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MULTI-ROLE COLLABORATION OF MINISTRIES AND INSTITUTIONS IN THE IMPLEMENTATION OF AGRARIAN REFORM IN INDONESIA

Sigit Santosa¹, Arditya Wicaksono², Romi Nugroho²

¹National Land Agency Regional Office of West Kalimantan ²Center for Research and Development, Ministry of Agrarian Affairs and Spatial Planning/ National Land Agency

*Email: sigit.santosa@gmail.com

Abstract: Agrarian reform is a homework that will not be completed only with sectoral approach. The real agrarian reform is not just dividing and legalizing the land, but making the land parcels have better access. This study used the collaboration theory of Russell M. Linden. The collaborative approach requires institutions to understand the basis of collaboration, create relationships, commitment and support among them built by collaborative leadership models. Agrarian reform must make Indonesian society better. Based on Linden's qualitative descriptive method, there are several steps that can be adopted so as to make it easier to implement agrarian reform. The support of the governor/regent regulations on the above rules which substantially support the agrarian reform program will accelerate the implementation of the program. In addition, the division of roles and functions in the access corridor of reform requires a concrete conceptual foundation, easy to understand and firm in the form of rules that are accepted by all parties. Furthermore, in order to obtain a comprehensive and effective solution, the roles of ministries / institutions, the private sector, the community, NGOs, academics and mass media summarized in stakeholders need to be built systematically so as to eliminate the complexity of agrarian problems in Indonesia.

Keywords: Agrarian reform, Collaboration, Welfare

A. Introduction

One of the nine priority agendas (Nawacita) which is the implementation of the Jokowi-JK Government's Vision and Mission is to improve the quality of life of Indonesian people through improving the quality of education and training with the Smart Indonesia program, and improving the welfare of the people with the Indonesia Works and Prosperous Indonesia programs by encouraging 9 million hectares of landreform and land ownership programs, subsidized village series (*kampung deret*) or low-cost housing projects

and social security for the people in 2019¹. The main milestone in the implementation of the land reform itself has actually begun since the issuance of Law No. 1 of 1958 concerning the Elimination of Particle Land, in an effort to end the colonial land legal system. The formation of Law Number 5 of 1960 concerning Agrarian Principles (UUPA) is a revolutionary program in the field of agrarian affairs called Agrarian Reform Indo-

¹ Nawacita Agenda of President Joko Widodo with Vice President Yusuf Kalla when he was elected as President of the Republic of Indonesia 2014-2019

nesia which includes five programs:

- Renewal of agrarian law, through legal unification with a national concept and provision of legal certainty guarantees;
- Abolition of foreign rights and colonial concessions;
- c. End the feudal exploitation gradually;
- Reform the ownership and control of land and legal relations concerned with control of land in realizing the distribution of prosperity and justice;
- e. Planning the supply and allocation of the earth, water and natural resources contained therein and their planned use, according to their carrying capacity and capability.

The fourth program, commonly called the land reform program. In fact, the whole Indonesian Agrarian Reform program is often called the land reform program. There is a term landreform in the broad sense and landreform in the narrow sense². Agrarian renewal in a limited sense is known as land reform, in which one of the most well-known programs is the redistribution of land (Bonnie Setiawan 1997, 3). Unfortunately, until now efforts to reform land tenure and ownership experiencing obstacles, so that the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) notes that ownership and control of land that is narrow and lame in the village is not something new. This condition triggers agrarian conflicts in the form of land disputes at the farm-household level, increased large-scale land tenure, unplanned land-use conversions and inconsistent and overlapping spatial planning. This not only impacts the community directly but also on government programs such as food security, public housing and the environment (Shohibuddin and Salim 2012), so it becomes a necessity to carry out agrarian reform as an effort to overcome inequality of tenure and land ownership as a source of the main problem, which ultimately leads to poverty reduction.

