INDONESIAN AGRARIAN REFORM IN LEGAL PERSPECTIVE: A CRITICAL ANALYSIS OF PRESIDENTIAL REGULATION NO. 86/2018

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ABSTRACT

**Objective:** The objective of this study is to investigate the development of Indonesian law in the digital era, focusing on the impact of technology on the legal and judicial system, law enforcement challenges, and personal data protection. 

**Theoretical Framework:** This research is grounded in theories of legal modernization and cyberlaw. The study examines how technological advancements influence legal structures and practices, providing a solid basis for understanding the evolution of Indonesia’s legal system in the digital age.

**Method:** The methodology adopted for this research comprises a qualitative, descriptive-analytical approach. Data collection was conducted through literature reviews of journals, books, legal regulations, and reports from related institutions.

**Results and Discussion:** The results revealed significant changes due to technology, including the digitization of legal documents, the establishment of e-courts, and the development of cyberlaw, which have increased efficiency and accessibility. However, challenges such as the classification of cyber offenses and inadequate regulations to keep pace with technological advancements were identified. The discussion contextualizes these findings within the theoretical framework, highlighting the implications and relationships identified, and considers potential discrepancies and limitations of the study.

**Research Implications:** The practical and theoretical implications of this research include insights into improving legal processes and law enforcement in the digital era. These implications could impact regulatory frameworks and law enforcement practices in Indonesia.

**Originality/Value:** This study contributes to the literature by highlighting the transformative impact of technology on the Indonesian legal system. The originality of the research is evidenced by its focus on contemporary legal challenges and regulatory gaps in the digital era, offering valuable insights for policymakers and legal practitioners.

**Keywords:** Digital Era, Law, Indonesia, Cyberlaw, Legal System, Personal Data Protection.

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Indonesian Agrarian Reform in Legal Perspective: A Critical Analysis of Presidential Regulation NO. 86/2018

REFORMA AGRÁRIA INDONÉSIA EM PERSPECTIVA JURÍDICA: UMA ANÁLISE CRÍTICA DO REGULAMENTO PRESIDENCIAL N.º 86/2018

RESUMO

Objetivo: O objetivo deste estudo é investigar o desenvolvimento da legislação indonésia na era digital, com foco no impacto da tecnologia no sistema jurídico e judicial, desafios legais e proteção de dados pessoais.

Estrutura Teórica: Esta pesquisa é baseada em teorias de modernização legal e ciberlei. O estudo examina como os avanços tecnológicos influenciam as estruturas e práticas jurídicas, fornecendo uma base sólida para entender a evolução do sistema jurídico da Indonésia na era digital.

Método: A metodologia adotada para esta pesquisa compreende uma abordagem qualitativa, descritiva-analítica. A coleta de dados foi realizada por meio de revisões de literatura de revistas, livros, regulamentos legais e relatórios de instituições relacionadas.

Resultados e Discussão: Os resultados revelaram mudanças significativas devido à tecnologia, incluindo a digitalização de documentos legais, a criação de tribunais eletrônicos e o desenvolvimento do direito cibernético, que aumentaram a eficiência e a acessibilidade. No entanto, foram identificados desafios como a classificação de ciberinfrações e a regulamentação inadequada para acompanhar os progressos tecnológicos. A discussão contextualiza esses achados dentro do marco teórico, destacando as implicações e relações identificadas, e considera as possíveis discrepâncias e limitações do estudo.

Implicações da pesquisa: As implicações práticas e teóricas desta pesquisa incluem insights sobre como melhorar os processos legais e a aplicação da lei na era digital. Estas implicações poderão ter impacto nos quadros regulamentares e nas práticas de aplicação da lei na Indonésia.

Originalidade/valor: Este estudo contribui para a literatura, destacando o impacto transformador da tecnologia no sistema jurídico indonésio. A originalidade da investigação é evidenciada pelo seu foco nos desafios jurídicos contemporâneos e lacunas regulamentares na era digital, oferecendo informações valiosas para os decisores políticos e profissionais jurídicos.


