agrarian Reform.

According to Mr. Jahman, the head of a local farmer organization in Banjaranyar Village, Banjarsari District, Ciamis Regency, Tanah Redis in the Banjaranyar Village area, Banjarsari District, Ciamis Regency has a long history. The struggle has started since the Dutch colonial era in 1880, and after independence around 1945, scorched earth was held, namely the form of plants. The building had to be destroyed first because it belonged to the Dutch even though it belonged to Indonesia. Instructions to the community that former plantations must be replanted, all things secondary crops, etc. Some of the lands exposed to water are made of good rice fields with good terraces so that the land is productive again. Furthermore, during the DI/TII rebellion, the leaders of the fighters were evacuated on the grounds of the Banjaranyar Village community to form a village.

At that time, the former head of Sukanagara Hamlet asked the government for the former Dutch plantation to discuss a matter which, in essence, the land that is not cultivated by the community will be in the Cultivation rights. However, in 1965 there was a G30S/PKI rebellion from the plantation side using TNI personnel to expel the people who had worked on the land around the village without compensation. At that time, an



agreement was made between the community and the Kodim. One family must cultivate 175 hectares, 30% for cultivators, and 70% for Kodim. Of the 348 hectares before being taken over, only about 60 hectares were planted with various types of crops.

Jahman continued that, at that time, the community came back in 1968 to build the building. However, they were expelled again by a national rubber plantation company. They had to move because only the company's employees could live there. In 1998 the Local Farmers Organization (OTL) of Banjaranyar Village fought for the land through the DPRD Commission A of Ciamis Regency, resulting in a decision that the land tilled could be continued without damaging the plantation assets and could also be settled/lived in. In 2000, many people's houses were built.

In December 2004, he entered the Pasundan Peasants Union (SPP), and the struggle continued to get land for the surrounding community. In 2005 at that time, the Cultivation rights of PT. Mulya Asih ran out, the rural fighters through SPP tried to renegotiate with village officials and BPN to request land redistribution to the people there. The struggle paid off around 2006 BPN came to the village to redistribute 69.5 hectares of land to the community.

The number of certificates distributed due to land redistribution in 2006 was about 554 certificates with 400 applicant members, with details of the distribution of land parcels focused on land cultivators who have settled and have not yet settled. Cultivators who have decided are given 100 bricks, and those who have not resided at that time are given 90 bricks. After carrying out land redistribution in 2006 until now there has been no further distribution of land to land cultivators in Banjaranyar Village, even though PT Mulya Asih, a company engaged in rubber plantations, has long made an agreement with the government for Cultivation rights and then it was extended for another 25 years. This further hampered the community, finally cultivating about 278.5 hectares of land with the people, which was taken by the sub-district about 5 hectares from the results applied for about 10 hectares.

Mr. Tata, as the Head of Banjaranyar Village, added that after the redistribution of land in 2006, many changes began to occur in the community, which previously could be considered very poor, far from prosperous, even education did not enter Banjaranyar Village at that time. This proves that the existence of the Agrarian Reform program through Land Redistribution has helped the community's economy. However, it has not been evenly distributed because there are still many people who until now in 2020. There is no longer any land grant program from the government for the people of Banjaranyar Village. It is considered that this requires a broader struggle for land redistribution to fight for the rights of land cultivators in Banjaranyar Village.

It can be seen that, here, there have been enough forms of authority given to local governments to be more flexible in managing their regions. However, in interviews with various parties, especially the management of the Pasundan Farmers Union in Banjaranyar Village, it seems that there is an impression that they tend to be less concerned about *land reform*. They tend to hide behind the attitude that *land reform* is complex and requires a lot of money, so let it be the umpteenth priority.

We all know that land arrangement is determined by two main factors, namely how the structure of control and land use. The party that has the right to control will also have the power to use it according to their interests. Although not supported by *land reform*, various factors such as population increase, availability of agricultural capital and technology, infrastructure development, and others have formed a land use and tenure structure that changes dynamically from time to time.

