

# REDISTRIBUTION OF COUNTRY LAND AS LANDREFORM OBJECT FOR SUPPORTING THE REFORMA AGRARIA LAND OBJECT (TORA) PROGRAM IN WEST JAVA PROVINCE

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## Abstract

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 (residents) who need land for various life activities and supported by progress and economic, socio-cultural and technological development causes the demand for land to be available in large quantities such as for housing, factories, plantations, livestock, offices, entertainment venues or roads that connect one place to another, all of which require a large amount of land. Therefore the longer the land is felt to be increasingly narrow, becoming less, while the demand for land is increasing. Imbalance between the availability of land and the need for land, has caused many problems, which sometimes the problem is very difficult to find a solution.

There are main four problems agrarian 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 m<sup>2</sup> per capita. This figure is much lower for example compared to Thailand which reached 1870 m<sup>2</sup> per capita and Vietnam 1300 m<sup>2</sup> per capita (Syahyuti, 2004).

## LANDREFORM IMPLEMENTATION LAW IN INDONESIA

Earth, water, and space along with the natural wealth contained therein is a gift from God Almighty for all Indonesian people. Therefore, the use of the earth, water and space should be aimed at achieving one of the ideals of the nation, namely prosperity and prosperity for all Indonesian people. This was also stated in Article 33 of the 1945 Constitution of the Republic of Indonesia.

Agrarian Reform, according to Article 2 TAP MPR RI Number IX / MPR / 2001, is a continuous process, to restructure the control, ownership, use, and utilization of agrarian resources, with the aim of achieving justice and prosperity for all Indonesian people. Unfortunately, the Landreform program which was then regulated in Law No. 56/1960 was considered less successful in achieving the goal of improving the living standards and incomes of farmers, especially small farmers and land tenants (Sulistiawati and Zain 2014).

The implementation of the TORA Policy in 2016 is as follows: First, we can see that on 7 April 2016, the Government of Indonesia through the Ministry of Agrarian Affairs and Spatial Planning issued Minister of ATR Regulation No. 18 of 2016. Article 3 of the regulation establishes restrictions on ownership of agricultural land for individuals, such as 20 hectares maximum for non-dense areas and 12 hectares maximum for less dense areas. This provision is further strengthened by the obligation that land can only be transferred to other parties domiciled in 1 sub-district where land is located and must indeed be used for agriculture. According to Tigris (2016), this policy is very good because many people have rice fields in the village but instead live in cities, which ultimately results in untreated land or economic benefits from land not being included in the development of the area where the land is located. This regulation prevents something like that from happening again.

Second, on April 14-18, 2016, a Multilateral Meeting was held at Bappenas, which resulted in a "National Agrarian Reform Priority" program. Bappenas set several priorities in order to carry out agrarian reform in terms of food sovereignty, namely: 1) Strengthening the Regulatory Framework and Settlement of Agrarian Conflicts, where an assessment of laws and regulations that support agrarian reform, in cases of agrarian conflicts, compiling opinions and agrarian conflict recommendations, rights assessment, agency oversight in carrying out these recommendations, and mediation; 2) Restructuring and Ownership of Land for Agrarian Reform Objects ("TORA"), which will be identified in advance to the lands that become objects, such as Forest Areas to Be Released, abandoned lands, and also to identify the subject of beneficiaries of agrarian reform; 3) Legal Certainty and Legalization of Rights to TORA, where improvements are made to mapping officers and reform officers in the District / City, increasing coverage of basic land maps, increasing coverage of certified land parcels for poor people through legalizing assets, publicizing forest boundaries, legalizing transmigration lands, and socialization of communal land; 4) Community Empowerment in the Use, Utilization and Production of TORA, which will coordinate the location and target of TORA empowerment, provide technology and facilities for agricultural, livestock and plantation production, and provide capital assistance and facilities; 5) Allocation of Forest Resources for People-Managed, where data collection and mapping of forest resource allocation are conducted, determining the allocation of

forest use by the people, empowering the community to manage forests, providing institutions and implementation costs, and strengthening the rights and access to forest exploitation to the community; 6) National and Regional Agrarian Reform Implementing Institutions, where technical guidelines and implementing task forces are formed at the central and regional levels. Then the Perpres of institutions providing land for the development of public interests will be drafted in line with the priority of providing land (Sucianti 2004; Nurjannah 2014, Anida et al 2018).

