

EMBRACING SOCIAL JUSTICE: EXPLORING THE JOURNEY FROM LAND REFORM TO AGRARIAN REFORM

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Abstract: The fifth principle of Pancasila, social justice for all Indonesian citizens, states the objective of the Rule of Law in Indonesia. In the field of agrarian studies, the failure to promptly address the imbalance in land ownership and control might hinder the achievement of public welfare. Given these circumstances, this article examines the extent to which the land reform and agrarian reform programs have succeeded in achieving social justice from 1961 until now, using a literature review, methodology, and secondary data as the basis for analysis. The research findings indicate that the implementation of land reform and agrarian reform from 1960 until now has shown a change in the percentage of land ownership inequality. Based on these findings, data from the National Land Agency also suggests that the community's welfare has improved following the implementation of land reform and agrarian reform.

Keywords: Social Justice; Land Reform; Agrarian Reform.

1. INTRODUCTION

The term "National development policy to create a unified national legal system based on Pancasila and the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945)" characterizes Indonesian legal politics. The national legal system, based on Pancasila and the UUD NRI 1945, protects, encourages, and guarantees the realization of social justice and general welfare for all Indonesians. This system consists of rules, apparatus, infrastructure, and other legal instruments. Conversely, agrarian legal politics denotes the state's official positions or policies regarding the laws it plans to enact or repeal to achieve agrarian reform goals.

Article 33 paragraph (3) of the UUD NRI 1945 and Article 2 of the Law No.5 of 1960 on Basic Agrarian Principles (UUPA) both include provisions that govern the power to manage the state (HMN). Land management must strive for the maximum benefit of the people in terms of nationality, justice, prosperity, social independence, and the rule of law.

The UUPA's fundamental principles demonstrate the attainment of social justice in the land sector, particularly with regard to land ownership. A number of sections of UUPA, including Article 7, Article 17, Article 10, and Article 53, lay out land reform in detail and serve as the foundation for the reform. Articles 7 and 17 of the UUPA govern restrictions on maximum land area, Article 10 governs the ban on absentee land ownership, and Article 53 regulates temporary rights to agriculture land.

Presidential Decree No. 62 of 2023, which focuses on accelerating the implementation of agrarian reform, regulates the matter of agrarian reform. This decree, also known as Perpres Percepatan Pelaksanaan Reforma Agraria, plays a crucial role in shaping the country's policies and strategies related to agrarian reform (Wirawan, dkk, 2023). The policy outlined in this document encompasses several crucial elements that serve as technical benchmarks for expediting the execution of agrarian reforms. The ultimate goal of these benchmarks is to enhance social justice

and the overall welfare of the populace by guiding the implementation of agrarian reform.

The occurrence of numerous riots during this period serves as evidence of the consolidation of land ownership on one side, juxtaposed with the dismantling of land ownership on the other side. The observed disparity in land ownership allocation, which encompasses both agricultural and non-agricultural land, gives rise to multifaceted inequalities that permeate various domains, including but not limited to the economic, political, and sociological realms (Fajar, dkk, 2022).

The UUPA, which serves as the foundation for land reform and agrarian reform, has established that Indonesia's politics, orientation, and agrarian policy must actively contribute to achieving social fairness and maximum prosperity for all citizens. To achieve this, the four principles of management must guide the policy, direction, and agrarian policy (Kharisma, dkk, 2020):

- a. Enhance individuals' overall well-being and provide a new means of promoting it.
- b. Improve a fair and just societal structure for land use, utilization, possession, and ownership.
- c. Guarantee the long-term viability of Indonesian society, nationality, and statehood by granting future generations broad and unrestricted access to community economic resources, including land.
- d. Establish a cohesive and orderly way of life by effectively resolving diverse disputes and land conflicts throughout the country and implementing a management system that prevents the recurrence of conflicts and disputes in the future.

Adhering to the principles that formed the political determination of the UUPA upon its enactment in 1960 can enable the achievement of the aforementioned ideals. In the context of agrarian law, identify the following principles: the unity of agricultural law, the abolition of the declaration of state domain, the recognition of the social function of the right to land, the acknowledgement of national agrarian law based on customary law, the recognition of heritage rights, the principle of equality among Indonesian citizens, the establishment of legal relations between the Indonesian people and the land, water, space, and natural resource contained therein, and the principle of rationality.

Presidential Regulation Number 47 of 2020, which outlines the establishment and functions of the Ministries of Agrarian and Spatial Planning, entrusts the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (the Ministry of ATR/ BPN) with the task of executing governmental matters in the field of agrarian/ land sector and spatial planning. The purpose of this endeavor is to offer support to the president by aiding in the coordination of the state government. The Ministry has assumed responsibility for land management.

Effective land management plays a crucial role in ensuring the economic development of all sectors within an economy (Lumbanraja, 2023). It is imperative to prioritize this aspect in order to guarantee optimal outcomes. In order to optimize production activities across various economic sectors, it is imperative to establish a land administration management system that is both efficient and of high quality. The interdependence between the agricultural sector, the industrial sector, and the service sector arises from their shared reliance on land-based production inputs. As a result, this phenomenon can be attributed to its underlying cause. Because of its inherent nature, land administration plays a crucial role in facilitating various activities. It is believed that efficient land administration can significantly impact the level of investment, both in theory and in practice (Sumanto, 2022).