Regarding the evaluation of the Land reform Program as an effort to increase the Community Welfare Rate in Ciamis Regency, the researchers also used a questionnaire in the study in Banjaranyar Village, Banjarsari District, Ciamis Regency regarding the satisfaction of recipients of Land reform objects when they received redistribution land in the early year 2006. Seven (7) land recipients filled out this questionnaire for land reform in Banjaranyar Village. There are at least fifteen (15) questions given in the following format: **Tabel 1.1** Results of filling in the Questionnaire for Recipients of Land Redistribution

No.	Questions	Yes	No
1.	Requirements for certificate management are not burdensome		7 Recipients
2.	Completion of redistribution land certificates on time	7 Recipients	
3.	Leases/pawns land redis		7 Recipients
4.	Sells part of or all redistribution land owned by		7 Recipients
5.	Accurate and correct measurement of land area	7 Recipients	
6.	Always involve neighbors as witnesses for be adjacent land boundaries	7 Recipients	
7.	Know clearly who the officer willfaced	7 Recipients	
8.	The process of increasing rights is complicated		7 Recipients
9.	There is counseling on land issues to the community	7 Recipients	
10.	The community knows the table of costs for redistribution land management	4 Recipients	3 Recipients
12.	The settlement of land problems does not take sides people with money	4 Recipients	3 Recipients
13.	The length of time to check the plot of land on the map in accordance with the provisions	7 Recipients	
14.	Have tools for farming activities	7 Recipients	
15.	Receive capital support u for farming	2 Recipients	5 Recipients

From the result that in carrying out this land redistribution, it is carried out well. However, it is not optimal because looking at the history of land redistribution in Banjaranyar Village. It has not been said to be evenly distributed, for the requirements for obtaining certificates that are not burdensome, the seven (7) informants acknowledged that in this case, there was no management incriminating, timely completion of the land of redistribution. In cultivating the redistribution land, which has become the property of each cultivator in Banjaranyar Village, according to Mr. Oon's narrative, there should be

no lease/pawn or transfer of rights to the redistribution land, the seven (7) resource persons admitted that they were aware of the struggles so far in obtaining redistribution land is very difficult. Therefore the ground is not to be transferred. It's just that it often turns to heirs or family when the cultivator has died.

It was measuring land that always involved interested parties, neighbors, and witnesses for the precise and correct boundaries of adjacent land. The cultivators who received the redistribution land knew the officer who measured with an improvement process. Ownership rights are not complicated, either filling in documents from village officials or the local BPN and the seven (7) Resource Persons acknowledged that after being given ownership rights to the redistribution land, there was counseling on land issues to the community as *Access Reform* for the land that had been given.

The registration of land resulting from land redistribution, four (4) people admitted that they knew the table of costs for managing redistribution land, the other three (3) people did not know at all, including those four people who were part of the village apparatus and the head of OTL and SPP, this was then considered reasonable and not to blame. In addition, the length of time for checking the plots of land on the map following applicable regulations and the distribution of equipment for farming activities is recognized by the seven (7) interviewees as having been fulfilled. Furthermore, there are a few problems regarding the settlement of land issues, which may still favor people who have wealth. In this case, the legal adage of blunt up and sharp downwards seems to still stick in the people's minds, as evidenced by the results of interviews with Mr. Jahman, usually when there is a dispute with a respected party. Always wins. This is often complained of by the community and should be more attention to the government to pay attention to equality before the law in resolving a dispute/problem regarding land.

Finally, it turned out that while receiving redistribution land, the community admitted that they had not received maximum capital support for farming. In this case, two (2) people stated that they had accepted it while five (5) other people stated that they did not receive it. It can be seen that the *Access Reform* given to the community has not been optimally and evenly. Hence, further attention needs to be given regarding capital for sustainable farming as one of the steps to improve the welfare of the people in Banjaranyar Village.

