

Agrarian Reform Policy Implementation (Study on the Role of the Indonesian National Land Office of Palu City)

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Abstract

Agrarian reform is the best idea ever born in order to overcome land problems and natural resource management problems. The purpose of the study was to determine the role of the Indonesian National Land Office of Palu City in agrarian reform. Qualitative research method, withdrawal of informants through purposive sampling and data analysis techniques using the Miles & Huberman model, namely Data Collecting, Data reduction, Data Display, verifying / conclusion.

The results showed that (a) Regulator. The active role of the Indonesian National Land Office of Palu City in the implementation of agrarian reform is measured through the role, (b) Facilitator. The Agrarian Reform Village Pilot Project is one of the joint programs of the Collaboration of Regional Apparatus Organizations that are members of the Palu City Agrarian Reform Task Force team, (c) Catalyst. This role is intended by conducting training and socialization to the community in whose area the agrarian reform policy is implemented, in this case the sub-district, (d) Innovator. Innovation in the implementation of agrarian reform largely seeks the welfare of the community with various potentials of the region and (e) Implementers. The implementers of the agrarian reform policy implementation in Palu City are those who are closely related to the execution or implementers of government policies, namely: Indonesian National Land Office of Palu City. The implementation of agrarian reform is carried out through the stages of Asset Reform and Access Reform.

I. Introduction

The implementation of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia was then born Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (LNRI of 1960 No. 104-TLN No. 2043) or known as the Basic Agrarian Principles, which contains the main provisions on agrarian affairs, including land, water, space, and natural resources contained therein. However, of the 67 articles in the Basic Agrarian Principles, 53 articles regulate land. Other fields are only mentioned in one or two articles. This then triggers the birth of new legislation that embodies the articles that are not specifically regulated in the Basic Agrarian Principles. The law in question was supposed to be the implementing law of the Basic Agrarian Principles as an agrarian law, but in its implementation, the law became a sectoral law that regulates itself and creates its own laws. The birth of these sectoral laws is then seen as a tool to fulfill pragmatic needs to accommodate economic growth.

The number of sectoral laws that have been born certainly creates its own problems, such as disharmonization between one law and another due to the principles used in their formation. The principles contained in the sectoral laws that were born should be the same and synchronized with each other, especially with the Basic Agrarian Principles as the first basic agrarian law born in Indonesia. The existing disharmony has an impact on the existence of legal loopholes that allow the exploitation of natural resources and the deterioration of the quality of natural resources, injustice in the form of marginalized rights of people whose lives mainly depend on access to natural resources such as farmers, fishermen, and others.

The era of the proliferation of sectoral laws marked the degradation of Basic Agrarian Principles, which was originally intended to be the *lex generalis* for natural resources regulation, into the same level as other sectoral laws and thus made Basic Agrarian Principles a *lex specialis* that only regulates the land sector. The abandonment of the spirit and principles underlying Basic Agrarian Principles by sectoral laws can be seen in the differences between Basic Agrarian Principles and sectoral laws with regard to: 1) orientation; 2) alignment; 3) management and implementation; 4) protection of human rights; 5) regulation of good governance; 6) relationship between people and natural resources, and 7) relationship between the state and natural resources.

Agrarian reform or better known as agrarian reform is the best idea ever born in order to overcome land issues and natural resource management problems. In essence, the purpose of implementing agrarian reform is to improve the welfare of the poor peasants. Rehman Sobhan, after analyzing agrarian reform programs that have taken place in 36 countries around the world, concluded that if a country wants to realize the elimination of rural poverty and accelerate all economic development, then there is no alternative but to carry out radical agrarian reform. Such agrarian reform would redistribute land equally to the vast

majority of the landless and landless. This in itself would totally eliminate the dominant land tenure of the old (feudal) and new (capitalist) classes in the countryside.

The equalization of land tenure in rural areas as a result of agrarian reform will result in an increase in the welfare of villagers who are generally small farmers or farm laborers. This increase in welfare will have the consequence of increasing the purchasing power of villagers. This will become a potential market for national industrial products, which in turn can help the national industrialization process as the foundation for the nation's economic independence. An example of the success of agrarian reform is the Agrarian Revolution at the end of the 18th century in France, which destroyed the feudal aristocracy and gave birth to capitalist agriculture based on small-scale land ownership. In addition, a country that has also successfully carried out Agrarian Reform and created a potential domestic market is Japan, namely after the Meiji Restoration in the 19th century. When examined, agrarian reform in France and Japan has the same style, which is capitalistic, as a result of the overhaul of the feudal production system towards the formation of a free land market based on capital competition.

