

# Land Reform Policy: Evaluation Study of the Systematic Land Program

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**Abstract** — Land policy is critical in land planning affairs. Some agrarian cases in various regions are evidence that Agrarian Law (UUPA) No. 5 the Year 1960 requires a review. Land redistribution was less than fruitful outcome, a study that carried out in PTSL BPN II Surabaya. This study aims to describe and analyze the impact of the PTSL program at BPN II Surabaya; find out the inhibiting factors; investigate the strategy and impact faced by Indonesia on land policy choice uses a descriptive qualitative research method. The finding indicates a lack of success in land redistribution as the national program that can be seen from the private sector orientation in the policy that the private sector can own 480.000 ha, should only get 25 ha based on UUPA No. 5 in the Year 1960. The advantage of land redistribution for the private sector is due to the investor-oriented private partnership policy. Whereas, the withdrawal budget causes the inhibiting factor for land redistribution in the PTSL context by the central government. The government's strategy in the future must consider UUPA in applying land redistribution. It can be concluded that land reform policy has a positive impact if the land redistribution policy pays attention to the public interest.

**Keywords** — Land; Reform; Government Policy.

## 1. Introduction

Ease of Doing Business (EoDB) world land settlement in the context of development, Indonesia is ranked below 109, while in Southeast Asia it is lower than Malaysia (18), Thailand (49), Vietnam (90), and the Philippines (103), then in 2020 the Ministry of Agrarian and Spatial Planning of the National Land Agency EoDB Indonesia ranked 73rd in the world, so that investment targets can be met (Ministry of Agrarian and Spatial Planning, 2020). There are three things in the land service that can affect the EoDB carried out by ATR/BPN to boost the rating, namely as follows: (1) Procedure; (2) Perception of service time; (3) Fees. Currently, the development process in Indonesia related to land tends to experience inequality. Basically, development is an activity carried out by the government, society, and the private sector that takes place continuously and prolonged with the aim of improving the welfare of the people from material and spiritual aspects (Afandi & Warjio, 2015).

Based on the cases that occur in the community, namely the large amount of land that has not been registered, the government's concern to hold land registration is a National Strategic Program of the Government (Ministry of Agrarian and Spatial Planning, 2022). The background of the formation of BPN is due to the need, control, and use of land in general, including increased development interests, in the hope that it will not increase problems in the land sector. The government

issued policies in the form of a mass land certification program, one of which was the Complete Systematic Land Registration (PTSL) with the aim of determining the use of land that was not in accordance with its designation, the existence of false certificates, overlapping certificates, land manipulation, and so on with the aim of minimizing the occurrence of land disputes and conflicts. The target of PTSL is the entire object of land registration in Indonesia. This activity is carried out by the government with the aim of providing legal certainty and legal protection of people's land rights in a fair and equitable manner, which is considered appropriate in fulfilling the legal certainty rights of landowners. PTSL is expected by the community to resolve agrarian conflicts that occur in the community related to land grabs and evictions in the plantation, forestry, and other sectors, which cause food declines and have an impact on the food and energy crisis. Over time, it is directly proportional to the equality of the Indonesian population and the acceleration of development which triggers an increase in land needs is getting higher. In addition, services in the land sector are also increasing. Based on this, it can be estimated that there will also be an increase in land problems. The law of land ownership in Indonesia is contained in Law No. 5 of 1960 concerning the basic regulations of Agrarian Principles in which there is a conception of national land law where all land in all parts of Indonesia belongs to the Indonesian nation which at the same time becomes a symbol of unity for the integrity of the Indonesian nation. Based on this, it also shows that land in the Unitary State of the Republic of Indonesia cannot be traded and cannot be an object of control so that it can trigger national divisions.

Land registration requires expensive costs, while the income of the population is low so that it becomes a barrier for residents in distributing land, complicated bureaucracy, delays or the length of time for issuing certificates, the distance of land administration service centers in Indonesia is far away, one of which is in Brebes Regency makes residents not willing to legalize their land (Fatimah, 2020).

