

# Problems Of Agrarian Reform As A Strategy For Implementing Land Reform Plus In Indonesia

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## ABSTRACT

The Agrarian Reform as a strategy for implementing land reform plus as regulated in the Decree of the People's Consultative Assembly of the Republic of Indonesia Number IX/MPR/2001 concerning Agrarian Reform and Natural Resource Management, and Law Number 17 of 2007 concerning the National Long-Term Development Plan for 2005-2025 and Presidential Regulation Number 86 of 2018 concerning Agrarian Reform as the implementing regulation of Agrarian Reform in order to improve social justice and people's welfare in the acquisition and use of agricultural land as an effort to improve the welfare of the community, especially farmers in Indonesia. The spirit and strong commitment to fight for agrarian reform does not mean that it will eliminate the challenges, obstacles, and obstacles in the implementation of agrarian reform. Usually, problems will always be encountered in the implementation of an activity, including the implementation of agrarian reform as a strategy for implementing land reform plus in Indonesia. Based on these problems, the purpose of this study is to identify and find the problems of agrarian reform as a strategy for implementing land reform plus in Indonesia, and solving the problems of agrarian reform as a strategy for implementing land reform plus in Indonesia.

## ABSTRAK

Reforma Agraria sebagai strategi pelaksanaan land reform plus sebagaimana diatur dalam Ketetapan Majelis Permusyawaratan Rakyat Republik Indonesia Nomor IX/MPR/2001 tentang Pembaruan Agraria dan Pengelolaan Sumber Daya Alam, dan Undang-Undang Nomor 17 Tahun 2007 tentang Jangka Panjang Nasional. -Rencana Pembangunan Jangka Waktu 2005-2025 dan Peraturan Presiden Nomor 86 Tahun 2018 tentang Reforma Agraria sebagai peraturan pelaksanaan Reforma Agraria dalam rangka meningkatkan keadilan sosial dan kesejahteraan rakyat dalam perolehan dan penggunaan lahan pertanian sebagai upaya peningkatan kesejahteraan rakyat. masyarakat khususnya petani di Indonesia. Semangat dan komitmen yang kuat untuk memperjuangkan reforma agraria bukan berarti akan menghilangkan tantangan, hambatan, dan hambatan dalam pelaksanaan reforma agraria. Biasanya permasalahan akan selalu dihadapi dalam pelaksanaan suatu kegiatan, termasuk pelaksanaan reforma agraria sebagai strategi pelaksanaan land reform plus di Indonesia. Berdasarkan permasalahan tersebut, maka tujuan dari penelitian ini adalah untuk mengidentifikasi dan menemukan permasalahan reforma agraria sebagai strategi pelaksanaan land reform plus di Indonesia, dan pemecahan permasalahan reforma agraria sebagai strategi penerapan land reform plus di Indonesia.

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## I. INTRODUCTION

Land as a gift of God Almighty is the main capital for development to realize a just and prosperous society materially and spiritually in the container of the Unitary State of the Republic of Indonesia. Land becomes the main factor supporting the life and welfare of the people, in the absence of land it is impossible that welfare will be achieved, so in this case the concept of land ownership rights determines the arrangement of life in a country. The function of land is not only limited to means of production, social, political, cultural, but also concerns religious values and meanings. Therefore, the provision, allocation, control, use and maintenance of the land need to be regulated, so that legal certainty of control and utilization is guaranteed, as well as the implementation of legal protection for the people of many people, especially the farmer group while maintaining the preservation of the ability of the land to the greatest extent the prosperity of the people as mandated by Article 33 paragraph (3) of the Constitution of the Republic of Indonesia of 1945 hereinafter abbreviated as the 1945 Constitution.

Article 33 paragraph (3) of the 1945 Constitution is described in Article 2 of Law Number 5 of 1960 concerning the Basic Regulations of Agrarian Principles or commonly abbreviated as UUPA. Article 2 of uupa paragraph (3) states that the authority derived from the right to control of the country in paragraph (2) of this article is used to achieve the greatest prosperity of the people, in the sense of happiness, welfare and independence in society and the independent Indonesian legal state is sovereign, just and prosperous.

Based on the mandate of Article 33 paragraph (3) of the 1945 Constitution and Article 2 of the Uupa, the management of land must be aimed at the greatest prosperity of the people in the sense of nationality, justice, welfare and independence of the people and the state of law. The realization of social justice in the field of land, especially the field of land ownership can be seen in the basic principles of the UUPA, one of which is the landreform principle. The principle of landreform or "agrarian reform" according to the memory of the General Explanation (II number 7) of the UUPA, namely: "Agricultural land must be actively worked on or cultivated by the owner himself".

Uupa does not only contain provisions regarding the overhaul of Agrarian Law. As the name implies: The Basic Regulation of Agrarian Principles, UUPA also contains other issues at the time of the formation of the UUPA is a Revolutionary Program in the agrarian field, called Agrarian Reform Indonesia. UUPA is the parent of the implementation of landreform or agrarian reform, so there are several articles of uupa that regulate landreform provisions, namely Article 7, Article 17, Article 10, and Article 53. Articles 7 and 17 regulate the limitation of the maximum land area, Article 10 on the prohibition of absentee land ownership, and Article 53 of the UUPA which regulates temporary rights to agricultural land. The legal products that are even sharper in the context of this landreform are Law Number 56 of 1960 concerning the Determination of Agricultural Land Area and Government Regulation Number 224/1961 Division of Land and Provision of Compensation and Government Regulation Number 41/1964.

In the reform era, with regard to the landreform on November 9, 2001, the People's Consultative Assembly of the Republic of Indonesia issued a Decree of the People's Consultative Assembly of the Republic of Indonesia (TAP MPR RI) RI Number IX / MPR / 2001 dated Agrarian Renewal and Natural Resources Management, which contains 12 principles in the context of natural resources / agrarian resources management in Indonesia. In 2007, Law Number 17 of 2007 was also formed regarding the National Long-Term Development Plan for 2005-2025 which requires agrarian renewal or agrarian reform. Then, the People's Consultative Assembly of the Republic of Indonesia reminded again the need for the implementation of this agrarian reform with the birth of MPR Decree Number 5 of 2003, and the President has also issued Presidential Regulation Number 86 of 2018 concerning Agrarian Reform. The regulation was signed by the President on September 24, 2018 and promulgated on September 27, 2018.

Presidential Regulation Number 86 of 2018 contains a number of important things that are used as a technical reference in the implementation of agrarian reform or as regulations for the

implementation of Agrarian Reform in order to improve social justice and people's welfare. This is interpreted as a new form of social consensus and political consensus in realizing social justice, a new consensus that obeys *asas* and obeys the constitution.

Presidential Regulation Number 86 of 2018 concerning Agrarian Reform determines the subject and object of agrarian reform. Agrarian object land (*Tora*) is land controlled by the state and/or land that has been owned by the community to be redistributed or legalized. The subject of agrarian reform is the recipient of the *Tora* who meets the requirements and is set to receive the *Tora*.