### **Obstacles Faced in Land reform as the Government's Efforts in the Prosperity of Rural Communities in Ciamis Regency**

The Republic of Indonesia has reached the age of 74 years, and all Indonesian people still face land problems. It is reflected in the fact that not all Indonesian people have land as the foundation of their lives, while on the other hand, there are still a few people who own more land than others. This indicates that there is no justice and prosperity for the people of Indonesia. Indeed, in its 60th year, the Basic Agrarian Law (UUPA) has provided support for development, especially those related to land. However, the UUPA also shows weaknesses in the completeness of its contents and formulations. The liability of the UUPA during the New Order era has been exploited by providing interpretations that

deviate from the principles and objectives of the provisions in question. During the New Order era, the people's orientation was abandoned. The agrarian direction was more emphasized on providing opportunities for investors and large investors to own land for development purposes and had an impact on the high level of poverty, especially for the farming community.

Based on year-end records of the Agrarian Reform Consortium/KPA (2019), there were 279 eruptions of agrarian conflicts covering an area of 734,239.3 hectares, affecting 109,042 families. There have been 2,047 agrarian conflicts in the plantation, forestry, mining, small coastal islands, agriculture, infrastructure, and property sectors during the last five years. The inequality of land tenure in Indonesia reaches 0.68, 1% of the population controls 68% of the land (Last Note KPA, 2019).

Land reform plays an essential role in the fight against rural poverty and the broad-based promotion of sustainable development. The main target of land reform is the creation of social justice, which is marked by agrarian *justice*, increasing productivity, and improving people's welfare. Land reform will result in a substantial revitalization of the agricultural and rural sectors. To strengthen the implementation of agrarian reform in Indonesia, which aims to prosper the people and create social justice for all Indonesian people, necessary to transform natural resource management.

According to Sumardjono (2011), justice in controlling and using agrarian resources (gender justice, justice in one generation and between generations, and recognition of indigenous peoples' ownership of agrarian resources, which are their living spaces. Agrarian reform is always defined by agrarian reform, which is often associated with *land reform* welfare. The conversion of agricultural land is increasingly massive. For example, based on data from the Central Statistics Agency (BPS) in November 2019, rice fields in 2012 reached 8 8,127,264 hectares and continued to decline to 8,087,393 hectares. This depreciation is due to large projects such as oil palm plantations and residential development in Indonesia.

One of the root causes of agrarian problems is the problem of inequality in agrarian structures, which eventually triggers the struggle for access among stakeholders. In this study, the mass movement of peasants demanding land redistribution is a community response because of the imbalance in the agrarian structure. Therefore, this movement can also be understood as a social control carried out by the community against the government.

Land reform programs through land redistribution that the government has implemented in Indonesia can be divided into land reform programs implemented based on initiative and generosity government (land reform by Grace) and land reform programs implemented based on community initiatives (land reform by leverage). In the implementation of Land reform by Grace, the government's role is very dominant in determining agrarian policies to overcome land tenure and ownership problems. Meanwhile, in implementing Land reform by leverage, community initiatives are an essential aspect determining the direction of implementation. Therefore, compared to land reform by Grace, land reform by leverage is said to have a positive value because its

history comes from community initiatives, making post-redistribution implementation more sustainable.

The redistribution activities do not stop until the provision of proof of land rights (land certificates or asset reform) but continue with providing facilities to open up beneficiaries' access to capital, technology, markets, capacity building, management, and assistance so that the beneficiaries have obtained the land. It can be used optimally. It is essential to establish common goals or homogeneous group identities to face or achieve the same goals at land expropriation. However, at the next stage, namely managing the land, the essence that is made homogeneous turns out to hold the possibility of seeds for failure to achieve the goal of getting out of poverty.