Therefore, to obtain legal certainty, BPN Surabaya City II also implemented a program, namely PTSL, starting in 2017. Here is the data whose work began in 2017 until now, where the number of land plots: 368,987; certificates: 214,975 (58.26%), mapped: 179,940 (83.70%) and uncharted: 35,035 (16.30%); and not yet certified: 154,003 (41.74%), non-assets: 87,194 (56.62%) and assets: 68,809 (43.38%) (Source: BPN II Internal Data, 2019). Based on this, the two policies are very contrary in their consequences, the PTSL Program is oriented towards the public interest as mandated in the 1960 Uupa, namely *Land reform*, while the other policy focuses more on the private sector with different consequences, so that in its development it requires supporting legislation, namely the *Omnibus Law*. Based on this study aims as follows: (1) Describing and analyzing the expected impact of the PTSL Program at BPN II Surabaya City, (2) Describing and analyzing the factors influencing the failure of the PTSL Program at BPN II Surabaya City, (3) Finding strategies and impacts faced by Indonesia on *land reform* or *Omnibus Law* land policy choices.

## 2. Literature Survey

Morteza Akbari, Ehsan Neamatollahi, Payman Neamatollahi (2019) with the research title is "Evaluating land suitability for spatial planning in arid regions of Eastern Iran using fuzzy logic and multi-criteria analysis" (m engevaluation of land suitability for *spatial planning in arid regions of Eastern Iran using fuzzy logic and multi-criteria analysis*) with the result of the study being an evaluation of *land suitability for* spatial planning in Eastern Iran pays attention to the spatial capabilities of its people and the economy of the Iranian state so that in every urban planning considers risk-based planning in order to reduce the potential for environmental damage caused by improper development due to discrepancies between land use and spatial planning in regional development. Taking into account the spatial capabilities of the Iranian people and the economic progress of the Iranian state is carried out to reduce risks because the lack of good environmental planning can add to the problems in the development of the region.

Several agrarian cases in various regions as evidence (1) The Basic Agrarian Law requires checking as a whole in the context of arrangements that are consistent with other

areas of natural resources, (2) Intervention involves the parties to the dispute and other stakeholders so as not to accelerate the resolution, (3) Readiness, maturity, regional wisdom in responding to existing problems should be addressed as a "challenge" of readiness in hacking the path of independence with all the advantages and its shortcomings. Experience in implementing agrarian reform in a number of countries including Taiwan, Japan, South Korea, China, Africa, and Latin America, Thereare 10 main aspects that are taken care of by state organizers if agrarian reform is to be successful, namely (1) Constitutional Mandate, (2) Agrarian Law and Its Enforcement, (3) Implementing Organizations, (4) Agrarian Administration System, (5) Courts, (6) Plan Design and Evaluation, (7) Education and Training, (8) Financing, (9) Local Government, (10) Organizational Participation (Fauzi, 2022).

### 2.1 Policy Evaluation

Edward A. Suchman in Winarno (2012) stated that there are six steps in the evaluation of public policy.

- Identify the program objectives to be evaluated;
- Analysis of the problem;
- Description and standardization of activities;
  - a. Measurement of the degree of change that occurs;
  - b. Determine whether the observed changes are the result of such activities or due to other causes;
  - c. Several indicators to determine the presence of an impact.

Thomas J. Cook and Frank P. Schioli, *Policy Research* is research that aims to evaluate the impact of what happens from a public policy that has been implemented on the community, therefore what is evaluated is the policy of a program that has been implemented and the impact of the program. This is also in line with what has been conveyed by Weiss, C.H (1972) that the goal of *policy research* is "*To measure the effects of a program against the goal it set out to accomplish as a means of contributing to subsequent decisions making about the program and improving future programming*".

From this description, the evaluation of public policy contains several important elements as follows: 1) To measure the impact (to measure the effect) by relying on the research methodology used; 2) *Effects* emphasize the *outcomes*, of efficiency, honesty, morals attached to rules or standards; 3) Comparison between effects and objectives (*goals*) emphasize the use of clear *criteria* in assessing how a policy has been implemented properly; 4) Contribute to subsequent decision-making and future policy improvements as *the social purpose* of evaluation. In general, William N. Dunn (2013) describes the criteria for

evaluating public policy including effectiveness, efficiency, adequacy, leveling, responsiveness and accuracy.

Table 1. Public Policy Evaluation Criteria

Criterion Type	Question
Effectiveness	Has the desired result been achieved?
Efficiency	How much effort will it take to achieve the desired result?
Adequacy	How far is the achievement of the desired result in solving the problem?
Alignment	Are costs and benefits evenly distributed to different groups?
Responsiveness	Do policy outcomes satisfy the needs, preferences, or values of certain groups?
Accuracy	Is the desired result (goal) really useful or valuable?

## 2.2 Conceptual Framework

The theory used in the PTSL evaluation is the theory of William Dunn (2013) as shown in the following figure.