## PERFORMANCE OF LENDREFORM IN WEST JAVA PROVINCE

### Case in West Java

#### Cianjur Regency

There are 29 PBS + 4 PTPNs (commodities of tea, cocoa, palm, rubber) in Cianjur that were made for the TORA program. Case: Gede Pangrango National Park originally had Perhutani, but because it was neglected it was finally controlled by the local community and as if owned by a local community, to be planted with upland rice and huma. Case: existing community forestry is privately owned and subsidized by forest plant seeds, with the aim of training and educating forest farmers. Production input subsidies are given to farmers whose land is less than 2 hectares, usually for tea and palm plantation commodities. Case: of 300 thousand hectares of HGU holders, which have been redistributed around 215 thousand hectares, but those that have been existing (controlled by the local community) are around 98 thousand hectares. The purpose of TORA in Cianjur is to see the income from the land area, not for legal ownership. TORA regions that are ready to redistribute include: Karya Mukti Village, Kec. Cibinong; Cikreng Village (2000 hectares), Pacet Cipanas.

#### Sukabumi Regency

LTT target for 2018 in Sukabumi Regency is 75 thousand hectares for corn and rice. Example of community plantations for TORA PT. Bogor Indo, rubber commodity. There are 200 thousand hectares of abandoned land ex HGU in Sukabumi Regency, plans to print paddy fields, land over functions: dry land to become wetlands. Target of 60000 hectares of LP2B (Sustainable Food Agricultural Land): the realization of a statement from farmers to make 10000 hectares of paddy fields, one of which is in Cijampang. Land certification through PTSL (Complete Systematic Land Registration). The aim of LP2B is to make farmers willing to engage in food, Distan provides input subsidies and makes it easier to pre-certify land. The target of the Sukabumi Regency BPN is 60000 hectares of land certification, the realization to date (April 2018) is only hundreds of hectares, using a third party. Case: there is ex SHGB P | T land. Darpati, Kec. Caringin is 42 hectares for non-agriculture, which is to be used as a training ground for the TNI. There are around 423 thousand hectares of LP2B land in Sukabumi Regency. Phenomenon in Sukabumi District: 80% of women work and only 20% of men work. This makes the district government of Sukabumi Regency anticipate that the TORA program should not just divide the land and then after it is legalized, the land is sold. In 2017/2018 a review (PK) was carried out in the 2012 Regional Regulation, around 20% of the articles were changed.

In 2018 the target of 64,000 fields to be certified through PTSL, the realization of 1200 new bidding until April 2018, due to waiting for instructions from the Regional Office. SKB 3 ministers in Sukabumi Regency: facilitating ex HGU, PTSL financing and legal umbrella through Perbup (Regent Regulations). For redists (the TORA program) obtained from ex HGU or abandoned lands (but in BPN the status is not "abandoned land", but "abandoned indications." Case: there are around 292 hectares of land ready for redistribution (TORA) which is ex PT Tibar and has been sporadic. recorded for 1000 people Ex PT Tibar constraints: civil rights rules for the old manager, which will prioritize land use for the old manager on the grounds that although the company has contributed a lot to increase investment in Indonesia, PTSL is not identical to TORA, more precisely not TORA, because it prioritizes ownership of land rights (legal certification) Case: ex PTPN I HGU has expired since 2013, from 2011 has submitted an extension to BPN Sukabumi Regency, but until April 2018 the progress is unclear Case: from 400 hectares of land ex PT Tibar, about 300 hectares are required to be redistributed, but to date only 292 hectares have been counted ready to be redistributed, but in fact until this April has not been done by the redistribute. Because the RTRW Office also has not agreed to redistribute the land of ex PT. This Tibar, is considered to trigger farmers or the community will sell the land after being certified. So that the TORA program will not have an impact on the development of food agriculture (food self-sufficiency).

