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AGRARIAN REFORM AT SIGI REGENCY OF CENTRAL SULAWESI: BETWEEN HOPE AND REALITY

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Abstract

The determination of conservation areas without providing a solution overcoming the poverty of society has led to conflict between society and the state. Therefore, Sigi Regency Government-run programs Agrarian Reform in 2016 to reduce poverty and the rare arable land of the community in the area. This study aims to examine the implementation of Agrarian Reform in Sigi, in the perspective of law and human rights. This study applied a qualitative descriptive method by conducting interviews with informants from various sources. The results of this study indicated that there are discrepancies between the regulations and the implementation of agrarian reform in this area, considering the Perpu Number 56, 1960 about the determination of the vast farmland and Government Regulation Number 224, 1961 on the implementation of distribution of land and reparation, as implementing regulations and Presidential Decree Number 86, 2018 of Agrarian Reform. According to the rules of agrarian reform was the distribution of land to the community, as well as eliminating the inequality of land ownership and not solely land certificates. The priority of the recipient of the land was a community that has a land area of less than 0.5 hectares and extensive land in government given aim was an area of 2 hectares. The facts found in Sigi Regency were a free certification for people who already have the land instead of the distribution of land to the people in accordance with the Agrarian Reform, so the programs were conducted in Sigi was not the Agrarian Reform.

Keywords: Agraria Reform; Human Right; Indonesia; Land Distribution

1. INTRODUCTION

Talking about Agrarian Reform is talking about changes or reforms to the current agrarian system in which there is a system of landlords and farmworkers. Such a system has resulted in inequality in the area of land owned, for example, there are people who own more than 10 ha of land and on the other hand, there are people who only own 0.5 ha of land or even do not own land at all and only depend on cultivating the land, landlord as a farm laborer.

In 1960 Constitution no. 5 concerning Basic Agrarian Regulations underlies the birth of the legal umbrella for the implementation of Agrarian Reform. Although this constitution has not comprehensively and clearly regulated Agrarian Reform, the idea of Agrarian

Reform in Indonesia has existed since that time. The existence of this law is in line with article 33 section 3 of the 1960 constitution which outlines that the earth, water and natural resources contained therein are controlled by the country and used for the greatest prosperity of the people. As a norm of authority (*bevoegdheidsnorm*), Article 33 section 3 has attributed authority to legal subjects, in this case, the state, to enforce laws on natural resources (earth, water, and the natural resources contained therein)" (Santoso, 2012).

Implementation from article 33 section 3 of the 1945 NKRI constitution then born constitution in 1960 Number 5 on Basic Agrarian Regulations (LNRI in 1960 No. 104-TLN No. 2043) otherwise known as the Basic Agrarian Law (Hereinafter referred to as UUPA). The UUPA is based

on eight basic principles, one of which is the principle of Agrarian Reform and Land Reform (article 7, 10 dan 17 UUPA). Referring to the legal basis for agrarian reform, the community, especially environmental activists, then began to discuss the implementation of agrarian reform in the community. Agrarian reform is felt necessary to answer the problem of the need for land, high poverty rates, increasing urbanization rates and the poor economic conditions of farmworkers and do not receive attention from the government. Then Agrarian Reform or Land Reform was reappointed through the Jokowi Jusuf Kalla Government's Nawacita program, poured directly through a presidential regulation in 2018 Number 86 about Agrarian Reform as a reference in pushing for Land Reform and a 9 million hectare land ownership program. The objectives of this program are (1). Reducing inequality in land tenure and ownership in order to create justice; (2). Handling Agrarian Disputes and Conflicts.

Regarding Agrarian Reform, [Sihaloho & Purwandari \(2009\)](#) conducted a study, Agrarian Reform in the agricultural sector: Case Study of Changes in Agrarian Structure and Welfare Differentiation of Planters Community in Lebak, Banten ([Sihaloho & Purwandari, 2009](#)). In his study, [Sihaloho & Purwandari, \(2009\)](#) states that Agrarian Reform in agriculture is important to realize, especially in examining the relationship between changes in agrarian structure and differentiation of farmers' welfare. This study describes the importance of implementing Agrarian Reform in the context of the welfare of farmers because changes in the Agrarian structure which are the basis of Agrarian Reform thinking affect and eliminate the inequality. In addition, in his other studies, [Sihaloho et al. \(2010\)](#) explained that Agrarian Reform is one of the agendas related to Agrarian policies which are truly a source of people's welfare. Agrarian reform is considered necessary to be carried out again so that agricultural revitalization can be carried out. [Sihaloho et al. \(2010\)](#) also revealed the reasons for the importance of implementing Agrarian Reform to overcome social and economic inequalities that occurred in West Java. Other than that, there is some other literature that discusses Agrarian Reform, [Rumboko et al. \(2013\)](#) in their study also discusses Agrarian Reform which is an urgent need that must be done because the ownership system is a factor that greatly determines