Table 2. Public Policy Evaluation

Criterion Type	Question
Effectiveness	How much performance results?
Efficiency	How much effort will it take to achieve the desired result?
Adequacy	How far is the achievement of the desired result in solving the problem?
Alignment	Are costs and benefits evenly distributed to different groups?
Responsiveness	Do policy outcomes satisfy the needs, preferences, or values of certain groups?
Accuracy	Is the desired result (goal) really useful or valuable?

## 3. Research Methodology

The type of research is qualitative using descriptive methods. Qualitative research has the following characteristics: (1) Background and direct source where data on the object and subject of research is collected directly by the researcher; (2) Be descriptive; (3) Focus on the discovery of information and subsequently used as a result of research; (4) Data analysis is inductive; (5) There are specific criteria for assessing the validity of the data; (6) The research design cannot be standardized; (7) Meaning has an essential value that causes research to explore data in depth and reveal a meaning (Komariah & Satori, 2017). There are five main characteristics that characterize qualitative research, including: data sources come from the natural environment, are descriptive analytic and inductive, pressure on processes (Ibrahim et al, 2018). Observation, interviews and documentation studies are data collection techniques used in this study in line with Prasanti's research (2018).

According to the views of Matthew B. Miles & A. Michael Huberman (2019) after the data is collected through observation, interviews, digesting documents or news from the web is then processed through recording, typing, editing followed by qualitative analysis. The data analysis technique used in the study is to adopt the data analysis used by Miles Huberman including data reduction, data presentation and drawing conclusions / verification which is carried out jointly.

The research was compiled as stated by Miles and Huberman (2019) expressed by presenting text data that is narrative, the same data presentation model as the data presentation model using presentation (types of matrices, images, tables and charts, and filled with verbal words). Based on the findings and data verification is a step taken in drawing conclusions in this study.

## 4. Results and Discussion

Table 3. Land Parcels

Number of Land Plots: 368,987			
Certificate : 214.975 (58,26%)		Not Certificate: 154.003 (41.74%)	
Mapped	Uncharted	Non Asset	Assets
179.940	35.035	87.194	68.809
83,70%	16,30%	56,62%	43,38%

Based on Table 1 of the PTSL targets, in 2018-2020 the targets that have been completed are more than 100% for measuring fields, while land rights certificates amounted to 20,000 fields in 2018; K1 11,000 and K2 have disputes, K3 is 9,000 fields, and K4 is 509 fields. In 2019, out of a total of 7,000 fields, K1 consisted of 5,634 fields, K2 (no dispute), K3 1,536 fields, while K4 was 3,647 fields. In 2020 there were 9,402, K1 9,402, K2 -, K3 4,204, and K4 4,204 fields. Based on this data, field measurements increased in 2019 from 21,322 field measurements in 2018 to 96,095 there was an increase of 350.7%, while in 2020 to 5,000 fields, there was a decrease of 94.79%.

Policy Evaluation William N. Dunn (2012) to observe the PTSL program is concerned with generating information related to the benefits of the results of a policy so that the evaluation can provide valid information about the performance of the policy, namely how far the needs, values and opportunities have been achieved through public action. The development process in Indonesia related to land tends to experience inequality. Based on the cases that occur in the community and because of the large amount of land that has not been registered, the government's concern to hold land registration becomes the Government's National Strategic Program (Ministry of Agrarian & Spatial Planning, 2022).

The hope with the PTSL program is to achieve the land registration target in Indonesia quickly (Prakoso, 2021). In addition, PTSL has several objectives, namely establishing a definite law and legal protection of land rights (Kalkavan *et al.*, 2015; Russel *et al.*, 2016). Through the PTSL program, the registration target of 75 million land plots is expected to be completed within 9 years, namely completed by 2025 (Tanri *et al.*, 2020). In 2021, the Ministry of ATR/BPN has successfully registered 10.7 million plots of land in all provinces in Indonesia from various asset legalization programs (Ministry of Agrarian and Spatial Planning, 2022). There are several factors that influence the application of PTSL, including the following (Dun, 2013).

