



Arrangement of Agrarian Reform as A Basis For Providing Legal Certainty For the Community

Bhim Prakoso¹, Iswi Hariyani², Edi Wahjuni³, Diah Aju Wisnuwardhani⁴

^{1,2,3} University of Jember, Indonesia

⁴ Merdeka University of Malang, Indonesia

*Correspondence Email : drbhmfh@unej.ac.id

Article

Abstract

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The existence of government policies that have been issued regarding the implementation of the agrarian reform program but still give rise to imbalances in the structure of control, ownership, use, and utilization of land. Until now, it seems as if the implementation of the agrarian reform program is running in place, even though in order to make the agrarian reform a success, the government has tried to create regulations that are used as a legal basis so that the agrarian reform can run according to its objectives. This study aims to examine the legal certainty of agrarian reform asset management policies. This study is a normative study that uses a statutory regulatory approach and a conceptual approach. The statutory approach is a study of legal products. The results of the study show that 1). The nature of the arrangement of Agrarian Reform assets that are certain: Agrarian reform fundamentally provides programs that can resolve the problem of rural community poverty, increase welfare with national food independence, increase land productivity, provide recognition of land rights owned both privately, state, and public land whose use is to meet the interests of the community. 2). Implementation of land redistribution in Agrarian Reform: There are three forms of agrarian reform, namely asset legalization, land redistribution and social forestry. Model of equitable agrarian reform: Agrarian reform or equitable agrarian renewal is something that is complex and multidimensional which is a major program of the Indonesian state in realizing the welfare of the Indonesian people, especially in terms of increasing access for poor farmers to land control in Indonesia, but implementing equitable agrarian reform is not an easy thing, there are many obstacles, both in terms of legal aspects, land administration, social, political, cultural, and security.

Keywords: *Asset Management Policy; Agrarian Reform; Legal Certainty.*



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I. INTRODUCTION

Humans live and develop and carry out activities on the land so that at all times humans are in contact with the land. So land is one of the sources of life and for humans so that it becomes the most basic need, with the belief that land is very valuable and useful for human life, even land and humans cannot be separated.¹ As one of those that produces goods and services and plays a very important role in human livelihood and life, even determining the civilization of a nation, it must be treated wisely. The meaning of thinking wisely about land means that there needs to be a broader spectrum than just land registration, which in essence provides a guarantee of legal certainty and information about a piece of land, both in terms of management, use and status.

The position of land is very important for human life and has a strategic position for national development and is then used as a tool to increase the prosperity and welfare of society, as explained in Article 33 paragraph (3) of the 1945 Constitution "the earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people".² This article mandates that everything concerning the earth, land, water, natural resources and other natural wealth within the territorial territory of the Unitary State of the Republic of Indonesia (NKRI) is controlled, regulated and managed by the State, Government and all its management institutions are used as a tool for the prosperity and welfare of the Indonesian people.

The strategic value of land functions is regulated in Article (2), (12), and (13) of Law Number 5 of 1960 concerning Basic Agrarian Regulations which states that the earth, water, and space including the natural resources contained therein, are in the highest position controlled by the state. In principle, it is used as capital to achieve people's prosperity, and government efforts in the agrarian sector are implemented to increase productivity based on common interests within the framework of national interests. Based on Presidential Regulation Number 62 of 2023 concerning the

¹ Siti Nurhayati, et.al., "Penataan Aset Dan Akses Dalam Meningkatkan Kesejahteraan Masyarakat Melalui Pendaftaran Lahan Sistemik Lengkap", *Jurnal Rectum* 4, No. 1, (2022):282-291

² Hanu Nur Hidayat, *Optimalisasi Penanganan Akses Reforma Agraria Melalui Integrasi Data Penataan Asset Dan Penataan Akses (Indrapas) Pada Kantor Pertanahan Kabupaten Halmahera Timur*, (Jakarta: Laporan Implementasi Aksi Perubahan Kualitas Pelayanan Publik, 2023), p.1



Acceleration of the Implementation of Agrarian Reform is a restructuring of the control, ownership, use and utilization structure of land that is more equitable through asset management and accompanied by access management for people's prosperity.