the direction of development, and the driving actor for Agrarian Reform must be pioneered by workers and farmers ([Rumboko et al., 2013](#)). On the other side, [Ismail \(2013\)](#) stated that abandoned lands need to be brought in order so that abandoned lands can be reorganized, can be utilized optimally for the benefit of the community and the state, not only brought into order but also need to be utilized for state lands former abandoned lands which are state common reserve land (TCUM) through the agrarian reform program ([Ismail, 2013](#)). [Bernstein et al. \(2008\)](#) studied related to Agrarian Reform in a different context, where in their study, [Bernstein](#) stated regarding the "politicization" of Agrarian Reform in social movements during the New Order era ([Bernstein et al., 2008](#)). [Sokoastri & Soetarto \(2014\)](#) also examined related to Agrarian Reform, where in their study entitled the impact of Agrarian Reform on the welfare of the people in Garongan village, a special area of Yogyakarta, [Sokoastri](#) asked how the response of farmers to socio-economic and political land problems faced as implications of the agricultural development paradigm, In his study, [Sokoastri](#) states that farmers are expected to be able to utilize existing local resources, as well as be responsive to existing agrarian issues. The issue of land ownership is the focus of attention ([Sokoastri & Soetarto, 2014](#)).

Although they both discuss Agrarian Reform with the same theory, this paper discusses directly related to the implementation or implementation of the Agrarian Reform program itself in Sigi Regency, in terms of law and Human Rights, the method is more on practical or empirical aspects, while other writings are more emphasizing on the concept, Agrarian Reform as a reason or support for the revitalization of agriculture and improving the economic welfare of farmers through the Agrarian Reform program.

Agrarian land disputes and agrarian conflicts often occur in Central Sulawesi, both between the community and the community, the community and the government and the community with companies or capital owners. According to the 2018 Agrarian Reform Consortium (KPA) data, there were 10 cases of agrarian conflicts in Central Sulawesi that had not been resolved and resulted in the neglect of the socio-cultural economic rights of the community. The end of each of these land issues is that the people or society never win, are always in a

defeated position, displaced and suffer, even those who survive must continue to struggle to get their land as a livelihood so that they can live a decent life, even though disease, stress, and intimidation never leave their shadows.

Agrarian conflicts, not just small issues, are not only related to land and cultivated land, but are also related to the right to life, the right to a decent living, the right to feel safe, comfortable, free from intimidation, the right to a healthy environment and many other things. They should be able to enjoy them. Referring to the principles of Human Rights contained in constitution No. 39 of 1999 on Human Rights that every right is interrelated and dependent, namely the fulfillment of one right often depends on the fulfillment of other rights, either in whole or in part, so if one right is neglected it will result in the violation of other rights.

National human rights commission representative in Central Sulawesi every year always receives complaints related to the right to welfare, and every year there are more reports related to this right than other cases of human rights violations. During the last five years, there has been an increasing number of reported cases, and the majority of the problems are related to land issues or agrarian conflicts. In 2013 the national commission representing Central Sulawesi received 13 cases of complaints on rights to welfare, in 2014 there were 21 cases, 5 cases of which were land rights, in 2015 there were 16 cases, 8 of which were related to agrarian conflicts or land rights, in 2016 as many as 26 cases or 26 percent of the total cases received by the office of the national human rights commission representative of Central Sulawesi, and 9 of them related to agrarian conflicts and in 2017 received 12 cases or 35% of complaints cases received related to the right to welfare and 5 cases of which are agrarian conflicts and in 2018 the representative office has received 5 cases related to land rights.

The problem in Sigi Regency is a land dispute between the community and the state. This problem occurred because the Sigi Regency Government, in the era of the Regent Aswadin Randalembah, declared Sigi a Conservation Regency through a Memorandum of Understanding between the Regent, Bapeda and the Lore Lindu National Park Office (*BTNLL*) Number: S.357/IV-T.13/TK/2014 for the purpose of conservation or protection of

nature, nature reserves or natural reserves in the Protected Forest Area and Lore Lindu National Park. Conservation policies without providing a solution to the problem of community poverty have created conflicts between the state and society. People are not allowed to do gardening and activities in areas around forests and national parks and if found, they can be punished. As a result, many people have been criminalized just for taking firewood around the forest.