In the context of national land affairs, it's crucial to recognize that this domain involves two distinct components. Firstly, it's crucial to acknowledge the existence of land or property that possesses unique characteristics, such as being a single piece of land. This land holds value and ownership, along with various associated rights. The second component refers to land, which is the interconnected physical territory within the given context. This component encompasses various aspects related to land use and advancement, as well as its spatial connectivity. Therefore, it is imperative to conduct research that examines multiple sectors in order to fully understand their

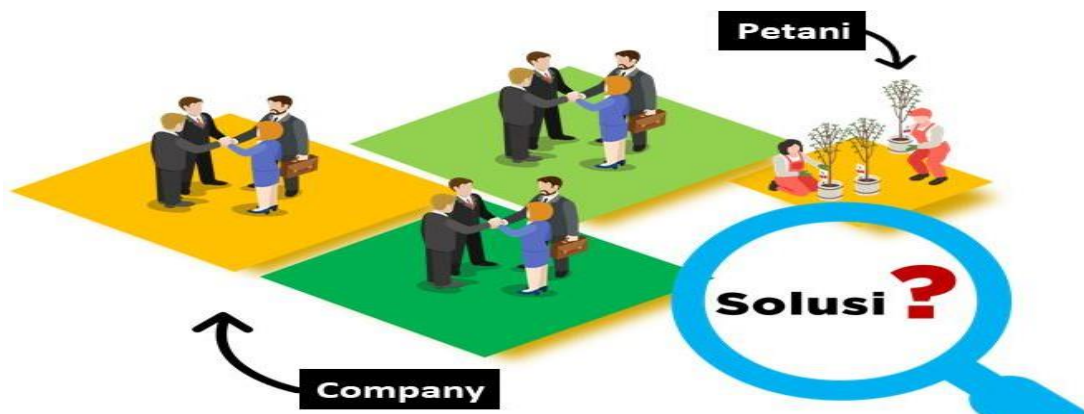
impact on performance. Given the comprehensive analysis of various factors, it is evident that these two attributes will significantly influence organization management in the coming years, specifically in relation to the future.

Given the aforementioned considerations, land policy encompasses a diverse array of topics, categorized as follows: Implementing a land policy that protects the interests of people facing economic disadvantages is critical. This policy seeks to reduce property speculation and disputes while promoting sustainable land management practices and monitoring land use patterns. As a result, it is critical to emphasize the significance of actions involving land allocation to support the aforementioned thesis (Yahman, 2023).

The policy direction that the Ministry of ATR/ BPN, will pursue in the years 2020–2024 is the implementation of the land management paradigm, also known as the Land Management Paradigm, or LMP. A thorough evaluation led to the decision to implement the LMP (Land Management Plan), concluding that this approach would yield the highest level of effectiveness in land management. The categories of data that could potentially serve as a fundamental basis for achieving objectives include land tenure, land value, land usage, land development and cadastre, and land infrastructure. The use of various forms of information helps achieve objectives. This category also includes additional land infrastructure.

The issue of unequal land ownership in Indonesia remains unresolved in the current era up until the present moment (Putri, dkk, 2024). It is important to note that the information provided accurately reflects the current state of affairs. The Ministry of ATR/BPN are the two designated organizations responsible for monitoring the agrarian sector. Both of these organizations closely monitor the agrarian industry. While the role of land tenure in reducing inequality is noteworthy, it is still considered relatively high within the context of the National Land Space Agency. Ultimately, it is the farmers operating at the lower layer who are shouldering the most significant burden as a result of this distribution imbalance. In 2020, The National Land Agency has projected the gini index ratio to range between 0.54 and 0.67. This indicates that a mere 1% of the population will control a significant portion, ranging from 54% to 67%, of the available agricultural resources.

Picture 1. Land Ownership Inequality



Source: National Land Agency, 2023

As demonstrated in the aforementioned context, the 1960s saw the implementation of the land reform, also known as the agrarian reform, as a means of addressing the existing disparities in land ownership. The establishment of land reform serves as the fundamental basis for the implementation of agrarian reform. A conceptual understanding suggests that agrarian reform involves the reorganization of land ownership and ownership structures, as well as the implementation of a comprehensive support package. Provisions for legal assurances of granted rights, affordable credit availability, advocacy services, utilization of new information and technology, education and training opportunities, and access to various production and marketing resources are all part of the support package.

Projections indicate that the RPJMN implementation for the period of 2020–2024 will accomplish this task. This achievement will play a significant role in achieving the macrodevelopment objectives, specifically reducing the income Gini ratio to a range of 0.360 to 0.374 by 2024. It has assessed the feasibility of this proposal within the framework of the RPJMN (Rencana Pembangunan Jangka Menengah Nasional), Indonesia's medium-term development plan. It anticipates that the current specific circumstances will positively impact the macrodevelopment program's objectives. The Ministry of Agrarian Affairs and Spatial Planning, in collaboration with the National Land Agency, is currently focusing on eliminating disparities in land ownership. Two primary strategies are helping to achieve this goal. It has strategically devised the aforementioned endeavors to address the pressing matter of the inequitable distribution of land ownership, with the aim of mitigating the underlying issue at hand. The primary aim of these initiatives is to address and rectify the identified problem. The proposed measures include land reassignments and state land entitlements.

To ensure optimal program implementation, it is imperative to execute the following procedures: The category in question encompasses a diverse range of positions, the first of which is agrarian management. This particular role entails the responsibility of overseeing and managing the process of land transfers. The role of land administration encompasses several key functions. One such function is the control of land distribution, which involves regulating the allocation of land to different entities. Another important function is land and space surveying and mapping, which involves the provision of crucial geospatial infrastructure for land and space-related activities. Additionally, land administration is responsible for determining land rights and facilitating their registration. This includes the creation and documentation of various land rights. It is worth noting that both the control of land distribution and the management of land rights and registration are integral responsibilities within the domain of land administration. Geographic information systems (GIS) are specialized tools used to address various challenges related to land and space infrastructure. Researchers can gain insights into the geographic aspects of different phenomena by using these systems designed to collect, analyze, and manage spatial data. By utilizing GIS, researchers can better understand the relationships between various geographic features and make informed decisions regarding land and space infrastructure development.