It is undeniable that the position of land is very important to support life, along with the progress of the times, land has become one of the important assets for its owners, not only for individuals but also for legal entities and the government. In terms of the economy which is linear with the development of national development, the need for land becomes very important, in addition, the increasing number of residents certainly requires economic management and the need for housing. Likewise, the development of infrastructure also increases, so the need for land also increases.

Looking at these conditions, we must restore the strategic function of land to be managed properly in order to increase productivity, so that there is no more land that is abandoned and controlled by certain parties. This idea is based on the fact that there will no longer be inequality in land ownership, such as small farmers who do not have access to land. So this is in accordance with the objectives of implementing agrarian reform, namely increasing people's income and welfare, fairly and evenly, especially small farmers, so that there is an opportunity to develop themselves to achieve prosperity.

Agrarian reform can be implemented through asset management and access management. Asset management is implemented through asset legalization programs including Complete Systematic Land Registration (PTSL), State Property Certification (BMN), cross-sector certification and land redistribution. Asset management in this case is the restructuring of the control, ownership, use and utilization of land that is more equitable through asset management and accompanied by access management for the prosperity of the Indonesian people. The agrarian reform program is not just about distributing land.

The implementation of asset management aims to provide legal certainty of land rights owned by the community. In addition, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) also carries out land redistribution activities to farmers, whose land comes from former Land Use Rights (HGU) that have expired and are no longer extended, abandoned land, and land released from forest



areas, all of which are land objects of agrarian reform. Asset redistribution is intended to realize justice in the control, ownership, use, and utilization of land, areas, and natural resources.

It is expected that land redistribution will have a real impact on reducing poverty, especially in rural areas. Based on the simulation results of the National Economic and Industrial Committee (KEIN) using Susenas data from March 2017, which states that land redistribution can reduce the Gini coefficient, especially the Gini coefficient in rural areas from 0.320 to 0.316. Therefore, land redistribution is expected to be able to reduce the problem of inequality, inequity, and boost the sustainable development process to create equitable development. In fact, land redistribution is a classic problem that has no end to its solution. Several former HGU lands of companies, especially plantation companies whose HGU periods have not been extended, have become vulnerable points for land conflicts in various regions of Indonesia. Many factors have become obstacles to the success of land redistribution from time to time, especially the long regulatory issues and the less than ideal attitudes of authorities and capital owners who systematically and massively monopolize land rights.³

Various problems regarding Agrarian Reform in general occur due to the land redistribution program originating from former forest areas, former customary land and former HGU not being coordinated by each of the land owners. Meanwhile, for the community, the land is very important to maintain their lives, which in general are farm laborers, small farmers or poor people.⁴ Therefore, income is one of the keys to forming community welfare. One way that can be done to increase community income is through the implementation of strategic land programs, especially within the framework of Agrarian Reform. The implementation of Agrarian Reform activities leads to the distribution and legalization of assets through land certification along with obtaining access to optimize existing land resources.

Agrarian Reform is a restructuring of the control, ownership, use, and utilization of land that is more equitable through Asset Arrangement and accompanied by Access

³ Arie Sukanti Hutagalung, *Program Redistribusi Tanah di Indonesia, Suara Kearif Pemecahan Masalah Penguasaan Tanah dan Pemilikan Tanah*, (Jakarta: Raja Grafindo, 1985), p.32.

⁴ Triana Rejekiingsih, "Asas Fungsi Sosial Hak Atas Tanah Pada Negara Hukum (Suatu Tinjauan dari Teori, Yuridis dan Penerapannya di Indonesia)", *Jurnal Yustisia* 5, No. 2, (2016):1-28.



Arrangement for the prosperity of the people. Agrarian Reform Policy is ideally designed to resolve the urgency of agrarian problems in the form of inequality in control and ownership of land, difficulties in obtaining access to land in forest areas, and others.⁵ Legalization of asset management in the Agrarian Reform rolled out by the government must be realized immediately. Its implementation must be truly clear, right on target, so that it can become a means of realizing people's welfare. Based on the main problem, the problems in this study are: What is the Nature of the Implementation of Agrarian Reform Asset Management in Providing Legal Certainty to the Community. Has Agrarian Reform Asset Management Become the Basis for Providing Legal Certainty for the Community.