REFORMA AGRARIA INDONESIA EN PERSPECTIVA LEGAL: UN ANÁLISIS CRÍTICO DEL REGLAMENTO PRESIDENCIAL N.º 86/2018

RESUMEN

Objetivo: El objetivo de este estudio es investigar el desarrollo de la ley indonesiana en la era digital, centrándose en el impacto de la tecnología en el sistema legal y judicial, los desafíos de la aplicación de la ley y la protección de datos personales.

Marco teórico: Esta investigación se fundamenta en teorías de modernización legal y ciberderecho. El estudio examina cómo los avances tecnológicos influyen en las estructuras y prácticas legales, proporcionando una base sólida para comprender la evolución del sistema legal de Indonesia en la era digital.

Método: La metodología adoptada para esta investigación comprende un enfoque cualitativo, descriptivo-analítico. La recopilación de datos se llevó a cabo a través de revisiones bibliográficas de revistas, libros, regulaciones legales e informes de instituciones relacionadas.

Resultados y discusión: Los resultados revelaron cambios significativos debido a la tecnología, incluyendo la digitalización de documentos legales, el establecimiento de tribunales electrónicos y el desarrollo de la ciberley, que han aumentado la eficiencia y la accesibilidad. Sin embargo, se identificaron desafíos como la clasificación de delitos cibernéticos y regulaciones inadecuadas para mantenerse al día con los avances tecnológicos. La discusión contextualiza estos hallazgos dentro del marco teórico, destacando las implicaciones y relaciones identificadas, y considera las posibles discrepancias y limitaciones del estudio.
1 INTRODUCTION

Indonesian Agrarian Reform is a comprehensive policy designed to reorganize land control, ownership, use, and utilization with the aim of fostering social justice and enhancing people's welfare. This policy encompasses several key components, including land redistribution to ensure more equitable land ownership and improve agricultural productivity, and the legalization of land titles to secure property rights and reduce disputes. It also focuses on resolving agrarian disputes and conflicts through mediation and legal processes, promoting efficient and sustainable land use, and offering support to small farmers through technical assistance, access to credit, and other services. Additionally, the reform emphasizes active community involvement in decision-making processes to ensure that local needs and aspirations are met. Monitoring and evaluation mechanisms are established to oversee the implementation and impact of these reforms, aiming to rectify historical injustices, reduce poverty, and promote sustainable rural development in Indonesia (Fajar et al., 2022; Krismantoro, 2021; Nurrokhman, 2020). Agrarian reform is one of the objectives of the Basic Agrarian Law (UUPA) issued in 1960, as the foundation of land law in Indonesia (Absori et al., 2022; Syaukat, 2017; Wardhana, 2020). However, after more than six decades of the enactment of UUPA, agrarian reform has not been optimally realized. There are still many problems faced in the land sector, such as inequality in land tenure and ownership, land conflicts and disputes, abandoned or absentee lands, and weak legal protection for indigenous peoples and farmers (World Bank, 2000).

Presidential Regulation No. 86/2018 on Agrarian Reform (Perpres RA) is a concrete step taken by the Indonesian government to encourage the acceleration of agrarian reform in the country (Nurrokhman, 2020; Rifqi & Meiwanda, 2022; Rongiyati, 2018; Zainul, 2022). Perpres RA is the main legal basis governing the implementation of agrarian reform, focusing
on three main programs, namely land redistribution, land legalization, and social forestry. This step was taken to address inequalities in land ownership and control, as well as provide legal protection to people who depend on the agricultural sector for their livelihoods.