Back to Tap MPR RI Number: IX / MPR / 2001 Concerning Agrarian Renewal and Management of Natural Resources. There are four main agrarian problems in Indonesia as conveyed in the Tap MPR RI Number: IX / MPR / 2001, fdeed shows that there is no form of legal politics and significant implementation as a manifestation of the implementation of the tap provisions of the MPR RI Number: IX / MPR / 2001. This is what some agrarian thinkers think is one of the triggering factors for the rampant protests of peasant communities in several regions in the country or land looting actions carried out by several community groups in Indonesia.

Concretely, there has not been a form of legislation produced under the mandate of the TAP MPR RI Number: IX / MPR / 2001, but in various departments steps have been taken that seek to describe the legal politics in question. However, from the various departments that oversee agrarian resources and natural resources, it still has not moved away from the old paradigm of sectoral and centralistic. This is the case of conflict of norms, for example between Law Number 5 of 1960 and Law Number 22 of 1999 which was later changed to Law Number 32 of 2004 concerning Regional Government. Furthermore, there is a conflict of authority/competence between non-departmental government departments/agencies that manage agrarian resources and natural resources including conflicts between the central and local governments regarding the distribution of proceeds from the exploitation of agrarian resources and natural resources. Conflicts of norms and conflicts of authority between departments or central and local governments in turn have an impact on the low performance of each department in completing efforts to overcome the problems faced.

Broadly speaking, there are 3 main things in Agrarian Reform, namely asset structuring, access arrangement, and land dispute resolution. All of them must be the main agenda to be completed before arriving at the formulation of the ideal landreform concept, namely land to tillers. The strong commitment at the level of the Central Government, and Regional Governments, as well as the Regional Offices of the National Land Agency and the District/City Land Offices are intended to realize the objectives of implementing agrarian reform, namely: (1) reducing inequality in land tenure and ownership in order to create justice; (2) dealing with agrarian disputes and conflicts; (3) creating agrarian-based sources of prosperity and welfare of society through the regulation of land tenure, ownership, use, and utilization; (4) create jobs to reduce poverty; (5) improve people's access to economic resources; (6) improving food security and sovereignty; and (7) improving and maintaining the quality of the environment (Article 2 of Presidential Regulation Number 86 of 2018).

However, agrarian performance as a strategy in the context of implementing landreform plus as an effort to improve the welfare of the community, especially farmers in Indonesia operationally its implementation or implementation has not run smoothly. The implementation of agrarian reform in Indonesia has not been running since the Basic Agrarian Law (UUPA) came into force. So, since the UUPA was passed, the implementation of agrarian reform has not been running. In fact, the government made new rules that often caused land conflicts in some areas. This *ajian* was carried out because it was motivated by the implementation of agrarian reform which was far from a sense of justice according to the 1945 Constitution. This study was also born from the unrest of NU administrators who witnessed many victims from among the residents due to agrarian conflicts. NU wants to evaluate the implementation of agrarian reform and provide recommendations to the government regarding the implementation of equitable agrarian reform.

Sarmidi Husna assessed that the UUPA in general is not problematic. However, the problem of agrarian inequality arises in the derivative regulations of the UUPA. For him, various rules derived from the UUPA are often far from the spirit of agrarian justice for the community. Precisely what often happens is the conflict between society and corporations. Furthermore, according to Sarmidi Husna, "When there is a conflict, society and corporations do not stand equal. Society is generally in a weak position. While this corporation has always involved security forces, NU is not the first to discuss agrarian issues. NU has discussed this issue at the 1994 Mukhtamar, the 2015 NU Mukhtamar, and the 2017 NU Munas Alim Ulama. Land conversion is a small part of agrarian reform. According to Erizal Jamal, the expropriation that occurs is generally due to the expropriation of agricultural land or customary rights land owned by indigenous peoples by investors. In the process of this expropriation, often the land owned by the community is valued very low, and this is related to the problem of renting from the land.

One of the objectives of agrarian reform as a plus is to implement the principle of land for farmers and abolish land tenure indefinitely by eliminating liberalism and capitalism, because agrarian reform is a strategy for implementing landreform plus in Indonesia. A strong spirit and commitment to fight for agrarian reform does not mean that it will eliminate challenges, obstacles, and obstacles in the implementation of agrarian reform. Usually problems will always be encountered in the implementation of an activity, including the implementation of agrarian reform as a strategy for implementing landreform plus in Indonesia. As is known problematic, it is: (1) something that involves problems and difficulties; (2) something that has a natural appearance in the form of a question that contains a problem (problem questionable); (3) something that has a natural appearance in the form of a problem that is difficult to solve (hard to solve) or difficult to agree (hard to deal); (4) something that cannot be used as a handle because it still contains uncertainty.

Based on this background, the author has made observations and searches for literature on various references, research results, which are found in libraries, as well as the internet, and other sources of information have been found several types of research related to landreform or agrarian reform that have been compiled by previous authors, which is used as a comparison material with the research that the author compiled, mainly to maintain the originality of the research, which is as follows:

First, Ahmad Nashih Luthfi, entitled Institutional Reform in the Agrarian Reform Policy of the Joko Widodo-Jusuf Kalla Era from the results of research that the institutional development of Agrarian Reform is a mirror and indicator of the government's seriousness in agrarian policy. The extent to which the government understands and realizes the distress that requires solving through Agrarian Reform is reflected through special implementing agencies. The Jokowi-JK government succeeded in realizing two institutions called the Inver Team and the Agrarian Reform Task Force. Both are shaded by different presidential regulations. With a qualitative policy study approach, this article examines the institutional and implementation of Agrarian Reform at the national level accompanied by a field study in Sigi Regency to illustrate the dynamics of relations between civil society and the state in the policy.

Second, an article written by Febrie Hastiyanto entitled Development Planning and Social Movements in Agrarian Reform in Indonesia from the results of this study suggests that Agrarian Reform has become an issue of social movements in Indonesia. In practice the characteristics of the growing movement to fight for Agrarian Reform have diverse variants. This differentiation was influenced by the preferences of movement actors in interpreting Agrarian Reform for the benefit of their struggle. Inevitably, the Agrarian Reform movement—like the typology of other movement issues—is the accumulation of the interests of the actors in it. This can be seen from the characteristics of the Agrarian Reform movement of the left, the feudalists as well as the peasants and the poor (cities). All fought for agrarian welfare, all fought in different ways and until now the results are considered unsatisfactory to all. The state needs to take a bigger role. Rather than

regulating the ownership, division and utilization of land "belonging to others" it is not impossible for the state to regulate the ownership, division and utilization of land "its own." It is time for state plantation assets to be opened widely and transparently for public management, as an entry step towards Agrarian Reform that prospers all .