Realizing the impact of this policy, the current Sigi Regency government is looking for a way out so that similar problems do not happen again. Then the Sigi Regency government launched the Agrarian Reform program as a solution starting in 2016. The Sigi Regency Government program related to the implementation of Agrarian Reform is through the Green Sigi program. This program is part of the political promise of the Regent of Sigi who launched three programs, namely *Sigi Religi*, *Sigi Hijau* (green Sigi) and *Sigi Masagena* (Prosperous Sigi). Through this program, the Sigi Regency government hopes that Agrarian Reform is a solution to provide access to remote communities to manage forest and agricultural natural resources so that the economy of communities around forest areas can improve. -the agrarian source.

The fact that is happening in Sigi Regency is the imbalance in the management of the forest area determination, such as the granting of permits and the unilateral determination or determination of the area by the government (central and regional) which ignores the existence of people living in certain areas, therefore the implementation Regional development, especially those related to the use of agrarian resources, must be carried out by taking into account several things, one of which is the existence of local customs/culture and the principle of justice. The principle of justice according to Presidential Decree no. 86 of 2018 concerning Agrarian Reform is to eliminate inequality in land tenure and ownership and forest use is intended to provide welfare for the community. Based on the background and the previous studies above, this study aims to examine the implementation of Agrarian Reform in Sigi Regency from the perspective of law and human rights.

2. METHODS

This study uses a qualitative descriptive research method, which provides a clear description and accurate data related to the process of implementing Agrarian Reform in Sigi Regency. The method of data collection is obtained by a literature study, focused discussion, deep interview and field observation. A literature study is done by reading some literature and references related to Agrarian Reform and its implementation. The focused discussion is carried out by means of Focus Group Discussion by inviting 25 (twenty five) discussion participants related to Agrarian Reform in Sigi Regency, consisting of NGOs, Sigi Regency Regional Government, Related Government Agencies (BPN and Forestry Service etc.), Regional People's Representative Assembly Sigi Regency, Agrarian Reform Task Force, community and academics and guided by a facilitator from the Indonesian National Human Rights Commission. Furthermore, a deep interview is conducted by doing interviews with a number of stakeholders were conducted with an interview guide to Environmental NGOs, as well as local governments and communities. The qualifications of the respondents who will be interviewed regarding the implementation of Agrarian Reform in Sigi Regency are a) Environmental NGOs or NGOs that are not included in the agrarian reform (RA) task force in Sigi Regency, the reason why they are important to be interviewed is as a form of objective evaluation and supervision in the implementation of Agrarian Reform in Sigi Regency. b) NGOs are included in the RA Task Force in Sigi Regency, the reason is that they are field implementers in the RA implementation process in Sigi Regency, so they are the ones who best understand the conditions, situations, obstacles, stages and positive progress that the RA task force has made. c) The local government of Sigi Regency is included in the RA task force because the Sigi Regional Government is the motor and pioneer and implementer in the RA implementation plan in Sigi Regency. d) Relevant agencies, in this case, BPN, Forestry, TNLL Center and conservation agencies, as well as mining services involved in the implementation of Agrarian Reform because the involvement and support of these agencies is very important in the success of the implementation of RA considering that Sigi Regency was formerly a Conservation Regency and 75% of its area, is Forest. e) The community in this case the author

divides the Sigi community into 2 (two) categories, namely ordinary people, namely people who are not organized and people who are organized. Community organizations in Sigi Regency exist because some areas previously did not receive recognition by the government because they lived in protected forest areas and the Lore Lindu national park area so they often clashed with security forces and finally they formed an organization called FPM (*Forum Petani Merdeka*) to voice his aspirations for decades. Moreover, the field observation is carried out by making direct observations in the field regarding the implementation of Agrarian Reform in Sigi Regency, understanding community responses, community enthusiasm, issues that are developing in the community, how Agrarian Reform is carried out, and knowing the extent of its implementation.

3. RESULTS AND DISCUSSION

Sigi Regency Overview

Sigi Regency is located in Central Sulawesi Province, Indonesia. Most of this district is a forest area, half of which is protected forest area. Based on BPS data of Sigi Regency in Figures 2015, Sigi Regency covers an area of 5,196.02 km² or 520,166 ha, consisting of fifteen sub-districts and 176 villages. Of the total area of Sigi Regency, 75% of it is forest, covering 51.74 percent or 268,837 Ha is protected area, and 25.95 percent (135,855 Ha) is production forest, limited production forest and mining. Only approximately 22.73% (118,145 Ha) of land area is processed into rice fields and plantations. While the land for urban settlements, villages and tourism is approximately 3.08% (16,040 Ha).