Monitoring and controlling restricted areas is a critical aspect of the fourth function, which entails the regulation and management of land and space. The monitoring and control being conducted represents the operational mechanism responsible for executing the fourth function. When evaluating the reduction framework, it is critical to carefully consider the planned route for implementing land management. In relation to the societal barriers encountered, the unequal distribution of land ownership significantly contributes to the attainment of sustainable development goals. This finding's significance lies in its contribution to achieving the stated objective. Specifically, this holds true when examining matters that pertain to the societal domain.

The RPJMN (Rencana Pembangunan Jangka Menengah Nasional) has provided estimates for the macrodevelopment objectives from 2020 to 2024, projecting a poverty rate decline to reach a range of 6-7 percent by 2024. Additionally, expect the income Gini ratio to decrease within 2024. Current projections anticipate both of these outcomes in 2024. The interconnectedness of these two goals makes it impossible to separate them when considering economic growth. It anticipates a reduction in poverty and inequality if low-income groups increase their per capita income. It anticipates that a reduction in inequality will lead to the previously mentioned outcome. To facilitate the achievement of overarching objectives, the National Land Agency and the Ministry of Agricultural and Spatial Planning employ strategies such as increasing per capita income for individuals positively impacted by agricultural reform. One of the methods employed by individuals to fulfill their obligations is in accordance with the aforementioned description.

The TAP MPR No. IX of 2001 and Regulations President Number 62 of 2023 provide a comprehensive definition of agrarian reform. According to these regulations, agrarian reform is a multifaceted activity that encompasses the organization of assets

and access arrangements. Agrarian reform's primary goal is to restructure these assets in terms of control, ownership, usage, and utilization of agricultural resources. The provided definition aligns with the guidelines outlined in TAP MPR No. IX of 2001. The primary goal of this endeavor is to preserve the legal system and provide a sense of legal assurance. Additionally, this undertaking seeks to achieve these objectives while simultaneously promoting justice and prosperity for the citizens of Indonesia. Agrarian reform primarily aims to safeguard and advance human rights, enhance collaboration among various development sectors, strike a balance between the rights and responsibilities of the state, government, society, and individuals, and ensure that social, ecological, and sustainability objectives align with the community's culture and lifestyle. The aforementioned principles provided the fundamental basis for the proposal's formulation. The plan was constructed using these concepts as its foundation. It expects the establishment of appropriate regulations, the acquisition of accurate and reliable land data, and the establishment of authoritative organizations to provide support in this endeavor. It is critical to meticulously implement the reform to ensure its maximum effectiveness.

As a result of their involvement in the Agrarian Reform Program, participants receive additional assets in the form of certified land ownership. The aforementioned program recipients account for this phenomenon. The objective of this study is to determine the initial place of production for the given source. Due to the influence of land resources, participants in the program should experience an enhanced ability to achieve financial autonomy and generate a higher quantity of goods. Consequently, the program possesses the capacity to enhance the beneficiaries' access to capital and means of production, potentially leading to a subsequent rise in their income.

To ensure compliance with the eligibility criteria, the individuals who qualify for aid under this agricultural reform initiative must fulfill the following obligations: The first aspect to consider is the function of determining land rights and registration. This is the process of determining and officially registering the rights associated with a specific piece of land. The second aspect to examine is the role of agricultural management, which encompasses activities such as land redistribution. Finally, it must also take into account the role of land rights and registration, which entails making final decisions about the allocation and registration of land rights.

The indices are utilized to evaluate the level of achievement of the objective. Within the context of this specific scenario, the proposed course of action under consideration is an agricultural reform initiative aimed at augmenting the average income of the beneficiaries. A quantitative computation known as the Index of Increase in Per Capita Income of Reform Recipients in the Agrarian Sector provides the aforementioned data. Agrarian reform programs aim to allocate land ownership assets to eligible communities that meet the specified requirements. These programs allow these communities to acquire land assets that were previously unavailable. The communities mentioned above will be able to obtain these assets. The agrarian reform program provides communities with the valuable opportunity to acquire legal property ownership and establish proof of land ownership through the issuance of a certificate. The program's benefits are accessible to these municipalities that are eligible to receive them. The issuance of land certificates, which serve as evidence of land ownership, makes this alternative viable. Land certificates play a crucial role in the process of verifying and confirming the rightful ownership of land assets. These certificates, which provide formal documentation of ownership, serve as a means of authentication and validation in the realm of land ownership.

The ownership of community land assets, as evidenced by a certificate, plays a crucial role in facilitating access to production, capital, and finance within the context of land management. This ownership empowers communities to participate in agrarian reform programs and benefit from the associated opportunities for development and improvement (Ginting, 2022). This entitlement is granted under the land management implementation framework. It achieves this objective by providing access to reform-related resources. Once completed, the primary objective of this process is to generate profits or financial gains for the individuals or groups that benefit from agricultural reform initiatives. Reforms to the agrarian industrial system have been a subject of

significant scholarly interest and policy debate. The aim of these reforms is to address the challenges and shortcomings of the existing system, with the ultimate goal of improving agricultural productivity, efficiency, and sustainability. It has proposed and implemented various approaches and strategies to achieve these objectives.

The topic of discussion is Presidential Regulation Number 62 of 2023, which stipulates the provision of opportunities for individuals to acquire access to various types of aid, including financial support and other forms of assistance. The goal of this arrangement is to enhance the community's well-being through the use of land resources, commonly known as community empowerment. It initiated this framework's implementation with the intention of achieving the stated objective. The process of organizing the system involves structuring and arranging various components in a systematic manner. This ensures that the system operates efficiently and effectively. Organizing the system makes it easier to manage and maintain, which means that the institution responsible for ensuring access is the one that falls under the purview of the Agrarian Reform Task Force (GTRA). The process of facilitating access reform encompasses three fundamental components: the identification of beneficiaries, engagement in capacity development, and the provision of mentorship. The primary objectives of the agrarian reform program are to increase individuals' per capita income and reduce poverty rates.