II. METHODOLOGY

The author uses a normative legal research method, namely a legal research method that prioritizes the method of researching library materials or what is called secondary data in the form of positive law.⁶ This method uses primary legal materials and secondary legal materials. Primary legal materials include related laws and regulations. Secondary legal materials are in the form of legal writings, including: legal journal articles, legal textbooks and other legal scientific papers. The approaches used are the statutory approach and the conceptual approach. The type of research used is analytical descriptive research, which is a type of research that works by collecting data, facts, and analysis from research results that aim to obtain a picture to support legal arguments systematically and structured.⁷

III. THE NATURE OF IMPLEMENTATION OF AGRARIAN REFORM ASSET ARRANGEMENT REGARDING THE PROVISION OF LEGAL CERTAINTY TO THE COMMUNITY

Agrarian reform in Indonesia has a very long history. In general, land policies are described in 1945-1960, there was a reform of control and ownership from a colonial system to a national one; in 1960-1967, policies were directed at the

⁵ Muhammad Nazir Salim, *Reforma Agraria: Kelembagaan dan Praktik Kebijakan*, (Yogyakarta: STPN Press, 2020), p.84.

⁶ Peter Mahmud Marzuki, *Penelitian Hukum*, (Jakarta: Kencana, 2020), p.133.

⁷ Bernard Arief Sidharta, *Meuwissen tentang Pengembangan Hukum, Ilmu Hukum, Teori Hukum dan Filsafat Hukum*, (Bandung: Refika Aditama, 2003), p.56-57.



distribution and redistribution of land by the state to farmers; in 1967-1997, investment policies; in 1997-2005, policies that directly affected the community, emphasized land registration for the underprivileged. In the period from 2005 to the present, land policies are directed at "land for justice and people's welfare" which is marked by policies to regulate abandoned land, land redistribution,⁸ dispute resolution, and asset legalization.⁹

The background to agrarian reform is that the land in the territory of the Republic of Indonesia is a gift from God Almighty, for the entire Indonesian nation, at the highest level controlled by the state and used for the greatest prosperity of the people, but in reality, there is still an imbalance in land control and ownership that occurs. So currently the government still needs to realize an equal distribution of land control, ownership, use and utilization structures to improve social justice and people's welfare.

Ideally, agrarian reform policies are formed to resolve land problems in the form of: 1) abandonment of former HGU land; 2) difficulty in gaining access and 3) criminality of residents regarding land control.¹⁰ The success of agrarian reform can be determined by the availability of Agrarian Reform Object Land (TORA) originating from the Transmigration cluster, expired HGU, state land, abandoned land, and release from forest areas.¹¹ Agrarian reform is one way to handle the restructuring of ownership, control, utilization and use of land.¹²

Basically, agrarian reform is a restructuring of agrarian resources. However, in the current context, agrarian reform is understood only as land redistribution, not yet to asset and access management. Agrarian reform activities are a government step to improve, equalize community welfare and reduce inequality in land ownership control. This program is a cross-sector program, in its implementation involving several

⁸ Felishella Earlene & Benny Djaja, "Implikasi kebijakan reforma agraria terhadap ketidaksetaraan kepemilikan tanah melalui lensa hak asasi manusia", *Tunas Agraria* 6, No. 2, (2023): 152-170.

⁹ Farah Ananda Resti & Harvini Wulansari, "Peran Gugus Tugas Reforma Agraria Mewujudkan Kampung Reforma Agraria", *Tunas Agraria* 5, No. 2 (2022): 67-80.

¹⁰ A.N. Luthfi, "Reforma Kelembagaan Dalam Kebijakan Reforma Agraria Era Joko Widodo-Jusuf Kalla", *BHUMI: Jurnal Agraria dan Pertanahan* 4, No. 2, (2019): 140-163.

¹¹ S. Sutaryono, et.al., *Penataan Kelembagaan Dalam Pelaksanaan Reforma Agraria Di Kabupaten Sanggau Kalimantan Barat*. (Yogyakarta: STPN Press, 2019), p. 60.

