

LAND REDISTRIBUTION ARRANGEMENTS AND ITS CHALLENGES

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Abstract

The difference in understanding the actual redistribution of land can be resolved by looking at the provisions on land redistribution in Government Regulation Number 224 year 1961 for the Implementation of Land Granting and Compensation. The arrangements and provisions regarding land redistribution have been regulated in Government Regulation Number 224 year 1961 for the Implementation of Land Granting and Compensation. This means that it remains to be seen whether the Government in conducting land redistribution is in accordance with Government Regulation Number 224 year 1961 for the Implementation of Land Granting and Compensation or not. If the Government in carrying out the redistribution of land is in accordance with Government Regulation Number 224 year 1961 Implementation of the Land Granting and Compensation, the government can be said to have done land redistribution. Whereas if the Government in conducting land redistribution is not in accordance with Government Regulation Number 224 year 1961, the Implementation of Land Granting and Compensation, the Government in carrying out the redistribution of land has not been correct.

A. INTRODUCTION

Indonesia is a nation that has actually existed since ancient times. Indonesian people who have existed since ancient times lived peacefully in accordance with the traditions they did. The legacy of the ancestors of the Indonesian people has made the Indonesian people prosperous. This can be seen from the existence of histories about the kingdoms in Indonesia that are so large. The kingdom of Sriwijaya and Majapahit was proof that the Indonesian people are a great nation.

The existence of colonialism that occurred in the Indonesian people made the life of the Indonesian people turn around. The Indonesian nation is not the owner of its own land but is colonized in its own land. Date 17 August 1945 is a historic date for the Indonesian people. The Indonesian nation declared itself an independent Indonesian state.

The consequence of an independent country is that the Indonesian state has the power to carry out the life of the state freely. The wealth of the Indonesian state can be utilized by the Indonesian state as well as possible. We all know that the country of Indonesia is a country that has a vast sea and a lot of wealth in the sea of the Indonesian state. No wonder the country of Indonesia is called a maritime country.

Besides being a maritime country, Indonesia is also an agricultural country. The land owned by the Indonesian state is vast. This can be seen from the number of islands in Indonesia and the large number of islands in the country of Indonesia. But the large amount of land in the country of Indonesia turned out to lead to uneven land ownership. News related to land ownership by a handful of people in Indonesia is currently being discussed. The handling of land by a handful of people in Indonesia can be seen from the 10% of people who control 40% of the land and 30% of the people control 70% of the land. This condition certainly causes inequality and inequality. Even distribution of land tenure indicates that it has not happened in Indonesia (Subarkah, 2018).

The program for distributing land certificates carried out by the Government still received criticism. The criticism states that what should be done by the government is to conduct land redistribution. The criticism was then replied by the Government. The government stated that land redistribution had actually been carried out. The government has redistributed 4.5 million hectares of land. Even the government does not only conduct land redistribution. The government also legalized the land through a certificate distribution program (Jannah, 2018).

From the data described, this indicates a difference of opinion related to land redistribution. There are parties who claim that land redistribution is not carried out by the Government. Then the Government denied by stating that the Government had carried out land redistribution. This situation clearly states that there are still differences in the notion of land redistribution. The existence of differences of opinion regarding redistribution must certainly be sought for what is actually land redistribution. So that these differences of opinion do not occur again because there is already a strict understanding related to land redistribution.

B. PROBLEM FORMULATION

1. What are the arrangements regarding land redistribution in Indonesia?
2. How is the land redistribution program carried out?

C. DISCUSSION

Arrangement on Land Redistribution in Indonesia

Differences in the understanding of the actual redistribution of land must be resolved. If differences in understanding of land redistribution are not resolved, there will continue to be differences of opinion about land redistribution. Therefore, the notion of land redistribution must be emphasized. The definition of land redistribution in question is provisions concerning land redistribution so that there are no differences of opinion regarding the notion of land redistribution. In general it can be said that the notion of land redistribution is the division of land. The question is what kind of land is intended? The intended distribution of land is the land division stipulated in Government Regulation Number 224 of 1961 (Gresnews.com, 2013).

Provisions regarding land redistribution are regulated in Government Regulation Number 224 year 1961 concerning the Implementation of Land Granting and Compensation. Article 1 Government Regulation Number 224 of 1961 concerning the Implementation of the Land Granting and Compensation states that:

Land which in the context of implementing the Landform will be distributed according to the provisions in this Regulation are:

- a. the remaining land from the maximum limit as intended in Law No. 56 of the Republic of Indonesia Year 1960 and lands which fall in the State, because their owners violate the provisions of the Law;
- b. lands taken by the Government, because the owner resides in the area, as intended in Article 3 paragraph 5;
- c. self-governing lands and former Swapraja that have been transferred to the State, as intended in the Fourth Dictum letter A of the Basic Agrarian Law;
- d. other lands directly controlled by the State, which will be further confirmed by the Minister of Agrarian Affairs.

