

# Community Empowering in Access Reform Activity Implementation as a Part of Agrarian Reform Program

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## Abstract

Agrarian reform is aimed to reform the structure of land authority to increase farmer income and be the basic of economic development implementation leading to fair and prosperous community regarding to Pancasila. The management of fair, sustainable, and environmental friendly agrarian and natural resources should be implemented in Indonesia with good coordination, integration, and accommodation of dynamic, aspiration, and role of community. In its utilization, agrarian reform object land utilization can be implemented through increasing the people's ability in order to increase the productivity which is fair socially, economically, and environmentally on it. Moreover, empowering villages to be able to manage ownership, authority, use, and utilization of land, forest, and natural resources in their areas together will be required. Community empowerment in access reform activity is to create or increase the capacity of community, both individually and in group, in solving any problems after the implementation of land redistribution or asset form in increasing life quality, independence, and prosperity.

**Keywords:** Community Empowerment, Agrarian Reform, Access Reform

## 1. Introduction

One of strategic problems in land field in Indonesia is inequality of Land Authority, Ownership, Use, and Utilization. In fact, from the national land area outside the forest is 65 million Ha, only about 39.6 million Ha owned by farmers. Agricultural census in 2013 states that 26.14 million of farmer households take control land about .89 Ha and 14.25 million of farmer households only take control land less than .5 Ha per family. Even though land distribution has been continuously implemented from various land resources, it is found that the land resources for redistribution activity are only from abandoned land and abandoned forest land. Besides, some indicators of development show that the gini ratio continuously increases in recent years (Statistics Organizing Agency, 2013). Regarding to Statistics Indonesia data, gini ratio in 2013 increased up to .413 if it is compared to gini ratio in 2008 which was only .35. In other words, the higher the gini ratio is the higher inequality between rich and poor people is. Besides, the number of poor people is quite great which is about 28.55 million people who majority (62.77%) live in (Statistics Organizing Agency, 2013).

Realizing community's prosperity is very common, and it is a goal that should be owned by this sovereign country because the struggle sacrificed by heroes was aimed to have a dream which is to make people in this independent country become prosperous. Furthermore, the prosperity fulfillment is the right of each person, including the need of land as it is shown by human cycle: they were born, they survive, and then they end up in land.

Article 33 of Constitution 1945 clearly states that "earth, water, and natural resources within it are owned by country and used widely for people's prosperity." Furthermore, as the implementation of Article 33 of Constitution 1945, Article 2 of Basic Agrarian Law 1960, especially Paragraph 2, states that people's prosperity refers to "... refers to happiness of prosperity and independence within the community and the law country of Indonesia which is independent, fair, and prosperous". In conclusion, as the main foundation of the country, what has been stated in Article 33 of Constitution 1945 should be the basic of economic development which relies on the management of natural resources for people's justice and prosperity (Yusuf & Ekowati, 2010).

Regarding to Article 33 Paragraph 2 of Constitution 1945 and Article 2 Paragraph 2 of Basic Agrarian Law, the government has released a set of regulation of land redistribution which is regulated in Government Regulation Number 224 of 1961 as a part of agrarian reform program which goal is to reconstruct the structure of land authority to increase farmers' income and to be the basic to implement economic development leading to fair and prosperous community regarding to Pancasila.

Land redistribution program is required because most of farmers' lives rely on agriculture sector. However, land authority by farmers is declining up to only .8 Ha per farmer. On the other hand, the number of smallholders, both owners and tenants, is increasing up to 54% each year (Aida, 2017). Regarding to this condition, people are commonly encountered to any problems relating to injustice in obtaining the right of authority and utilization of agrarian resources, especially the access of poor people toward land.

During its implementation, the policy of land redistribution encounters many challenges which are caused by: First, government's political ability is weak while government's commitment is strong. Found during the

implementation of the program, the government has not directly reformed the agrarian reform system, especially for the land distribution. Second, it lacks of mature, consistent, and gradual manner of preparation in terms of financial support, technical and managerial support, infrastructure support, marketing, and other continued training. Third, it lacks of agrarian data and complete information. The basic needs to implement this program relates to comprehensive data in the form of qualitative and quantitative data. Fourth, it lacks of coordination from any sectors. On the other hand, coordination is the basic of implementing a program of particular regulation so that it runs well. Fifth, the availability of budget allocation to implement the program of this regulation is limited, whereas it requires a large amount of money, even from the process of its preparation, organization of implementation formation, implementation, and after redistribution.