The focus of this inquiry is on the degree of success achieved by the Land Reform and Agrarian Reform programs in realizing social justice within the time frame spanning from 1961 to the present.

2. LITERATURE REVIEW

2.1 The Land Reform Policy Aims To Create Social Justice

A comprehensive program known as land reform aims to address the challenges posed by deteriorating agrarian structures. Indonesia, a nation that has experienced both colonialism and feudalism, has undergone a revolutionary struggle to gain independence. As a result, there has been a strong desire to eradicate the remnants of colonialism and feudalism, including the need to reform the agrarian structure. This involves reconfiguring land ownership, determining who has the right to exploit and benefit from the land, and redefining the relationships between different social groups.

Soekarno, in a groundbreaking manner, employed the term "defect in agrarian structure" to denote the enduring influence of feudalism and colonialism. In the early stages of the Republic of Indonesia's history, the country's political ruling elite embraced land reform as a strategic approach to eradicate the lingering effects of colonialism and feudalism, which identified as the root causes of the populace's deteriorating well-being (Muhammad Fikri Alan, 2021).

The relationship between agrarian structures and the social conditions in which they exist is of significant importance. The various social structures of feudalism, capitalism, and socialism will result in distinct variations in terms of land ownership. The influence of social structures on the formation of agricultural structures is significant within the framework of agricultural development. Land reform is a deliberate effort to restructure the fragmented agrarian system with the aim of achieving equilibrium.

Land ownership is a fundamental aspect of agrarian systems. The concept of land reform encompasses various measures aimed at enhancing the agricultural framework, including the reformation of land ownership, the improvement of land cultivation techniques, and the restructuring of agricultural enterprises. Additionally, land reform seeks to eradicate feudalistic practices, such as the elimination of the ruling class and the redistribution of power to a broader society. Its overarching goal is to liberate peasants from exploitation and dependency on exploitative individuals or groups. The government's Landreform program strives to accomplish a wide range of social, political, and economic goals, ultimately aiming to promote prosperity among the populace. The UUPA asserts that laws function as instruments to foster prosperity, happiness, and justice in a nation, with a specific emphasis on assisting the peasantry. government must achieve these objectives within the framework of a fair and prosperous society.

The concept of land reform refers to the deliberate alteration of the system of land ownership, encompassing both its political and technical dimensions. The UUPA aims

to enact substantial modifications to current agricultural dynamics with the goal of fostering greater equity and aligning with the needs and desires of the peasant population. The land reform in Indonesia primarily aims to improve the financial well-being and quality of life of farmers. This serves as a crucial foundation for promoting economic progress and establishing a fair and prosperous society, in accordance with the principles of Pancasila. To achieve this objective, the approach entails the implementation of various measures aimed at ensuring a just and equitable distribution of resources among peasant communities. These measures include allocating land to peasants, ensuring a fair sharing of agricultural yields, putting an end to the landlord system, and safeguarding against vulnerable economies.

According to Boedi Harsono, the primary objective of land reforms implemented in Indonesia is to enhance the income and living conditions of farmers, particularly small-scale farmers and farmers in general. This initiative serves as a foundation or requirement for promoting economic development towards a just and prosperous society based on Pancasila.

In order to achieve the objective of social justice, which is the core principle of the UUPA, the government has introduced several legal regulations pertaining to land matters. These regulations include a replacement for Law No. 56 Prp 1960, which deals with the extension of agricultural land as mandated by Article 17 of the UUPA. To support the implementation of the land reform program, it has also enacted Law No. 2 of 1960 on Results, Government Regulation No. 24 of 1997 on Land Registration, and Government Regulation No. 224 of 1961 on Land Division and Compensation of Losses. Act No. 56 of 1960 provides the general explanation for these regulations. It states that merely establishing a maximum and minimum land area is insufficient to improve the overall standard of living for the general population. It is crucial to also ensure the distribution of land that exceeds the maximum limit in order to achieve this goal.

Table 1. Land categories Based on Perpu No. 56 of 1960

Category	Wet Land	Dry Land	/Km
The area is not congested	15 ha	20 ha	< 50
Less dense area	10 ha	12 ha	5 - 250
The area is quite dense	7,5 ha	9 ha	251 - 400
Very congested area	5 Ha	6 Ha	> 400

Source: processed by the author from primary legal materials

According to the above table, implementing land reform calls for limitations on individual rights over land resources as well as a program of land redistribution for the benefit of those who work the land intensively. A purposeful modification of the land tenure system (ownership and ownership of land), such as reorganizing the system of land tenures, supervising the rights on land, and other land-related activities, is what is meant by the land redistribution program in the implementation of the land reform.

In fact, by ending the system of unrestricted and widespread land ownership by some people who do not cultivate their land intensively or who even abandon their land and unfairly employ peasant laborers, indirect redistribution of land can lead to a steady and continuous increase in agricultural production. A change whose effect may open the door for agricultural growth is the redistribution of land within the framework of land reforms.

2.2 The Agrarian Reform Policy Aims To Create Social Justice

The MPR Decree No. IX/MPR/2001, titled "Agrarian reform and Management of Natural Resources," aims to address the structural inequalities in the ownership, possession, use, and utilization of agrarian resources. Its primary goal is to prevent conflicts related to these issues from occurring. The President's Decree No. 62 of 2023 serves as the foundation for the agrarian reform, with the aim of accelerating its implementation. This reform seeks to address the issue of inequality in property ownership, possession, and land use. Furthermore, it holds the potential to instill a sense of optimism for societal transformation and the equitable exploitation of social

and economic resources. This enhancing public welfare, generating employment opportunities, and alleviating poverty, this reform endeavors to foster prosperity and bolster food security and sovereignty. Additionally, it aims to address conflicts and disputes related to agrarian.