Cases that have occurred so far: PTP tends to be slow in taking care of the process of extending its land use, so that after being "occupied" or "controlled" by the local community, there is a commotion / fighting over the land. The case above is anticipated by the Regional Government by submitting it to the Ministry of ATR / BPN, so that the redistribute is given its management to the Regency Government, not directly to the community / farmers. Thus avoiding farmers selling land that has been redistributed. Redist feels the benefits if the management is done communally rather than community.

Other cases in Jampang Kulon, there are 300 hectares of land ready to be redistributed, local people have occupied it in free state land determined by the Central BPN. The nego tool for the RTRW Office is the recommendation letter to the BPN (Central), but it is often too late to submit the letter, because the letter is usually submitted to the Central BPN after the ex HGU extension process by the relevant PTPN. Another case: the local community has taken control of the abandoned land that had been left by the company (PBS) before (PT. Pasir Datar Indah), even the local community has a HGB certificate. What has been done by the Department of RTRW of Sukabumi Regency so far is to provide information to person to person who comes to visit there to legalize (certify) their land. Ex HGU LP2B in 2014 is still being reviewed, through Perdes (Village Regulation) there are 13000 hectares that are ready to redistribute from the total target of 64,000 hectares, but in that which already exists there are 39,000 hectares of the 64,000 hectares. The existing 39,000 hectares of land requested by the Ministry of Agriculture in the Regency of Sukabumi Regency, will be checked whether the requested land is in accordance with the mapping conducted by BIG (Geospatial Information Agency). According to the Regional Forestry Service Branch Office District III of Sukabumi Regency: there are ex HGUs that are recognized by Plantations and Perhutani, namely conservation forests, protected forests and production and inhutani forests.

#### Bandung Regency

The main activities of the Pandeglang Province BPN are TORA and LP2B (Food). Land indicated abandoned many have become concrete. In 2016, more than 3,000 hectares of forest were released. For example, in Pandeglang district, 47 hectares are communally organized as agricultural plots, the 2018 target has been completed. Granted 225 people who do not have land as many as 225 families (family head). This is a fresh land called "Paniban". BPN directly became the verification team and the implementation team. After the certificate was issued, the 47 ha of land was built by the Housing Department. This case is in Panimbang Subdistrict, where the people know in advance which plot they own and which will then be built houses. The plan for June 2018 has completed the house certificate and will be distributed directly by the Minister. Comparison of the national certificate target in 2018 totaling 350 thousand fields, Pandeglang totaling 8000 fields. The target for certificates in 2019 will be 1.5 million, Banten will reach 35 thousand.

According to the regulation Permen No. 7 of 2017 concerning HGU that the HGU that has expired will not be extended again. Also supported by the rules of the Head of BPN Law No. 27 of 2017. The fact is that the TORA scheme for transmigration, asset legalization, the release of forest areas, ex-HGUs and abandoned land can only be utilized for 175 thousand ha out of the 700 thousand hectares planned, this is due to considering the slope of the land, etc. Constraints: there is no agreement between the Director General of Planology (KLHK) and the Director General of Planning (BPN). However, to overcome this, the Agrarian Reform task force was created and the Technical Guidelines were designed. Case: there are 9 claims about abandoned land, but in reality BPN always loses. The cause of BPN's loss to the lawsuit was due to improper abandoned land designation procedures, for example letters sent incorrectly and did not follow procedures stipulated in the Act. The target certificate is 40 houses in 2018 in Lebak, where the agriculture service provides food seed assistance, the fisheries service provides catfish seedlings. The verification team is chaired by the Regional Secretary. In BPN agricultural certificates are carried out communally, while housing certificates are given individually. Examples of ex-HGU former oil palm plantations in the districts of Serang, Pandeglang and Lebak, Kota Tangerang, Cilegon and Pandeglang have not been extended and will be distributed to local communities. For HGUs that still meet the extended requirements must set aside a minimum of 20 percent of land for TORA.