¹² R. D. Sutadi, et.al., "Kebijakan Reforma Agraria di Indonesia (Kajian Komparatif Tiga Periode Pelaksanaan: Orde Lama Orde Baru, dan Orde Reformasi)", *Tunas Agraria* 1, No. 1, (2018):46-60.



Ministries/Institutions, one of which is the Ministry of ATR/BPN. In this case, there are still many land ownership disparities in Indonesia. With agrarian reform, it is a government step in trying to improve people's welfare.

The successful implementation of agrarian reform activities requires a balance between asset reform activities and access reform activities. However, in reality, the implementation of agrarian reform is mainly focused on the implementation of asset reform programs.¹³ One example is the ongoing Complete Systematic Land Registration (PTSL) activity.¹⁴ The main objective of agrarian reform initiatives is to improve the socio-economic welfare of farmers. However, the success of these efforts depends on increasing land assets. It is important to establish measures that limit the transfer or sale of land acquired through PTSL, while allowing individuals to access better financial resources, factors of production, technology, markets, and other related opportunities.¹⁵

The current shrinking area of agricultural land is seriously threatening the life of the nation, because it has an impact on the availability of food needs as a shared need in the concept of the social function of land, for the greatest prosperity of the people in a country with agricultural potential.¹⁶ The potential of agrarian life that should be able to increase the prosperity of the people is not utilized and even has the potential to be marginalized. The loss of the characteristics of an agrarian society has an impact on the occurrence of a risk society or citizenship risk in countries that have the potential to be an agrarian country such as Indonesia.

In general, citizens, politicians, and academics assume that land ownership is an individual right that is only limited by the rights of others and the public interest. Therefore, rights holders can use, obtain benefits, and use their assets in a proper manner, in accordance with the legal order and without violating the public interest. Moreover, this right is very important for the implementation of autonomy or individual freedom. Ownership of land or property rights enables and reflects decisions made by

¹³ Muhammad Nazir Salim & Westi Utami, *Reforma Agraria, Menyelesaikan Mandat Konstitusi: Kebijakan Reforma Agraria Dan Perdebatan Tanah Objek Reforma Agraria*, (Yogyakarta: STPN Press, 2020), p.54.

¹⁴ Dian Aries Mujiburohman, "Potensi Permasalahan Pendaftaran Tanah Sistematis Lengkap (PTSL)", *BHUMI: Jurnal Agraria Dan Pertanahan* 4, No. 1 (2018): 88–101

¹⁵ Alfonsa, et.al., "Penerbitan Dan Pembatalan Sertipikat Hak Atas Tanah Karena Cacat Administrasi", *Jurnal Ilmu Hukum* 10, No. 2, (2021): 277–288

¹⁶ Bernhard Limbong, *Hukum Agraria Nasional*, (Jakarta: Pustaka Margatetha, 2011), p.45.



individuals regarding their life plans. Land is a physical means that allows people to build their identities and express their moral commitments.

The concept of interest can be referred to from the theory of interest according to Roscou Pound, which classifies interests into three types, including: (1) individual (personal) interests; (2) public interests; (3) social interests. This opinion is accompanied by further confirmation that individual interests come from the perspective of personal, domestic and property rights. While public interests have a specific purpose for the interests of the state as a legal institution and as a guardian of social interes.¹⁷ Structurally, the basic law of land rights has been implemented through various government policies, in this case the National Land Agency, to carry out land control that guarantees a balance between individual interests, social interests and public interests over land through.

Land control by providing protection for citizens' rights to land, through agrarian reform programs, by implementing asset reform and access reform, especially for the poor and farmers. The application of the principle of social function in the review of legal culture, has made efforts to empower the community through the formation of the Land Orderly Awareness Community Group by the BPN, to form public awareness of the importance of maintaining land as a social function.