Regarding to those facts, the implementation of land distribution cannot only use authority and political power of government, but it also needs to involve people's participation and other parties relating to the implementation of land distribution. For instance, in regional autonomy context, the authority of land redistribution becomes the authority of regional; thus, people's involvement should be seriously emphasized from the beginning. Moreover, the plan of land redistribution program should be adjusted to the characteristics of an area by involving opinion from stakeholders in the area in which the program will be implemented because they know more about the condition of their area. As a result, the activity will focus more on problems found in the area.

In this case, land redistribution which is one of agrarian reform programs is a systematic, planned, and relatively rapid way in particular limited timeline to achieve prosperity and social justice and to open a way for "new" society formation which is democratic and justice by reforming authority, ownership, use, and utilization of land and natural richness in it. Besides, it is supported by other supporting programs to increase farmers' productivity in particular and people's economy in general.

The program of land redistribution is to increase the productivity of a country in agriculture by reducing the area of land authority and using calculation of yield per hectare as adequate criteria to reduce poverty. Because land redistribution program cannot automatically increase the production yield, its implementation should be focused on proper increase in productivity as well as social prosperity improvement and farmers' standard of living. Therefore, the effective land reform handling should be the basic thing to increase productivity in reforming the agriculture.

In implementing the land redistribution, other actions, such as productivity improvement, promotion, providing facility of credit and free tax, and resettlement should be involved. It is not allowed to redistribute land to farmers without giving any knowledge about how to maintain the continuity of their economic life. On the other hand, it is important to change the past pattern of land distribution using land tenure system with excessive labor in agriculture. Moreover, injustice which becomes one of the challenges in its implementation should be reduced in order to achieve economic and social development. Then, through the land redistribution, equality in agriculture, especially in land tenure system, and in increasing agricultural production can be achieved.

Agrarian reform includes asset and access reform for people. Land of agrarian objects are lands having clear map and borders and can be accessed by recipients. The land area which is distance from the prospective recipients or the access is difficult for recipients because of its geographical and topographical condition is not appropriate to be agrarian reform object. In this case, as a part of agrarian reform, Access Reform is called as the additional value for agrarian reform subject. Then, if people has received land, but it cannot be utilized effectively to be more productive, it will not be useful for them because the purpose of agrarian reform is to increase prosperity and justice for people.

## **2. Research Problem**

Regarding to the explanation, the issues raised in this article are:

- a. How is the concept of agrarian reform in Indonesia?
- b. How is the community empowerment in implementing access reform as a part of Agrarian Reform in Indonesia?

## **3. Research Method**

Research method takes a role in conducting a research. In this study, the research methods used are:

### *3.1 Research Design*

Research is a scientific work relating to methodological, systematical, and consistent analysis (Ibrahim, 2011). This study is a normative research which is based on logical knowledge of normative study constructed based on science discipline and procedures of normative law which object is its law (Ibrahim, 2011). This study, in some cases, is supported by empirical study about land redistribution. However, it is only as a supplementary in order to obtain complete and intact description in discussing problems formulated in this study.

### *3.2 Research Approach*

In studying law, there are some approaches used in order to obtain information from many aspects relating to issues studied. The approaches used in this study are:

#### *3.2.1 Conceptual Approach*

Conceptual approach utilizes any views and doctrines developed in law study. By studying the views and doctrines in law relevant definitions, law concepts, and principles with current issue can be obtained (Marzuki, 2008). The approach is a qualitative study which aim is to understand substantive problem relating to existing value, principles, and legal norms.

#### *3.2.2 Statute Approach*

Normative study using statute approach is by analyzing all laws and regulations relating to law issues being discussed (Marzuki, 2008). The statute approach is used because this study focuses on studying norms in a particular law, especially those which relate to community empowerment in access reform activity implementation as a part of Indonesia Agrarian Reform (Marzuki, 2008).