The Basic Agrarian Principles, which has been the basis for the control and use of agrarian resources including the earth, water, space and natural resources contained therein, is not supported by various sectoral laws that regulate each other individually and create separate laws. Based on this, it is necessary to have an umbrella policy for natural resource management and agrarian management as a whole. The step of reviewing various related laws and regulations must also be followed by policy reform and institutional reform in natural resource management.

Agrarian reform is not only understood as an asset-structuring policy (assetreform) in the form of asset legalization and land redistribution (landreform), but also as a broader process such as access to natural resources, finance/capital, technology, goods and labor markets, and also the distribution of economic and social structures. Agrarian reform is essentially an asset-reform concept that is complemented by an access-reform concept. The implementation of agrarian reform can be successful only if it is carried out in a broader framework, which offers not only asset structuring (assetreform) in the form of asset legalization and land redistribution (landreform), but also social mapping, institutional capacity building, business assistance, skills improvement, use of appropriate technology, business diversification, capital access facilities, marketing access facilities, strengthening commodity databases and information and/or provision of supporting infrastructure so that agrarian reform subjects can develop their capacity.

Alvian and Dian (2022) with the research title Implementation of Agrarian Reform in the Era of President Joko Widodo's Administration. The results showed that the implementation of agrarian reform was only carried out to the extent of

legalizing assets and redistribution of land, not yet reducing inequality in land ownership and control and reducing land disputes, this was due to problems related to leadership, institutions, regulations, and supplies of land redistribution objects. The implementation of agrarian reform can be realized if there is political will from the government, support from the legislature, separation of interests between officials and business people, support from law enforcement officials, community involvement, availability of required materials, and optimal preparation related to the implementation of agrarian reform.

Problems regarding land in various parts of the country are always found, of course this problem must be resolved properly by the government by persuading the community to register first. The following research from Ardani (2019) with the title *The Role of the Land Office in Complete Systematic Land Registration Activities*. The results showed that the role of the Land Office in Complete Systematic Land Registration activities is very large. This can be seen from the duties it has in each stage contained in the implementation of the Complete Systematic Land Registration activities. In this atmosphere of increasingly widespread development, the need for land is increasing and of course it is also accompanied by various problems or disputes that arise. Conflicts and potential land disputes still often arise and are not well anticipated. Land disputes recorded at the Ministry of Agrarian Affairs and Spatial Planning/Indonesian National Land Office to date have 8,959 cases: 56% disputes between communities and 15% disputes between legal entities and Limited Liability Companies (PT) and Stated-Owned Enterprises.

The need for land is increasing in Palu City and agrarian problems have also been found to be increasingly widespread, not only between land owners, but also between communities and communities, communities and legal entities, legal entities and legal entities, legal entities and the government, and even between communities and the government. For example, agrarian problems involving people who have certificates (*de jure*) and people who physically control the land (*de facto*).

In connection with agrarian issues, the role of the government in this case is also needed at the Indonesian National Land Office of Palu City. The Land Office acts as a party that has the main task in the implementation of land administration, in addition to land administration, in addition to land administration is also responsible for resolving land disputes between the parties. The cases will proceed to the Land Administration to settle the dispute out of court, thereby reducing claims and the aggrieved party does not need to resolve the issue through the district court. The main task of the Indonesian National Land Office is to carry out government tasks in the land sector nationally, regionally and sectorally as well as one of the functions in the district / city land office, namely providing land services to the community which is often referred to as Public

Services (Asya, Arifin and Daryono, 2022).

Agrarian reform activities in their implementation must coincide between asset structuring and access structuring activities or after asset structuring activities must be followed up with access structuring activities. But in reality, the implementation of agrarian reform in Palu City, namely asset structuring activities through the provision of land for disaster-affected communities in the form of permanent housing construction, was not followed up with access structuring activities. On the other hand, there are people who have businesses in agriculture, but the land as a medium for their business is not yet clean and clear. This research aims to find out the role of the Indonesian National Land Office of Palu City in agrarian reform.