IV. ARRANGEMENT OF AGRARIAN REFORM ASSETS HAS BECOME THE BASIS FOR PROVIDING LEGAL CERTAINTY

Agrarian Reform (RA) is a major agenda of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency mandated by TAP MPR IX/MPR/2001 concerning agrarian reform and management of natural resources. The implementation of agrarian reform is a continuous process intended to implement arrangements related to control, ownership, use, and utilization of land so that it can realize justice and prosperity, especially in the land sector. Agrarian reform as a restructuring or rearrangement of the structure of ownership, control and use of agrarian resources, especially land.¹⁸

¹⁷ Triana Rejekiningsih, *Loc.Cit.*

¹⁸ Muhammad Ilham Arisaputra, "Penerapan Prinsip-Prinsip Good Governance Dalam Penyelenggaraan Reforma Agraria Di Indonesia." *Jurnal Yuridika* 28, No. 2, (2013):432-450.



Fauzi explained that Agrarian Reform is the creation of social justice which is characterized by the existence of agrarian justice, increased productivity, and increased people's welfare.¹⁹ Agrarian Reform can then be understood as an activity that strengthens the structure of land ownership and control through the implementation of asset management activities which are then carried out by arranging access to provide a way for the community to sources of capital, technology and roles in obtaining welfare. In essence, Agrarian Reform is implemented to improve community welfare through government policies.

However, in achieving these goals, Agrarian Reform cannot be implemented optimally by using authority but rather needs to be continuous with the active role of the community. Continuity between policy makers and the active role of the community is needed to understand the characteristics of a region. The element of active role of the community or stakeholders related to the implementation of Agrarian Reform (RA) is needed considering the characteristics of each region in Indonesia has its own uniqueness and needs. The community or stakeholders are considered as parties who directly understand the field conditions with their respective characteristics.

Rohman and Astuti stated that the implementation of providing access within the framework of Agrarian Reform (RA) is related to increasing the capacity or Capacity Building of communities with very specific conditions, so that its implementation must prioritize the desires and wishes of the community so that they can read the potential conditions of the region.²⁰ The paradigm related to certificate ownership is often understood as a tool used to provide strong legal certainty regarding land ownership and as important capital in providing community welfare.

In this case, Agrarian Reform²¹ can be interpreted as a systematic, planned effort carried out relatively quickly, within a certain and limited time period, to create social welfare and justice and to open the way for the formation of a 'new' democratic

¹⁹ Ahmad Fauzi, "Reformasi Agraria Dalam Kerangka Otonomi Daerah", *Jurnal Bina Mulia Hukum* 6, No. 2,(2022): 218–233.

²⁰ Muhammad Luthfi Rohman & Puji Astuti, "Access Reform Dalam Program Reforma Agraria: Studi Kasus Desa Tahunan Kecamatan Tahunan Kabupaten Jepara", *Journal of Politic and Government Studies* 8, No. 4, (2019): 120-131.

²¹ Ade Nurul Aida, "Redistribusi Lahan Di Indonesia Untuk Kesejahteraan Petani", *Buletin APBN* 2, No. 6, (2017): 3-13



and just society; which begins with steps to reorganize the control, use and utilization of land and other natural resources, then followed by a number of other supporting programs to increase the productivity of farmers in particular and the people's economy in general.²²

Legal certainty of land rights is an absolute must to maintain the stability of land use in development and to realize legal certainty of land for the community to obtain valid evidence in the form of a Land Certificate from the Land Office.²³ This is also to support orderly administration in land registration, and to facilitate the government, especially the Ministry of ATR/BPN or interested parties, to easily obtain the data needed to make legal decisions regarding land plots that have been registered. Agrarian Reform will restrain the concentration of control, ownership, use, and utilization of land in rural areas by providing certainty of collective land ownership rights and access to land for poor people in rural areas.

Strengthening land rights for sharecroppers can be done through several policies, including:

- a. Granting of land rights through land redistribution.
- b. Issuance of a State Land Cultivation Permit (SIM-TN)

Strengthening land rights for sharecroppers is in line with the provisions in Article 13 paragraph (4) of the UUPA which aims to provide certainty of obtaining land for cultivation and social security for farm laborers. The use and control of land without a legal basis or commonly referred to as land grabbing by the community, especially sharecroppers. This land control occurs on abandoned plantation lands that have been attached to HGU for a long time, even until the land has become state land because its HGU has been revoked.²⁴

The management of state land can be done through several policies, including granting land rights through redistribution. According to Maria Sumardjono, theoretically, land cultivated by local communities on state land ex-HGU can be given

²² Dianto Bachriadi, "Reforma Agraria untuk Indonesia: Pandangan Kritis tentang Program Pembaharuan Agraria Nasional (PPAN) atau Redistribusi Tanah ala Pemerintahan SBY", *Jurnal Ilmiah Reforma Agraria Untuk Indonesia* 1, No. 1, (2007):20-45.