### *3.3 Legal Material Sources*

Because this study is a normative study, the main sources studied are primary and secondary legal sources. Primary legal resource is legal material having bounding power which is authoritative. The primary legal sources consist of the existing laws, such as:

- a. The Constitution of Republic of Indonesia 1945
- b. Law Number 5 of 1960 concerning Basic Agrarian Regulation
- c. Decree of People's Consultative Assembly of Republic of Indonesia Number IX/MPR/2001 concerning Agrarian Reform and Natural Resources Management
- d. Government Regulation Number 224 of 1961 of Land Redistribution
- e. Decision of Head of National Land Agency of Republic of Indonesia Number: 77/KEP-7.1/III/2012 concerning Praxis of Agrarian Reform of the Head of National Land Agency of Republic of Indonesia

On the other hand, secondary legal sources are legal materials which tightly relate to the primary legal sources and can analyze and understand primary legal sources (Suratman & Dillah, 2013) such as:

- a. Draft Law,
- b. Scholars' scientific works, and
- c. Research findings.

### *3.4 Collecting and Processing Legal Materials*

Legal material collection, both primary and secondary legal materials, is conducted through studying and noting necessary legal materials. In this study, the legal materials are collected using documentation study. It is conducted to study some documents and existing rules of law directly and indirectly relating to the issues discussed, such as Law Number 5 of 1960 concerning Basic Agrarian Regulation; Decree of People's Consultative Assembly of Republic of Indonesia Number IX/MPR/2001 concerning Agrarian Reform and Natural Resources Management; Government Regulation Number 224 of 1961 concerning Land Redistribution; Decision of Head of National Land Agency of Republic of Indonesia Number: 77/KEP-7.1/III/2012 concerning Praxis of Agrarian Reform of the Head of National Land Agency of Republic of Indonesia.

The findings obtained from the documentation study are then noted in research field note. Those legal materials are then chosen and classified based on their legal materials, so it can be used to analyze the research problems. Legal material collection is aimed to ease the arrangement in discussing the research problems.

### *3.5 Legal Material Analysis*

When all legal materials are successfully collected, analysis on legal materials is conducted. In analyzing legal materials, the researcher uses prescriptive analysis which analyze by describing or explaining rules relating to community empowerment in access reform activity implementation as a part of Agrarian Reform program in Indonesia so that conclusion can be obtained.

## **4. Discussion**

### *4.1 Agrarian Reform Concept in Indonesia*

In 2016, Indonesian government has committed to implementing agrarian reform, one of main agendas of Nawacita (Nine Priorities). In President Regulation Number 45 of 2016 on May 16, 2016, there were five Priority Programs relating to Agrarian Reform, i.e.:

- a. Strengthening the framework of regulation and agrarian conflict resolution;
- b. Arranging authority and Land of Agrarian Reform Object ownership by redistributing land or asset reform for people who need land to increase people's social economic;
- c. Legal certainty and legalization of right toward Land of Agrarian Reform Object by publishing mass

- certificate for people who have no evidence of land ownership;
- d. Community empowerment in using, utilizing, and producing Land of Agrarian Reform Object by doing access reform;
  - e. Institutional implementation of central and regional agrarian reform.

Regarding to Nawacita, it is the time for implementing agrarian reform. Nawacita is essentially translated from the spirit and Trisakti study, such as: politically sovereign, independent in economic field, and having personality underlying the culture of fundamental spirit in implementing agrarian reform. The implementation of Agrarian Reform becomes the strong basic of world and national economy development which leads to national economic independence. Ideologically and methodologically, Nawacita is used as the reference in National Medium Term Development Plan of 2015-2019 and has been become a program run by ministry and central government institution through Government Work Plan (National Strategy, 2016).

Agrarian Reform provides other ways for a group of poor people in village, especially for youths from farmer family, to emerge from the poverty. By leaving the agricultural stuff and village (going to cities as industrial labors or working on informal sector, or going abroad for migrant labor) is not the solution. On the other hand, giving certainty of ownership right of land and access to forest land collectively and restoring natural service through land stewardship and ecosystem restoration can be good solutions. Moreover, increasing productivity by cultivating joint land through joint business entities, including Owned Enterprises Village, can be another solution.