The implementation of agrarian reforms is one potential solution to address the issue of land ownership destruction and promote prosperity and justice. One of the key benefits of implementing agrarian reforms is that it promotes economic self-sufficiency and food security. These reforms also contribute to the generation of public income and help to mitigate land disputes. Additionally, they play a crucial role in preventing recurring conflicts that have the potential to result in national disintegration. It is important to view agrarian reform as a means to fulfill the rights of peasants.

The concept of agrarian reform involves an ongoing and continuous process that pertains to the restoration of possession, ownership, utilization, and exploitation of agricultural resources (Ambuwaru, dkk, 2023). It undertakes this process to establish and provide access to assets for the entire Indonesian population's prosperity, ensuring certainty and protection under law and justice. Fairness and equity should form the foundation of development. Asset management refers to the process of restructuring the possession, ownership, and utilization of land with the aim of promoting fairness in land ownership and utilization. Two main strategies achieve this: (1) legalization of assets, which entails establishing legal rights and documentation for land and other assets; and (2) redistribution of land and equitable distribution of benefits, which involves allocating land and its associated benefits in a more equitable manner. The aforementioned activities encompass the facilitation of cross-sectoral exchanges between multiple ministries, agencies, and local governments.

Access configuration object: (1) The empowerment of community land refers to the process of granting rights and control over land that was formerly used by enterprises, known as Cultivation Rights (HGU) telantar land, and forest areas that were liberated for the purpose of agrarian reform, as defined by the Land Objects of Agrarian Reform (TORA); (2) The assignment of authority to community land designated for transmigration purposes; (3) The Complete Systematic Property Registration (PTSL) will grant the community's property the authority and ability to take control and make decisions on their land; (4) The creation of the process of legalizing assets across different sectors aims to empower the public and businesses in land ownership; and (5) The process involves enhancing the quality or value of land owned by a community or a legally established organization, with the aim of implementing agrarian reform.

Among the many facets of agrarian reform are the legitimization of assets, the transfer of land, and the practice of social forestry (Medaline, dkk, 2020). TORA has several different types of land. These types of property include land previously used for commercial purposes (HGU), building use rights (HGB), and those with use rights (Hak Pakai). Conversion laws also allow for the use of property for a different purpose. TORA includes land whose owners have willingly relinquished it or whose right holders have disregarded legal restrictions. TORA includes land that has undergone land reform, land currently undergoing land reform, and land that has recently appeared or formed. This category also includes land that the state has reserved, traded, or bought, as well as land previously used for mining. Finally, TORA includes both the land that was formerly a part of the forest area and the land that was freed from the forest area for conversion production (Wicaksono, dkk, 2019).

In Law No. 11 of 2020 of Creation of Jobs jo. Government Regulation Number 64 of 2021 of Land Banks mandates that at least 30% of state land held by land banks is designated for activities for agrarian reform after its issuing. By strengthening the idea of management rights, it is possible to create "benefit distribution" activities apart from land transfer in agrarian reform projects. Agrarian Reform objects to include deserted land and abandoned areas in line with Government Regulation Number 20 of 2021 of Controlling Land and Abandoned Areas. The settlement of discrepancies between spatial planning, forest areas, permits, and/or land rights is the subject of Government Regulation Number 43 of 2021 and Government Regulation Number 18 of 2021 of Management Rights, Land Rights, Flat Units, and Land Registration, stipulates that on land with Management Rights, parties can engage in cooperative land use by granting

land rights through an agreement, thereby advancing the concept. "Distribution of benefits" refers to permanent property ownership, but other people enjoy the advantages. Agrarian reform subjects who may receive land redistribution as TORA include people, collective groupings with joint ownership rights, or legal entities.

The Presidential Decree for the Acceleration of Implementation of Agrarian Reform establishes the regulatory framework for the implementation of agrarian reform. This decree establishes a specialized body known as the Team for the Acceleration of Implementation of National Agrarian Reform (Jamilah, dkk, 2023). This team is responsible for formulating policies and plans related to agrarian reform, as well as coordinating efforts to overcome any obstacles that may arise during the implementation process. The team also oversees and regularly reports on the advancement of agrarian reform initiatives. The National Agrarian Reform initiative has established a specialized body known as the Agrarian Reform Task Force to expedite its execution. The Central Agrarian Reform Task Force, the Provincial Agrarian Reform Task Force, and the Regency/City Agrarian Reform Task Force comprise this task force (Dharsana, dkk, 2022).

The Coordinating Minister for Economic Affairs chairs the Team for Accelerating the Implementation of National Agrarian Reform. The team consists of several members, including the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency, Minister of Finance, Minister of Home Affairs, Minister of National Development Planning/Head of the National Development Planning Agency, Minister of the Environment and Forestry, Minister of Agriculture, Minister of State-Owned Enterprises, Minister of Villages, Development of Disadvantaged Regions and Transmigration, Minister of Maritime Affairs and Fisheries, Minister of Cooperatives and Small and Medium Enterprises, Minister of State Secretary, Cabinet Secretary, Chief of Presidential Staff, Attorney General, Commander in Chief Indonesian National Army, and Chief of Police of the Republic of Indonesia. The organizational structure, which encompasses multiple ministers and other prominent officials, signifies that agrarian reform is a collaborative endeavor that encompasses various dimensions. Specifically, it goes beyond mere land distribution and necessitates the implementation of access arrangements.

3. RESEARCH METHODS

This study belongs to the normative juridical research category, which focuses on analyzing existing legal norms, those slated for implementation in the future, and those already in place. This study uses a qualitative methodology, incorporating both legislative and conceptual approaches.