Once again, it is emphasized that Land reform by leverage appears as a response from the community to the government because land reform by grace is an ideal that should be an ideal and a solution to the problem of inequality in agrarian structure has not materialized. We all know that land arrangement is determined by two main factors: the form of control and land use. The party that has the right to control will also have the power to use it according to their interests. Although not supported by a systematic and comprehensive land reform program, various factors such as population increase, availability of agricultural capital and technology, infrastructure development, and others have formed a land use and tenure structure that changes dynamically from time to time.

Based on the results of interviews with several administrators of the Pasundan Farmers Union in Banjaranyar Village, it turns out that there are several obstacles faced in the land redistribution program in Banjaranyar Village, namely as follows:

1. *Lack of Access Reform* to land that has been redistributed to redistribution land cultivators, so there is often a lack of information or even capital support for local community farming businesses, in this case, the Banjaranyar Village community.
2. The government's lack of socialization through the local National Land Agency to the field, in this case, the people who are recipients of redistribution land ownership rights, so that the land redistribution program is not sustainable.
3. The lack of awareness of the local village apparatus towards the redistribution of the land itself in the use of the land is proven by the existence of land use rights (cultivation rights) for large companies and neglecting the community's welfare.
4. The government's lack of firmness in implementing the policies contained in Presidential Regulation Number 86 of 2018 concerning Agrarian Reform. d. With the increasing economic needs of the community in the current 4.0 era, with conditions struggling to survive during a pandemic, one way is to have assets. Still, the land redistribution program has not been carried out since 2006.
5. Lack of government attention in sustainable land redistribution program in Banjaranyar Village.
6. Many stakeholders are less honest in their duties, resulting in the abuse of authority of some parties.

According to Mrs. Suryani, who is one of the administrators of the Pasundan Farmers Union (SPP) that the next obstacle in land redistribution has many different

interpretations from the government with the struggle for redistribution of community land rights through the Pasundan Farmers Union (SPP) with the enactment of cultivation rights to the rubber plantation company. Indirectly inhibits the community from using their land, as if the rights of the cultivators who have worked on the ground for years are increasingly unreachable. Hopefully, in 2030, when the company's cultivation rights expire, the government can realize the land redistribution request that has been requested in the previous year. That because of that, with the existence of the right to cultivate the land, the land should be redistributed to land cultivators who have been working on the ground for years until it is productive, is an obstacle to the realization of a prosperous and prosperous farming community. The settlement of land problems does not take sides. People with money.

Based on the description above and interviews that have been conducted by researchers to several sources who experienced the struggle directly through requests for land redistribution to the government, it appears that Land reform, which at that time had re-entered the state political stage, was related to organizing farmers and advocacy carried out by non-governmental organizations. and groups of victims of land acquisition policies and practices for large-scale business entities and government projects. After the fall of the authoritarian regime, which began with the resignation of President Suharto in 1998, there were attempts by the victims to control and cultivate their land directly. Pro-Land reformers re-enter the Land reform program into the country's political stage through substantial advocacy activities.

The reforms in the field of land law that are needed are not reform activities but are improvements to institutions and their provisions to provide more solid legal and substantial support for the realization of the goals to be achieved. To realize the objectives of the land reform, apart from the need to improve the institutions and their provisions, it is also necessary to adjust the requirements of the land reform with the development of conditions and development needs. In the future, hoped that agrarian reform will no longer revive the *domein verklaring* (areas that cannot be proven ownership formally are considered to be owned by the state), so the state must lay down the political foundations of agrarian law that prioritizes the content of populist values populist values). The reflection of the populist principle can be seen in the preamble to the opinion that the UUPA in its implementation must embody the five points of Pancasila. This is intended so that the politics of national agrarian law is rooted in shared ideals and goals in a philosophical foundation of the general plan of society or widespread acceptance of the same philosophy of government (Asshiddiqie, 2011: 56).

### **Efforts made by the Government in Land reform for the Welfare of Rural Communities in The Ciamis Regency.**

One way to realize the welfare of the people, there must be support in terms of the people's economy itself. The people must have assets that can be used to maintain their lives by realizing the Land reform program, which is the first step for the state to move towards a welfare state in the sense of a prosperous condition. It should also be noted that

land reform is a strategy to overcome inequality due to differences in land tenure. Practice land reform aims to equalize income and establish a basis for high productivity.