In this case, the concept of Agrarian Reform should refer to land authority structure reform involving land redistribution and limitation of land authority concentration. Besides, actions to reform the system of profit sharing in agricultural activity can be included in the concept of Agrarian Reform (Parlindungan in Limbong, 2012). Moreover, agrarian reform relates to security of ownership for farmers, labor tenants, livestock dwellers, and farmer tenants who make labors and tenants have better prospect to receive service of infrastructure sector loans and government support through rural companies (Arisaputra, 2016).

Juridical principle of agrarian reform in Indonesia is Decree of People's Consultative Assembly of Indonesian Republic Number IX/ MPR/ 2001 concerning Agrarian Reform and Natural Resources Management. In consideration of considering the letter C of Decree of People's Consultative Assembly of Indonesian Republic Number IX/ MPR/ 2001 considered that the management of agrarian resources and natural resources has caused the decrease of inequality quality of authority structure, ownership, use, and utilization causing any conflicts (Arisaputra, 2016). The management of justice, continuous, and environmentally friendly agrarian resources and natural resources should be implemented soon in Indonesia through coordination, integrated, and dynamic, aspiration, and people's role accommodation.

The goals of Agrarian Reform in Indonesia are:

- a. reducing inequality of authority and land ownership;
- b. creating prosperity resources of people;
- c. improving and maintaining quality of environment quality;
- d. increasing food security;
- e. solving agrarian conflicts;
- f. improving people's access on economic resources;
- g. reducing poverty and providing employment.

One of agrarian reform activities in Indonesia is asset redistribution which is land distribution authorized by countries and has been stated and fulfilled the requirement as it is regulated in Government Regulation Number 224 of 1961 which purpose is to improve people's social economic condition, especially for farmers, by implementing justice and equality land distribution towards farmers' livelihood resources in a form of land as the goal of g letter from agrarian reform in Indonesia. Therefore, the distribution can be achieved by fair and equal result of yield. Asset Reform is also beneficial economically and non-economically for government. If the land of agriculture, plantation, or forestry which is redistributed is developing, people's economy will develop. Moreover, the assets redistributed can become stimulant for other sectors. As a result, if the economy develops and people's prosperity around land redistribution increases, country's income from tax sector will increase. Then, the budget can be used to finance the development. In addition, the level of social insecurity, especially criminality and horizontal conflict, can be pressured.

#### *4.2 Community empowerment in Access Reform Activity*

After implementing asset reform, training program requires to be developed in a form of access reform activity by providing access for people in a form of land or access to land supporting instrument which form can be modal in a form of credit or modal from State Budget or Regional Budget. The use of land is the responsibility of each individual who receives the benefit of it. In using the land, government takes role as the guide by providing basic knowledge and technical guide help for benefit receiver.

In Agrarian Reform Implementation of Strategic National 2016-2019, one of the programs is Community Empowerment Program in Utilization and Production on Land of Agrarian Reform Object 2016-2019, such as

(National Strategy, 2016).

- a. Location coordination and empowerment target and stewardship planning on Land of Agrarian Reform Object;
- b. Provision and development of technology facilities and infrastructure in production and management of crop, animal farming, and plantation yield;
- c. Provision of financial help and institutional development of farmers for business modal access;
- d. Provision of help and infrastructure development for ecosystem restoration and production on Land of Agrarian Reform Object;
- e. Interconnection with business world and production products marketing;
- f. Provision of school for farmers who receive benefit of agrarian reform for improving land stewardship and production.

In access reform context, the government also takes responsibility, meaning that all mechanisms of its implementation in responsibility context and direct supervising from the government, both central and regional government. In other words, access reform is good opportunity for people to manage and utilize natural resources existing in Indonesia with the support and facilities from the government which are in the form of facilities and infrastructure of agriculture, irrigation, road, farm business, production marketing, farm enterprise cooperation, and banking (people's business loans).