4. RESULTS AND DISCUSSION

4.1. Implementation of Land Reform And Agrarian Reform

Land reform and agrarian reform are subject to varying interpretations among experts in the field. But land reform is a constituent element of agrarian reform because it implements land reform and agrarian reforms using the UUPA framework. The UUPA's continued existence demonstrates the continued utility of the laws enacted during the Soekarno administration. These laws serve as the foundation for all actions based on farming-related ideas. The UUPA encompasses not only provisions pertaining to the reformation of agrarian law but also addresses various other issues and their corresponding resolutions, all in accordance with the prevailing agrarian situation and conditions in Indonesia. The ultimate objective of the UUPA is to establish a fair and prosperous society, firmly grounded in the principles of Pancasila. Given the scarcity of available land for redistribution relative to the number of farmers in need, it is crucial to prioritize the distribution of land in redistribution activities.

The redistribution activities are contingent on providing proof of land rights, such as a certificate or asset reform. However, efforts continue to support the beneficiaries by facilitating their access to capital, technology, markets, capacity building, management, and assistance even after the redistribution process (Sadyohutomo, 2017). It commonly

refer to this phase as access reform or post-redistribution. In order to maximize the beneficiary's utilization of the acquired land, it is critical to ensure its optimal use, which can lead to improved outcomes and ultimately enhance the certificate recipient's standard of living. The implementation of access reform activities necessitates meticulous and comprehensive planning, organization, and control. This includes the provision of financial support (capital), technical and managerial assistance, marketing strategies, and additional guidance.

The implementation of access reform activities necessitates meticulous planning, organization, and control. This encompasses various aspects such as securing financial support (capital), providing technical and managerial assistance, devising effective marketing strategies, and offering additional guidance to ensure comprehensive and successful execution. Access reform activities can be implemented at various stages of land redistribution, including the initial, middle, or final phases. It is advisable to initiate access reform at an early stage, prior to the start of redistribution activities. It is also crucial to ensure coordination with multiple stakeholders and establish strong working relationships.

In order to comprehensively assess the potential of the current location, it is imperative to examine various aspects related to the proposed access reform. It must analyze the specific land usage, identify the parties involved, understand their respective rights and obligations, determine the amount of capital assistance or credit that financial institutions or banking entities will extend, evaluate the technical assistance, and identify the entities responsible for providing guidance and support throughout the process.

Based on historical developments and policy changes, the implementation of land reform and agrarian reform from 1945 to the present can be categorized into distinct periods (Rejekiingsih, dkk, 2019):

1. 1945 - 1960: Article 33 paragraph (3) of the 1945 Constitution and Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles worked together to change the land system from a colonialist one to a national one. The goal was to improve control and ownership of land. The process of nationalization entails the transfer of land ownership from foreigners and foreign legal entities to the national government, thereby bringing it under the nation's control and ownership. In order to safeguard the national interest, the state must re-regulate land ownership that deviates from the principles of nationalism, such as ownership that exceeds the prescribed maximum area limit, village fiefs, private land, and self-governed territories.
2. 1960 - 1967: commonly referred to as the Land Reform Period, was characterized by a land policy that focused on the distribution and redistribution of land to agricultural laborers, smallholders, and cultivators.
3. 1967 - 1997: the primary goal of the land policy was to promote national economic growth. The implementation of policies aimed at facilitating investment and capital investment achieved this. Additionally, the government made efforts to grant land rights to individuals belonging to economically disadvantaged groups.
4. 1997 - 2005; there was a significant focus on land policy reforms. The primary goal of these reforms was to implement land registration policies that would benefit lower-income groups. The objective was to provide these groups with greater control over land ownership and usage.
5. 2005 to the present: The primary objective of land policy is to ensure "land for the justice and welfare of the people." Various measures, including land redistribution, abandoned land regulation, community asset legalization promotion, and agrarian reform implementation.

4.2. Achievement of Land Reform and Agrarian Reform

The Ministry of ATR/BPN initiated the development of an agrarian reform program in response to the mandate outlined in MPR Decree Number IX/MPR/2001. The program's primary goal was to improve the entire community's overall welfare. In order to achieve the objective of promoting justice and equitable distribution of land

control for the betterment of the community, agrarian reform focuses on the implementation of legal safeguards and the provision of legal certainty. The primary objective of this action is to enable the community to fully benefit from effective land management practices. Asset reform and access reform are two commonly employed strategies aimed at achieving this objective.

The Presidential Regulation of the Republic of Indonesia Number 62 of 2023 covers this matter. This statement refers to the regulation as the primary legal framework that has significantly contributed to the successful implementation of agrarian reform initiatives in Indonesia. According to this law, asset structuring changes who owns, controls, uses, and sells property by putting in place rules about land redistribution and the legality of certain assets. It implemented the aforementioned actions to achieve the desired financial outcome. According to Article 8 of Presidential Decree Number 86 of 2018, the primary objective of land redistribution is to facilitate the equitable redistribution of land, with a specific focus on allocating land for agricultural purposes. The decree emphasizes the importance of redistributing land for non-agricultural purposes, acknowledging the need to address various land-related needs and demands beyond agriculture. Within the scope of this discussion, the land under consideration for land redistribution comprises parcels that have remained undeveloped, properties previously owned by the HGU but currently not utilized in a manner aligned with their original purpose, and land that has been released from forested areas. It offers the opportunity to purchase the land to individuals who have established a presence in the area, demonstrate a genuine need for it, and meet specific eligibility criteria. Since the onset of the current calendar year, the governmental authorities have been actively involved in the intricate undertaking of land redistribution.

This involvement has been spearheaded by the ATR/BPN Ministry. The implementation of agrarian reform is considered an initial and crucial measure in enhancing the overall well-being of communities, especially those residing in rural areas or engaged in agricultural activities. The current procedure involves the initial stage of land redistribution. The exploration of agrarian reform as a potential opening aims to facilitate access to natural resources, money or capital, technology, marketing, labor, and the distribution of political power, with the goal of simplifying the process. Examining agrarian reform is one of the factors driving the investigation. The purpose of this endeavor is to make it easier to retrieve the aforementioned materials under discussion. Access reform is commonly defined as simplifying the process of obtaining access is a commonly accepted definition of access reform.

