



Agrarian Development in Indonesia: Post-Reformation Legal and Sociological Perspectives

Vani Wirawan,

Doctor of Law Study Program, Universitas Diponegoro, Semarang Selatan, Indonesia
Email: vaniwirawan@students.undip.ac.id Orcid: <https://orcid.org/0000-0003-2620-0118>

Kukuh Budianto

Doctor of Islamic Education Management, UIN Sayyid Ali Rahmatullah Tulungagung, Indonesia
Email: kukuhlibrahimy@gmail.com Orcid: <https://orcid.org/0009-0002-0555-189X>

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Abstract

The basic principles of Indonesia's agrarian order are influenced by customary law and are one of the most important basic structures of life in the nation and state. National agrarian development from the Old Order to the New Order experienced a complicated level of problems. This study wants to know and trace national agrarian developments from the perspective of post-reform law and sociology in Indonesia. This research is a socio-legal research that is descriptive and analytical. This research shows that in the legal perspective of the agrarian sector after the reform there are still many inequalities between one regulation and another, the protection of rights in these regulations itself is bulldozed by various regulations, policies, and programs created by the government. Meanwhile, from the sociological perspective, agrarian conflicts are still rife after this reform. Conflicts caused by policies or decisions of public officials (central and regional), involve many victims and cause widespread impacts, which include social, economic, and political dimensions.

Keywords: *development, agrarian, legal, sociology, post-reform*

1. Introduction

The commemoration of Agrarian Day falls on every September 24 every year, along with Farmers Day which is considered the right momentum, as well as because September is the beginning of the rainy season in Indonesia, the season when farmers start planting. Agrarian history in Indonesia cannot be separated from time to time, from the Old Order period, the New Order period to the reform period (Sutadi et al., 2018). Initially, the land problem referred to the Colonial Agrarian Law which was very detrimental to the people and the state (Isnaini & Lubis, 2022). To overcome this, a legal umbrella was formed that regulates agrarian problems listed in Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles or better known as the Basic Agrarian Law (UUPA) (Muwahid, 2016).

The problem that occurred during the Old Order era, 80% of the Indonesian people were farmers and most of these farmers lived in poverty (Fahrika & Zulkifli, 2020). According to the government, this poverty occurs due to 60% of farmers who work on agricultural land owned by "landlords" instead of their own (Wasana, 2022). This is the concern of the Old Order government towards farmers. It can be seen from the first various efforts, namely the establishment of rules that support farmers, the establishment of farmer days, the formation of farmer groups, to the granting of land to farmers. The second attempt laid the foundations for

unity and simplicity in land law. The third effort lays the foundations to provide legal certainty regarding land rights for the people as a whole (Asy'ari, 2022).

Unlike the problems that occurred during the New Order era, the New Order government's attention to farmers in implementing the UUPA has shifted (Winarti, 2017), not touching the issue of land tenure as the core of Agrarian Reform but focusing on increasing food production by following the Green Revolution Movement (Syamsir & Laba, 2020). The presence of the Green Revolution is considered to favor the landowners as the beneficiaries, while farmers whose land is narrow and agricultural workers do not benefit and become the disadvantaged party. This problem could not solve the land problem at that time (Luthfi, 2011).

In 1990, discussions on land resumed. The existence of UUPA is the main guide in looking at land problems. However, there is a government paradigm in looking at agriculture that is adapted to its era (Puspasari & Sutaryono, 2017). UUPA which was born in 1960 was motivated by the Old Order government's paradigm that the majority of Indonesian people were farmers (Gitiyarko, 2020). In 1990, the New Order government saw a shift that occurred in society. People's lives are not only about agriculture which is the main thing, but also touches the industrial sector (Arta et al., 2020).

Based on this, national agrarian development from the Old Order to the New Order period experienced a complicated level of problems and has not found a constant point of resolution. This agrarian problem became interesting to study in the post-reform period as a period where Indonesia experienced various changes in all aspects of national and state life, including handling the agrarian sector. Based on this background, the purpose of this study is to know and trace the development of national agrarian land from the perspective of post-reform law and sociology in Indonesia. With that, it is expected to find a descriptive that suits the national agrarian state of this contemporary era and the rapid pace of technology.

2. Methodology

This research is descriptive-analytical, with a socio-legal approach method. This research is a study of law using legal and social science approaches (Rahardjo, 2009), which are related to restorative justice problems in Indonesia. The data analysis method used in this study is qualitative (Patton, 2014). Qualitative analysis uses literature materials as a source of research data, in the form of primary legal materials, secondary legal materials, and non-legal materials (Benuf & Azhar, 2019). Data that have been analyzed qualitatively obtained from literature studies will be analyzed and reviewed. Furthermore, the data was systematized into data analysis compiled in the form of legal writing regarding agrarian development in Indonesia from the perspective of law and sociology after the reformation.