As for Article 2 of the Government Regulation Number 224 year 1961 the Implementation of the Granting of Land and Granting of Damages stated that:

1. Landowners who exceed the maximum limit referred to in Law Number 56 Prp year 1960 were given the opportunity to submit a proposal to the Minister of Agrarian Affairs, regarding which parts or parts of his land he wanted to remain his property.
2. Taking into account the proposal above, the Minister of Agrarian determines which parts or parts of the land remain the owner's rights (hereinafter referred to as: owner's

land) and which are directly controlled by the Government, thereafter distributed according to the provisions in Article 8;

3. The Minister of Agrarian Affairs can submit the authority in paragraphs 1 and 2 of this article to the Level II Regional Land reform Committee;
4. Mastery of lands referred to in paragraph 2 of this article begins on September 24, 1961.

Article 3 states that:

1. Landowners who reside outside the subdistrict where the land is located, within a period of 6 months must transfer rights to their land to other people in the sub-district where the land is located or move to the sub-district where the land is located.
2. The obligation in paragraph 1 of this article does not apply to landowners who reside in sub-districts bordering the sub-district where the land is located, if the distance between the owner's residence and the land is still possible to work the land efficiently, in consideration of the Level II Land reform Committee.
3. Without prejudice to the provisions in paragraph 2 of this article, if the landowner moves or leaves his residence out of the sub-district where the land is located for 2 consecutive years, he is obliged to transfer his land rights to another person who resides in the sub-district that.
4. Provisions in paragraphs 1 and 3 of this article do not apply to those who have land in their residence or sub-district as referred to in paragraph 2 of this article, who are carrying out State duties, fulfill religious obligations, or have other special reasons that are acceptable by the Minister of Agrarian Affairs. For civil servants and military officials as well as those who are equal to them, who are carrying out State duties, the exception in this paragraph is limited to the ownership of agricultural land up to an area of 2/5 of the maximum area specified for the relevant area according to the Law Number 56 Prp Year 1960.
5. If the obligations in paragraph 1 and 3 of this article are not fulfilled, then the land concerned is taken by the Government, and then distributed according to the provisions of this Regulation.
6. The former landowners referred to in paragraph 5 of this article are compensated according to the provisions of this Regulation.

Article 4 states that:

1. Self-reliance and former self-reliance which, with the provisions of dictum IV letter A of the Agrarian Principles, are allocated to the State, partly to the interests of the Government, in part to those directly harmed by the elimination of self-rights over the land and partly distributed to the people in need, according to the provisions in this Regulation.
2. Land for the interests of the Government, as referred to in paragraph 1 of this article, is determined according to its needs by the Minister of Agrarian Affairs.
3. Land designated for those who are directly harmed, as meant in paragraph 1 of this article, the location and extent are determined by the Minister of Agrarian Affairs, after hearing the Minister of Home Affairs and Regional Autonomy.

Article 5 states that the distribution of other lands directly controlled by the State according to the provisions in Article 1 letter d, is regulated by the Minister of Agrarian Affairs, taking into account the provisions in this Regulation. That is the arrangement related to land redistribution in Indonesia. By the tap is related to the difference in land redistribution between the government and the criticizing party, it must be seen first who is right. If the land redistribution carried out by the Government is in accordance with Government Regulation Number 224 of 1961 for the Implementation of Land Granting and the Granting of Compensation, the Government's statement regarding the conduct of land redistribution is correct. But if the government in conducting land redistribution is not in accordance with Government Regulation Number 224 of 1961 for the Implementation of Land Granting and Granting of Damages, the Government has not properly redistributed land.

The Conducted Land Redistribution Program

The statement of the government which has carried out land redistribution must certainly be seen in real way through government programs on land redistribution. The Indonesian government will conduct large-scale land redistribution. Even the land redistribution program has actually been carried out by the Government since 2016. The government states that there is still a lot of land ready to be redistributed. The total land ready for editing will reach 12.7 million hectares. These lands will be redistributed to indigenous peoples (Tashandra, 2017).

The Government's program to redistribute 12.7 hectares of land is a large program. The government even targets to target even greater 21.7 million hectares of land for redistribution and completion within two years. The redistribution of 21.7 million hectares of

land consists of 9 million hectares of land carried out for agrarian reform. Then 12, 7 million hectares will be distributed to the community for a period of two years (Pitoko, 2017). Programs that are carried out massively by the Government related to land redistribution are real programs from the government. This means that the government is indeed carrying out land redistribution.

D. CONCLUSION

The difference in understanding of the actual redistribution of land can be solved by looking at the provisions on land redistribution in Government Regulation Number 224 year 1961 for the Implementation of Land Granting and Compensation. The arrangements and provisions regarding land redistribution have been regulated in Government Regulation Number 224 year 1961 for the Implementation of Land Granting and Compensation. This means that it remains to be seen whether the Government in conducting land redistribution is in accordance with Government Regulation Number 224 year 1961 for the Implementation of Land Granting and Granting of compensation or not. If the Government in carrying out the redistribution of land is in accordance with Government Regulation Number 224 year 1961 Implementation of the Giving of Land and Compensation, the government can be said to have done land redistribution. Whereas if the Government in conducting land redistribution is not in accordance with Government Regulation Number 224 year 1961, the Implementation of Land Granting and Granting of Compensation, the Government in carrying out the redistribution of land has not been correct.

Then related to the land redistribution program carried out by the Government, it is indeed a concrete program. This can be seen from the number of plans and realization of the Government in conducting land redistribution. Therefore the land redistribution program carried out by the Government must be supported and monitored so that it can run according to the plan.