Third, an article written by Afriliyeni, Martua Sihaloho, Rai Sita, entitled *The Relationship of Agrarian Reform with Improving the Welfare of Farmer Households (Case: Former HGU Land in Pasawahan Village, Banjarnegara District, Ciamis Regency, West Java Province)*, from the results of the study stated that one of the causes of poverty in rural areas is the low access of farmers to land and the non-optimal utilization of land resources agriculture. Agraria reform is one of the solutions to alleviate poverty. This is because agrarian reform is a realignment of a fairer land ownership structure which is expected to be able to create equality and justice in land ownership so as to improve the welfare of farmers in rural areas. The purpose of this study is to analyze agrarian reform in terms of asset reform and access reform, analyze the improvement of farmer welfare, and analyze the relationship between agrarian reform and improving the welfare of farmer households.

Thus, writing in the form of articles or writings in other forms published in several journals can be said to be different from the research that the author writes. The author's research in this article is to examine and discuss the problem of agrarian reform problems as a strategy for implementing landreform plus in Indonesia, and its solution, so that the research that the author compiled is different from previously existing research, so that the research that the author wrote, is original (original), and has novelty (novelty).

## II. RESEARCH METHOD

This research is normative legal research. Normative legal research, is research that examines legal issues from the point of view of legal science in depth on the legal norms that are formed. Normative legal research or also called doctrinal legal research. Legal doctrinal legal research is conceptualized as what is written in laws and regulations (law in books) or law is conceptualized as a rule or norm which is a benchmark for human behavior that is considered appropriate.

According to Peter Mahmud Marzuki, because characteristically differs between legal science and descriptive science, legal research does not need to start with a hypothesis. Thus the terms free variables and bound variables are not known in legal research. According to Jhoni Ibrahim, this kind of legal research does not recognize field research because what is being studied is legal materials so it can be said to be library based, focusing on reading and analysis of the primary and secondary materials. According to Soerjono Soekanto and Sri Mamudji, legal research conducted by researching library materials or mere secondary data, can be called normative legal research or literature law research.

In line with the normative type of legal research, the research specifications are descriptive analytical. Sudarwan Danim said that qualitative research is descriptive, that is, the data collected is in the form of words, images instead of numbers. Even if there are numbers, they are only as a support. The data obtained includes review transactions, field notes, photos, personal documents and others.

The nature of this study is descriptive analytical, because specifically, this study aims to provide an overview of a certain society or group of people, people, circumstances or other symptoms. According to Abdulkadir Muhammad, p enelitian is descriptive analysis, which is a method of research that aims to describe a situation of a person / group of people, institutions or society at a certain time and situation based on factors that appear in the situation he is investigating. Ronny Hanitijo Soemitro said that analytical interpretation, which describes various applicable laws and regulations related to legal theories and practices of implementing positive laws related to the problems studied.

The research approach is a method or way of conducting research. According to Lili Rasjidi and Liza Sonia Rasjidi, metode of original legal research is a normative legal research method where

method the approach is normative juridical, then the method approach used in this research is a normative juridical approach method, namely legal research carried out by researching library materials or secondary data.

Normative juridical proximity, which is a method that emphasizes research on literature data, or called secondary data through a statutory approach or statute approach or juridical approach, namely research on legal products and approaches to legal principles. Normative juridical approach, which is an approach in legal research (writing) using the main source of secondary data. Secondary data is data obtained from library materials or through library research.

### III. RESULT AND DISCUSSION

#### **1. Problems of Agrarian Reform as a Strategy for Implementing Landreform Plus in Indonesia**

Land in the territory of the Unitary State of the Republic of Indonesia as a gift of God Almighty for the entire Indonesian nation at the highest level controlled by the state is used for the greatest prosperity of the people. Tanah has a very important position for every human being in living his life, even the need for land starts from birth until the human dies. Therefore, the land is placed as a priority to get attention from the state. Attention to the importance of land is realized by the state in the form of agrarian reform (agrarian reform) and landreform. Therefore, currently the government still needs to realize an equitable distribution of the structure of control, ownership, use and utilization of land, namely through agrarian reform as a strategy for implementing landreform plus in Indonesia

What is the relationship between agrarian reform and landreform? Landreform became the foundation of agrarian reform. If you imagine agrarian reform as a whole step, then the first step is landreform. It is impossible for the next step to be traced if the first step is not passed first. Landreform is the first step of the entire agrarian renewal program (agrarian reform). In the midst of society, is it often the term "Landreform" to be equated with the term "Agrarian Reform", although in fact between "Agrarian Reform" and "Landreform" is different. This happened as a result of the wide scope of the Landreform. The term Landreform itself comes from 2 (two) words, namely the word "land" which means land, and the word "reform" which means change, overhaul or realignment. If combined, landreform can be interpreted as an effort to overhaul and realign the land.

In Indonesia, the distinction between Agrarian Reform and Landreform also occurs, although the distinction is not in a contradictory sense. Agrarian Reform was defined as something greater than Landreform. and instead Landreform was part of the Agrarian Reform. Gunawan Wiradi said that the terms land reform and Agrarian Reform etymologically, the word agrarian comes from the Latin word *ager* which means a piece of land (English acre). The Latin word *agrarius* includes the meaning: which has to do with land; the division of land, especially public lands; is rural. Meanwhile, the word reform clearly refers to "overhaul", changing and reshaping something to go towards improvement. The word *land jelas* means, land.

Thus, the two terms, which are semantically different in meaning, are often used in a blended manner. Each scientist uses it in his own opinion, and there is no agreement yet. This is because the theory regarding landreform is not yet stable. Some say that landreform is part of agrarian reform, some say the opposite, and some argue that the two terms are the same. The latter uses both terms interchangeably but refers to the same sense. The important thing is to question the content. In this case, I actually tend to agree with the latter opinion, but it seems that in Indonesia (at least formally and implicitly) what is adhered to is the understanding that land reform is part of Agrarian Reform.

The dictionary of law defines landreform with the notion as an overhaul of land rights and their use; resetting land matters in Indonesia from colonial heritage. According to Ladejinski, landreform is a program that contains a drastic redistribution of ownership and income through

the sacrifice of landlords, which includes all or part of the elements; redistribution of land to landless communities, guarantees of proper financing arrangements for the purchase of land, guarantees of fair land tenure and disclosure, technical guidance, good credit, marketing facilities and others.

Landreform, according to Dorren Warriner, essentially requires a land redistribution program for the benefit of those who work the land and restrictions in individual rights to land sources. So, Landreform is more of a tool of social change in economic development, in addition to being a manifestation of the political goals, freedom and independence of a nation. In accordance with that, according to Bachsan Mustafa, that Landreform is a change in the system of land ownership and tenure. The past system of land tenure and tenure was changed with a new land management system that was adapted to the changes and developments of the community that was actively carrying out its economic development.