Access reform will reach maximal target if the provision and development of facilities and infrastructure technology in production and agriculture yield and animal farming yield process are provided. The goal is to ensure the availability of various facilities and infrastructure used to increase land productivity as well as land fertility continuously. Besides, make people of agrarian reform subjects get accustomed to working work together in a group using knowledge, method, technique, including seeds, fertilizer, agricultural equipment and latest technology to develop together. Furthermore, establishing technology science and innovation system which can support the development of agriculture, animal farming, and plantation sector in Indonesia is necessary.

In terms of modal provision help and farmer institutional development for business modal access is aimed to ease farmers or groups of farmer who receives benefit of accessing business modal needed in increasing production and ensuring marketing process of agriculture products from land of agrarian reform object. It will benefit the farmers as new producers which are justice and able to be accessed equally by local farmers.

As a result, community empowerment in utilizing land of agrarian reform object can be implemented by increasing people's capability in utilizing land in order to increase the productivity which is fair socially, economically, and environmentally on its area. Besides, it can be implemented by empowering people to be able to manage ownership, authority, and utilization of land, forest, and natural resources in their area together (National Strategy, 2016).

The activity of Access Reform can be in a form of object training, such as maintenance and development of facilities and infrastructure of production, road, irrigation, and process of crop yield, market, water, electricity, and social facilities. Subject training is in a form of farmer business training, studying, and facilities to access modal and marketing, and training of awareness to maintain the existing facilities and infrastructure. The financial help can be in a form of credit provision with low interest to finance activities before, during, and after redistribution, such as for working capital and others.

The principles of access for people are based on indicators stating that: (a) It will be easy for people to interact directly with committee; (b) People obtain land service easily; (c) It is easy for them to form a group of farmer; (d) They will obtain easiness in service and obtaining information about their land and its utilization; (e) It will be easy for them to propose complaints by providing means of complaint in the village where the activity is located (Decree of the Head of the Indonesian National Defense Agency No. 77, 2012).

To determine the success of asset reform and access reform as a part of agrarian reform program, community empowerment in using, utilizing, and produce based on agrarian reform object land requires to being increased. Therefore, people's participation, both organizations of civil people and representative from the society who get benefits from Agrarian Reform program, is needed to determine the success of the program. In this case, participation is a process of active involvement in decision making with the government. Besides, it can refer to people involvement in forming themselves, their life, and environment. The meaning of participation in this case is suitable with the concept of community empowerment in which they identify needs and problems together to find solutions by mobilizing any resources needed. Moreover, they should plan and implement the activity together in order to achieve the goals.

Community empowerment in access reform activity is to create or increase their capacity individually and in group to solve any problems after land redistribution or asset reform is implemented in increasing life quality, independence, and prosperity. Community empowerment also requires greater involvement than regional government devices and some parties to give opportunity and guarantee the continuity of various results achieved in realizing the success of agrarian reform program in Indonesia as it is stated in Decree of People's Consultative Assembly of Republic of Indonesia Number IX/ MPR/ 2001 which becomes the political basic of community empowerment in land sector.

## 5. Conclusion

- a. Agrarian Reform concept is reforming the structure of land authority covering land redistribution and limitation of land authority concentration, and it can also cover any actions to reform the system of profit sharing in agrarian activity. One of agrarian reform activities in Indonesia is land distribution or asset reform owned by country, and it has fulfilled any requirements regulated in Government Regulation Number 224 of 1961 aiming to improve the condition of social economy of society, especially for farmers, by implementing justice and equal land distribution based on farmer life in a form of land. After implementing land redistribution or asset reform, training program in a form of access reform activity which is a kind of good opportunity for people to manage and utilize available natural resources in Indonesia through support and facilitation from government in the form of facilities and infrastructure of farming, irrigation, road, farmer business, product marketing, farmer enterprises cooperation, and banking (people enterprise credit).
- b. Community empowerment in access reform activity is to create or increase people's capacity individually and in group in solving any problems after asset reform is conducted in increasing life quality, independence, and prosperity. In this case, access reform activity should increase the communication formally in order to utilize local potency in the area, including using the existing social culture character and local wisdom and develop in society. However, control from government in managing people towards the implementation of access reform activity in order to be sustainable. Thus, access reform activities will not end before it achieves the goal, namely to prosper people.

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