### Pandeglang Regency

The land consolidation program in Pandeglang District is an abandoned or abandoned land by the previous company. The TORA program is the president's promise in distributing land to farmers. So the Governor of Pandeglang's suggestion is that farmers be given land, because the average farmer's land in Pandeglang is only around 0.2 ha. Cases that occur in Pandeglang Regency, for example the former HGU land left by the entrepreneur, can have 2 permits (HGU certificates) in the same land. It also happened: there was 1500 ha of land available, but only 700 ha could be cultivated, even when there was a shootout between the people because the take over process had not been completed in years. The one HGU license is for growing food crops and has obtained a permit from the local government, but under the land planted by such food plants is stored natural wealth in the form of a gold mine, and has been granted by ANTAM, the permit is obtained directly from the central government.

Confusion about the TORA in the database also occurred, for example land use data were not available at the BPN, but from BPS (the Central Statistics Agency) could issue data related to land use change. The Minister of Agriculture has used satellite imagery in Pandeglang, where 300 hectares of vacant land can not be planted, how about a case like this: "land is no man's land, but man's land". Distan Pandeglang's expectation on the results of the TORA PSEKP study is that the output is more "kicking", not only as a "table wedge".

There is a strategic plan related to land in Pandeglang which is regulated by a local regulation governing state land, namely regarding the design of the old Pandeglang area, government area and city area. The strategic plan drawn up by the Pandeglang Spatial Planning Office regarding sustainable food agriculture experiences data bias (confusion) in terms of data, where the data presented is related to the TORA between the Ministry of Home Affairs, the Ministry of Home Affairs and the local government. Based on the central policy that supports the central strategic projects that have been realized by the Office of Land Use, including: building houses in Kotamaja District, Lebak Regency and Rangkasbitung Regency. Particularly in Lebak Regency, the well-known entrepreneur Ciputra built 1000 units of low-cost housing using satellite imagery, the former HGU land.

The concept of TORA in the Spatial Planning Office basically only refers to 2 main things, namely: Housing which is a place to live, and Settlements which are houses, public facilities (public facilities), social facilities (social facilities), business areas, industrial areas. Protected forest is a protected area of cultivation, may not switch functions. Example: the Bedouin tribe still preserves cultural heritage, so that TORA land can be used to manage agriculture. The regional spatial authority is in the local government in this case the PUPR Office, while the BPN focuses on the physical land itself, KLHK in this case the Social Forestry Program (PS) focuses on land management rights / not ownership rights. Many TORAs have been realized in Pandeglang District, Bendungan District has just been realized.

Cases that also occur in Pandeglang are: local communities around the TORA land have 100-200 m<sup>2</sup>, but because the land has never been controlled by the government, many local communities have finally built houses, the local government should have anticipated this by buying the country's lands before finally being controlled by local people for free. To secure the LP2B program, stop clashes between the community and the government. The government in question is Agriculture, Industry and Mining. Problem: unequal public welfare. For example: in Lebak, many investors invest their money to grow crops because in that area workers' UMR is cheaper than in Serang to Halimun, so that Serang to Halimun will build a toll road.

### **FACTORS IN IMPLEMENTING LAND REFORM ACTIVITIES**

UU no. 5/1960 on Agrarian Principles (UUPA) is a milestone for the State to carry out Land reform in Indonesia. A number of preparations were carried out specifically as stated in articles 7, 10 and 17. These three articles are respectively about land ownership restrictions, absentee ownership and giving authority to the State to distribute these lands to those who need and want to manage them. All three must be completed in the span of time until 1964.