2. Research Method

Type of Research

The type of research used is qualitative, which is called the ethnographic method, phenomenological method, or impressionistic method. This research model is usually used in observation and social research (Sugiyono, 2013). Qualitative data types are data expressed in the form of words, sentences and images (Sugiyono, 2013). So it can be concluded that qualitative research is social research that seeks to approach social reality empirically from within as a series of social processes that

mutually shape reality by producing descriptive data words, descriptions and notes in what they are.

Data Collection Technique

According to Sugiyono (2016: 309) states that "data collection is carried out in natural conditions, primary data sources, and more on participant observation, in-depth interviews and documentation". The types of data collection carried out in this study are observation, interview and documentation.

Data Analysis Technique

After the necessary data has been extracted and collected, the next step is to process the data using data analysis techniques according to the Miles & Huberman model such as Data Collecting, Data reduction, Data Display, verifying / conclusion, (Sugiyono, 2017: 132).

3. Results and Discussion

The active role of the Indonesian National Land Office of Palu City in the implementation of agrarian reform is measured through the following roles:

1. Role as Regulator

In fact, although the Indonesian National Land Office of Palu City has the authority to make regulations, the authority is not exercised. This is proven by the fact that until now agrarian reform activities have been decided through the Mayor's Regulation or Regional Regulation that regulates the implementation of agrarian reform in Palu City. The Indonesian National Land Office of Palu City argues that the implementation of agrarian reform in Palu City must be supported by the local government. The Indonesian National Land Office of Palu City considers that the regulation from the Mayor can already handle all problems and confusion related to agrarian reform in Palu City.

One of the things that can be used as a support for the success of the program is a regional regulation. This is because it is in accordance with the function of the regulation that can provide a guideline for the sustainability of the program. The importance of a regulation is justified by the village heads who argue that regulations governing the implementation of agrarian reform are important to be made. This is what is expected by the village heads in Palu City.

2. Role as Facilitator

In implementing Agrarian Reform, the Agrarian Reform Task Force plays an important role as a coordinating forum at the Central Level to the Regional Level (Province/District/City). The Agrarian Reform Village Pilot Project is one of the joint programs of the Collaboration of Regional Apparatus Organizations that are members of the Palu City Agrarian Reform Task Force team. The realization of the construction and development of Agrarian Reform Villages carried out is to increase community income through Asset Arrangement (legalization of land ownership) and Access Arrangement (improvement of community welfare) and natural preservation. Asset reform aims to reorganize the structure of control, ownership, use, and utilization of land more fairly; while access reform aims to empower the community through the provision of capital assistance and others based on land utilization.

The agrarian reform target is divided proportionally for asset legalization and land redistribution. The latter activity is seen as more strategic than the former

because it is in direct contact with the ideals of agrarian reform. The target objects of land to be redistributed no longer focus on state land, but also come from the release of forest areas.

3. Role as Catalyst

This role is addressed by the implementation of training and socialization to the community in whose area the agrarian reform policy is implemented, in this case the sub-district. The Indonesian National Land Office of Palu City has conducted training and socialization to agrarian reform participants. The materials provided are also appropriate because they contain initial knowledge for participants implementing the agrarian reform program. First, the socialization material is very appropriate and very much needed for the program participants. This is because, in the socialization, the objectives of the program are explained, the procedures for implementing the program are explained, and the benefits of the program for the participants are also explained.

Community Land Empowerment activities by the Land Office of Palu City in 2021 with a target of 175 households. The target of Community Land Empowerment in 2022 is 300 households, of which in this case 14 households are in Duyu Village with the potential for land to be utilized for grape cultivation, horticultural agriculture, fish farming, and entrepreneurship. This activity is carried out with three models, namely 1) Community Land Empowerment Counseling. The purpose of the counseling is to provide information, understanding and equalization of perceptions regarding the objectives of implementing Agrarian Reform Access;

2) Community Land Empowerment Based on Corporate Agriculture. This empowerment model is the empowerment of farmers through groups, by conducting social, economic, technological, and value-added engineering; 3) Assistance in Handling Agrarian Reform Access. Assistance in handling access to reform is carried out to improve the skills of beneficiary human resources through a process of coaching, consultation, technical guidance, facilitation and partnerships to improve business, production and marketing of business results.