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Presidential Regulation No. 86/2018 on Agrarian Reform (Perpres RA) is a concrete step taken by the Indonesian government to accelerate the implementation of agrarian reform in the country. This regulation outlines specific strategies and actions to address the challenges faced in the agrarian sector. It mandates the identification and redistribution of abandoned and underutilized lands, ensuring they are allocated to landless farmers and marginalized communities. The regulation also strengthens the framework for the recognition and protection of indigenous land rights, aiming to resolve long-standing conflicts and promote social equity.

Under Perpres RA, the government commits to improving land administration systems, enhancing the transparency and efficiency of land registration and titling processes. This includes the use of advanced technologies such as Geographic Information Systems (GIS) and digital databases to accurately map and document land ownership. Furthermore, the regulation emphasizes the importance of integrated rural development, linking land reform efforts with broader economic and social policies to boost rural livelihoods and infrastructure.

To support these initiatives, Perpres RA establishes a multi-stakeholder coordination mechanism, involving various government agencies, local authorities, and civil society organizations. This collaborative approach ensures that the reform process is inclusive and participatory, addressing the diverse needs of different regions and communities. Additionally, the regulation provides for continuous monitoring and evaluation, with periodic reviews to assess progress and make necessary adjustments.
By implementing Presidential Regulation No. 86/2018, Indonesia aims to create a more equitable and sustainable agrarian structure, ultimately contributing to national stability, economic growth, and the well-being of its citizens.

Although the Perpres RA provides a framework for the implementation of agrarian reform, this step is not free from criticism and controversy. Some have criticized the Perpres RA for being incomprehensive and inconsistent with the Basic Agrarian Law (UUPA), the constitution, and human rights principles (Andari & Mujiburohman, 2023; Sudiarto, 2021; Sulistyaningsih, 2021). The criticism highlights the discrepancy between the content of the Perpres RA and higher legal foundations, which could be detrimental to the overall implementation of agrarian reform.

Previous studies have extensively discussed various aspects of agrarian reform in Indonesia, such as historical, political, economic, social, cultural, and environmental. Research by Krismantoro, discusses land tenure from the perspective of agrarian reform with the aim of improving the welfare and productivity of the primary sector. A qualitative method with a literature study approach was used, and the results showed misalignment between regulations and actualization of land tenure, emphasizing the need to review the implementation of agrarian reform (Krismantoro, 2023). Sulistyaningsih's research on agrarian reform in Indonesia examines the purpose of agrarian reform to provide welfare to all levels of society. Using normative methods and a statutory approach, this research identifies the main problems, especially related to land legalization and redistribution. Evaluation of land policies and attention to the basic principles of the UUPA are suggested (Sulistyaningsih, 2021).

Krismantoro examines the history of agrarian reform in Indonesia from the colonial period to independence, highlighting the legacy of colonial culture that still affects its implementation. This research emphasizes the need for government assertiveness in dealing with the land mafia and providing services based on social justice for the community (Krismantoro, 2021). Yasir's research explores the synergy of government, non-government, and community institutions to realize agrarian reform in Bojonegoro Regency. A qualitative method with an empirical normative approach was used, and the research found challenges and potential agrarian reform objects in the region, as well as the establishment of the Agrarian Reform Task Force (GTRA) to support its implementation (Javed & Alenezi, 2023). However, research that explores agrarian reform from a legal perspective, especially in the form of a critical analysis of the Presidential Regulation on Agrarian Reform (Perpres RA), is still an under-explored area of research. Therefore, this research is designed to fill this knowledge gap.

The main focus of this research is to critically analyze the Presidential Regulation on
Agrarian Reform, taking into account aspects of legal politics, substance, and implementation. In-depth and comprehensive, this research aims to provide a better understanding of how the Perpres RA plays a role in realizing agrarian reform in Indonesia. The legal political aspect involves an evaluation of the concepts and policies underlying the regulation, while the substance aspect includes an in-depth understanding of the provisions and norms stipulated in the Perpres RA. The implementation analysis will explore the extent to which this regulation is implemented in field practice and its impact on society.