Asset restructuring repurposes the unusable land for access reform activities. It carries out the aforementioned activities in areas considered inaccessible for a variety of reasons. Access management is the primary obligation of landowners, regardless of whether their property has obtained official approval in accordance with the established criteria. The guiding principles of this method encompass participation, independence, entrepreneurship, justice, prosperity, and sustainability. The aforementioned ideals function as the fundamental principles that provide guidance and direction. In terms of access management, there is a comprehensive plan for implementing agrarian reform. This plan entails aligning the location of access with the location of assets, ensuring that the legalization of assets follows the location of access reform activities, and exploring the potential for simultaneous implementation of asset management and access measures. The plan encompasses all of these elements.

The overall strategy incorporates all these elements. The Directorate of Community Land Empowerment strives to improve people's welfare by implementing land management practices that encompass land control, ownership, and utilization. The Ministry of ATR/BPN's Strategic Plan aligns with this approach, providing a guiding framework for the Directorate's work program. The Directorate General of Agrarian Management, a division of the Ministry of ATR/BPN, has implemented the reform access program. The implementation of this mandate was a direct result of the acceptance of Presidential Regulation Number 62 of 2023 on the Acceleration of Implementation. The implementation of this mandate was a direct result of the successful approval of the aforementioned regulation.

After successfully transferring the land certificate or completing asset legalization, proceed to the next step to finalize the process. As outlined in Article 2, paragraph (1), letter c, the Acceleration of Access Arrangement employs economic empowerment strategies to target individuals impacted by agrarian reform. It is imperative to address this requirement in order to achieve satisfaction. Chapter VI's regulations guide the execution of this task. The agrarian reform framework implements participation in land use activities through a cluster approach, aiming to enhance the population's economic empowerment. It implements the following actions to improve the procedure's manageability: The objective of the agrarian reform is to establish a land distribution system that is characterized by increased equity and efficiency, with the aim of enhancing the overall well-being of society.

The National Land Agency, a constituent of the Ministry of ATR/BPN, demonstrates unwavering dedication to guaranteeing that individuals from all strata of society possess a thorough understanding of their land entitlements. Furthermore, it is resolute in its pursuit of land development, with the goal of achieving spatial justice for the broader populace. This commitment includes actualizing land development. The aforementioned action aligns with the President of the Republic of Indonesia's instructions, as detailed in the official document known as Vision 2045. By fostering rapid growth in multiple sectors, this vision aims to facilitate the emergence of a self-reliant, technologically advanced, socially equitable, and prosperous Indonesian society. Irrespective of the legal or certified status of their property, landowners possess the capacity to promptly avail themselves of production resources, including financial capital, business assistance, operational infrastructure, enhanced soil fertility and quality, and various other benefits. Irrespective of the certification status of their property, this holds true. Regardless of whether or not the property in question has obtained certification, the situation remains unchanged. This conclusion is based on the fact that land serves as the primary source of production.

The Agrarian Reform Access Arrangement Activities are responsible for ensuring the implementation of the program that promotes the economic empowerment of agrarian reform subjects. It conducts the aforementioned activities for individuals who possess land and are currently undergoing the process of legalizing or certifying their property, as well as those who have already completed this process or have not yet initiated it. It conducts the aforementioned activities according to the fundamental principles of participation, independence, entrepreneurship, justice, prosperity, and sustainability. The aforementioned activities provide landowners of this type with the opportunity to participate. When conducting the access arrangement process, it is critical to consider the community's potential impact, contribution, and interests, as well as the specific circumstances at the location.

The site for implementing agrarian reform may be determined using three plans, namely: assets determine access; access assets sequentially; Assets and access are simultaneously deployed. These three approaches aim to facilitate tasks for all those involved. Regional and federal government agencies may work together with GTRA to make sure that economic empowerment operations for agrarian reform subjects are adjusted in a way that fits with asset structuring activities in a certain site (Rineksi, 2022).

The implementation of land reform and agrarian reform, as promised by the government in 2019, aims to redistribute approximately 9 million hectares of land to farmers. The aim of this initiative is to tackle land inequality and offer agricultural opportunities to a substantial number of farmers. The agrarian reform program encompasses two distinct schemes: the first being the 'asset legalization' initiative, which aims to address the ownership status of approximately 4.5 million hectares of land, and the second being the 'redistribution of land' program, which seeks to allocate an additional 4.5 million hectares of land to eligible beneficiaries. The expansion of agricultural practices necessitates the availability of land for cultivating crops. According to our research findings, cultivating pea commodities would require a total land area of approximately 14.98 million hectares. Corn cultivation would require approximately 6.21 million hectares of land, whereas soybean cultivation would require

approximately 2.27 million hectares. Finally, cultivating cabbage would necessitate a land area of approximately 12.28 million hectares.

During that period, 34.7 million hectares of forests existed, offering potential for conversion into agricultural land. These forests consisted of 7.5 million hectares of Other Use Area (APL), 6.8 million hectares of Conversion Production Forest (HPK), and the remaining 20.5 million hectares classified as Production Forests (HP). Furthermore, there are still 21.5 million hectares of peat land and 33.5 million hectares of swamp land available.

The redistribution program acquires land from several sources, such as former commercial land rights, compulsory land acquisitions, rural property, deforested areas, and forest-producing areas designated for conversion. smallholder farmers, agricultural laborers, fishermen, men, women, indigenous peoples receive the reallocated land. The deforestation of 4.1 million hectares of forest represents 20% of the total area cleared for planting activities, while the non-productive forest area of 2.1 million hectares is being converted for forest production (HPK). Beyond the boundaries of the TORA, the government has implemented the Social Forestry program, which aimed to provide 4.3 million hectares of land to peasant groups, cooperatives, and the Tani Group Association (Sumanto, 2023).