3. Results and Discussion

Earth, water, and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. This sentence is the sound of Article 33 Paragraph (3) of the 1945 Constitution (UUD NRI 1945), which should be the basis for the management and utilization of agrarian resources and other natural resources oriented towards the prosperity of the people (Farhani & Chandranegara, 2019). In the notion of popular sovereignty, it is the people who are recognized as the source, owner, and at the same time the holder of the highest power in state life, by the doctrine "from the people, by the people, and for the people" (Arizona, 2014). In the sense of supreme power, it also includes the notion of public ownership by the people collectively. The earth water and natural resources contained in the jurisdiction of the state are essentially public property of all people collectively which is mandated to the state to control it to be used for the greatest common prosperity (Hajati et al., 2017).

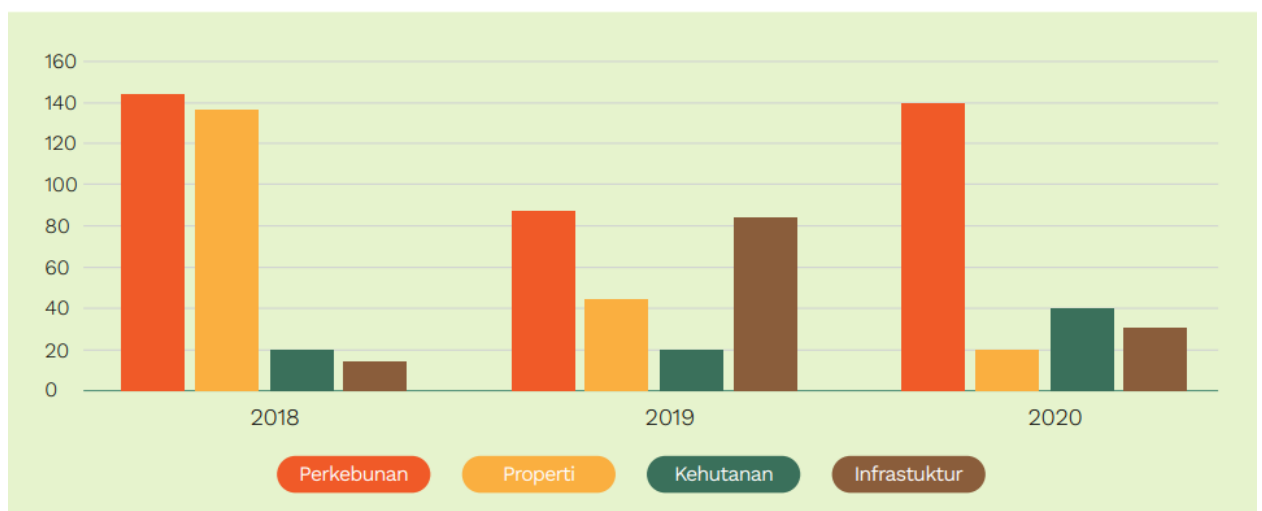
The word "agrarian" refers to the UUPA which was born and established in 1960, defining agrarian not only as land or earth, but also water and space (Tjondronegoro & Wiradi,

2004). Indonesia's agrarian order is influenced by customary law and is one of the most important structures of life in the nation and state. Long before that, exactly 153 years ago, on April 9, 1870, a law called the Agrarian Law was born in the Dutch East Indies, which ended the era of forced cultivation, with the birth of this colonial regulation on land opening Java Island to private companies (Pamungkas, 2021). Government agencies and corporations have fenced it off and removed the inhabitants of the princely earth from the territory. The relationship and the way capitalism enjoys the fruits of land and nature has been severed through the enactment of colonial laws, the use of violence, physical fencing of territory, to the use of new symbols that indicate ownership status that is no longer held by them (Rachman, 2012).

Agrarian problems and natural resource management of the Indonesian nation, in general, have been formulated simply by national government stakeholders in the post-reform era through the Decree of the People's Consultative Assembly of the Republic of Indonesia Number IX/MPR/2001 concerning Agrarian Reform and Natural Resources Management (Utomo, 2021). These agrarian problems include inequality (concentration) of land and natural resources control in the hands of a few companies; conflicts of agrarian conflicts and natural resource management that erupt here and there and have no resolution, and severe ecological damage (Rachman, 2015). These three groups of problems are unfortunately considered by many observers as if ignored by many public officials and indeed not taken seriously by officials related to agrarian issues and natural resource management (Rachman, 2013).

