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RESEARCH ARTICLE

REDISTRIBUTION OF REFORMA AGRARIA LAND OBJECT (TORA) IN SULAWESI TENGGARA PROVINCE, INDONESIA

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ABSTRACT

The imbalance between the land supply and the need for land, has caused many problems, sometimes the problem is very difficult to find a solution. With the redistribution of the TORA program in the Southeast Sulawesi province, it helped to slow down the problem slowly. Problems that often occur in the TORA program are generally narrow and unequal land ownership, land conflicts, legal inconsistencies, and damage to natural resources. To that end, the implementation of landreform activities in support of the TORA program in Southeast Sulawesi Province is a synergy of programs from the Central Government which is coordinated with the local Regional Government, in this case the Forestry Service, Forest Area Strengthening Agency, National Land Agency, Regional Development Planning Agency, Cipta Karya Construction and Design, Department of Agriculture and Animal Husbandry in the Southern Province. So that the true purpose of the Agrarian Reform is to restructure the structure of ownership, use and utilization of agrarian resources, especially land by the state as the basis of national development to realize a more equitable agrarian structure for all Indonesian people, in this case the people of Southeast Sulawesi Province.

KEYWORDS

program, redistribution, landreform, agraria, development

1. INTRODUCTION

The amount of land that can be controlled by humans is very limited, while people with an interest in land are always increasing. The increasing number of people (inhabitants) who need land for various life activities and supported by economic, social and cultural development and advancement causes the demand for land to be available in large quantities such as for housing, factories, plantations, livestock, offices, entertainment places or roads that connect one place to another, all of which require a large amount of land (Maladi, 2013). Therefore, the longer the land is felt to be increasingly narrow, becoming less, while the demand for land is increasing. The imbalance between the land supply and the need for land, has caused many problems, sometimes the problem is very difficult to find a solution.

There are four main agrarian problems in Indonesia as stated in MPR Decree No. IX of 2001, namely: narrow and unequal ownership of land, land conflicts, legal inconsistencies, and damage to natural resources. All must be the main agenda to be completed before arriving at the formulation of the ideal landreform concept, namely "land to tillers". According to data collected by the Agrarian Reform Consortium (2004), as of 30 December 2001 there were 1,753 land conflict cases across Indonesia that covered a total area of 10,892,203 ha of land, and involved 1,189,482 families. Specifically, in the field of agricultural development, some of the problems faced are increasingly narrow land tenure, the difficulty of stemming the conversion to agricultural use, tenure conflicts, and land fragmentation. The land man ratio in Indonesia in 2004 with an estimated population of 215 million and an area of 7.8 million ha of

agricultural land was 362 m² per capita. This figure is much lower for example compared to Thailand which reached 1870 m² per capita and Vietnam 1300 m² per capita (Syahyuti, 2004).

2. LAND IMPLEMENTATION ACT IN INDONESIA

There are several laws and regulations relating to land reform in Indonesia, including:

UU no. 21 of 196 concerning land reform reform, Law No. 6 of 1964 concerning the replacement of Law No. 5 of 1963 concerning Land Use Reform (State Gazette of 1963 No. 63), Government Regulation No. 224 of 1961 concerning the Implementation of Land Distribution and Giving Compensation, Law No.20 of 1961 concerning the Revocation of Rights to Land and the Objects Above. Basic Agrarian Law No. 5 of 1960 concerning Basic Rules of Agrarian Principles. An important part of this agrarian law is related to basic agrarian regulations with landreform provisions such as the provisions regarding the maximum area of land rights and the distribution of land to landless farmers (Fauzi, 2000).

The further development of land reform in Indonesia in its implementation stagnated, faltered and incompletely impressed on the children of development policy even in 1978 then 1983 in the GBHN explicitly stated land reform as a political will (Nurjannah, 2014). Nurjannah continued that changing times with trade liberalization placing land as a commodity made the problem of inequality in ownership and land ownership increasingly complex where people, especially small farmers, were positioned as victims of global capitalism flows (Nurjannah, 2014). The above phenomenon is clearly seen, where the new order

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regime since the beginning of its administration has left the populist spirit and spirit of the LoGA and has been replaced with a policy to facilitate capital accumulation. One example is the loss of customary rights and the emergence of exclusive settlement pockets in the mining area (an example is the case in Southeast Sulawesi Province as a nickel mining center that has been converted to commercial housing), as well as the control of certain islands by sterile individuals. from local residents (Martini et al., 2019).