Table 2. Land Redistribution 1961 - 2023

Period	Area (hectare)	average area/ year (hectare)	Field	Average Field / Year
1961 - 2014	2.424.400	45.743,39	2.795.426	52.744
2015 - 2023	1.734.541,64	247.791,66	2.928.169	416.881,29

Source: National Land Agency, 2023

The table above illustrates that from 1961 to 2014, redistributed 2,424,400 hectares of land, resulting in an annual land area of 45,743.39 hectares. In 1961–2014, there were 2,795,426 plots of land redistributed, with an annual field area of 52,744. Meanwhile, in 2015–2023, the area of land redistributed was 1,734,541.64 hectares, with an annual area of 247,791.66 hectares. The land fields redistributed in 2015–2023 are 2,928,169 fields with an annual field area of 416,881.29 fields.

Table 3. Total Area of Land Redistribution

Category	1961 – 2023
Area of Land Redistribution	4.168.941,64 hectares
Field of land redistribution	5.713.595 field

Source: National Land Agency, 2023

The total area of land distributed from 1961 to 2023 is 4,168,941.64 hectares, and the total area of land distributed from 1961 to 2023 is 5,713,595 fields. The table below shows the distribution of certificates from 2020 to 2023.

Table 4. Achievement of Land Redistribution Certification

Year	Certificate Unit
2020	290.905
2021	444.147
2022	356.811
2023	143.885

Source: National Land Agency, 2023

The community can establish a sense of certainty and legal protection by issuing land certificates. This is due to the fact that land certificates serve as official documents that confirm an individual's ownership rights over a particular piece of land. With these certificates in place, community members can have a greater sense of security and assurance regarding their land ownership, as well as the ability to defend

their rights in a legal context if necessary. In addition, this phenomenon may indirectly improve community well-being.

4.3. Implementation of Agrarian Reform Management

Agrarian reform refers to the process of restructuring the control, ownership, and use of land in a more equitable manner. The process involves asset and access management, with the ultimate goal of enhancing the prosperity of the Indonesian populace. The implementation of agrarian reform occurs in two distinct stages: asset reform and access reform.

It undertakes the process of asset reform to establish legal certainty regarding land rights by issuing certificates that encompass land redistribution and asset legalization. The access reform is a program that aims to facilitate access to capital and provide other forms of assistance to agrarian reform subjects. This program focuses on improving land use practices, also known as community empowerment, to enhance the welfare of these subjects.

Table 5. Implementation of Asset Reform, May 2024

Agrarian Reform			
TORA			
Asset Legalization Target: 4,5 million hectares Achievements: 10,34 million hectares		Land Redistribution Target: 4,5 million hectares Achievements: 1.81 million hectares	
Transmigration Land	PTSL	Ex-HGU Abandoned Land and Other State Land	Release of Forest Areas
Target: 0,6 million hectares	Target: 3,9 million hectares	Target: 0,4 million hectares	Target: 4,1 million hectares
Achievements: 148.621 hectares	Achievements: 10,19 million hectares	Achievements: 1,43 million hectares	Achievements: 383.075,88 hectares

Source: National Land Agency, 2024

The provided table clearly shows that, as of May 2024, asset reform comprises two primary components: asset legalization and land redistribution. It set the target for asset legalization at 4.5 million hectares. However, the actual achievement has surpassed this target, reaching up to 10.34 million hectares. This includes an allocation of 148,621 hectares for transmigration land, as well as a significant achievement of 10.19 million hectares for PTSL. The stated objective is to redistribute a total of 4.5 million hectares of land. This target includes the allocation of 1.81 million hectares of land, which comprises ex-HGU abandoned land and other state land. The achievement so far in this category is 1.43 million hectares. Additionally, the target also includes the release of forest areas totaling 383,075.88 hectares.

The agrarian reform process implements access reform. Regardless of the legalization or asset certification of their land, the agrarian reform process carries out access handling activities for land owners. This implementation is based on the principles of participation, independence, entrepreneurship, justice, prosperity, and sustainability. It conducts the access handling process by considering the community's potential, contribution, and interests, as well as the regional conditions.

Table 6. Implementation of Access Reform, May 2024

Year	Implementation
2023	Target: 114.900 KK Capaian: 114.900 KK
2024	Target: 130.800 KK Capaian: in the process

Source: National Land Agency, 2024

The table above indicates that, by May 2024, the target for implementing access reform in 2023 is 114,900 households, with an achievement of 114,900 households. In 2024, there is a target of 130,800 households that are currently undergoing access reform implementation.

The examination of the implementation of land reform and agrarian reform from 1961 to the present time indicates a discernible improvement in the population's well-being. Data from the national land agency indicates a decline in the Gini ratio index for land control. The Gini index ratio, which measures income inequality, experienced a decline from a range of 0.54 to 0.67 in 2020 to a value of 0.48 in 2022. The national land agency's data reveals that a notable increase of 15.79 percent in the per capita income of agrarian reform recipients has counterbalanced the decline in the Gini ratio index for land use. The available evidence clearly demonstrates the potential realization of the primary objective of land reform and agrarian reform, which is to enhance the community's well-being.

CONCLUSION

The implementation of land reform, which began in 1961 and was followed by agrarian reform in 2015, has yielded notable results. Specifically, it has led to a reduction in the Gini ratio index of land ownership, indicating a more equitable distribution of land among the population. Those who directly benefited from the reform program have improved their overall well-being, as shown by community welfare. The national land agency provided the data for this study in the years 2023 and 2024. The subject under consideration pertains to the rural or agricultural domain. Agrarian reform encompasses not only the allocation of land but also the execution of access management initiatives, thereby fostering heightened public consciousness regarding land administration. The agricultural reform initiative's enhancement of social welfare demonstrates the successful achievement of social justice within the agrarian sector.

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