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organizations. This collaborative approach ensures that the reform process is inclusive and participatory, addressing the diverse needs of different regions and communities. Additionally, the regulation provides for continuous monitoring and evaluation, with periodic reviews to assess progress and make necessary adjustments.

However, it is important to note that the Perpres RA has been criticized for its limited success in resolving crucial issues within the context of agrarian reform in Indonesia. Key unresolved issues include land tenure restrictions, land size determination, criteria for land redistribution, and effective mechanisms for land dispute resolution. These challenges indicate that further efforts are needed to improve regulations and policies related to agrarian reform to ensure effective implementation in accordance with principles of justice and human rights. Addressing these issues is essential to achieving the ultimate goals of agrarian reform, including reducing poverty, fostering social equity, and promoting sustainable development in Indonesia.

In addition to conducting a critical review, this research also aims to provide suggestions for improvement. These suggestions are expected to be constructive inputs for the government and other stakeholders in improving the effectiveness and fairness of agrarian reform in Indonesia. Thus, this research is expected to make a positive contribution to the development of agrarian reform policies and the sustainability of agricultural development in Indonesia.

2 THEORETICAL FRAMEWORK

The theoretical framework for this study comprises a critical and organized analysis of the literature relevant to the development of Indonesian law in the digital era. This framework provides the necessary theoretical contextualization and defines the key concepts central to our investigation. By examining the evolution of legal principles, regulatory mechanisms, and judicial practices in Indonesia, the framework aims to elucidate how digital advancements have influenced and transformed the legal landscape. Key components of the theoretical framework include an overview of the evolution of Indonesian law, highlighting significant milestones and reforms that have shaped the current legal system, and an analysis of the technological advancements and digital transformations impacting various aspects of law, including data privacy, cybersecurity, e-commerce, and digital governance.

Additionally, the framework examines how Indonesian law has adapted to address the challenges and opportunities presented by digital technologies, including the development of new legal instruments, amendments to existing laws, and the role of regulatory bodies. It identifies and defines central concepts such as digital rights, cyber law, digital governance, and
e-justice, drawing upon relevant legal theories and models to provide a robust analytical foundation. A comparative analysis of Indonesian legal developments with international best practices and standards in the digital era highlights gaps and areas for improvement. Furthermore, the framework includes an evaluation of the effectiveness of legal reforms in addressing digital challenges, considering the perspectives of various stakeholders, including the government, private sector, civil society, and the general public. By systematically analyzing these components, the theoretical framework offers a comprehensive understanding of the intersection between Indonesian law and digital advancements, informing our investigation into the current state and future direction of legal development in Indonesia and providing insights into the potential for further reforms and innovations.

To begin with, the study draws on theories of legal modernization, which emphasize the role of technology in transforming legal systems and processes. This perspective is essential for understanding how technological advancements can enhance the efficiency and accessibility of legal procedures through digitization and e-courts.

Additionally, the research incorporates concepts from cyberlaw, a specialized field addressing legal issues related to information technology and the internet. Cyberlaw theories provide a solid basis for examining how new forms of digital interactions necessitate updates and changes to existing legal frameworks.

Previous research on the digitization of legal documents and e-courts shows significant improvements in legal efficiency and accessibility. Studies highlight the benefits of reduced paperwork, faster case resolutions, and improved public access to legal information. However, these studies also identify challenges, such as the need for robust cybersecurity measures and the potential for increased complexity in legal proceedings due to technological integration.

The protection of personal data is another critical area within the theoretical framework. Theories on data privacy and protection stress the importance of comprehensive regulatory measures to safeguard individuals' personal information in the digital age. The existing literature indicates a gap in Indonesia's legal framework concerning adequate data protection regulations, underscoring the urgent need for more comprehensive laws to address this issue. These theories emphasize that robust data protection mechanisms are essential not only for protecting individual privacy but also for fostering trust in digital systems and promoting economic growth in the digital economy.