As for the term, and the definition of agrarian reform, various parties, with diverse points of view provide different understandings of Agrarian Reform. The term agrarian reform was first adopted by Gunawan Wiradi in the 1960s which later became popular and used by academics, for the first two reasons, the term was used by a fairly large international farmer organization, named La Via Campesina; and secondly, to overcome the ambiguity of the use of the term between landreform and agrarian reform which was always a matter of debate until the 1970s. Meanwhile, the term Agrarian Renewal was only introduced in 2001 which was used as the title of tap MPR/IX/2001. That means, the term Agrarian Reform was first popular in scientific discourse compared to the term agrarian renewal. Judging from the origin of the word (etymology), the term 'agrarian' comes from the Latin word *ager*, meaning: a) field; b) pedusunan; c) territory; country land<sup>2</sup>. Etymologically, it appears that the scope of the term 'agrarian' is not just 'Land' or 'agriculture' alone. Pedusunan, 'hill', and 'territory', clearly indicate a broader meaning because in it is covered everything that is accommodated by it. In the 'pedusunan' for example, there are various kinds of aquatic plants, rivers, mines, housing, and human communities. Meanwhile, the term reform is a Spanish term, whose meaning is the same as the English term, reform. The term reform means renewal, or reshaping.

Referring to its etymology, Agrarian Reform is a Spanish term, whose meaning is the same as the English term, reform. Referring to its etymology, Agrarian Reform (Spain), Agrarian Reform (England), or Agrarian Renewal (Indonesia) means an effort to change or social overhaul carried out consciously, in order to transform the agrarian structure towards a healthier and more equitable agrarian system for the development of agriculture and the welfare of rural communities.

The term Agrarian Reform is a translation of Agrariann Reform (often referred to as Agrarian Reform). In a limited sense it is known as Landreform, where one of its widely known programs is in terms of the redistribution (division) of land. Often Agrarian Reform and Landreform are considered identical, although it is generally agreed that Agrarian Reform is broader than the notion of Landreform. In a limited sense, Agrarian Reform is seen as a landreform, with one of its programs being land redistribution (land division). In fact, this is only one side although it is recognized as very important in Agrarian Reform. That Agrarian Reform has a broader meaning and is not only in the form of landreform which is narrowly interpreted by the distribution of land in the form of land alone.

Conceptual understanding that Agrarian Reform is a rearrangement of the structure of land ownership and control along with all complete supporting packages. The supporting package is intended to be a legal guarantee of the rights provided, the availability of affordable credit, access to advocacy services, access to new information, and technology, education and training, as well as access to various means of production and marketing assistance. So it is not solely based on land problems in a narrow sense or land distribution. Some call that Agrarian Reform is also known as agrarian renewal. The concept of renewal refers to its implementation that what is intended is broader than just the division of land or the distribution of the often politicized land. This is the

meaning of the concept that Agrarian Reform is interpreted as landreform plus. The point is that the implementation of Agrarian Reform is in the form of a landreform which in a narrow sense is the rearrangement of the structure of land tenure and ownership. The plus components in Agrarian Reform are the forms and ways of cultivating land, agricultural extension, and others related to more productive land management.

Bernhard Limbong argued that Agrarian performance is a systematic, planned, and relatively quick effort, within a certain and limited period of time, to create welfare and social justice and pave the way for the formation of a new democratic and just society. Reform can be carried out starting with steps to reorganize the control, use, and utilization of land and other natural resources. Furthermore, a number of other supporting programs were implemented to increase the productivity of farmers and the people's economy in general. 10 That is, if carried out correctly and well, Agrarian Reform will become a cornerstone for solid national development. According to istilah TAP MPR Number: IX / MPR / 2001 tentang Agrarian Renewal and Resource Management Daya Alam that: Agrarian renewal includes a continuous process related to the realignment of the control, ownership, use and utilization of agrarian resources, implemented in order to achieve certainty and protection of law as well as justice and prosperity for all Indonesians.

According to the Explanation of UUPA Article 10 Paragraphs (1) and (2), that "landreform" or "agrarian reform" is as a provision that the land must be actively worked on or cultivated by the owner himself. Furthermore, the provision also needs to be followed by light conditions, so that the owner will not be forced to work in another field, by handing over control of his land to someone else. Article 1 number 1 of Presidential Regulation Number 86 of 2018 concerning Agrarian Reform states that: Agrarian Reform is a realignment of the structure of control, ownership, use, and utilization of land that is more equitable through Asset Management and is accompanied by Structuring Access to prosperity in Indonesia. Article 1 number 2 of Presidential Regulation Number 86 of 2018 concerning Agrarian Reform states that: Asset Management is a realignment of the control, ownership, use and utilization of land in order to create justice in the field of land tenure and ownership.

Article 1 number 3 of Presidential Regulation Number 86 of 2018 concerning Agrarian Reform states that: Access Arrangement is the provision of opportunities for access to capital and other assistance to the Subject of Agrarian Reform in order to improve welfare based on land use, which is also called community empowerment. Agrarian Reform or legally formally also known as Agrarian Reform is a process of restructuring (rearrangement) of ownership, control, and use of agrarian resources (especially land). In Porigin 2 tap MPR Number: IX / MPR / 2001 it is explained that "Agrarian renewal includes a continuous process related to the realignment of the control, ownership, use and utilization of agrarian resources, implemented in order to achieve certainty and protection of the law as well as justice and prosperity for all Indonesian people".

Avoiding similar perceptions regarding Agrarian Reform and Land Reform, Ben Cousins tried to describe the differences between the two, as follows: Land Reform deals with land rights with their own characteristics, strength and distribution, while the focus of Agrarian Reform is not only on these matters but also on issues that are more inclusive: the class character of the relationship between production and distribution in agriculture and related companies, and how all those things are connected to the broader class structure. In other words, Agrarian Reform is concerned with economic and political power and the relationship between the two.

That means, Agrarian Reform has a wider scope than Land Reform. Agrarian Reform should include: agrarian policy instruments that are of qualitative character and should refer to smaller changes, such as subsidies, tax rates, and so on; structural changes to change the structure of agriculture, such as credit programs, investments in infrastructure, extension, and so on; and institutional reforms that change the basis of rural and community economies, such as land redistribution, changes in leasing, collectivization, and so on.



Thus, in essence, the concept of Agrarian Reform is a landreform concept that is complemented by the concept of access reform and the concept of legal / regulation reform. The concept of landreform in this case is a realignment of a fairer land tenure structure. The concept of access reform is related to structuring the use or use of more productive land along with structuring the support of facilities and infrastructure that allow farmers to gain access to economic resources in rural areas. These accesses include access to agricultural facilities and infrastructure, irrigation, roads, farming, production marketing, farmer business cooperatives, and banking (people's business credit). Meanwhile, the concept of policy /regulatori reform is related to policy and legal arrangements that favor the masses.

Observing this conception, it seems clear that Agrarian Reform, in addition to being part of the economic development program, is also meaningful as a political program to change the structure of control and use of agrarian resources. The redistribution of land and other agrarian resources that have been controlled on a large scale or exceed the specified maximum limit and the return of lands and other agrarian resources taken from the previous control of the people are an important program in order to overhaul the structure of the control of such lands or agrarian sources.