In terminology the term Landreform has a very broad meaning. Therefore, landreform is often equated with Agrarian reform. Dorren Warriner said that basically land reforms require a land redistribution program for the benefit of those who work on the land and restrictions on individual rights to land resources (Zein, 2019). The implementation of the land reform program is an effort made by each country to make changes in the ownership process and increase productivity in land. In connection with the definition of land reform above, adapted from the objectives of holding land reform are (Dewi, 2002; Bakri, 2011; Isnaeni, 2017):

1. To improve the distribution of land; there are two dimensions for this purpose; First, there is an effort to create an equal distribution of land rights among landowners. This can be done through intensive efforts, namely by land redistribution; second, to reduce income differences between large farmers and small farmers which can be an effort to improve equality among farmers as a whole;

2. To increase and improve land use efficiency Land reform policy is a policy that must be carried out so that the economic development dilemma in an agrarian country is not hampered. In Indonesia the landreform program includes:

- a. limitation of maximum land tenure area;
- b. prohibition of absentee or land use ownership;
- c. redistribution of lands that are more than the maximum limit, lands that are prohibited from absenteeism, formerly self-governing lands and state lands;
- d. arrangements for the return and redemption of pledged land; e. rearrangement of agricultural production sharing agreements;
- e. determination of the minimum area of ownership of agricultural land accompanied by a prohibition on carrying out actions that result in the breakdown of ownership of agricultural lands into overly small parts.

3. EFFORTS TO OVERCOME LANDREFORM PROBLEMS

The implementation of land reforms in Indonesia has not escaped various obstacles summarized from several literatures, among others: (a). Community understanding (farmers or tenants) about the use and purpose of certificates as evidence of land rights is still low; (b). The lack of enthusiasm for land redistribution applications due to lack of understanding from the community about land certificates and the community also does not agree with the provisions of the land transfer period that has been determined by the National Land Agency or BPN, namely the transfer of new land rights may be carried out 10 years after ownership of the certificate; (c). Weather and location factors that hinder measurement (Syahyuti, 2004; Andreanto, 2014). This is because the circumferential measurements for the location of subjects and objects are carried out in the rainy season. So that the hilly topography is very difficult when measuring; (d). The process of arranging certificates is slow because the community has not completed administrative payments and the limited budget provided by the government, in addition to the lack of coordination between institutions authorized to redistribute land as a landreform object, and there is no coaching done by related parties to farmers receiving Redistribution after Redistribution; (e). Evidence of land ownership by recipient farmers is still weak, because recipient farmers do not re-register land for Redistribution, redistributed land has an average area of less than 1 ha, and a lack of understanding of recipient farmers towards redistribution activities. In addition, recipient farmers incur significant costs in making certificates, so many recipient farmers do not yet have certificates. Even though the certificate is strong evidence based on the principle of law in force in Indonesia on the ownership of a land (Aprianto 2014; Akdom 2018).

Some efforts in overcoming the problem of land reform in Indonesia are summarized from several literatures where one important component in natural resources should be controlled by the state is land which is the surface of the earth (Sulistawati et al., 2014). Land has an important meaning for the life of every human being, everyone in his life and even after death needs land, both for agriculture, building, planting forests and for other purposes. Land tenure arrangements are important to provide legal certainty and also provide limits on the control by the state or by individual citizens or communal. The regulation is mainly intended to avoid and resolve conflicts over land and agrarian conflicts in general.

Tenure according to a study is defined as a system of rights, rules, institutions and processes in regulating access and use of resources as the main key to distributing risks, costs and benefits (Fatimah, 2015).

4. MATERIAL AND METHOD

The results of the study were obtained from a literature review related to TORA in Southeast Sulawesi, which was assisted by open interviews and collect database with staff officer's government related to the program.

5. RESULT AND DISCUSSION

5.1 Policy in Implementing Landreform in Supporting the TORA Program in Southeast Sulawesi Province

Landreform implementation activities in support of the TORA program in Southeast Sulawesi Province is a synergy of programs from the Central Government which is coordinated with the local Regional Government, in this case the Forestry Service, Forest Area Strengthening Agency, National Land Agency, Regional Development Planning Agency, Cipta Karya Construction and Administration Ruan, Department of Agriculture and Animal Husbandry in the Southern Province.