In fact, after more than 60 years of implementing the UUPA in Indonesia, the land reform has not shown results, even though this program has marginalized its position in national development policies. The change of government from the old order to the new order and then the reforms did not produce good results from the implementation of the land reform. At the beginning of the reform era, there was a breath of fresh air to restore this land reform with Presidential Decree no. 48 of 1999 concerning the Policy and Regulatory Review Team. But it is only a hope written on paper and only enacted. Its implementation has not provided fresh air for the marginalized peasant people.

Even though the regulation already contains the values in Pancasila as the main principle of the State's fundamental rules (*staatsfundamentalnorm*), it also has the power as a *grundnorm*. Therefore, Pancasila should be used as legal ideals (*rechtsidee*) that guide all country legal products. Any form of positive law must aim to achieve the ideas contained in Pancasila. In other words, the preparation, application, and implementation of positive law cannot be separated from the values of Pancasila because it has been established as a *staatsfundamentalnorm*. Concerning the people's economy and people's welfare which is contained in the ideal foundation of the State, namely Pancasila.

Unfortunately, making Pancasila, the principal rule of law of a country has not been applied in agrarian reform and national land politics. During the New Order era, for example, the implementation of development that prioritized economic growth had provided opportunities for deviations from the spirit and objectives of the national land law policy. Therefore, the performance of national land law politics during the New Order was often felt not to guarantee protection and vice versa. National land politics often creates a feeling of being mistreated for the people whose land is needed for development activities. In this regard, what needs to be further questioned is how state administrators interpret the meaning, nature, and scope of the right to control the state as regulated in Article 2 of the UUPA. Because in practice during the New Order era, the meaning of the word "controlled" was interpreted as if it gave the government unlimited authority to control and own land.

Deviations that cause overlapping and conflicting land laws, among others, are shown in the case of Law Number 5 of 1967 concerning Basic Provisions of Forestry, which was subsequently corrected by Law Number 41 of 1999. There is no regulation of customary rights in this law, such as confirmed in the UUPA. Instead, the terminology used is state forest for the familiar forest, previously managed by ordinary law communities. The right to use for the forest is removed when the forest in question is given to an entrepreneur with a Forest Concession Right. If the state wants to be truly consistent with Pancasila and Article 33 of the 1945 Constitution, then the government must return the indigenous people's land to the people. Both ownership and exploitation (Ali, 2009: 62).

Based on the research results, several efforts can be taken in this land redistribution program with Land reform which is placed as a development strategy. Hence, its implementation tends to be placed within the whole framework of the State's task. The

State plays a very dominant role in the planning and executing of land reform, even in its financing. The dominant part of the State in implementing land reform cannot be separated from the development of theories developed in the 1960s, which tended to view farmers or rural residents in developing countries as a poor, weak, marginal group, and could not create a better life. At the same time, the State can be seen as an entity that has the ability of coercive power. Therefore, direct efforts from the State, in this case, the government needed to improve their living conditions, including the following:

1. The village government held more in-depth socialization to the community regarding land redistribution through the village government.
2. In 2030 when PT Mulya Asih's Cultivation rights expire. Local Farmers' Organizations the Pasundan Farmers Union cooperates with local village government officials to fight for land for the people for the welfare of the Banjaranyar Village community, demanding that there should be no extension of the land cultivation rights for the company concerned.
3. To realize a sustainable land redistribution program, necessary to understand the stakeholder's overall land redistribution to create community welfare in Banjaranyar Village.
4. Make a precise regulation regarding sanctions in the event of a sale and purchase of redistribution land by emphasizing that if you are unable to work on it, the ground can be returned to the state to be transferred to another subject as stated in the affidavit of land redistribution request.
5. Re-collecting data on cultivators receive redistribution land in various villages, especially Banjaranyar Village and the redistributed land parcels so that they are more systematically structured to create legal certainty.
6. Provide open access to cultivators regarding archives or copies of data regarding their redistribution lands clearly and transparently considering the many problems with data collection in the National Land Agency.