Agrarian reform is very important for the economy of any country considering that more than half of the world's population works in the agricultural sector. Agriculture is a major source of livelihood especially for developing countries. Reforms were important in order to protect the rights of farmers. Agrarian reform refers more to government initiatives or initiatives with regard to the redistribution of agricultural land to the entire transfer of the national agrarian system which often includes Land Reform measures.

The agrarian reform program must be accompanied by measures such as poverty reduction and the promotion of equity policies to support beneficiaries for these reforms to be significantly and sustainably successful. Apart from being a means of production, land is also a means of obtaining wealth, prestige, and power. That is, a more equitable redistribution of land encourages an increase in economic assets as well as an increase in participation in political power and social participation of the poor.

Agrarian reform is an effort to change the land tenure system and improve the guarantee of certainty of control of these resources for all parties who utilize them, which is followed by improvements, ways of managing land and other natural wealth by providing credit facilities, education and training, as well as technical assistance for the improvement of the production system and the system of continuity of natural carrying capacity. In short, agrarian renewal includes any attempt to reorganize the system of land tenure, production, and its support services that ensure the prosperity of the peasantry.

The landreform part in the aforementioned sense of agrarian reform is in the sentence, "an attempt to change the land tenure system and improve the guarantee of certainty of the control of such resources for all parties who utilize them". The author has stated that the program landreform in Indonesia is as stipulated in the UUPA, namely in particular Articles 7 and 17 for the source of regulation of maximum land area restrictions, Article 10 concerning the prohibition of "absentee" land ownership and Law Number 56 prp of 1960 and other related laws and regulations as a strategy in the context of implementing agrarian reform in the acquisition and utilization of agricultural land as an effort to improve the welfare of the community, especially farmers in Indonesia.

Landreform provisions, especially the re-equalization of land ownership in the form of rearrangement of land tenure and ownership structures, are a central part of the concept of agrarian reform or landreform plus. In the reform era, there was an encouraging development, because many parties spoke and cared about this program, although it was still limited at the level of discourse. Awareness of the importance of reimagining a common life that is socially just and prosperous for the people through landreform reached its peak with the issuance of the Decree of the People's Consultative Assembly (TAP MPR) RI Number: IX / MPR / 2001 Tentang Agrarian

Renewal and Natural Resources Management, and and Law Number 17 of 2007 T entang the National Long-Term Development Plan 2005-2025 which requires agrarian renewal or agrarian reform.

Then, the People's Consultative Assembly of the Republic of Indonesia reminded again the need for the implementation of this agrarian reform with the birth of MPR Decree Number 5 of 2003, and the President has issued Presidential Regulation Number 86 of 2018 concerning Agrarian Reform as a regulation for the implementation of Agrarian Reform in order to improve social justice and the welfare of the people. This is interpreted as a new form of social consensus and political consensus in realizing social justice, a new consensus that obeys asas and obeys the constitution.

Thus, Agrarian Reform in Indonesia, in addition to referring to the constitution of the 1945 Constitution and the UUPA which is pro-weak economic group, also tap MPR RI Number: IX / MPR / 2001 Tentang Agrarian Renewal and Natural Resources Management, which was strengthened tap MPR RI Number: IV / MPR / 2002, inaugurated Tap MPR RI Number: I / MPR / 2003, and affirmed Tap MPR No V / 2003, Decree of the People's Consultative Assembly of the Republic of Indonesia No. 5 / MPR / 2003, Presidential Regulation Number 86 of 2018 concerning Agrarian Reform and other related laws and regulations.

Referring to the mandate of the determination of the MPR TAP Number: IX / MPR / 2001, the government has an obligation to improve regulations in the agrarian sector so that it remains in line with the spirit and spirit of the UUPA. Mpr Provisions The provisions of the People's Consultative Assembly of the Republic of Indonesia concerning Agrarian Renewal and Natural Resources Management are the basis of laws and regulations regarding agrarian renewal and natural resource management, and become a mandate for the government to implement Agrarian Reform.

Reforma Agraria adalah proses restrukturisasi atau penataan ulang susunan ownership, control, and use of agrarian resources, in particular land. Porigin 2 Tap MPR RI Number: IX / MPR / 2001 Tentang Agrarian Renewal and Natural Resources Management mennexplained that: "Agrarian renewal includes a sustainable process, related to the realignment of the control, ownership, use and utilization of agrarian resources, carried out in order to achieve certainty and protection of the law as well as justice and prosperity for all Indonesian people" The objectives of Agrarian Reform in the MPR Tap Number: IX / MPR / 2001 include reducing poverty; improving community access to economic resources, especially land; reorganizing inequality in ownership, use, land use, and agrarian resources; and reducing land and agricultural disputes and conflicts. The objectives of implementing agrarian reform include: Providing tenure certainty for communities whose land is in agrarian conflict, identifying sub j ek recipients and objek lands that will be reorganized ownership relationships, overcoming land tenure gaps by redistributing and realizing Agrarian Reform Object Lands (TORA) as group or individually as belonging to the people, alleviating poverty by improving land use and establishing new productive forces, ensuring the availability of institutional support in the central and local governments, and enabling villages to regulate the control, ownership, use and utilization of their land, natural resources, and village management areas.

Agrarian Reform (RA) is interpreted as, "The realignment (or renewal) of the structure of ownership, control and use of land/territory, for the benefit of smallholders, trappers, and landless farm workers. Basically, the meaning of RA is "a systematic effort to restructure the use, utilization, control, and ownership of agrarian resources, especially land, capable of ensuring justice and the sustainability of improving the welfare of the people. Ra is not only intended to overcome the inequality of agrarian structures, but also to overcome conflicts and improve the environment as contained in the 4 (four) principles of RA, namely "prosperity, equity, social welfare, and sustainability. Agrarian Reform in the era of the SBY to Jokowi administration was carried out based on the Regulation of Presiden Number 86 of 2018 tentang Agrarian Reform, which aims to reduce the gap in the use of natural resources (Natural Resources) between the people and capital

owners. This is done through the realignment of the cultivation, ownership, use and utilization of natural resources through the distribution of these agrarian resources in order to create justice in the field of land cultivation and ownership. However, in its implementation, this concept did not go as expected. The new government was able to realize the legalization of land ownership through the issuance and granting of land certificates for objects that were clearly in control. While the land redistribution program that was originally promised to include the distribution of up to 4.5 million hectares of land, until May 2019, only 785 hectares were realized covering 4 villages.

During the era of President Joko Widodo's administration, the Nawacita program reinstated Agrarian Reform as the government's agenda. This is emphasized by the inclusion of Agrarian Reform in the 2015-2019 RPJMN, that Agrarian Reform is carried out through land redistribution, land sertypication, and community empowerment assistance. Nawacita contains an agrarian reform agenda and a strategy to build Indonesia from the periphery starting from the regions and villages. In national development, agrarian reform is the basis for national economic policy through efforts to equalize development, reduce inequality, alleviate poverty, and create jobs in rural areas.