5.2 Southeast Sulawesi Forest Service

1. Indicative decree based on Permenhut No.69 concerning community land entering forest areas: map of forest area locations for the provision of TORA.
2. Decree of inver team has been formed by the Governor through the Decree of the Governor which has been carried out by the Director General of Planning, KLHK. In the socialization inviting: Regent, Camat, Kades, Sekda. Members in the Inver Team Decree are: KLHK (Chair), BPN (Deputy), BPKH, Spatial Planning Agency, Environmental Agency.
3. In Southeast Sulawesi in general, forest land has been controlled by the local community.
4. TORA target for 2018 in Southeast Sulawesi Province is 40606 hectares, with the proportion of the following regencies: North Kolaka (8746 ha), East Kolaka (2300 ha), Konawe (4182 ha), South Konawe (8877 ha), Konawe Islands (13509 ha) ha), Kendari City (74 ha).
5. Total TORA is in 17 Kabu / City.
6. TORA target for 2019 is 23700 ha. Total TORA 64300 ha based on indicative maps.
7. Minister of Forestry Decree in 2012 is no longer in accordance with the conditions in the field. Many villages have occupied forest land for more than 20 years, but the regulation does not belong to the TORA, this causes conflicts between the community and the relevant regional government.
8. Constraints on the TORA program: there are no technical guidelines from the Central Government, the draft has not yet been signed, but the DFS has made an application to support the TORA program in Southeast Sulawesi.

5.3 Forest Area Inaugural Agency XXII Region

1. The TORA program in Southeast Sulawesi totals 120 thousand hectares. The target for 2018 is 70 thousand hectares, of which 40 thousand hectares will be proposed by existing villages or referred to as community sustainability through verification and verification. Whereas 30 thousand ha is an unproductive forest (non productive HPK) and this must have a proposal from the district government. For the non-productive HPK target in 2018 of 17 thousand ha, the remaining 13 thousand ha will be the target in 2019.
2. Based on the indicative map: identify the location of mastery based on satellite imagery.
3. Submission can be done individually and institutionally. Individuals are designated arable land and settlements, while institutions are designated as social and social facilities.
4. The TORA program in Southeast Sulawesi coincides with the PIAPS (Program of Social Empowerment).
5. The number of TORA villages in Konawe Selatan District (Konsel) there are 55 villages, which have only been entered into 14 villages.
6. In September through the Presidential Regulation issued a Minister of Forestry Decree as a follow-up to the indicative map that is valid until December 2017.
7. The socialization was carried out before the technical guidelines from the government were signed, this was also an obstacle to the TORA program.
8. Through PPTKH (Settlement of Forest Area Land Tenure), if there is a village that forgets to be proposed, then it is deemed not to qualify in the TORA program, because the proposal is only done once per district. Proposals based on indicative maps are estimated to still be able to change.
9. The proposal that starts from the bottom (village) is for protected / production forests, whereas if it is conserved it requires restoration.

10. In the TORA program, forests that are feasible or continue to be issued for the TORA program must pay attention to the following principle: Production forests are limited, while HPK are as reserve forests, and protected forests must consider slopes, land, heights, altitude, disaster-prone.

11. For protected forests, if the conditions are not suitable, then they will be restored for settlement. Where less than 20 years may only manage the land, but more than 20 years may have (legalization).

12. Testing whether the community has occupied more than 20 years, namely by: proof of imaging tests since 1997 in time series. Also needed to go down the field to synchronize between imaging maps with real conditions in the field.

13. The TORA target for 2018-2019 is considered to be heavy, for this reason the areas of forest are made. And there could be changes in the current conditions.

14. Perpres 88 specifically regulates TORA changes, but the reality in the field, the rules are not enforced, as well as the spatial process also does not apply.

15. Sustainability of forest area land certification will now be the target of the 2018-2019 TORA. So that the certified forest area will be annulled. Whereas for larger settlements = 2 years, it can be certified

16. For existing land migrants other than the local community, also do not have to be branded.

17. The management of certified subsidies is for less than 5 ha, but if more than 5 years, the certificate is not subsidized.