In examining the Indonesian context, it becomes evident that while some measures have been implemented, they are often fragmented and insufficient to meet the complexities of data protection in today's interconnected world. Current regulations lack the comprehensive scope...
seen in international standards, such as the European Union's General Data Protection Regulation (GDPR), which serves as a benchmark for effective data privacy laws. The literature suggests that Indonesia needs to adopt a more holistic approach, integrating clear guidelines on data collection, processing, storage, and sharing, along with stringent enforcement mechanisms.

This gap in the legal framework poses significant risks, including potential data breaches, misuse of personal information, and a general lack of accountability among data handlers. Furthermore, it highlights the need for continuous monitoring and updating of laws to keep pace with rapid technological advancements and emerging threats. Addressing these gaps through more comprehensive and cohesive legislation will not only protect personal data more effectively but also enhance Indonesia's alignment with global data protection standards, thereby improving its competitiveness in the global digital economy.

Overall, incorporating theories on data privacy and protection into the theoretical framework underscores the necessity for Indonesia to prioritize the development of robust data protection regulations. This focus is crucial for safeguarding personal information, maintaining public trust, and supporting the sustainable growth of the digital economy.

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Moreover, the framework reviews literature on law enforcement challenges in the digital era. Research highlights difficulties in classifying and prosecuting cyber offenses, which often do not fit neatly into traditional legal categories. This literature reveals contradictions in the effectiveness of current regulations and law enforcement practices, pointing to the necessity for updated laws and specialized training for law enforcement personnel. Cybercrimes, such as hacking, identity theft, and online fraud, often transcend national boundaries, complicating jurisdictional issues and requiring international cooperation.

The existing regulatory framework and law enforcement practices in Indonesia often struggle to keep pace with the rapidly evolving nature of cyber threats. This inadequacy leads to inconsistencies in the application of laws and challenges in effectively prosecuting offenders. The literature underscores the need for Indonesia to develop a more agile legal system that can adapt to new types of cybercrimes and enhance coordination with international law enforcement agencies.

Specialized training for law enforcement personnel is crucial for improving the detection, investigation, and prosecution of cybercrimes. Equipping officers with the necessary technical skills and knowledge will enable them to effectively tackle complex digital threats. Additionally, fostering collaboration between government agencies, private sector entities, and civil society organizations can enhance the overall resilience of the legal system against cyber threats.

Overall, incorporating theories on data privacy, protection, and law enforcement challenges in the digital era into the theoretical framework underscores the necessity for Indonesia to prioritize the development of robust regulations and training programs. This focus is crucial for safeguarding personal information, maintaining public trust, supporting the sustainable growth of the digital economy, and enhancing the effectiveness of law enforcement in addressing cyber offenses.

In summary, the theoretical framework integrates theories of legal modernization and cyberlaw, along with empirical findings on the benefits and challenges of technological integration in legal systems. It identifies gaps and contradictions in existing literature, particularly concerning personal data protection and law enforcement challenges, thereby providing a comprehensive foundation for the study. This framework is crucial for...
contextualizing the development of Indonesian law in the digital era and for guiding the analysis of the research findings.

3 METHODOLOGY

This research aims to comprehensively examine the legal politics, substance, and implementation of Presidential Regulation No. 86/2018 on Agrarian Reform (Perpres RA), with the overarching goal of providing suggestions for improvement to enhance the effectiveness and justice of agrarian reform in Indonesia. To achieve this objective, the research employs a normative juridical method, which involves examining applicable legal norms, both written and unwritten, through various approaches including statutory, conceptual, historical, and comparative analyses.

The statutory approach entails a meticulous examination of the provisions and stipulations outlined in Perpres RA, analyzing its legal framework, objectives, and mechanisms. This involves scrutinizing the language, structure, and implications of the regulation to identify strengths, weaknesses, and areas for enhancement.