Chairman of Committee I of the DPD Ahmad Muqqowam argued that the implementation of agrarian reform should be fundamental. Moreover, the government has a program to distribute 9 million hectares of land. This is already stated in Law Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land which provides land for cultivation by farmers. The land is carried out through the acquisition of land for the object of agrarian reform by the government. Unfortunately, the practice of acquiring land for the object of agrarian reform has encountered many obstacles. So, the implementation of the agrarian reforms implemented by the current government is far from the fire. The problems that are often expressed by the government have not been realized through concrete programs. Partiality towards farmers and small communities has not yet been realized. In other words, the target of distributing 9 million hectares of land as launched by the Joko Widodo-Jusuf Kalla administration is still far from expectations.

Chairman of the Alliance of Agrarian Reform Movements (AGRA) Rahmat argued that the government in realizing agrarian reform did not touch the practice of monopolizing control over land. Because, the land owned by the ruling circles and business people is not included in the object of agrarian reform. This is the same, there is no partiality of the government towards farmers and small communities. Ironically, the impact of this land monopoly affects inputs and outputs in the agricultural sector. For him, agrarian reform must reduce the practice of land monopolies by the government and business people. That way, farmers can enjoy profit sharing and the amount of profit from what they do.

Similarly, the General Secretary of the Indonesian Farmers Union (SPI) Agus Ruli Hardiyansyah added that the legalization and certification of land recently there have been many conflicts. Farmers and indigenous peoples were victimized a lot. In practice, the government's 9 million-hectare program of legalization and redistribution of land schemes is not ideal. He called the land the object of agrarian reform that was released not on target. Instead, it only accommodates large-scale plantation owners. Meanwhile, the remaining land is only enjoyed by small communities. Ruli appointed farmers in Mekar Jaya Langkat, North Sumatra. According to him, the farmers in the place are still being evicted even though they have been working on the land for years. This proves how strongly the ruler is still strong in protecting the interests of business people. Meanwhile, the interests of the farming community are ignored. "We see that agrarian reform has not been successful.

As stated by Sarmidi Husna, there are still frequent conflicts between the community and corporations. President Joko Widodo at the Presidential Palace in Bogor, Wednesday (22/9-2021). said that his party is committed to completing agrarian reform and land disputes. He also admitted that he had invited representatives of civil society several times and limited meetings specifically to discuss agrarian conflicts. "I have said many times that I do not want the agrarian conflicts that

occur in many of these areas to continue. I don't want small people to have no legal certainty over the land on which their lives depend," One of the government's efforts is the redistribution of land to people in various regions.

The National Land Agency (BPN) for example has not been able to resolve land conflict resolution, the failure of the Landreform program, the conversion of agricultural land to non-agricultural land, violations of human rights in land acquisition for certain interests. The Ministry of Forestry, has not been able to overcome the occurrence of illegal logging which results in the destruction of an average of 2-3 million hectares of forest each year, deliberate forest fires due to landclearing for large-scale plantations. The Department of Energy and Mineral Resources, for example, in some ways opposed views and policies towards problematic mining investments, such as: the case of PT Newmont Minahasa Raya in North Sulawesi, the case of the national disaster of hot mud over the activities of PT Lapindo Brantas.

The end of this fact is nothing but the cases as revealed in the end are merely discourses with some partial handling efforts, but have not significantly demonstrated a thorough and complete effort. More disappointing things in terms of law enforcement (law enforcement) starting from the investigation, investigation, and prosecution of cases that must actually be carried out immediately, considering that the judiciary really yearns for a fair and legally correct verdict, which in the end must be washed away by disappointments such as the case of PT Newmont, the case of Freeport in Papua, the case of illegal logging in Sumatra, Kalimantan, Sulawesi, New Guinea, and other regions.

Thus, Agrarian reform as a strategy for implementing landreform plus in Indonesia in its implementation still faces problems, namely mainly about the rights of land tenure and ownership. This is because many farmers have narrow land or even no land or do not have agricultural land, so farmers are always in a helpless position, also at this time the ownership and control of land is already so unequal, which results in various conflicts or disputes in the field of land, legal inconsistencies / conflicts of norms, and conflicts of authority between departments or central and local governments in turn have an impact on the low performance of each department in completing efforts to overcome the problems faced, and the destruction of natural resources, which of course these problems are a problem of agrarian law in general, and the problem of agrarian performance as a strategy in the context of implementing landreform plus in particular. In fact, one of the objectives of agrarian reform as a landreform plus is to implement the principle of land for farmers and abolish land tenure indefinitely by eliminating liberalism and capitalism, so that this becomes a problem of agrarian reform as a strategy for implementing landreform plus in Indonesia. In fact, the government is obliged to prosper its people as mandated by the 1945 Constitution and Tap MPR Number: IX / MPR / 2001 about Agrarian Renewal and Resource Management of Natural Resources.

## **2. Solving Agrarian Reform Problems as a Strategy for Implementing Landreform Plus in Indonesia**

The author in the results of the analysis and discussion in point 2 states that: Agrarian reform as a strategy for implementing landreform plus in Indonesia in its implementation still faces problems, namely especially about the rights of land tenure and ownership. This is because many farmers have narrow land or even no land or do not have agricultural land, so farmers are always in a helpless position, also at this time the ownership and control of land is already so unequal, which results in various conflicts or disputes in the field of land, legal inconsistencies / conflicts of norms, and conflicts of authority between departments or central and local governments in turn have an impact on the low performance of each department in completing efforts to overcome the problems faced, and the destruction of natural resources, which of course these problems are a problem of agrarian law in general, and the problem of agrarian performance as a strategy in the context of implementing landreform plus in particular. In fact, one of the objectives of agrarian reform as a

landreform plus is to implement the principle of land for farmers and abolish land tenure indefinitely by eliminating liberalism and capitalism, so that this becomes a problem of agrarian reform as a strategy for implementing landreform plus in Indonesia. In fact, the government is obliged to prosper its people as mandated by the 1945 Constitution and Tap MPR Number: IX / MPR / 2001 tentang Agrarian Renewal and Resource Management Daya Alam. In response to this problem, the increase in policy implementation in the field of more equitable control of land rights must receive the main attention. Apart from this policy, the access of the people, especially farmers, to their rights to land must be strengthened Tap MPR Number: IX / MPR / 2001 tentang Agrarian Renewal and Resource Management Daya Alam is the result of the demands of the people and peasants to return the principle of the national agrarian wealth management policy to the UUPA) which was turned off during the new order regime in power. This has also resulted in many laws and regulations related to the management of national agrarian wealth contrary to the UUPA which has a people's breath and social justice as the legal umbrella for national agrarian wealth management.