18. The need for technical support in the TORA program is 880 people, with the following details: 1 team = 500 ha, 1 day = 25 ha, 1 team = 20-23 days, 1 team = 11 people. So, once time down times need 11 x 23 days x 80 squads x 11 people.

19. The task of the inver team is to approve boundaries.

20. In the current TORA program has a case that is different between real and administration, for example once checked it really has been occupied since more than 15 years ago, but administratively it can be made more than 20 years. However, for settlements more than 2 years can be certified.

5.4 Southeast Sulawesi Province National Land Agency

1. BPN has carried out activities that support the TORA program, including: Agrarian Consortium, Individual consultant on land distribution and legalization, Geodesy coordination and regional planning, Task planning: task force, Socialization of abandoned lands ex HGU, Presentation of data related to TORA to the people who need it.

2. The duties of BPN to support TORA are as follows: Individual consultant Implementation of TORA or secretarial administration Agrarian Reform Consortium

3. Example of a successful TORA in East Kolaka Regency, a former HGU of oil palm is now turned into a cocoa plantation totaling 6370 ha.

4. According to BPN, when the HGU has been released it will become the country's right, in this case ownership can be controlled by the Pempus, Pemda and Pemkab.

5. The extent of TORA given to farmers depends on the number of farmers and the total land area of TORA available in 1 area, where this area is regulated by the local government. This location can change at any time, for example, there is a plan for the local government to make a social or social facility, so it can allow the location and extent of TORA land to change.

6. It is confirmed by BPN that legally there will be no land in a forest area that has been certified, except because of a "human error" error. However, for the former HGU, it was certain that there would be no land that could already be certified.

7. The TORA proposal for transmigrants is set by the Spatial Planning Office, the Transmigration Office and the Forestry Office. It often happens that transmigrants who have just come to occupy a certain forest area are instead made into TORA objects, while local people who have long occupied the land have not even entered into TORA objects.

8. According to BPN, the condition of the TORA both in the transmigrant area and in the local community area is quite safe to control, as long as there is no Provocator, the TORA program in Southeast Sulawesi is easy to condition.

9. Other examples of TORA programs are in South Konawe Regency and North Buton ex HGU of sugar cane companies.

5.5 Provincial Southeast Sulawesi Regional Development Planning Board (Bappeda)

1. According to Bappeda, the TORA program requires legal certainty, especially the running system, how BPN manages this TORA to fit its objectives. How is the synergy of agrarian reform in terms of funding and reform.

2. Referring to Law No. 23 of 2014, concerning Planning and Spatial Planning, the main tasks and functions of Bappeda include: conducting coordination affairs between other agencies related to the TORA program. In addition, Bappeda can arrange thematic operational studies, which are then coordinated with other relevant agencies. But in terms of policy, the existing common thread does not clearly mention TORA, but the program that runs more towards Agrarian Reform (RA).

3. Documents related to TORA in Bappeda are more academic in nature, with consideration to carry out the alignment process.

4. According to Bappeda the national priorities are juxtaposed with the priorities of the Provinces in sharpening the TORA program that has been carried out in the Regional Government compared to national program, making Bappeda must have a role in terms of facilitating between the Regional Government program (District / City) with the Pempus / national program.

5. The problem of implementation in the TORA program is that human resource capacity is still far below the standard, as a result for orientation in the development of agricultural planning itself there is still a lot of land that is overlapping.

5.6 Department of Cipta Karya Construction and Spatial Planning

1. The TORA program handled by the Office of TR (spatial) is more of an asset legalization.

2. HGU in Southeast Sulawesi can reach 30 years and can even be extended again.

3. According to the TR Agency: The map of indications made by Pempus is different from the condition of local communities who have lived in the area for decades, so there is often conflict between local communities and local governments, because often local people who have lived for decades but have not entered into the TORA target, while migrant communities who have only migrated for a few years or frequently moved to the TORA program easily.

4. The inver team at the TR Office has the authority to determine the location of the land or the size of the land, taking into account the slope of the land, etc.

5. Based on Perda No. 88, the TR Office has not been able to "interfere" in the ongoing TORA program process. So the TR Office cannot determine the distribution and allocation of TORA.