The conceptual approach involves delving into the underlying principles and theories governing agrarian reform and land management in Indonesia. By exploring foundational concepts such as land rights, social justice, and sustainable development, this approach provides a theoretical framework for evaluating the adequacy of Perpres RA in addressing key issues and achieving its intended goals.

The historical approach involves tracing the historical development of agrarian policies and land tenure systems in Indonesia, examining past reforms, successes, and challenges. This historical context sheds light on the factors that have shaped the current agrarian landscape and informs potential strategies for improvement.

Finally, the comparative approach involves analyzing Perpres RA in comparison to similar regulations and practices in other countries or regions. By identifying international best practices, lessons learned, and innovative approaches to agrarian reform, this comparative analysis offers valuable insights and benchmarks for enhancing the effectiveness and justice of Indonesia's agrarian reform efforts.

Through this comprehensive methodological approach, the research aims to provide a nuanced understanding of the legal, political, and practical dimensions of Perpres RA and offer actionable recommendations for policy makers, stakeholders, and practitioners to strengthen agrarian reform in Indonesia. By addressing gaps, inconsistencies, and challenges identified
through this analysis, the research seeks to contribute to the advancement of agrarian justice and sustainable development in the country.

The statutory approach is an approach that examines legal regulations related to agrarian reform, such as UUPA, the constitution, human rights, and Perpres RA. This approach aims to determine the comprehensiveness, consistency, and fairness of the Perpres RA as a legal policy for agrarian reform.

The conceptual approach in this research examines legal concepts related to agrarian reform, such as control, ownership, use, utilization, redistribution, legalization, social forestry, and agrarian disputes. This approach aims to determine the meaning, scope, and legal implications of these concepts within the context of Indonesian agrarian law and policy. By thoroughly analyzing these key concepts, the research seeks to elucidate their theoretical foundations, practical applications, and interrelations, providing a comprehensive understanding of the legal framework governing agrarian reform in Indonesia.

Through the conceptual approach, the research explores how these legal concepts are defined and interpreted within relevant statutes, regulations, and legal doctrines. It examines the historical evolution of these concepts, tracing their development over time and considering their socio-economic and political contexts. Additionally, the approach delves into theoretical perspectives and debates surrounding these concepts, including discussions on property rights, social justice, environmental sustainability, and indigenous rights.

Furthermore, the conceptual approach critically evaluates the legal implications and practical implications of these concepts in the context of agrarian reform implementation. This involves analyzing how these concepts are applied in real-world scenarios, identifying challenges, contradictions, and gaps in existing legal frameworks, and assessing their effectiveness in achieving the objectives of agrarian reform, such as equitable land distribution, sustainable land use, and resolution of agrarian conflicts.

By employing the conceptual approach, the research aims to provide a robust theoretical foundation for understanding the complexities of agrarian law and policy in Indonesia. It seeks to clarify ambiguities, promote coherence, and stimulate critical discourse on key legal concepts related to agrarian reform, ultimately contributing to the development of more effective and just agrarian policies and practices in the country.

The historical approach in this research examines the history and development of agrarian reform in Indonesia, spanning from the colonial period through the independence period to the reform period. This approach aims to uncover the background, dynamics, and influential factors that have shaped the trajectory of agrarian reform in the country over time.
Beginning with the colonial era, the research delves into the policies and practices implemented by colonial powers regarding land ownership, control, and exploitation. This includes an analysis of the impact of colonial land tenure systems, such as the cultivation system (cultuurstelsel) and the introduction of private property rights, on indigenous land rights and socio-economic structures.

Moving into the independence period, the research examines the agrarian policies and land reforms enacted by successive Indonesian governments following independence in 1945. This includes an exploration of key initiatives such as land redistribution programs, agrarian reform laws, and efforts to address land tenure issues and rural poverty. The historical approach seeks to elucidate the motivations, challenges, and outcomes of these reforms, as well as their implications for social justice, economic development, and political stability.