Sigi Regency has a very large forest area and there is Lore Lindu National Park in the district, which is stipulated through the Decree of the Minister of Forestry and Plantations No. 464/Kpts-II/1999 dated June 23, 1999 with an area of 217,991.18 ha. Currently, the area has changed with the issuance of a decree. Minister of Forestry No. 869/Menhut-II/2014 concerning Forest Areas and Water Conservation of Central Sulawesi Province. The area of Lore Lindu National Park which was originally 217,991.18 ha will be slightly reduced after demarcation and determination of other designated areas (APL) of approximately 2,000 ha.

The population of Sigi Regency reaches

229,474 people and most of them work as farmers. Sigi is one of the largest producers of rice and shallots in Central Sulawesi. A fertile nature should have a more prosperous society. On the other hand, the poverty rate in Sigi is quite high. In 2013 as many as 27.6 thousand people out of 229. 474 thousand people in Sigi were categorized as poor. This figure fell slightly in 2014 to 26.49 thousand people.

Agrarian Reform Legal Protection in Sigi Regency

Legal protection for the implementation of Agrarian Reform in Sigi Regency is in the form of Regional Regulation Number 3 of 2016 concerning the Regional Medium Term Development Plan (RPJMD) Document of Sigi Regency 2016-2021 which in its implementation Agrarian Reform is carried out in two schemes, namely the land scheme for the object of Agrarian Reform and Social Forestry. In addition, in order to maximize the implementation of Agrarian Reform in Sigi Regency, the Sigi Regency government on January 3, 2017, issued a Sigi Regent's decision number 590-001 of 2017 concerning the establishment of the Agrarian Reform Task Force in Sigi Regency as a manifestation of the real work of the Agrarian Reform program in Sigi Regency, as well as including the Reforma program. Agrarian Affairs in the 2017 Regional Government Work Plan (RKPD) and 2017 Regional Revenue and Expenditure Budget (APBD).

Implementation of Agrarian Reform Policy in Sigi Regency

Many people in Sigi Regency live and garden in forest areas as well as in Lore Lindu National Park. So they often encounter and clash with forestry police and often cause turmoil in the community, where according to the head of Bunga Village, Palolo District, Sigi, three to four In recent years there have been residents of Bunga village, Palolo district who cleared land for gardening to meet their daily needs and had to deal with the Lore Lindu National Park Authority, but according to him, he is still grateful that they can still be discussed, consulted so they don't have to be in prison, but two years ago residents of Bobo Village, were detained and even died in prison. It was because of this problem that the Regent of Sigi Irwan Lapatta then tried to find a way out so that similar problems did not happen again and the Agrarian Reform program was launched as a solution. The

regent who was elected in 2016 opened wider access to land ownership for the community by launching a program that he claimed was the first in Indonesia, namely Sigi, the First District to Implement Agrarian Reform. The hope is that apart from wanting to reduce poverty, it can also reduce crime rates, increase people's income and Sigi will become more developed.

Land Mapping for Agrarian Reform Objects

A number of agrarian reform policies have been designed and implemented in Sigi Regency. A number of these policies are by mapping the area of Land Objects for Agrarian Reform (call as TORA) and Social Forestry in Sigi Regency on October 3, 2017 in Jakarta, the Regent of Sigi officially submitted data and maps of proposed land objects for Agrarian Reform (TORA) and Social Forestry (PS).) to the central government. The land area of more than 137,274 ha identified by the Agrarian Reform Task Force of Sigi Regency during the last 1 year was received by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) and the Ministry of Environment and Forestry (LHK), and witnessed by the Coordinating Ministry for Economic Affairs, Geospatial Information Agency and Presidential Staff Office (KSP).

In the proposed data and maps there are 3 categories of proposed data, namely (1) Land of Agrarian Reform Objects originating from State land; (2) Tora derived from forest area clearance; (3) Areal village forests and customary forests as part of Social Forestry. Based on the three categories of land data for the object of Agrarian Reform and social forestry proposed by Sigi Regency, the status and area of the land can be classified as follows:

TORA originating from state land covering an area of 7,211, 30 hectares in 57 villages from 14 sub-districts throughout Sigi Regency.

Agrarian Reform object land originating from the release of forest areas covering an area of 78,773.30 hectares in 61 villages and 14 sub-districts throughout Sigi Regency, the source of the land is from conservation forest areas (56,537, 70 hectares), protected forests (15,384.26 hectares), conversion production forest (2,905.84 hectares) and limited production forest (3,945.50 hectares).