6. In the TORA program for asset legalization, there is an agreement made between the community and the local government, namely: land that has been given and legalized to the community must not be sold for any reason. And the people who are entitled to get TORA are those who have lived for more than 20 years in the region.

5.7 Departement of Agriculture and Animal Husbandry of Southeast Sulawesi Province

1. Management of TORA by Distan through the proposal from below, which is a proposal from Poktan (Farmer Group).

2. Proposals that enter the forest area and are used for food farming, will receive subsidies for production inputs.

3. There are cases in Kec. Baito, Kab. Konawe Selatan: although farmers cultivate food crops, but are carried out on forest areas that have not yet been released, the local government will not subsidize production inputs. However, what often happens is that: The local government does not know whether the farmer is growing food on a forest area that has been released or not, but assistance or input subsidies continue, but when the land is known to have not been released, then assistance or input subsidies will be stopped, even though a group of farmers in one stretch is doing rice field printing.

4. The target set by the TR Office for dry land is 10 thousand ha in 2018, the realization to date has been 6000-7000 ha. In addition, the PATB (New Plant Area Expansion) program which also supports agricultural development in Southeast Sulawesi has a target of 59200 ha and 200 ha of ponds.

5. The case of TORA in Southeast Sulawesi is quite phenomenal: there has been a misappropriation of the input subsidy assistance budget for the rice field print program. However, because the paddy field printing was done not in the TORA area, so the Poktan that received the assistance was finally caught in a legal case (imprisoned), even though what actually happened was after Poktan received the aid funds, there were a handful of people who used the funds for other purposes.

6. The average productivity of lowland rice in Southeast Sulawesi ranges from 4.2 - 4.5 tons per ha, while the productivity of paddy in dry land reaches 2.3 - 2.5 tons per ha. When compared with national average rice productivity, South-east Sulawesi has quite good productivity. Meaning: the potential of rice-field printing in Southeast Sulawesi is promising to help food self-sufficiency.

5.8 Case Example: South Konawe District Agriculture Office

1. Example of TORA in Wolasi sub district: there is a dam inside a 300-ha forest area which is inside a community forest area, but the Regional Government must still ensure whether the 300 ha area is included in the TORA program or not. However, the reality that occurs is, even though there is land that does not enter the forest area, the community still proposes TORA.

2. Agrarian Reform History in Konsel District: Since the 1970 / 1980s local people have been given a way for them to earn a living, so that they do not take land in forest areas illegally. However, the reality is that many people already had certificates through the local government bleaching program at that time. In fact, not a few of those who mortgaged certificates for collateral for their credit loans in banks.

3. The impact of the many people who already have a certificate, namely: people become lazy or unwilling to take care of TORA requests.

4. Total land certification in 2018 totaling 300 fields, the realization of this time only reached 100 fields, in the form of PPAT and certificates.

6. CONCLUSION

Although the TORA program in Southeast Sulawesi is slow, it can be seen that the efforts made by the regional government are related to the support of the central government. So in this case, the need for more intensive coordination between related agencies such as BPN, Bappeda, BPKH, Dinhut, Cipta Karya to the Agriculture Office. All plans in the program that have been prepared will be realized in accordance with the vision and mission at the beginning with the mutual coordination of all TORA program activities. The need for intense socialization and assistance to recipient farmers on the importance of the TORA program. Where, the socialization is needed, such as: requirements, objectives, impacts, and other vision and mission related to improving the welfare of local farmers in the use and control of TORA land.

Recommendations that can be given are the need for a priority location consolidation strategy and a workshop to accelerate the implementation of agrarian reform in the Southeast Sulawesi region. For example, by building a Center for Training and Education in the Village of Advanced Agrarian Reform. Where this goal is to equalize the interests of farmers, namely the struggle for land rights. The effort strategies that can be carried out include efforts to arrange agricultural production including livestock collectively, with the use of technology, seeds / seeds, fertilizers that are in harmony with nature, as well as diversity of food sources, fair access to food by considering local production and consumption patterns. Some of these factors must also be strengthened by the knowledge and skills of farmers.

In addition to the above reinforcement, it is also important that agrarian fighters and peasant unions are able to read political opportunities so that they can be utilized to accelerate the implementation of agrarian reform. All of these strategies must of course be coordinated appropriately and efficiently between program implementers and beneficiaries, in this case all relevant agencies up to the UPT and farmers.

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