4. Role as Innovator

Innovation in the implementation of agrarian reform largely seeks the welfare of the community with its various regional potentials. Agrarian Reform is one of the National Priority Programs improved by the Jokowi-JK Government in an effort

to build Indonesia from the edge and improve the quality of life; as contained in Jokowi-JK's Nawa Cita. Looking back at the Basic Agrarian Law of 1960, there are three noble goals to be achieved: First, to reorganize the unequal agrarian structure into justice, Second, to resolve agrarian conflicts, and Third, to improve the welfare of the people after agrarian reform is implemented.

Agrarian reform fundamentally provides programs that can solve the problem of poverty in rural communities, improve welfare with national food self-sufficiency, increase land productivity, provide recognition of land rights owned both privately, state, and publicly owned land whose utilization is to meet the interests of the community.

In the context of implementation, paying considerable attention to the pattern of relationships between the actors mentioned above is very important because they

are the ones who determine whether a policy is implemented. Horizontal relationships between actors organizationally are interpreted as working relationships that have equal authority status. This relationship can be a problem when the implementation structure has interdependence and sequential patterns in the implementation of agrarian reform. Delays in task completion by one part will result in delays in the continuation of the implementation of other tasks. Horizontal relationships require strong coordination and clear and smooth communication.

Organizational vertical relationships are defined as relationships of authority and responsibility between actors of different levels. The greater the distance between the decision maker and the lowest implementer, the greater the possibility of delays in making appropriate decisions, the greater the miscommunication and deviation from goals. In such cases of policy implementation, which are usually centralized, clear and detailed implementation instructions and Standard Operating Procedures are needed, in addition to continuous monitoring and evaluation so that the implementation runs according to the predetermined structure. The relationship between institutions / agencies organizationally is interpreted as a cooperative relationship of equals, that is, each has different tasks and authorities for the completion of the policy program. This relationship is certainly more

complicated and requires more intense cooperation, coordination and communication.

It can be concluded that the position of a policy with the location of decision making where the policy must be able to overcome existing problems. In reality, there are still problems that exist in implementing agrarian reform. This condition will hamper the successful implementation of agrarian reform policy in Palu City

in a sustainable manner. Therefore, local governments, both Provincial and Regency / City, are required to welcome the agrarian reform policy with preparations made in the form of policies that direct the readiness and ability of all regional apparatus organizations in the region so that the role and responsibility of local governments, especially potential land, to implement the policy implementation of the Mover School Program.

4. Conclusion

Based on the research findings, it is concluded that the active role of the Indonesian National Land Office of Palu City in the implementation of agrarian reform can be done by carrying out several roles such as (a) Regulator. The active role of the Indonesian National Land Office of Palu City in the implementation of agrarian reform is measured through the role. agrarian reform activities are decided through the Mayor's Regulation or Regional Regulation that regulates the implementation of agrarian reform in Palu City, (b) Facilitator. The Agrarian Reform Village Pilot Project is one of the joint programs of the Collaboration of Regional Apparatus Organizations that are members of the Palu City Agrarian Reform Task Force team. Asset reform aims to reorganize the structure of control, ownership, use, and utilization of land more fairly; while access reform aims to empower the community through the provision of capital assistance and others based on land utilization, (c) Catalyst. This role is addressed by the implementation of training and socialization to the community in whose area the agrarian reform policy is implemented, in this case the sub-district (d) Innovator. Innovation in the implementation of agrarian reform largely seeks the welfare of the community with its various regional potentials. Agrarian reform fundamentally provides programs that can solve the problem of poverty in rural communities, improve welfare with national food independence, increase land productivity, provide recognition of land rights owned both privately, state, and publicly owned land whose utilization is to meet the interests of the community and

(e) Implementers. The implementers of agrarian reform policy implementation in Palu City are those who are closely related to the execution or implementers of government policies, namely: Indonesian National Land Office of Palu City. The implementation of agrarian reform is carried out through the stages of Asset Reform and Access Reform.

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