It is common to know that human resources in a country are proportional to the country's progress, more over supported by natural resources owned by the state which are distributed fairly and equally. However, it will cause problems if the distribution of ownership and control is not considered and intended for the welfare of the people. Experience of world history noted that the imbalance in land ownership and resources (Agraria) caused the most problems and misery for the people. On the contrary, the indication of prosperity of the people in a country is determined by the existence of equal distribution of agrarian ownership and control. The concept of prosperity of the people in the form of prosperity was put forward by Muhammad Hatta, the Indonesia former president, before the nation's independence, which included:

- a. Indonesian people live in the dimension of mutual help;
- b. Every Indonesian people have the right to obtain decent work and livelihoods;
- c. The economy is structured as a cooperation based on the collective principle;
- d. Sectors of production, which are important for the country and affect the life of the people, shall be under the powers of the State;
- e. Land belongs to the community, and every individual has the right to use as much land as necessary for him and his family;
- f. Possessions of people may not be a means of oppression of others;
- g. Impoverished persons and abandoned children shall be taken care of by the State (government).³

² During the new order, the Minister of Agrarian Affairs was simplified to the Directorate General under the Minister of the Interior. In 1968, a land redistribution program of more than 450 thousand hectares was distributed to 500 thousand families in Java. Recipients of agrarian reform obtained less than one hectare of land. According to Utrecht, the figure is unreliable because it does not take into account how much land is distributed and has been taken over again by the old owner openly or secretively. In this era, land institutions are more administrative in nature, so land redistribution is only limited to land distribution, lost in the essence of its soul that land is the source of life. At the end of the New Order era, the agrarian reform order was better than just administration.

³ RM. A.B. Kusuma 2009, *Lahirnya Undang-Undang Dasar* 1945, FHUI, Jakarta, p. 443.

Lipton (2009, 161) defines land reform as a statutory regulation aimed at the distribution of land ownership claims and agricultural land rights. It means what is carried out provides benefits to the poor by increasing the rights of granting and the amount of income received. Land tenure and ownership arrangements in various countries have in fact been implemented since the past. The reshuffle and structuring of the agrarian structure in the form of land was carried out to achieve prosperity especially for the farming community.

Agrarian reform is expected to be a solution to the problem of inequality and land tenure. To make agrarian reform a cornerstone of Indonesia's development, the implementation of agrarian reform needs to be based on a strong and comprehensive legal structure, in order to realize justice. In agrarian law, the legal structure is related to everything related to aspects of control and ownership of land and/or natural resources. At the policy level, the imbalance of the tenure and ownership structure of land and other natural resources is precisely caused by the absence of an official interpretation of the principle of state control over the land, water and natural resources contained therein as affirmed in Article 33 Paragraph (3) of the 1945 Constitution (Ida Nurlinda 2015, 9).

B. Initiating the concept of Agrarian Reform with collaboration

After the implementation of Presidential Regulation No. 86 of 2018 there is little seriousness among state institutions to participate in the implementation of agrarian reform. Real engagement is not automatic, but a basic frame already exists. The task force, involving the institutions from the central to the regional level, requires commitment and concrete steps. This study used a collaboration theory from Russell M. Linden, using a qualitative descriptive method that is supported by a variety of literature reviews and policy implementation. To know how the collaboration carried out, it must be known about how they understand the basis of collaboration, how the

conditions of the relationship between them, how support is given to them, and how the collaborative leadership of the leaders of the institution works.



Figure 1. Collaboration concept

If referring to Russel M. Linden in the early stages of agrarian reform, there are eight points that must be implemented in multi-role collaboration between governments (central & regional) and several parties involved in the initial stages as follows.

- Assessing Capacity and Needs
 In this initial facility, a work pattern and mechanism should be drawn up that emphasizes the function of the government agency unit. From this phase, it can be seen which agency will be a partner of the ATR/BPN ministry.
- 2. Building Relationships
 It is hoped that the Task Force as mandated
 by Presidential Regulation No. 86 of 2018
 will be the basis for all government agencies at the central level. If this happens, technical rules can be made simply and easily.
- 3. Developing Your Project Idea
 This stage is a crucial basis in which a macro
 target of 9 million hectares has been declared. The issue of breaking down these
 big targets according to the TORA scheme
 is not easy. There needs to be a middle
 ground to achieve compromise among vari-

ous sectors to reduce collisions by applying priority scale. This third phase is a very heavy phase because sometimes the demands of linear institutions are not in line in the sense of whether other institutions involved have put the same response to agrarian reform;