It is undeniable that the situation prone to conflicts in the agrarian sector has also sociologically become more and more post-reform. Agrarian conflict is "conflict caused by policies or decisions of public officials (central and regional), involving many victims and causing widespread impacts, which include social, economic, and political dimensions" (Shabia, 2021). On the contrary, the government conveys the imperatives of how government policies and facilities are directed to make it easier for giant companies (commonly called investors) to work to increase the production capacity of global commodities, circulate them, and buy and sell in such a way, to generate profits and accumulate foreign exchange sources (Rahman, 2019). Nevertheless, agrarian resources in the form of earth, water, and natural resources continue to be the object of conflict and contestation. Agrarian conflicts are numerous in Indonesia and almost continuous (Astuti, 2011). The following are notes from the Agrarian Reform Consortium (KPA):

Graph 1.
Agrarian Conflict from Agrarian Control Objects 2018-2020



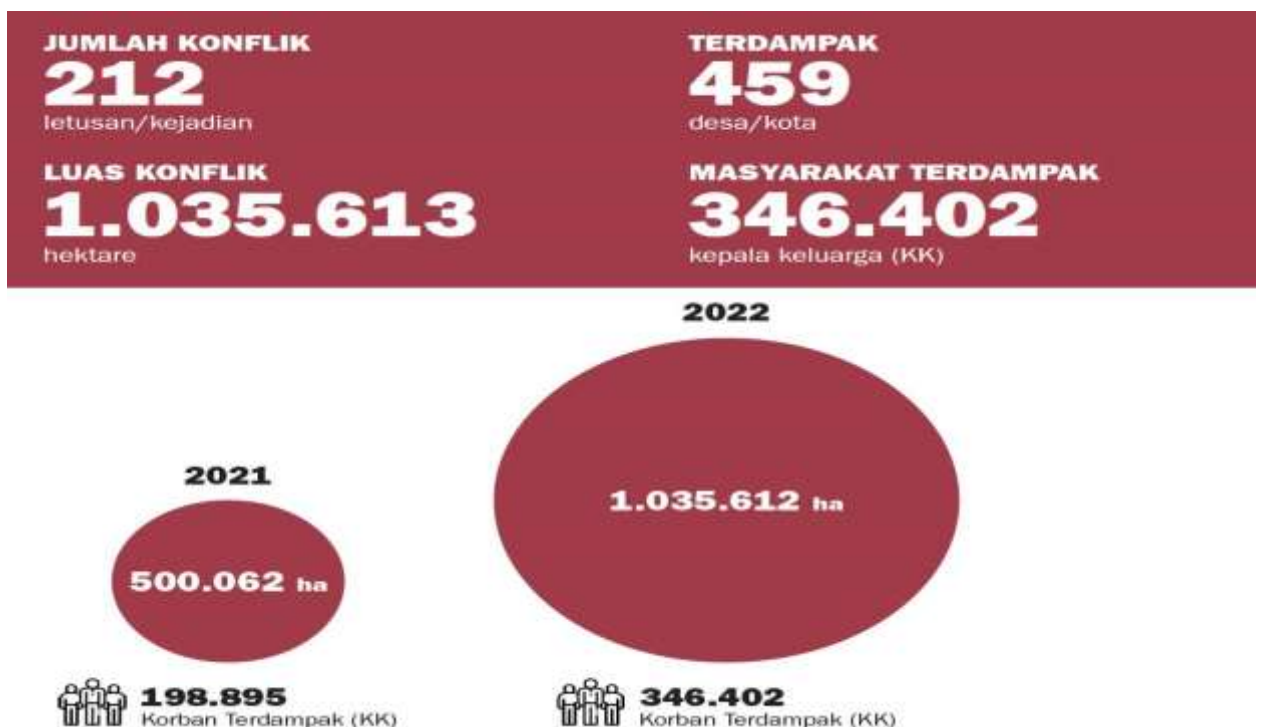
Source: KPA Year-End Notes, (2018;2019;2020)

Graph 2.
Agrarian Conflicts from Various Sectors 2021



Source: KPA Year-End Notes, 2021

Figure 1.
Agrarian Conflict Eruption 2022



Source: KPA Year-End Notes, 2022

Keep in mind that agrarian conflicts occur structurally, so if the structural problems are not overcome (Wiradi, 2009), and the countermeasures that are encouraged are only limited to fast, emergency ways, carried out at the end (Mulyani, 2018). Agrarian conflicts occur one of them due to regulations and policies that do not protect community rights to land, unjust agrarian arrangements, and ease of conversion and even land grabbing (Nurlinda, 2022). Handling agrarian conflicts is not enough only with regulations that provide guarantees for complaints and case resolution, but must also be accompanied by revisions to laws and derivative products that trigger agrarian conflicts (Latuharhary, 2022).