One of the mandates of the MPR Tap Number: IX / MPR / 2001 tentang Agrarian Renewal and Management of Resources Daya Alam, namely: Assigning to the House of Representatives of the Republic of Indonesia together with the President of the Republic of Indonesia to immediately regulate further on the implementation of agrarian renewal and natural resource management by making this provision as a basis in every policy making, and all laws and regulations its implementation that is not in line with this provision must be immediately revoked, amended and/or replaced (Article 7).

Based on this description, for solving the problem of agrarian reform as a strategy for implementing landreform plus in Indonesia, in addition to improving the implementation of policies in the field of controlling land rights more evenly, it must receive the main attention, the access of the people, especially farmers to their rights to land must be strengthened, it is also necessary to make improvements and improvements or optimal reviews of laws and regulations. According to Supraba Sekarwati Widjayani, the availability of laws and regulations in the field of land or those related to agrarian affairs in such a large number does not guarantee that the agrarian law enforcement process runs smoothly and optimally. In fact, sometimes there is a synchrony both horizontally and vertically, between one regulation and another. It can also overlap or contradict each other. In this regard, the TAP MPR RI No. IX of 2001 in one of the directions of the Agrarian Renewal policy has ordered to review various laws and regulations related to agrarian affairs in the context of synchronization between sectors. Article 6 of the Tap MPR RI Number: IX / MPR / 2001 tentang Agrarian Renewal and Natural Resources Management states that assigning the House of Representatives of the Republic of Indonesia together with the President of the Republic of Indonesia to immediately further regulate the implementation of agrarian renewal and natural resource management and repeal, amend and / or replace all laws and regulations implementing them that are not in line with this Provision.

So based on Article 6 of the Tap MPR RI Number: IX / MPR / 2001 tentang Agrarian Renewal and Natural Resources Management there are several things that are on the agenda of agrarian renewal, namely conducting a review of various laws and regulations, carrying out realignment of control, ownership, use and utilization of land (landreform), organizing land data collection, resolving conflicts, strengthening institutions, and seeking financing.

If you look closely, many UUPA rules related to landreforms have become stagnant in the field. The reason is that the charge material is out of sync with the principle that overshadows it. Some landreform regulations, such as: provisions on ceiling or latifundia (the maximum area limit of people/families can own land plots), absentees, ex swapraja land, partekelir land and wasteland as stipulated in Law No. 56/PRP/1960 jo PP No. 224 of 1961 and all devices under it such as PMA 25 Th 2002 jo PMA 36 Th. 1998, is considered to clash with the principle that overshadows the substance to be regulated. Even if various implementing regulations and technical work procedures have been regulated, they cannot take place effectively in the field.

One of the main causes of the failure of the UUPA as an umbrella act or as a tree of laws and regulations is because the content of the UUPA is more dominant in regulating land issues, thus giving the impression that the UUPA is more appropriately referred to as the Land Law than the Law that regulates comprehensively and proportionately about agrarian affairs. Although it must be admitted that the UUPA actually also regulates forestry, mining, oil and gas, spatial planning, water resources, and the environment. However, the arrangements for these issues are not yet clear and unequivocal as the UUPA regulates land issues. In addition to this, the UUPA is felt to have not been able to keep up with existing developments and contains several shortcomings, including (1) the UUPA has not contained aspects of human rights protection for the community, especially farmers and landowners as well as indigenous peoples; (2) Uupa is unable to respond to global developments, especially developments that go towards industrialization that require changes in land regulation; (3) Uupa has not explicitly explained which institutions must coordinate the management and management of land, and so on.

Actually, what has been explained above is only a small part of the problems faced in efforts to enforce the UUPA, there are many other problems that arise in the agrarian field, especially the land sector. These problems include:

- a. The emergence of various sectoral laws that do not comply with the principles contained in the UUPA.
- b. Lack of recognition of the position of indigenous peoples as indigenous landowners in the era of development. So many of them are victims of land acquisition in an effort to bring about development;
- c. Lack of land certification in Indonesia, of the approximately 85 million land plots in Indonesia, only 25 million land plots have been certified (only about 30% of all land plots in Indonesia). In addition, the problem of the emergence of double certificates in one piece of land issued by the National Land Agency (BPN). This is one of the causes of land disputes in Indonesia;
- d. There was a conflict of authority in terms of natural resources (SDA) management between the central government and local governments after the emergence of the Regional Autonomy Law. In addition, there are also conflicts between departments/agencies, because there are various kinds of sectoral regulations that conflict with each other and are more likely to prioritize the interests of each department/agency. So that this has the potential to bring in ego-sectoral in terms of natural resources (SDA) management; and so forth.

From some of the descriptions of the problems mentioned above, it is necessary to reorganize policies to overcome all problems regarding agrarian and land in an effort to continue the ideals of Agrarian Reform in the field of land and landreform. Some alternatives to solving these problems include the improvement of rules regarding agrarian and land so that there is harmony between the UUPA and several sectoral laws, so that there is no overlap and inconsistency, does not prioritize sectoral egos and the interests of capital owners which have an impact on the rampant land disputes, which have a normative and empirical impact . One of the important efforts to realize this is the improvement (amendment or amendment) of the UUPA. Law Number 56 prp of 1960 concerning the Determination of Agricultural Land Area, known as the Landreform Law, which is a follow-up to the provisions of Article 17 of the UUPA on the maximum-minimum limit of land ownership. This law is a legal product to complement the UUPA. In it, the minimum and maximum limits of land area that can be controlled by individuals are set, specifically for agricultural businesses. This law was a guideline in the implementation of landreform in the old order era (ORLA) until 1965, although it was less successful. Many critics of this regulation, for example that the minimum limit of 2 ha per family, is considered unrealistic for in Java.

Landreform is a national program, whose successful implementation of its provisions requires a joint movement of all components of the nation and considering the complexity and scale of

landreform activities in the context of implementing agrarian reform, in addition to the need for institutional improvement and the performance of departments / agencies engaged in the agrarian sector, especially in the land sector, especially in the field of landreform, such as to the National Land Agency, both Central and Provincial, The City/Regency Land Office, the Agrarian Reform Council, both at the Central, Provincial and Regency/City levels, the Agrarian Reform Management Institution also needs to establish institutions/institutions engaged in the agrarian sector, especially in the land sector, especially in the field of resilient landreform to carry out policies, coordination, implementation and control in order to achieve the objectives of implementing agrarian reform as an effort to improve the welfare of the farming community in the Indonesia, which is supported by complete and accurate data and information. These institutions are required before, during, and after the implementation of the landreform.

In relation to the improvement of human resources, law enforcement and implementers, according to Supraba Sekarwati Widjayani, in the law enforcement process, the ability of human resources in this case including law enforcement and law enforcement in knowing and understanding laws and regulations determines the smooth running of law enforcement. In relation to the HR component, it is necessary to understand that not only the element of ability but also requires moral integrity and approval from HR, including law enforcement and implementers. This is because the ability to understand laws and regulations requires the support of moral integrity factors from the human resources who carry them out.