To strengthen the legality of the process, a policy on setting the maximum and minimum land tenure was also issued. UU no. 56 / PRP / 1960 emphasizes the limits of control of agricultural land by families (not those controlled by legal entities) by looking at

geographical factors and demographic conditions (not dense and dense) areas throughout Indonesia. The control of agricultural land in question is the control of land by one family, whether the land belongs to his family or the property of another person or a mixture of both, including considering the condition of the land, whether wet land (rice fields) or dry land (gardens) or both. In more detail in each district (at that time it was called the Swatantra II area), which areas were included in the 'not dense' and 'dense' categories and what their maximum area was listed in Minister of Agrarian Decree No. 978 / Ka / 1960 concerning Affirmation of the Maximum Area of Agricultural Land (Rongiyati 2013).

In addition to the maximum limit, the government also regulates the minimum limit of land tenure by farming families. UU no. 56 / PRP / 1960 then emphasized that each farming family has a minimum of 2 hectares of land for their agricultural activities. The land reform program then, for one thing, relied on every citizen who owned land exceeding the maximum limit based on the above regulations. Operationally, those who have excess land are required to report to the local government at the regency / city level, to then complete the process of surrendering land beyond their control by the government or local authorities. In addition, the government is also authorized to take over land whose owners live outside the area, which is essentially that every landowner is obliged to work on his own land or a ban on absenteeism (land guntai). Other land sources for the land redistribution program to farmers are swapraja lands and former swapraja lands that have been transferred to the State, as described in the LoGA, and other lands that have been declared by the Minister of Agrarian Affairs. These lands then came to be called Land reform Land objects that were intended to be distributed to all Indonesian people so that they could control land for their livelihoods (Muderana 1997, Djatnika 2010).

The distribution process is then regulated by a set of rules to ensure equally and fair distribution. One of them is Government Regulation No. 224/1961 concerning Implementation of Land Distribution and Giving Compensation. In Article 8, this regulation is affirmed 9 criteria for land reform recipients of Land reform objects, namely cultivators, farm laborers, workers who are working on the land, cultivators who have not reached 3 years working on the relevant land, cultivators who work the land owner rights, land tenants which the State has been given another designation for, cultivators whose land is less than 0.5 ha, land owners less than 0.5 ha and other farmers / farm laborers. The entire process of identification of land reform objects and the list of recipients that match the targets in the legislation is prepared by the Land Reform Committee in each district / city regulated by a presidential decree (Safitri, 2018).

For those who are included in the list of recipients of land objects Land reform will receive ownership rights to the parcels of land with certain conditions. In PP No. 224/1961 stipulates that they will receive the legality of the land within a period of 15 years, after paying installments for the purchase of the land. And during this time period it is not permissible to transfer their control without the permission of the authorized official, and the most important thing is that they have to work on the plot of land themselves.

The redistribution process began in early 1962. After all the preparations were made for a year, all Land Reform committees appointed to carry out the next function were to distribute agricultural lands to those entitled. The process is divided into two stages, first for regions in Java, Madura, Bali and Nusa Tenggara, and the next phase for other islands in Indonesia, namely Sumatra, Kalimantan and Sulawesi. Overall, the implementation of Land reform took place from 1960 to 1969, from the time of preparation to the redistribution of land to the recipient's subjects. This time period exceeds the time limit set by the government when it was set in 1960 (Dewi, 2002).

### **Efforts to Overcome Landreform Problems**

Based on the existing problems, there are several steps in handling the problems that occur in Land Redistribution of Landreform Objects, among others (Dewi 2002, Falahi 2014,):