4. Finding Funds

Agrarian reform requires access. Building access to small communities is not an easy matter. The models, forms, and mechanisms that exist must be clear;

- 5. Implementing the Project
 In this stage, a jointly designed program is implemented.
- 6. Monitoring Progress Evaluating Success Whether some have succeeded while some have not, most importantly, this activity emphasizes control over the activities that have been carried out.
- 7. Monitoring Progress Evaluating Success

8. Sharing Successes

The last two phases are a form of continuity of ongoing programs that may not be successful at the beginning but will be some time to come.

Creating an ideal condition like that is indeed not easy because it needs harmonization between the objectives and the work rhythm which up to now still tends to be partial. Other than internal government (ministries/agencies), challenges also exist within the community. The diversity of the character of the community will have an impact towards the efforts to accelerate the values of Agrarian Reform. It needs high willingness and great struggle of the people to make it easier in achieving the goals.

The subjects of Agrarian Reform are also clear and classified. Classified subjects make the program planning that are rolled out and the acceleration of the optimization of available resources easy to conduct. To maximize the expected results, Agrarian Reform resources, in the form of physical distribution, requires qualified actors (owners), while in practice, human resources available mostly belong to the middle to lower

class. Therefore, there needs to be an actor playing a role to unite these two resources. The role built had better play on management organization whose managerial focuses on learning and innovation in regards to the potentials that exist in their environment. In general, many people are not aware that every environment has economic value, including in the Agrarian Reform activities. Only, to see such potential requires further identification and study. Providing access that makes it easier for communities to innovate and develop the potentials can be implemented if stakeholders can synchronize and coordinate their tasks towards empowerment. Ordered and systematic access becomes the capital towards acceleration in achieving goals in order to obtain the success of Agrarian Reform.

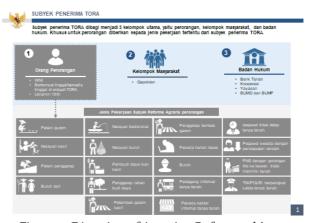


Figure 2. Direction of Agrarian Reform subjects (TORA).

Source: Exposure Material for "Increasing Reform Access for Agrarian Reform Program as Manifestation of People's Welfare and Justice", Deputy for Coordination of Energy Management, Natural Resources and Environment, Scientific Forum for Research and Development Center, Ministry of Agrarian Affairs and Spatial Planning/National Land Agency.

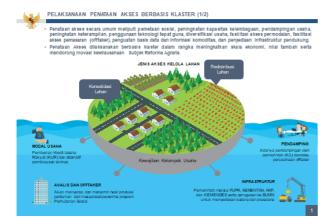


Figure 3. Implementation of cluster-based access arrangement (1). Source: Exposure Material for "Increasing Reform Access for Agrarian Reform Program as Manifestation of People's Welfare and Justice", Deputy for Coordination of Energy Management, Natural Resources and Environment, Scientific Forum for Research and Development Center, Ministry of Agrarian Affairs and Spatial Planning/National Land Agency.

To achieve this goal is indeed not easy. It even requires extra sacrifice of both energy and mind. Every aspect and requirement for the achievement of the goals of Agrarian Reform must also be fulfilled, nothing to be missed and eliminated. As an example of the implementation of the Agrarian Reform in the agricultural area, aspects that can be fulfilled starts from the management of local farmer groups, agricultural technology, superior seeds that are easily obtained, agricultural management models that have a sustainable basis and post-harvest guarantees covering transportation, storage and market. These things are seen as a form of access, although some of them can also indirectly be guarantors and strengthen the people receiving Agrarian Reform. Even so, the arrangement of access should not be conducted without a careful planning. Access can be said as a point that determines whether an Agrarian Reform program can be successful and can have an impact on the economy of the community or not. So far, the community run their business without direction. Therefore, it needs the role of government/agencies so that the private sector and other stakeholders can be mutually supportive and synchronous in traversing each level. Such practice is indeed difficult and also requires joint commitment, putting aside any kinds of sectoral interests. Furthermore, the control function in the form of control and monitoring as an evaluation is no less important because it serves as prevention while ensuring an activity on its path.