Another factor that must be considered and prepared in the process of implementing further landreform provisions in the context of implementing agrarian reform, is to increase the level of legal awareness of the community and the legal culture of the society in which the process of applying the law is carried out. According to Supraba Sekarwati Widjayani, nature is related to the process of increasing public awareness and legal culture related to the importance of laws and regulations that are implemented in a planned, programmatic and sustainable manner. Considering that shaping legal awareness and legal culture is a process and requires time, so that programmatic socialization activities of laws and regulations as one of the efforts needed.

According to Supraba Sekarwati Widjayani, the existence of laws and regulations and human resources alone in the law enforcement process is not enough, considering that the application of laws and regulations needs to be facilitated with various facilities and infrastructure so that the law enforcement process can run smoothly and optimally, and with regard to the implementation of landreforms, in particular regarding the system of netting landreform objects there must be a data base, which inventories lands, both free state lands and former rights lands, particle lands, swapraja lands, excess lands, absentee lands, and former erfpacht lands and then takes the next step such as identifying the issue of indemnity. In this regard, one of the directions of the Agrarian Renewal policy in the TAP MPR RI No. IX of 2001 has also ordered a program to strengthen institutions, authorities and human resources. Thus in the context of regulating further landreform provisions in the framework of implementing agrarian reform in Indonesia will eventually largely depend on the quality of the legal substance, the performance of the legal structure, and the legal culture (public awareness) which is a system.

Finally, by taking the legal theory of development of Mochtar Kusumaatmadja, namely law as a means of community renewal ("law as a tool of social engineering"), where according to Mochtar Kusumaatmadja the function of law for developing countries such as Indonesia, is not only to regulate and maintain order, but the law must help the process of community renewal, it must provide space for change, instead of hindering renewal in order to maintain the old values that have been abandoned. Mochtar Kusumaatmadja wanted to give an idea of what exactly is wanted and what has been desired by legal users as a social engineering tool. Provisions governing landreforms, such as Law Number 5 of 1960 concerning basic regulations on Agrarian Principles or commonly abbreviated as UUPA, Law Number 56 prp 1960 concerning determination of agricultural land area, which came into force on January 1, 1961, along with various implementing

regulations, namely Government Regulation Number 224 of 1961 jo Government Regulation Number 41 of 1964 concerning Amendments and Additions to Government Regulation Number 224 of 1961 concerning the Implementation of Land Division and Compensation and other related regulations and provisions governing Agrarian Renewal (Agrarian Reform) in Indonesia, such as tap MPR RI Number: IX / MPR / 2001 concerning Agrarian Renewal and Natural Resources Management, which was strengthened by tap MPR RI Number: IV / MPR / 2002, inaugurated Tap MPR RI Number: I / MPR / 2003, and affirmed tap MPR Number V / 2003 and Presidential Regulation Number 86 of 2018 concerning Agrarian Reform have been implemented, although in its implementation it is still stagnated, stalled and incomplete, but now it depends on us, want to comply with these laws and regulations, because these laws and regulations are only as a means. If you look at the description of the discussion above, the renewal of agrarian reform policy as an effort to solve the problem of agrarian reform as a strategy for implementing land reform plus in Indonesia is very important, so that the implementation of agrarian reform as a strategy for implementing land reform plus in Indonesia its implementation must be completed, which of course must be supported by the political will of the government, then land policy needs to be updated according to the concept of agrarian renewal and a new paradigm that supports a people's, democratic, and participatory economy.

The renewal of the agrarian reform policy as an effort to solve the problem of agrarian reform as a strategy for implementing land reform plus in Indonesia , the final result is that it is expected to realize the greatest prosperity of the people and social justice for all Indonesians, especially farmers, fishermen, and low-income people, by means of the state taking over the t anah-land that exceeds the maximum limit with compensation to be then redistributed to communities in need, so that inequality in ownership in land tenure can be resolved. Therefore, President Jokowi must lead the acceleration of coordination between ministries, regional heads, and community organizations, especially farmers' unions, trade unions, fishermen's unions and indigenous peoples in an effort to solve the problem of agrarian reform as a strategy for implementing land reform plus.

Based on this description, solving the problem of agrarian reform as a strategy for implementing land reform plus i Indonesia is by making improvements and improvements or optimal reassessment of various legal materials (substance) / laws and regulations in the field of land, especially those related to land reform, then improve and strengthen legal structure and legal culture. In addition, also no less important to pay attention to, is the problem of increasing the availability of facilities, infrastructure and financing. The four aspects or components in supporting the process of regulating further land reform provisions in the context of implementing agrarian reform in Indonesia are a unified system, meaning that these four aspects are sub-systems that build and form a system of processes for regulating further land reform provisions in the context of implementing agrarian reform in Indonesia so that it can run smoothly and in accordance with its objectives so as to improve welfare so that it can improve welfare farming community. In short, that further land reform provisions in the context of implementing agrarian reform in Indonesia should be carried out to improve and refine or optimally review laws and regulations of an operational nature, including those related to agrarian reform institutions and increase the availability of facilities, infrastructure and financing.

#### IV. CONCLUSION

Based on the results and discussions, it can be concluded that Agrarian Reform as a strategy for implementing land reform plus i Indonesia in its implementation still faces the most common problems regarding land tenure and ownership rights. This is due to the concentration of land tenure and ownership still exists in certain groups, land conflicts, inequality of tenure, legal inoculation / conflicts of norms, conflicts of authority, and the increasing destruction of natural resources. In fact, the government is obliged to prosper its people as mandated by the 1945 Constitution and Tap MPR Number: IX / MPR / 2001 tentang Agrarian Renewal and Management



of Resources Daya Alam. Solving the problem of agrarian reform as a strategy for implementing landreform plus i Indonesia is by increasing the implementation of policies in the field of controlling land rights more evenly must receive the main attention, the access of the people, especially farmers to their rights to land must be strengthened, it is also necessary to make improvements and improvements or optimal reviews of various legal materials (substance) / laws and regulations in the field of land, especially those related to landreform, then improve and strengthen the legal structure (legal structure / institutional order and institutional performance) and legal culture (legal culture).

In addition, also no less important to pay attention to, is the problem of increasing the availability of facilities, infrastructure and financing. The four aspects or components in supporting the process of regulating further landreform provisions in the context of implementing agrarian reform in Indonesia are a unified system, meaning that these four aspects are sub-systems that build and form a system of processes for regulating further landreform provisions in the context of implementing agrarian reform in Indonesia so that it can run smoothly and in accordance with its objectives so as to improve welfare so that it can improve welfare farming community. In short, that further regulation of landreform provisions in the context of implementing agrarian reform in Indonesia should be carried out improvements and improvements or optimal reviews of laws and regulations of an operational nature, including those related to landreform institutions and increasing the availability of facilities, infrastructure and financing.

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