Transitioning to the reform period, which encompasses the post-New Order era from the late 1990s to the present, the research analyzes the evolution of agrarian reform in response to changing political, economic, and social dynamics. This includes an examination of efforts to democratize land governance, decentralize decision-making processes, and address emerging issues such as land grabbing, environmental degradation, and indigenous land rights.

Throughout each historical period, the research identifies key actors, institutions, and events that have influenced the course of agrarian reform in Indonesia. This includes the roles played by government agencies, political parties, civil society organizations, and grassroots movements, as well as the impact of broader socio-economic and political trends, such as globalization, urbanization, and democratization.

By employing the historical approach, the research aims to provide a comprehensive understanding of the historical roots, trajectories, and legacies of agrarian reform in Indonesia. It seeks to uncover patterns, continuities, and discontinuities in policy-making processes and outcomes, as well as lessons learned and unresolved challenges that can inform future reform efforts. Ultimately, the historical approach contributes to a nuanced analysis of agrarian reform as a dynamic and contested process embedded within Indonesia's broader socio-political history.

A comparative approach is one that examines the practices and experiences of agrarian reform in other countries, such as Brazil, India, the Philippines and South Africa. This approach aims to find out the differences, similarities, advantages, and disadvantages of agrarian reform in these countries, as well as lessons that can be learned for Indonesia.

Primary data sources in this research are the Perpres RA and other legal regulations related to agrarian reform. Secondary data sources in this research are books, journals, articles,
reports, and documents related to agrarian reform, both from Indonesia and from other countries. The data were collected by means of a literature study, namely by searching, reading, and recording data relevant to the research problem.

Data analysis in this research is carried out in a descriptive analytical way, namely by describing, explaining, and criticizing the data that has been collected, and connecting it with theories, concepts, and legal principles relating to agrarian reform. This data analysis aims to produce conclusions and suggestions that can answer the formulation of research problems.

4 RESULTS AND DISCUSSIONS

Based on the data analysis that has been conducted using the normative juridical method and the statutory approach, conceptual approach, historical approach, and comparative approach, this research produces the following findings:

The politics of agrarian reform law in Indonesia is influenced by various factors, such as history, ideology, interests, and social dynamics. Agrarian reform in Indonesia has experienced ups and downs since the colonial period, the independence period, and the reform period. Agrarian reform in Indonesia has also experienced a paradigm shift, from being initially oriented towards equalizing the structure of control, ownership, use, and utilization of land, to being oriented towards improving the welfare and productivity of the primary sector. Perpres RA is one of the political products of agrarian reform law in Indonesia that reflects the government's commitment to encourage the acceleration of agrarian reform.

The substance of the Perpres RA is not comprehensive and consistent with UUPA, the constitution, and human rights principles. Perpres RA emphasizes more on the aspects of structuring land assets and access by carrying out land redistribution, land legalization, and social forestry, without affirming policies to limit land tenure, determine the size of land area, redistribution criteria, and resolve agrarian disputes and conflicts as an important part of the source of inequality in land ownership. Perpres RA also does not provide adequate legal protection for indigenous peoples and farmers, and does not accommodate community participation in the agrarian reform process.

The implementation of the Perpres RA still faces various obstacles and challenges, such as the lack of coordination and synergy between related institutions, the lack of valid and accurate data and information on the objects and subjects of agrarian reform, the lack of adequate budget and human resources, and the lack of socialization and education to the community about their rights and obligations in agrarian reform. In addition, the
implementation of the Perpres RA also still has the potential to cause new conflicts and disputes, both between the community and the government, as well as between the community and the community, related to land claims and struggles.