Another thing that is no less important, and is actually the beginning process of the success of the Agrarian Reform, is the principles of alignment, namely regulations, practices and policies that lead to the achievement of goals with emphasis on priorities. The government, concerning Agrarian Reform, should no longer hesitate to take sides, especially towards smallholders. Government needs to take sides in realizing a just and prosperous society and changing attitudes of the nation and state of Indonesia towards farmers and agriculture. Farmers are no longer a lower class. They must be appointed in accordance with their capacity as providers of food for mankind⁴.

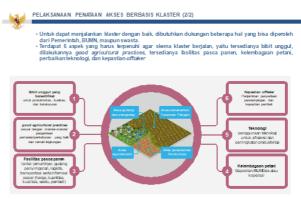


Figure 4. Implementation of cluster-based access arrangement (2)

The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency should consider sufficient conditions so that the implementation of Agrarian Reform can successfully achieve its objectives. Agrarian Reform is a government policy, legislation and program that is intended and carried out as a coordinated and systematic

⁴ FX. Sumarja 2019, a paper presented at the "Socialization of Agrarian Reform with Stakeholders in the Region" North Lampung Regency, 5 April.

operation to: (a) redistribute land, recognize claims and legalize land rights; (b) provide access to land use, natural resources and territories; (c) realizing sustainable land use; and (d) creating new productive forces for small-scale agricultural enterprises, individually at the household scale and collectively at community and business scale, both in villages and rural area. These four things are intended to increase the absolute, relative status, power and income of the poor (Lipton 2009). To argue that the Agrarian Reform can be successful, there are at least ten things that need to be managed by the government in a guided and systematic manner, namely: (1) constitutional mandate; (2) laws and regulations, and their enforcement; (3) agrarian reform implementing organizations; (4) agrarian administrative system; (5) court and conflict resolution mechanisms; (6) plan design and evaluation; (7) education and training; (8) financing; (9) regional government; and (10) community participation, especially rural people's organizations.

The challenge now is to complete all the necessary conditions for Agrarian Reform. The implementation of Agrarian Reform will not succeed without leadership and guided cooperation between ministries and institutions of the central government, regional governments, experts, and community institutions, including the people who will be the target beneficiaries. Each party does have its own share, but it will not succeed if each of them *merely* work together. Agrarian Reform can take place if all parties collaborate, make common cause overcoming weaknesses in the implementation, and facing obstacles to come.

Based on these strategic issues, the policy and strategy direction to take is that agrarian reform is carried out through land redistribution, legalization of assets (land certification), and at the same time complemented with community empowerment assistance to Small-Medium Enterprise (UKM) and low-income people (MBR), especially farmers and fishermen. These efforts can be achieved by strategies including: (i) Coordination of land redistribution locations and legalization of assets with community empowerment

programs; (ii) Development of agricultural technology and processing of agricultural products; (iii) Establishment and strengthening of microfinance institutions; and (iv) Establishing connections between farmers' businesses and UKM with the industrial world.

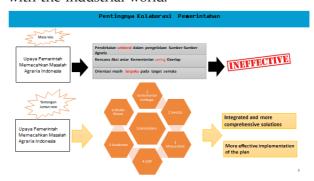


Figure 5. Multi-sectoral approach in Agrarian Reform

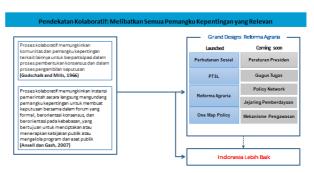


Figure 6. Agrarian Reform concept map with multisector approach

C. Collaboration potentials in West Kalimantan

West Kalimantan Province has a very large regional potential which, if appropriately planned, managed and developed, will be able to encourage regional progress while at the same time supporting the nation's economy. West Kalimantan Province with an area of 14.53 million hectares (7.53% of Indonesia area or 1.13 times the island of Java), which is the fourth largest province in Indonesia, has large regional potential.