²³ Niluh Ariningsih Sari & I Wayan Suwanda, "Kebijakan Di Era Pemerintahan Joko Widodo Dan Jusuf Kalla (Perspektif Politik Hukum Dan Agraria)", *Jurnal Ganec Swara* 13, No. 2, (2019): 237-243

²⁴ Shohibuddin & Muhammad Nazir Salim, *Pembentukan Kebijakan Reforma Agraria 2006-2007 Bunga Rampai Perdebatan*. (Yogyakarta: STPN Press, 2012), p.23



to cultivators with the status of usage rights or ownership rights. This is also referred to as strengthening rights, where farmers who were initially only cultivators can own the land.²⁵ Handling the problem of land grabbing by the community, especially sharecroppers, often causes problems. This is because the management of state land does not pay enough attention to the interests of the people.²⁶ In addition, there is still often a lack of harmony and integration of various government policies. Therefore, good coordination between land agencies and other agencies within the authority to manage state land is very necessary to try to resolve the problem of illegal occupation or cultivation of state land (grabbing) carried out by the community, especially sharecroppers.

For the redistribution of 4.5 million hectares of land, including Expired Land Use Rights, abandoned land and other State land of 400,000 hectares and land originating from the release of forest areas of 4.1 million hectares. The role of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) in Agrarian Reform is to provide assets and access. In terms of assets, the Ministry of ATR/BPN guarantees legal certainty over land owned such as providing land certificates, accelerating land registration and inventory of control, ownership and use and utilization of land within the framework of agrarian reform carried out through the Complete Systematic Land Registration Program (PTSL).

In terms of access, the Ministry of ATR/BPN provides empowerment for road and irrigation infrastructure, including post-harvest infrastructure, education and training, business credit, and marketing. In 2018, the Ministry of ATR/BPN has a target of land certification through PTSL of 7 million plots and a target of land redistribution of 350,650 plots spread across 31 provinces throughout Indonesia. Based on data held by the Ministry of ATR/BPN, PTSL using potential data as of June 7, 2018, has been mapped for 2,077,139 plots, certificates for 519,759 and potential PTSL for 915,911 plots.²⁷

²⁵ Maria S.W. Sumardjono, *Tanah dalam Perspektif Hak Ekonomi, Sosial, dan Budaya*, (Jakarta: Kompas, 2008), p.68.

²⁶ Siti Chadijah, et.al., "Kebijakan Reforma Agraria Terhadap Lahan Pertanian Di Kabupaten Tulungagung", *Jurnal Cendekia Hukum* 6, No. 1, (2022): 91–103

²⁷ Martua Sihalo, dkk, Reforma Agraria Dan Revitalisasi Pertanian Di Indonesia: Studi Kasus Pertanian Tanaman Pangan dan Hortikultura di Jawa Barat, *Sodality: Jurnal Transdisiplin Sosiologi, Komunikasi, dan Ekologi Manusia*, Vol. 4 No. 1 (2010):149-165.



During 2018, the Ministry of ATR/BPN has recorded a success story of Agrarian Reform, including; Redistribution of former HGU land that was voluntarily released in Siak, Riau totaling 4,000 plots covering an area of approximately 4,000 ha, KT in the context of developing science and technology-based livestock on former HGU land covering an area of 510 ha in Soppeng, South Sulawesi, KT in the context of developing a tourism area on former HGU land covering an area of 47 ha in Pandeglang, Banten. Redistribution of former HGU land and abandoned land in North Sulawesi; Kampung Kakao in Kolaka will be developed 3,000 ha, East Kolaka: Release of HGU 6,070 ha and abandoned land 225 ha, Muna ex HGU 1,100 and 1,500 ha, IP4T has been implemented.²⁸