- *Effectiveness in the application of PTSL* - Effectiveness occurs if a policy in the application of PTSL is right on target and in accordance with the objectives (Irawan, 2017). The implementation of the PTSL policy by the central government supports the mayor's policy with the One Surabaya One Map Program and is currently still being carried out at the Surabaya I National Land Office and a cooperation has been signed between the Head of the BPN East Java Regional Office and the Mayor of Surabaya in October 2018.
- *Efficiency in PTSL through the active role of the community in PTSL* - The free mapping program only people pay at BPN. As for registration, measurement and others, it is financed by the government but material costs, buying stakes related to the limit of people buying individually and bleaching but not charged for land that has not been certified.
- *Adequacy (adequacy)* - It can be achieved to the maximum so that good relationships are established.
- *Alignment (equity)* – Alignment with regard to the costs required in the implementation of the policy. One example of a policy with the aim of leveling is a policy whose activities are not one-sided (Al Hakim, 2015). The key of *equity* is justice (Sari & Jumiaty, 2019). The cost of managing certificates through PTSL does not exist, only the community does not understand about the costs that must be incurred are BPHTB and Deed of Sale and Purchase (AJB) which are known to be quite expensive for low-income people, because the cost of managing BPHTB and AJB is adjusted to the land area and land purchase price.
- *Responsiveness* - The level of responsiveness of villages in achieving the target, different from one village to another in the city of Surabaya is seen in table 1, in 2020 from the target of 5,000 can be completed 100% by BPN, although in 2020 there was a decrease in the number of applicants. The responsiveness of the village as well as RW and RT (*stakeholders*) at the study site showed less because of the target of 250 new applicants, 65 applicants (26%) could be realized. Based on the results of the responses from respondents, it shows that communication

between BPN II Surabaya City and Kelurahan, especially in Gunung Anyar Tambak Village.

- *Appropriateness* - The accuracy of the achievement of the PTSL program over a two-year period is good at 100 percent. However, in 2020 there was a policy of reducing quotas in order to be efficient. In fact, PTSL (Surabaya Mass Certification) is not 100% free. The Surabaya Mass Certification Program (SMS) and the National Agrarian Program (Prona) in Surabaya did not run as expected and there are still some people who are not responsive to this certification program.

*The Factors Causing PTSL Implementation Failure are as follows:*

- The funds allocated for the PTSL program were withdrawn back to the center.
- Constraints on land registration requirements (administrative): 1) The community does not want to pay BPHTB (Land and Building Rights Acquisition Duty); 2) PTSL Services and the Practice of Collusion, Corruption and Nepotism. In addition, other obstacles in the application of PTSL are: (1) Socialization of requirements is not comprehensive, (2) The concept of serving the community has not been careful and fast, (3) The technological difficulties faced by the community in implementing PTSL are access to email addresses, namely how to open the BPN website on the internet about PTSL, (4) Requirements: photocopy of KTP, KK, Leter C, SPPT, PBB.
- Systems and procedures - The PTSL program has 2 procedures, namely: the socialization stage is continued with land registration; File Restore Stage. For the registration stage, the community does not understand the PTSL procedure at all for those who cannot process the file. The research findings show that the file return procedure is still problematic, because some incomplete files are returned to the village, the procedure for returning the applicant's file from BPN to Gunung Anyar Tambak Village was not sent directly to the applicant. After a *cross-check* by researchers to the village by paying attention to the file attachment from BPN II Surabaya City, it turned out that one of the applicants, Mr. Hartono, returned the file by BPN and sent to the village. The applicant's file has not been taken in the village has been deposited in the village for 3 months. This condition is very detrimental to the applicant, so all parties must pay attention to the conditions on the ground. In a sense, the bureaucracy must provide good service to the community.

*Community Justice Oriented Landreform Policy versus Omnibus Law (Corporate) Policy:*

Landreform policies, one of which is the PTSL Program, is a policy of having the values of justice as mandated in the 1945 Constitution and the UUPA. The



Landreform policy outlined in the PTSL Program is a program that has been carried out by BPN with the name Prona. The program that regulates the orderly control of land can be carried out by the City government through the control of ownership of land certificates, which is carried out through Prona (Village: several areas), PTSL (City) and Land Bank as stated in the partnership program and supported by the Omnibus Law policy. The PTSL program targets all land in Indonesia to have certificates (recognition of rights), both property rights, HGB, Hak Pakai and others. The implementation of the Landreform policy can take place effectively due to four factors that are prerequisites for the implementation of Landreform, namely (1) The commitment of all components to implement the *Landreform* program, (2) the existence of a clear program related to agrarian reform, (3) There is complete and accurate evidence and information, (4) There are instruments of control and supervision in a transparent and accountable manner in each implementation of juklak & juknis (Isnaeni, 2017).