The practices and experiences of agrarian reform in other countries, such as Brazil (Fitz, 2018; Robles, 2018; Vilpoux et al., 2021), India (Balyan, 2019; Basole, 2022; Chatterjee, 2021; Gulati et al., 2020; Kumar, 2020), the Philippines (Lanza Jr, 2019; Mendoza, n.d.; Riedinger, 2018) and South Africa (Akinola, 2018; Dlamini & Ogunnubi, 2018; Gwiriri et al., 2019), can provide lessons and inspiration for Indonesia in implementing agrarian reform. These countries have different conditions and characteristics, but have the same goal, which is to create justice and welfare for the people through agrarian reform. Some of the things that can be learned from these countries include the importance of community involvement and empowerment in the agrarian reform process, the importance of monitoring and evaluation of the implementation of agrarian reform, and the importance of harmonization and synchronization between legal regulations related to agrarian reform.

This research opens deeper and more comprehensive insights into the development of legal science, especially in the context of land and agrarian reform in Indonesia. In addition, this research provides significant contributions to the government and stakeholders related to the implementation of agrarian reform. Although the Perpres RA has been recognized as the main policy instrument in this regard, this research highlights several weaknesses and problems that require improvement and refinement.

One of the main weaknesses revealed is the Perpres RA's incomprehensiveness and inconsistency with UUPA, the constitution, and human rights principles. The research revealed that the Perpres RA has not explicitly addressed crucial issues such as restrictions on land tenure, determination of land size, redistribution criteria, and agrarian dispute resolution. This lack of clarity creates legal uncertainty and can be a source of injustice in the land sector. In addition, inadequate legal protection for indigenous peoples and farmers and the lack of space for community participation in the agrarian reform process are also major concerns.

This conclusion is in line with Sulistyaningsih's (2021) view, which states that the implementation of agrarian reform in Indonesia still causes conflicts related to land legalization and redistribution. This reflects that the government needs to be more serious in addressing the underlying issues that are the source of injustice in the land sector, along with the need for continuous evaluation of existing land policies.

In addition to legal discrepancies, the research also identified various obstacles and challenges in the implementation of the Perpres RA. Lack of inter-agency coordination,
insufficient data and valid information, as well as budget and human resource shortages, are all obstacles that need to be overcome. In addition, socialization and education to the public regarding their rights and obligations in agrarian reform are also considered inadequate. All this suggests that improvements are needed not only in the legal framework but also in terms of implementation and administrative support.

Observing the experiences of other countries such as Brazil, India, the Philippines and South Africa provides inspiration that agrarian reform can be implemented in various ways and strategies that suit the context and needs of each country. This comparison highlights that community involvement and empowerment in the agrarian reform process is crucial. Therefore, in line with this research, Indonesia can take valuable lessons from these countries to strengthen the participatory aspects of agrarian reform in order to achieve the desired justice and welfare.

5 CONCLUSION

Based on the results and discussion of the research above, it can be concluded that this research makes a significant contribution to the development of legal science, especially in the field of land and agrarian reform in Indonesia. The research reveals several key weaknesses in the implementation of the Perpres RA as an agrarian reform policy instrument, including incomprehensiveness and inconsistency with the UUPA, the constitution, and human rights principles.

These weaknesses involve lack of clarity regarding land tenure restrictions, land size determination, redistribution criteria, and agrarian dispute resolution. Inadequate legal protection for indigenous peoples and farmers, along with the lack of community participation in the agrarian reform process, is also a focus of attention. In addition, implementation constraints and challenges, such as lack of inter-agency coordination, lack of valid data, and shortage of budget and human resources, point to the need for improvement in administrative aspects.

This research provides a comparison with the experiences of other countries such as Brazil, India, the Philippines and South Africa, which show that agrarian reform can be successful with various strategies that suit the context and needs of each country. Therefore, the main conclusion is that Indonesia needs to take valuable lessons from these countries, especially in strengthening the participatory aspects of agrarian reform, in order to achieve the desired justice and prosperity. In this context, continuous evaluation of land policies and the
implementation of the basic principles of the UUPA are essential to tackle agrarian inequality and injustice in Indonesia.

REFERENCES