1. The agrarian renewal model by taking into account and considering the physical, social, economic and local political, socio-cultural, object and subject developments are: a. Cooperative & SME empowerment models; b. Pure Private Model.
2. There needs to be an increase in the number and mobilization of human resources and other available resources, given the size of the land being reviewed is quite extensive in West Java Province.
3. There needs to be supervision or monitoring carried out at each stage of the activity so that all processes are in accordance with the norms, standards and procedures specified in the legislation.
4. There needs to be an approach to the West Java Provincial Government and the coordination of relevant agencies in the implementation of land redistribution activities through invitations to socialization and meetings.
5. It is necessary to provide guidance to Redistribution recipient farmers, by means of developing and maintaining infrastructure of production facilities and infrastructure, roads, irrigation, processing of agricultural products, markets, clean water, electricity, social facilities, and conducting coaching subjects, namely fostering farming, learning and facilitating access to capital and marketing.
6. Efforts to improve land equity; There are two dimensions to this goal: first, there is an effort to create equal land rights among landowners. This can be done through intensive efforts, namely by land redistribution; secondly, to reduce income differences between large farmers and small farmers which can be an effort to improve equality among farmers as a whole.
7. Increasing and improving the usability of land use.
8. Policy on maximum land area restrictions.
9. Policy prohibits land ownership in a manner absentee or guntai.
10. The policy of redistribution of land that is more than the maximum limit, lands that are affected by the prohibition of absenteeism, former swapraja lands and state lands.
11. Regulatory policies regarding the return and redemption of pawned lands.
12. Policy on the rearrangement of agricultural production sharing agreements.
13. The policy to determine the minimum area of ownership of agricultural land is accompanied by a prohibition on carrying out actions that result in the breakdown of ownership of agricultural lands into overly small parts.

## Concept And Implementation Of Tora Programs In West Java Province

### West Java Provincial Forestry Service

Indicative decree based on Permenhut No.69 concerning community land entering forest areas: a map of the location of forest areas for the provision of TORA. Decree of inver team has been formed by the Governor through the Governor's Decree 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 (Representative), BPKH, Spatial Planning Office, Environmental Agency. In West Java in general, forest land has been controlled by local communities. The TORA target for 2018 in West Java Province is 40606 hectares, with the proportion of the following regencies: Cianjur (8746 ha), Sukabumi Regency (2300 ha), Bandung (4182 ha), Pandeglang (8877 ha), Garut (13509 ha), Sumedang (74 ha).

Total TORA is in 17 districts / cities. TORA target for 2019 is 23700 ha. Total TORA 64300 ha based on indicative maps. Decree of the Minister of Forestry in 2012 is no longer suitable to 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. 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 West Java.

### Java Region Forestry Inaugural Agency

The TORA program in West Java totals 120 thousand hectares. The 2018 target is 70 thousand hectares, of which 40 thousand hectares are proposals from existing villages or referred to as community sustainability through verification and inver. 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. Based on the indicative map: identify the location of control based on satellite imagery. Submission can be done individually and institutionally. Individuals are designated arable land and settlements, while institutions are designated as social and social facilities. The TORA program in West Java coincided with PIAPS (Program of Social Empowerment). The number of TORA villages in Bandung Regency is 55 villages, 14 of which have just been entered.

In September through the Presidential Regulation issued a Decree of the Minister of Forestry as a follow-up to the indicative map which is valid until December 2017. The socialization has been carried out before technical guidelines from the pempus are signed, this is also an obstacle to the TORA program. Through PPTKH (Completion 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. The proposal that starts from the bottom (village) is for protected / production forests, whereas if it is conserved it requires restoration. 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. 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 those who have more than 20 years may own (legalize). Testing whether the community has occupied more than 20 years is by way of: 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.

The TORA target for 2018-2019 is deemed difficult, for this reason, the forest area is made. And there could be changes in the current conditions. Perpres 88 specifically regulates changes in TORA, but the reality in the field, the rules do not apply, as well as the spatial process also does not apply. 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. For existing land there are migrants other than the local community, also not necessarily branded. Management of certified subsidies is intended for less than 5 ha, but if more than 5 years, the certificate is not cultivated. 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 that one time down requires 11 x 23 days x 80 squads x 11 people. The task of the inver team is to approve boundaries. In the current TORA program it 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. But for settlements more than 2 years can be certified.