The area of village forest and

customary forest as part of social forestry is 51,741.71 hectares consisting of proposed village forest (4,802.71 hectares) and customary forest (46,939.00 hectares) in 8 villages and 6 sub-districts throughout Sigi Regency.

Land Certification for Agrarian Reform Objects

For the village of Bunga, Gimpu Village, Oloboju Village, Pombewe Village and Toro Village, whose land is an ex-HGU, the National Land Agency of Sigi Regency is planning to issue communal certificates for the community subject to the recipient of the land object of Agrarian Reform, but for now, because of the legal umbrella or procedures related to communal certificates do not yet exist in the national land agency, a temporary individual certificate will be issued to the community as a form of legalization of ownership.

From the data provided by the Sigi Regency BPN related to the proposed Agrarian Reform Object Land (TORA) data in Marena Village, Polma Village and Sungku Village, Kulawi District, the average area of land received by the community or to be legalized is 0.5 hectares to 0.75 hectares only. According to the informant, the land area is the area of land processed by the community and BPN only issues certificates based on the area of land cultivated.

According to the current BPN of Sigi Regency, they are still focusing on the government program, namely Complete Systematic Land Registration (PTSL) which is a systematic land certification for people who do not have a certificate in a village or sub-district with a land area that can be certified is 0.2 hectares. for yards and for gardens an area of 2 hectares, while for the maximum limit per certificate, the community can apply for up to 5 hectares of land and currently BPN Sigi Regency has certified as many as 7,000 plots of land in Sigi Regency. According to the National Land Agency of Sigi Regency, the purpose of the land being certified is to be able to be mortgaged to the bank because the community will definitely need capital to be able to do farming or gardening so that the certificate given can be used as collateral in the bank to get capital.

Forest areas, objects of agrarian reform & social forestry

Aside from the Ex-Hgu land which is the object of Agrarian Reform, in Presidential Decree No. 86 of 2018 also made forest

areas to be objects of Agrarian Reform. The National Park Authority said that this was possible by proposing changes in forest function and spatial planning after evaluating forest functions and spatial planning every five years, thus allowing forest areas to become Land Objects for Agrarian Reform. there is no social forestry in the area of the national park hall, the form of cooperation between the community and forestry is only in the form of a conservation partnership or the community around the forest can take non-biological forest products such as Rattan (*Rotan*), Damar tree and Gaharu tree but cannot change the function of the forest.

The implementation stage of Agrarian Reform in Sigi Regency has reached the stage of submitting data and maps of proposed TORA objects and Social Forestry to the central government. Data collection on the community receiving TORA and Social Forestry has been carried out through identification and data collection by the Agrarian Reform Task Force Team of Sigi Regency during the Agrarian Reform socialization stage, the participatory mapping stage and the village deliberation stage between the village government and the community which was directly escorted by the Task Force Team. In this regard, the community in the data is the community that manages the land before the state claims and other large company claims, or in other words the community that is included in the forest area and has managed the land before the area is designated as a forest area and the community whose land was taken over by an abandoned HGU company.

Discussion

The implementation of legal Protection of Agrarian Reform in Indonesia is Presidential Decree No. 86 of 2018 concerning Agrarian Reform, the Regulation defines Agrarian Reform as "Rearrangement of the structure of control, ownership, use and utilization of land that is more equitable through asset management and accompanied by structuring access for the prosperity of the Indonesian people". However, based on the findings found by researchers in the field, it is known that the program running in Sigi Regency is not in accordance with constitution no. 5 of 1960 concerning Agrarian Principles and Presidential Decree No. 86 of 2018, although it may be too early to conclude because this program is still running, but if you look at the area of

land and the method of land division carried out, it can be concluded that the program carried out is a program for giving out free certificates, similar to previous government programs such as Prona or other government programs that

are being carried out by the National Land Agency (BPN), namely the Complete Land Certificate Data Collection (PTSL). The PTSL government program is like competing with the Agrarian Reform Program in Sigi Regency.