Based on several regional socioeconomic indicators, West Kalimantan still ranks nationally. West Kalimantan's *Human Development Index* (HDI) is very low, 66.98, ranked at 29th after Papua, West Papua, West Sulawesi, North Maluku and East Nusa Tenggara. West Kalimantan Province is categorized as 'the poorest' among province

inces in Kalimantan Island with the highest percentage of poor population. Of the 2031 villages in West Kalimantan, there are 1 independent village, 53 developed villages, 372 developing villages, 1605 underdeveloped villages.

Land use in West Kalimantan Province is dominated by forests, which is 62.58%. Plantations cover an area of 16.82% and settlements are only around 0.31%. In terms of land area of oil palm plantations, nationally, West Kalimantan ranks second after Riau, with an area of 1.7 million hectares and a production of 3.5 million tons. With such a large area of oil palm plantations, both plasma and independent, it requires a great deal of attention in its development, management and revitalization so that it gives impacts on the welfare of the community. The main problem is the limited business capital. This is caused by the number of lands of oil palm plantations that have not been certified.

West Kalimantan Province has a forest area of 8,198 million hectares (56%) while the area of Other-Use Areas (APL) is 6.33 million hectares (44%). From the APL area, the number of parcels of land is 3,560,188 and the registered areas have only reached 1,701,806 (47.80%), means the areas that have not been registered are estimated to be 1,858,382 (52.20%).

Agrarian Reform has been carried out since 2015. Since 1945 until 2014, certificates of land rights that have been issued are only 1,161,582 or 36.2% of the total number of parcels. Through the Agrarian Reform program, the acceleration of the number of registered parcels has increased significantly. This can be seen from, during the period of 4 years from 2015 to 2018, the number of Land Rights Certificates issued which have reached 540,224 parcels or nearly 50% of the total number of parcels.

The potential of agrarian reform objects in West Kalimantan is quite large, including those originating from the release of forest areas through Inventory and Verification of Land Settlement in Forest Area (Inver PPTKH) activities based on Presidential Regulation No. 88 of 2017. Inver PPTKH activities have been carried out in 7 re-

gencies in 2018 and determined a yield of 65,087 hectares, consisting of 33,877.9 hectares for boundary changes and 31,209 hectares for social forestry (KLHK, 2019). The next source of agrarian reform objects is from the release of forest area from unproductive production forest covering an area of 15,188 hectares of rice field establishment of 27,271 hectares and 20% of forest area release for plantations. Other objects that are quite large as a source of Land for Agrarian Reform Objects (TORA) are neglected land and the release of Cultivation Rights (HGU).

The comparative advantage of West Kalimantan in the form of large land is imbalanced with the potential of its human resources. With a very large area, the population of West Kalimantan in 2018 is only 4,932,499 people. This means that the population density reached 34 people/km² or per 100 hectares. As a comparation, West Java has an area of ½ of West Kalimantan with a population 10 times that of West Kalimantan, means it has a population density of 1,358 people/km². This will be tougher to look at the socio-cultural conditions of the people of West Kalimantan with a relatively inadequate education, road infrastructure, telecommunications and electricity.

Regional and local governments in West Kalimantan also have limited capacity. This was seen in the West Kalimantan Provincial Government's APBD of 5.3 trillion or 1/6 of West Java. Another challenge is the lack of soil fertility so that it is more limited in the selection of agricultural commodities. In addition, agricultural market access is far from other provinces. Another challenge also comes from the dominance of oil palm plantations in West Kalimantan. At present, the area of HGU currently reaches 1.77 million hectares from 3.9 million hectares of Plantation Business Permits that have been issued by local governments.

Of the many challenges faced, there are potentials that support the success of Agrarian Reform in West Kalimantan. The first potential is the very large area of land originating from the release of forest areas, the release of HGUs and state land controlled by the community. The land

area potential is also supported by abundant water resources due to high rainfall. The second is the good commitment of local governments in supporting Agrarian Reform. This was realized from the formation of the Agrarian Reform Task Force at the provincial and 9 regency levels. Other support in the form of the Regent's Decree in financing the pre-certificated Complete Systematic Land Registration (PTSL) and Land Redistribution, field vehicle assistance, and measuring equipment.