Agrarian reform²⁹ or equitable agrarian reform is something that is complex and multidimensional³⁰ which is a major program of the Indonesian state in realizing the welfare of the Indonesian people, especially in terms of increasing access for poor farmers to land control in Indonesia³¹, but implementing equitable agrarian reform is not an easy thing, there are many obstacles, both from the legal, land administration, social, political, cultural, and security aspects. Therefore, the state needs to prepare a strategy or model to implement this program effectively and efficiently, by referring to the policy of equitable agrarian reform as follows:³²

1. conducting a review of various laws and regulations relating to agrarian matters in order to synchronize policies between sectors in order to realize laws and regulations based on the principles of agrarian reform.
2. implementing a just restructuring of land control, ownership, use and utilization (land reform) by paying attention to land ownership for the people, both agricultural land and urban land.
3. Organizing land data collection through inventory and registration of land ownership, use and utilization in a comprehensive and systematic manner in the context of implementing land reform.

²⁸ Baiq Rara Charina Sizi, et.al., "Kebijakan Reforma Agraria Yang Berkeadilan", *Unizar Law Review* 6, No. 2, (2023): 210-216.

²⁹ Febrie Hastiyanto, "Perencanaan Pembangunan dan Gerakan Sosial Dalam Reforma Agraria di Indonesia", *Kybernan: Jurnal Studi Kepemerintahan* 4, No. 2, (2019): 56-76.

³⁰ Widiyanto, "Potret Konflik Agraria Di Indonesia", *BHUMI: Jurnal Agraria Dan Pertanahan* 1, No. 37, (2013): 67-79.

³¹ Agus Haryono Saputro, et.al., "Third Party Legal Protection as a GoodIntention Buyer of Land Which is Indicated Abandoned", *Unes Law Review* 5, No. 4, (2023): 4014-4030.

³² Suadi Amran, *Filsafat Keadilan*, (Jakarta: Kencana, 2020), p. 35



4. Resolve conflicts relating to agrarian resources that have arisen so far and at the same time anticipate potential conflicts in the future to ensure the implementation of law enforcement based on the principles of Agrarian Reform.
5. Strengthening institutions and their authority in order to carry out agrarian reform and resolve conflicts relating to agrarian resources that occur.
6. Seek funding to implement agrarian reform programs and resolve agrarian resource conflicts that occur.
7. Form a law related to Agrarian Reform that is able to accommodate the legal needs of the community in a more comprehensive manner.

From a number of literatures, there are several important factors in the framework of the success of agrarian reform, First, the existence of a strong government structure, accompanied by political will and legal certainty for new landowners. Second, favorable macroeconomic policies (interest rates, exchange rates, agricultural policies). Third, technical assistance, support for organizations and financial assistance for beneficiaries. Fourth, administrative experience of beneficiaries and the necessary infrastructure around their agricultural ownership. Fifth, economic encouragement to beneficiaries supports productivity and the creation of non-agricultural businesses. Sixth, compensation for land cultivators stimulates investment in other sectors. Seventh, the formation of social capital through the involvement of beneficiaries in decisions about them. Eighth, effective agricultural policies (good land registration, planning and taxation systems).

V. CONCLUSION

Agrarian reform or equitable agrarian reform is something that is complex and multidimensional which is a major program of the Indonesian state in realizing the welfare of the Indonesian people, especially in terms of increasing access for poor farmers to land control in Indonesia, but implementing equitable agrarian reform is not an easy thing, there are many obstacles, both from the legal, land administration, social, political, cultural, and security aspects. Therefore, the state needs to prepare a strategy or model to implement this program effectively and efficiently, by referring to the direction of agrarian reform policies that have legal certainty.



Conducting a review of various laws and regulations related to agrarian matters in order to synchronize policies between sectors in order to realize laws and regulations based on the principles of agrarian reform because the current regulation is only Presidential Regulation Number 62 of 2023 concerning the Acceleration of Agrarian Reform Dispute Resolution, while what is needed is a more comprehensive legal regulation in the form of a Law that will later meet the legal needs of the Indonesian people.

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C. Statutory Regulations

Law Number 5 of 1960 concerning Basic Agrarian Regulations

Presidential Regulation Number 62 of 2023 concerning the Acceleration of the Implementation of Agrarian Reform