Table 1

Comparison of Agrarian Reform Concepts with Agrarian Reform Implementation in Sigi Regency, Central Sulawesi

Problems	Agrarian Reform Concept (RA)	Presidential Decree No. 86/2018 on Agrarian Reform	Agrarian Reform in Sigi Regency
Surface area	2 Hectares /Head of Household	Maximum 5 Hectare/ Person	0.5-0.75 Hectares/ person
Recipient Subject	Cultivating land whose arable land is less than 0.5 hectares Owners whose land area is less than 0.5 hectares; Famers Farmworkers	Individuals (Gurem farmers who own 0.25 ha of land, tenants of land with an area of not more than 2 ha, sharecroppers, farm laborers, laborers, informal farmers, casual workers, PTT, private sector, civil servants Gol III/a who do not own land and TNI) Community groups/ shared property rights Legal Entity	Landlord Soil Cultivator/ Cultivator
Management	Power management includes redistribution and legalization of land governance which includes how the land can be processed into a tool that can prosper the community (Agricultural Revitalization) Production Management, namely how the government ensures that agricultural products can be marketed/distributed at reasonable prices and are also supported by policies that support its implementation	Asset Management (Re-distribution of land and legalization of assets) Access settings	Land Certification

Source: Data from BPN and Sigi Regency Government and processed by the Author.

Land Area in Agrarian Reform

When referring to constitution substitute Regulation No. 56 of 1960 on the area of agricultural land article 8 is the minimum area of land given by the government to each farmer in the family is 2 hectares, but in Sigi, based on data shown by the BPN the area of land given only ranges between 0.5 - 0.75 hectares based on the area of land currently controlled or cultivated by the farmer/ community.

In accordance with Legislative

Regulation No. 56 of 1960 and Government Regulation No. 224 of 1961 is correct when the subject of the TORA recipient is a community that only controls 0.5-0.75 hectares of a land head of the family so that in the Agrarian Reform program they will then get additional land up to 2 hectares of ahead of the family each according to the mandate of the constitution No. 56 of 1960. However, it is not accurate if the BPN then only issued certificates to the extent that they currently control.

If referring to Presidential Regulation No. 86 of 2018 concerning Agrarian Reform, the area of land that is cultivated is a maximum of 5 hectares per person. This figure is greater than that contained

in the Regulation in lieu of legislation no. 56 of 1960 which is 2 hectares per family. So maybe the government should rethink the area of land given to it, whether it is balanced with production costs and other basic needs by referring to existing and still valid laws and regulations such as Perpu No. 56 of 1960 concerning the minimum limit of the land area given, namely 2 hectares per farmer and family or according to Keppres No. 86 of 2018 concerning Agrarian Reform which provides a maximum limit of 5 hectares per person. In addition to providing land, the government must also pay attention to training, land management patterns and counselling and so on to increase agricultural or community plantation yields as well as provide a market to distribute it and issue policies (policy) to ensure and support this can be carried out properly.

"Ben Cousin defines the concept of Agrarian Reform as covering three concepts, namely not only talking about land reform or land redistribution but also including access reform and the concept of policy or regulation reform because according to Ben Cousin talking about Agrarian Reform is talking about people's welfare from downstream to downstream, upstream or from the stage of how the community obtains land to how the community can produce and market their products so that it has an effect on improving the welfare of the community and this cannot be separated from political power which has an important role in providing access to and support for improving the welfare, besides that changes are needed. the economic pattern of the community where previously prioritizing investment from outside by utilizing the natural resources we have, but must change to a rural economic pattern by giving more authority to farmers to cultivate land h or state-owned land on the basis of a sense of justice and land ownership on the basis of justice for the people".

Land Receiver

According to Government Regulation No. 224 of 1961 concerning the Implementation of the division of land and the provision of compensation, article 8 states that the priority communities for the TORA recipients are (1). The cultivator who works the land in question; (2). Farm laborers remain with the former owner, who worked the land in question; (3). Permanent workers on the former owner of the land concerned; (4) Cultivators who

have not worked on the land for 3 years; (5) cultivators who work on the owner's land; (6) Cultivators of land which the Government has given another designation based on article 4 paragraphs 2 and 3; (7). Cultivators whose arable land is less than 0.5 hectares; (8). Owners whose land area is less than 0.5 hectares; (9). Farmers or other farm laborers.

Presidential Decree No. 86 of 2018 also describes who is entitled to receive Land Objects for Agrarian Reform (TORA), in article 12, namely: (1). Individuals; (2). Community Groups or Shared ownership rights, or (3). Legal entity. In this regulation, the subject of Agrarian Reform is wider than PP No. 224 of 1961 concerning the Implementation of the division of land and the provision of compensation because legal entities are included in the subject of the Tora recipient. Meanwhile, in Sigi Regency, data collection on Tora recipient subjects is only limited to landowners or cultivators who do not have certificates and currently cultivate State land originating from former HGUs.