On the contrary, the *Omnibus Law* policy answers the consequences of the 2002 Constitution, namely that the amendment to the 1945 Constitution focuses more on corporations having consequences for the expansion of land ownership by the private sector. The land tenure that has been carried out by entrepreneurs, especially oil palm land, follows: 25 Companies control oil palm land in Indonesia which has been planted with 12.3 million ha, in detail as follows: the area is 5.8 million ha, 3.4 million ha is planted while 2.4 million ha has not been planted (Hamdani, 2019). Thus there has been a huge accumulation of land tenure. *Omnibus Law* policy facilitates capital acquisition by pledging HGB certificates. The parties who succeeded in identifying the capital-giving banks for 25 companies were as follows: (1). Oversea-Chinese Banking Corporation (Singapore); (2) Malayan Banking (Malaysia); and so on with a total of US\$ 19.7 billion by issuing shares and bonds with the aim of palm oil production activities from these 25 business groups with a total value of US\$ 8.0 billion.

The 25 companies in question can be seen at (<https://finance.detik.com>). In the period 23-27 September 2021, the composition of land tenure for palm oil by 101 domiciled companies in North Sumatra Province covering an area of 274,135 ha and 1,026,644 ha, while 6 companies were in Pekanbaru covering an area of 1,623,458 ha (Ignatius Ery Kurniawan, <https://www.infosawit.com/pages/plantation-company/>), while for some companies the control of 305,871 ha was in West Sumatra, 454,771 Jambi, Bangka 8,068 ha, South Sumatra 26,619 ha.

#### 4.1 Agrarian Reform Versus Omnibus Law Policy

*Agrarian landreform* is carried out with the aim of dividing not one-sided from the main life of the peasant

people in the form of land, with the hope that a fair division will be achieved (Zein, 2019). However, in its application this *Landreform* was not actually implemented by the government. This is because the oligarchs influence the legal process of land ownership for their production process. Agrarian reform philosophically aims to: (1) Handle and resolve agrarian conflicts; (2) Reducing P4T inequality; (3) Realizing employment so as to minimize poverty; (4) Make improvements and maintain the quality of the environment; (5). Improving food security and sovereignty (SIGTORA, no year).

The *Omnibus Law* (UUCK) negates Agrarian Reform as stated in Presidential Regulation No. 86 of 2018. That is, UUCK makes agrarian dwarfism to become land, causing high agrarian inequality and triggering agrarian conflicts. Potential risks of implementing the *Omnibus Law*: City-biased RDTR, Centralization of spatial authority, degradation of biodiversity and food contamination, threats to import-based food sovereignty, centralization of business licensing, mainstreaming of investment rather than environmental sustainability; vagueness of the definition of agromaritim subjects and objects, vulnerability of agrarian sources of livelihood, dilemmas of agrarian reform with national strategy projects; escalation of quarrels and overlaps overlap, liberalization of resource harness; subsequent effects and weak punishments (Center for Agrarian Studies, 2021).

Agrarian constitutionalism is based on the 1945 Constitution and the UUPA, as seen in the following articles:

- Article 33 paragraph 3: for the people is clearly biased because the substance of the land is only for a small group of people not for prosperity throughout Indonesia.
- Constitutional court ruling: 2122 PUU 5/2007 when talking about the term of land rights it is clear that the construction, philosophy, principles of the UUPA are violated.
- Violates Tap IX/2001: installed as a principle, but its contents do not conform to Tap IX/2001.

#### 4.2 Strategies and Impacts Faced by Indonesia on Landreform or Omnibus Law Policy Choices

To deal with land tenure by the private sector, it is necessary to reformulate the *Landreform* policy through a partnership policy that must adjust UUPA No. 5 of 1960, especially on collective land acquisition. The restriction on land tenure as mandated in UUPA No. 5 of 1960 which states collective land tenure of 25 ha. To adopt a partnership policy in order to provide opportunities for entrepreneurs to control land, it is necessary to make a policy of deriving the limit of land tenure a maximum of three times the policy issued by UUPA No. 5 of 1960.

## 5. Conclusion

*Landreform* policy will have a positive impact if the land redistribution policy pays attention to the interests of the wider community. Thus the *Landreform* policy or land redistribution as part of the agrarian reform policy needs to be revisited.

This research suggests that the policy of land redistribution through government to *government* or business to *business* partnerships should be reformed or reformulated in accordance with the Basic Agrarian Law No. 5 of 1960.

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