### West Java Province BPN

BPN has carried out activities that support the TORA program, including:

- Agrarian Consortium
- Individual consultants regarding 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

The duties of BPN to support TORA are as follows:

- Individual consultant
- Implementation of TORA or secretarial administration
- Agrarian reform consortium

Example of a successful TORA in the District of Sukabumi, the former HGU of oil palm is now turned into a cocoa plantation of 6370 ha. 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. 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 and social facilities, so that the location and land area

of the TORA can change. It was ascertained by BPN that legally there would be no land in a certified forest area, except because of a "human error". However, for the former HGU, it was certain that there would be no land that could already be certified. 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. According to BPN, the condition of the TORA in both the transmigrant area and in the area of the local community is quite safe to control, as long as there is no Provocator, the TORA program in West Java is easy to condition. Other examples of TORA programs are in Pandeglang Regency and Sukabumi Regency, former HGU of sugar cane companies.

#### Bappeda of West Java Province

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. Referring to Law No. 23 of 2014, concerning Planning and Spatial Planning, the main tasks and functions of Bappeda include: carrying out coordination matters among 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 common thread that does not clearly mention TORA, but the program that runs more towards Agrarian Reform (RA).

Documents related to TORA in Bappeda are more academic in nature, with consideration to carry out the alignment process. According to Bappeda the national priorities are juxtaposed with the Provincial priorities in sharpening the TORA program that has been implemented in the Local Government compared to the national program, making Bappeda must have a role in terms of facilitating between the Regional Government program (District / City) with the Pempus / national program. The problem of implementation in the TORA program is that human resource capacity is still far below the standard, consequently for orientation in the development of agricultural planning itself there is still a lot of land that is overlapping.

#### West Java Province Resettlement and Housing Agency

The TORA program that is handled by the TR Office is more about asset legalization. HGU in West Java can reach 30 years and can even be extended again. According to the TR Agency: The map of indications made by Pempus is different from the condition of local people who have lived in the area for decades, so conflicts often occur between local communities and local governments, because often local people who have lived for decades but are not included in the TORA target, while migrants who have only been around for a few years or moved frequently can easily access the TORA program.

The inver team at the RT 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. 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. In the TORA program for the legalization of assets, there is an agreement made between the community and the local government: 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.

#### Department of Agriculture and Animal Husbandry of West Java Province

Management of TORA by Distan through the propose from below, which is a proposal from Poktan (Farmer Group). Proposals that enter the forest area and are used to grow food will receive subsidies for production inputs. There are cases in Kab. Bandung: 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.

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 program (Expansion of New Plant Areas) which also supports agricultural development in West Java has a target of up to 59200 ha and 200 ha of ponds. The case of TORA in West Java 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. The average productivity of lowland rice in West Java 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, in West Java has quite good productivity. Meaning: the potential of rice field printing in West Java is promising to help food self-sufficiency.

#### **CONCLUSION**

Landreform Implementation Policy In Supporting The Tora Program In West Java that the existence of Agrarian Reform programs that are broad and include structural overhaul, poverty reduction, improvement of quality of life, and food security are positive things because Agrarian Reform is not just about distributing land to the community. Then the positive thing that we can see is that Jokowi-JK has learned from the mistakes of the previous government which only focused on Agrarian Reform on conflict-free lands, and instead is now trying to resolve these conflicts.

So, it can be delivered is that in the 2014-2019 period the Government has tried to prepare for the implementation of the promised Agrarian Reform through various stages of planning. But indeed until now there has been no program from the Government that runs in the context of Agrarian Reform or Land Reform. However, outside the context of whether there has been an implementation of Government policy or not, there are also problems on the other side that might arise. The government at the same time emphasized the urgency of the presence of foreign investors and provided convenience services for investors, in the form of one stop service. Indeed, on the one hand it is very good for general economic development, but this is also the same thing done in the previous

period (2009-2014) and the data prove that increasing economic growth does not have a positive impact on agrarian reform issues. This actually increases the rate of land grabbing and agrarian conflicts, especially among small farmers. So here the government in implementing Agrarian Reform must try to find the right balance between investment for development, and agrarian reform for the advancement of Indonesia's land sector.

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