Agrarian Reform derived from the Clearance of Forest Areas

As previously discussed, the Sigi Regency government has proposed releasing 78,773, 30 hectares of forest area. However, the problem then is that far fewer have been approved than those proposed by the Minister of the Environment and Forestry, with the issuance of the Decree of the Minister of Environment and Forestry No. SK. 180/MENLHK/SETJEN/KUM.1/4/2017 dated April 5, 2017, where the allocation of TORA originating from forest areas in Central Sulawesi Province is approximately 99,180 hectares and specifically for Sigi Regency is approximately 2,655 hectares. This decision was issued before the Sigi Regent sent data and maps of TORA and PS in Sigi Regency on October 3, 2017, but it cannot be denied that this decision was made in the midst of the Task Force Team mapping the location of Tora in the forest area. As a result of this policy, the community began to get restless because some people were able to manage forest areas and some were not. The Minister of Forestry's policy was issued before the task force team completed data on community needs. Land ownership is not even achieved.

The release of forest areas to become the object of Agrarian Reform is used by

forest management methods in the form of conservation partnerships. This is in accordance with the provisions of the Regulation of the Minister of Environment and Forestry Number 83 of 2016 concerning Social Forestry that forest areas, one of which is managed by the national park hall, the method of utilization are through forestry partnerships and conservation partners where people who live around conservation areas and become partners in partnerships conservation as a form of cooperation in community empowerment in conservation areas by collecting non-timber forest products. Meanwhile, for Village Forests, Community Forests and Community Plantation Forests, the management rights include protected forests/or production forests that have not been granted a permit as well as protected forests managed by Perum Perhutani.

The definition of Social Forestry according to the Regulation of the Minister of Environment and Forestry Number 83 of 2016 concerning Social Forestry is a sustainable forest management system implemented in state forest areas or private forest/customary forests carried out by local communities or customary law communities as the main actors to improve their welfare, environmental balance and socio-cultural dynamics in the form of village forests, community forests, community plantation forests, community forests, customary forests, and forestry partnerships. With a period of 35 (thirty-five) years for Village Forests, Community Forests and Community Plantation Forests and an evaluation will be carried out every 5 (five) years and cannot be inherited according to Article 35 section (1) of the regulation and the status and status may not be changed. The function of the forest area and used for other purposes outside the management plan or outside the utilization business plan (Article 56 section (2)).

The government communication to the community about social forestry is still very limited. So that a number of questions arise in the community, such as what is the form of social forestry management by the community, whether the community can change the function of the forest into plantations or rice fields or can only take forest products such as the concept of a conservation partnership. The public is not well informed, that the concept of social forestry implies that the community cannot change the function of the forest and can only take the results

based on the Regulation of the Minister of the Environment and Forestry Number 83 of 2016 concerning Social Forestry. So in addition to not socializing the social forestry management model to the community, it is also not explained that social forestry is timed and cannot be inherited, because what the community wants is land or land that is sustainable or can be passed on to their children and grandchildren in the future.

It is not known, how the fate of the people who occupy and cultivate the forest after the determination of forest areas such as the community in Dongi-Dongi Village, where the forest area or the determination of Lore Lindu national park area is determined through a letter from the Minister of Forestry and Plantation Number: 464/Kpts-II/1999 dated June 23, 1999 with an area of 217,991.18 hectares and people came and cultivated the land between 2000 to 2001 which According to Presidential Regulation No. 88 of 2017 on Settlement of Land Tenure in Forest Areas then the settlement pattern for land owned or utilized after land is designated as forest areas are in the form of: (1). Issuing land areas in forest areas through changes in forest area boundaries; (2). Changing forest areas; (3). Provide access to forest management through social forestry programs; or (4). Perform resettlement.

If the forest area has a conservation function, then it is carried out through resettlement without taking into account the area of the forest and the area of river watersheds, islands and/or provinces. As for the settlement pattern for land areas that have been controlled and utilized and/or have been given rights on it before the land area is designated as a forest area is done by removing the land area from within the forest area through changes in forest area boundaries. The problem that then arises is that the community does not want to move because they have lived, settled and have children in the area and have also cultivated the land in the area. still in the territory of Donggala Regency, until now to be able to be located and cultivate the land in the Lore Lindu national park conservation area, but then Government Regulation no. 88 the year 2017 shattered their hopes.