The potential of oil palm plantations owned by community in West Kalimantan has been proven to be able to improve people's welfare. The oil palm market system, involving the off takers, has already been set up. In oil palm plantations, the implementation of the plasma core scheme should be carried out transparently and accountably. Plasma farmers should be certified through ownership certificates instead of HGU cooperatives. Through certificates of ownership, farmers will have more power and legal certainty over the plasma land. Farmers also have the opportunity to work on their own land and learn about modern plantation management.

Commodities other than oil palm which are quite productive in West Kalimantan are rubber gardens, fruits (oranges, durian, langsat), aloe vera, land and sea fisheries. Rice production in West Kalimantan is quite large with rice fields reaching 300 thousand hectares. Processing agricultural products will be able to add value and resilience selling to the market. The thing to think about is how to invite investors who are also off takers of these agricultural products.

The limitations of local government resources and the resources of the people of West Kalimantan require the support from the Central and Private Governments to maximize the potential of Agrarian Reform in West Kalimantan. Rearrangement or strengthening of governance for palm oil commodities needs to be improved. The development of market systems for other commodities also needs to be accelerated. Education and training for local communities become more urgent in addition to bringing advanced communities from other regions.



Figure 7. Distribution of Agrarian Reform programs in Indonesia

Based on the map, West Kalimantan Province has the biggest Agrarian Reform strategic program. Coordination between agencies/institutions must be improved further, not only limited to land aspects but also related to other aspects such as access to reform. There needs to be more careful planning, early mobilization and optimization of available resources. Some things have been well implemented and the targets have been achieved, such as regulations on Agrarian Reform (Presidential Regulation No. 86 of 2018), Agrarian Reform Task Force (GTRA) institutions both at the central and regional levels, land redistribution targets originating from the HGU land cluster ending, abandoned lands and other state land as well as the cluster legalization of community land assets. Coordination with all stakeholders, covering ministries/institutions, regional governments, business entities both government and private ones, universities, NGOs and community representatives is the key success of the implementation of Agrarian Reform. There is no problem in the capacity of Agrarian Reform program related to the legalization of assets because almost all regencies in West Kalimantan Province have the potential. As the main point, is how the situation of access to reform is, in which the biggest problem lies, because the form and model need to be adjusted to the ability of each regional characters.

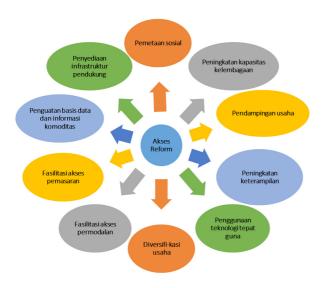


Figure 8. Model/form of access to reform

The implementation of the legalization of assets and redistribution of land refers to the applicable regulation. The proposed location of TORA can be from the Regional Government, NGOs and the community/GTRA. The recipient subject is determined by the Regent/Mayor. The structuring of access is coordinated by the GTRA in order to synchronize programs and activities whose implementation and budget is within the relevant Ministries/Institutions/Services that have entered as GTRA members. The structuring of access can be given before or after the structuring of assets in the coordination of the GTRA. Meanwhile, structuring of asset and structuring of access to reform are integrated in the database by name and by address.

D. Conclusions

- Agrarian Reform needs support from various relevant stakeholders that are formed in real terms based on regulations that are simple and easy to implement;
- b. At the level of the implementor, presidential regulation No. 86 of 2018 must be supported by governor/regent regulation which substantially support the Agrarian Reform program, as also a concrete evidence that the government at the lowest level has allocated resources for the community;
- c. The division of roles and functions in the access to reform corridor requires a con-

- crete and a clear conceptual foundation in the form of regulations that are accepted by all parties and have gone through a hierarchical level, resulting in to-do-lists for each level: the central and provincial government as well as regencies/cities;
- d. The success of agrarian reform absolutely requires synergy between several ministries that are concerned with the economy and social welfare: the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, local governments and third parties (companies/banks);
- e. Agrarian reform is not only a priority program of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, but rather as the one needed by Indonesian people, especially farmers, to be realized in order to make the people more prosperous.

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