The seizure of land, land, plantations, forests, mines, and coastal or other natural resources, as contested agrarian objects is the beginning of rights violations (Hadrian, 2016), because these objects are sources of life that intersect with the fulfillment of economic, social, and cultural rights, namely land rights, food rights, the right to decent work, cultural rights, to civil and political rights such as the right to life, the right to ownership of an item, and the right to human dignity (KontraS, 2015). When agrarian conflicts erupt, the fulfillment of the right to live a decent life with a sense of security is also violated by the threat of violence (Latuharhary, 2021). It can be seen in the graph and data above from 2018 to 2022 that there are still many agrarian conflicts in various agrarian sectors.

The existence of UUPA and Law Number 41 of 1999 concerning Forestry are the two most important laws in the hierarchy of land and natural resources legislation ranked second only to the constitution (Fay & Sirait, 2005). Laws and regulations have even recognized the relationship between rights to land, forests, and land along with natural resources on it. UUPA as the main reference of national agrarian law also emphasizes that ownership of agrarian resources for the people is a prerequisite for a decent standard of living (Tresya, 2022).

Table 1.
Recognition of the Law on Agrarian Resources

No	Law	Information
1.	Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles	The state regulates the functions of earth, water, and space through national agrarian law for the benefit and prosperity of the Indonesian people, and fulfills its needs, one of which is by regulating land ownership. The state protects the land rights of its people by recognizing the asymmetry of power, so efforts are needed to overcome inequality by implementing agrarian reforms, which are expected to provide land to meet at least a decent standard of living.
2.	Law Number 41 of 1999 concerning Forestry	Forests have tangible benefits for life and the livelihood of the Indonesian people, both ecological, socio-cultural, and economic benefits, therefore forests must be managed, managed, protected, and utilized for the welfare of the Indonesian people. All forest management and regulation by the Government must continue to pay attention to the aspirations of the people, involve the community in the implementation of forestry development, and protect the community with criminal provisions, compensation, and administrative sanctions for those who violate the law.

Source: extracted from various references, 2023

Unfortunately, the protection of rights in these regulations is bulldozed by various regulations, policies, and programs created by the government. It has been explained before, that agrarian conflicts first occur because of the state's partiality in supporting land/land/forest conversion and transfers to several parties including certain corporations (Earlene & Djaja, 2023). So it must be seen, what kind of facilities are provided by the state in facilitating the conversion of functions and permits of land/land/forests by certain parties, which are certainly not a handful of people who use these agrarian resources for their livelihoods (Sauni, 2016).

The problems until now are very troubling, various agrarian problems can cause the following scope: (1) Ecological/environmental damage, (2) Transfer of functions for state projects with potential vested interests, (3) Ease or facilitation of development permits and requirements (especially for state projects) to avoid social, economic, and ecological obligations that affect the non-enforcement of justice, (4) Laws that are not firm and fair, (5) Pseudo-agrarian reform. Recently, Presidential Regulation Number 86 of 2018 concerning Agrarian Reform has been issued. However, the regulation can solve multidimensional agrarian problems.

The impact of agrarian conflict is not only immediate after the conflict erupts, but can be sustainable, beyond the context of agricultural production, for years after the conflict occurs (Salfutra & Agustian, 2019). Land, along with the resources on it, is the most powerful and complete "insurance" in crises, especially for the rural poor. Land strengthens subsistence and access to a household's market, but also guarantees economic, and social status (Tarigan, 2019). When land and land grabs are followed by agrarian conflicts, irreversible losses and losses can occur that can have an impact on the fulfillment of the right to life. This varies from material losses, physical, to mental (Pujiriyani et al., 2014).

4. Conclusion

National agrarian development from the perspective of post-reform law and sociology in Indonesia can be found and known. In the legal perspective of the agrarian sector after the reform, there are still many inequalities between one regulation and another, the protection of rights in these regulations itself is involved with various regulations, policies, and programs created by the government. Meanwhile, from the sociological perspective, agrarian conflicts are still rife after this reform. Conflicts caused by policies or decisions of public officials (central and regional), involve many victims and cause widespread impacts, which include social, economic, and political dimensions. If the structural problems are not addressed, and the measures are encouraged only by quick, emergency means, carried out at the end after the conflict has occurred, the eruption of conflict will continue everywhere for a long time.

Conflict of interest

The authors declare no conflict of interest

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