The people of Dongi-dongi Village have been in the Lore Lindu national park area since 2000 after claiming the determination of Lore Lindu National Park, for that the community is required to be

able to prove that the area was once cultivated by the surrounding community. Indeed Lore Lindu National Park is a conservation area so that according to Presidential Regulation no. 88 of 2017 the only effort that can be done is resettlement or relocation because the government must also consider the ecological sustainability factor in the area, especially now that some people have turned into miners, although most of them are farmers and gardeners. In fact, it is not natural and not allowed if there is a mining area in the conservation area, both small-scale mining, especially large-scale mining because it will damage the ecosystem of the forest area as a buffer zone. In contrast to Dongi-Dongi, Sibowi Village claims that they have been in the area since the time of their ancestors, because their ancestors applied the nomadic farming method, so they did not settle in one place. However, the area or the area left behind is still their management area because they will return to their original place, according to the community there is a lot of evidence in the forest area that this place was once a settlement with wells and debris from former villages. According to Mr. Rocky from the Lore Lindu National Park office, if the community is able to prove that the area was once a settlement where their ancestors lived and cultivated crops, then the release process can be submitted to the government.

Management of Agrarian Reform

In Constitution No. 5 of 1960 concerning Agrarian Principles, there are three meanings contained in the concept of Agrarian Reform or Agrarian Reform contained in the regulation, namely: (1). Eliminating inequality in land ownership through land division (Tata Power) (2). Provide access to manage land and produce for the land (Management), (3). Create policies (Policy) to support the implementation of the program in order to provide prosperity and welfare for the people. Meanwhile, the Management of Agrarian Reform according to Presidential Regulation No. 86 of 2018 covers asset management and access which includes realignment of control, ownership, use and utilization of land in order to create justice in the field of land control and ownership. As well as structuring access which includes providing opportunities for access to capital and other assistance to the subject of Agrarian Reform in order to improve welfare based on land use, which

is also called community empowerment.

The two instruments clearly state that Agrarian Reform is not only limited to the distribution of free certificates but also how land is able to provide welfare and prosperity for the people by providing any capital or assistance for the people.

However, what happened in Sigi Regency was different, the local government carried out data collection in order to determine the TORA object and TORA subject, and after that, the Sigi Regency BPN issued a certificate based on the data provided by the local government with the data area of the land with an area between 0.5 - 0,75 hectares. The certificate is made either in the name of the individual or the community. The data provided by the local government should be as data for TORA subjects who are entitled to receive land given by the government because they only control land under 0.5 hectares according to the criteria for TORA recipient subjects.

Another obstacle that occurs is that almost 75% of the Sigi Regency area is a forest area, so that people often clash with the authorities when entering forest areas or national parks, in addition to the high socio-economic gap, where there are people who own a lot of lands and there are people who even own a lot of lands. do not have arable land so they choose to become farm laborers, this is an obstacle in the implementation of Agrarian Reform launched by the Sigi Regency local government because free certificates are only for people who own land, while for people who do not own land, they will not get land, let alone a certificate. The goal of Agrarian Reform itself to reduce poverty and create and increase arable land will not be achieved.

Agrarian Reform has been widely studied by various groups, NGOs, the government or educational institutions. This is relevant because the management of agrarian resources is protected by the state. The concept of justice for all Indonesian people as outlined in the 1945 Constitution is contained in the goal of Agrarian Reform itself, namely eliminating social and economic inequality in society. 5 of 1960 states clearly that agrarian reform is a must.

4. CONCLUSION

Based on the results explained above, it can be concluded that the implementation of Agrarian Reform in Sigi Regency is carried out without understanding the

nature of Agrarian Reform itself which is in accordance with the mandate of Constitution no. 5 of 1960 concerning Agrarian Principles and their implementation regulations and Presidential Decree No. 86 of 2018 concerning Agrarian Reform. The data collection carried out is only in the form of mapping for land certification that has been controlled or managed by the community so that it is not appropriate. The implementation of Agrarian Reform in Sigi Regency is one form of Fulfillment of Economic, Social and Cultural Rights of the Sigi community with the aim of prospering the people in accordance with the mandate of Pancasila. 5 of 1960 and Presidential Decree No. 86 of 2018 concerning agrarian reform, the goal of agrarian reform to provide social justice for the community will not be achieved.

Peraturan Dasar Pokok-pokok Agraria Undang-undang Nomor 41 tahun 1999 tentang Kehutanan
Keputusan Presiden No. 86 Tahun 2018 tentang Reforma Agraria.
Peraturan Presiden Nomor 88 tahun 2017 tentang Penyelesaian penguasaan tanah dalam kawasan hutan.
Peraturan Pemerintah No. 104 tahun 2015 tentang Tata cara perubahan peruntukan dan fungsi kawasan hutan
Peraturan Pemerintah Nomor 6 Tahun 2007 tentang Tata Hutan dan Penyusunan rencana pengelolaan hutan serta pemanfaatan hutan.
Pedoman Identifikasi, Verifikasi, dan Penetapan Tanah Objek Reforma Agraria dan areal Perhutanan Sosial di Tingkat kabupaten

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