Finally, to obtain optimal results, the land reform program must carry out with the readiness of other elements of agrarian reform. Redistribution of land in one area will only increase welfare if other factors are prepared, such as infrastructure, forms of business to be developed by the community, capital support for farming, and technology and markets. Implementation of Land reform detached from the context of agrarian reform will only result in anarchy, conflict, abandonment of land, and rampant land buying and selling, which may exacerbate inequality. Therefore, if one area is to carry out land reform, all parties must support and be ready with their respective policies and roles.

## Conclusion

Based on the research results that have been described in previous chapters, in this chapter it can be concluded from the research results as follows: *first*, regarding Land Reform as a Government Effort in Prospering Rural Communities in Banjaranyar Village, Banjarasari District, Ciamis Regency, it would be a real obstacle to realizing equitable Agrarian Reform for all Indonesian people in terms of the goal of improving people's



welfare. This land redistribution program is not entirely in favor of the people because, in practice, land use still benefits interested parties. In this case, the land redistribution program for the community is hampered because, on the land of Banjaranyar Village, there is still a PT. Mulya Asih is engaged in Rubber Plantation, so the people must together with the company manage the land and problems often arise on it, so the land redistribution program has not been resumed since 2006.

*Second*, regarding the obstacles faced in Land reform as a Government Effort in the Prosperity of Rural Communities in Banjaranyar Village, Banjarasari District, Ciamis Regency, that Lack *Access Reform* on land that has been redistributed to cultivators of redistribution land so that there is often a lack of information or even capital support for businesses. Local community farmers, the people of Banjaranyar Village, Lack of socialization carried out by the government through the local National Land Agency about the field, in this case, the recipients of redistribution land ownership rights so that the land redistribution program is not sustainable, Lack of awareness from local village officials about redistribution land itself In the use of the land, it is proven by the existence of Land Use Rights (cultivation rights) for large companies and neglecting the welfare of the community.

*Third*, regarding efforts in Land reform as a Government Effort in Prospering Rural Communities in Banjaranyar Village, Banjarasari District, Ciamis Regency, the land reform program must be carried out to obtain optimal results out with the readiness of other elements of agrarian reform. Redistribution of land in one area will only increase welfare if other factors are prepared, such as infrastructure, forms of business to be developed by the community, capital support for farming, and technology and markets. The implementation of land reform detached from the context of agrarian reform will only result in anarchy, conflict, abandonment of land, and rampant land buying and selling, which may exacerbate inequality. Therefore, if one area is to carry out land reform, all parties must support and be ready with their respective policies and roles.

## **Suggestion**

To obtain optimal results, the land reform program must carry out the readiness of other agrarian reform elements. Redistribution of land in one area will only increase welfare if other factors are prepared, such as infrastructure, forms of business to be developed by the community, capital support for farming, and technology and markets. For people's rights fighters, in this case, farmers, especially for the Pasundan Farmers Union (SPP), Local Farmers Organizations (OTL), to create a rule that can implement with the desired expectations for the interests of the people, it is good that the spirit of struggle must be maintained and disseminated to various parties, especially farmers and cultivators who receive redistribution land, to create agrarian reform that is fair with integrity.

Assisting the creation of legal certainty for the small people, the (SPP) and (OTL), who have sacrificed many forms of struggle for the sake of the people, can be considered appropriately by the government, all forms of their aspirations should be considered more carefully. The government which is handling agrarian reform to pay more attention to the community's interest by releasing PT Mulya Asih's cultivation rights to be able to resume

the land redistribution program to the people of Banjaranyar Village who have been working on the land for years to create long-standing community welfare and often discussed in meetings and even the draft of a law.

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