

***TARGET AND MASTERY LANDS THE SCOPE OF LAND  
AGRICULTURAL LAND REDISTRIBUTION IN THE PROVINCE OF  
SOUTH KALIMANTAN***

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*Submitted: 12/03/2017; Reviewed: 16/03/2017; Accepted: 29/03/2017*

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***Abstract:*** *This type of research is juridical-empirical, character of an explanatory study, using non probability sampling technique, with sampling purposive or judgment sampling, with its own considerations for selecting members of the sample. Respondents farmers, farmer groups, informants: National Land Agency, Agency for Agricultural Extension and the National Bureau of Statistics. A redistribution subject of Agricultural Land in South Kalimantan province, not all poor farmers and sharecroppers, but there are also traders, private employees and civil servants. Due to ignorance of the farming community will Land Redistribution program. Object of agricultural land redistribution in South Kalimantan, only on state land or land uncultivated state-controlled, whereas the maximum limit for the excess land, absentee land and abandoned land is not part of the object of reform because it could not be implemented due to the constraints of data and information not enough about it. Because the object redistribution of agricultural land that is not up to two (2) acres, has not been able to fulfill the lives of farmers, because it is too small farms and agricultural produce is not maximized.*

***Keywords:*** *agricultural land; farmers; land redistribution*

## INTRODUCTION

The strong economic development in urban areas generally tends contrast to the level of income in rural communities. This is effects on declining levels of agricultural land ownership. The negative impact of this development is the process of accumulation and concentration of land ownership in the hands of a class of people who live in urban areas. Mastery is very closely related to mastery commonly known as absentee land ownership/guntai. The process of accumulation and concentration of land control in addition to further increase the frequency of violations of absentee land ownership also widen the social gap between the owners and tenants of land. The problem is exacerbated by the easy landowners to add to the soil by way of absentee. In the development of tenants who do not have land could only daydream because land controlled by the owner (absentee) resale value will be increasingly difficult to reach by tenants.<sup>1</sup>

These farmers are the main producers for food from fields and fields, from the farmer who produces a variety of food that humans need. Farmers work on their land to produce food. While the “farmers” who work on the farm of another person, with a profit-sharing system (called sharecroppers) and wages paid in the form of money (peasant) is not a true farmer.<sup>2</sup> Many farmers whose never had

tilled the land for themselves but had to be sold to another party due to inability to meet the economic needs of the poor because their lives. It is of great concern because of the early development of the Indonesian nation after independence, Indonesia is known as an agricultural country because most people have a livelihood in agriculture that self-sufficient in food but now the situation has changed, a lot of agricultural lands owned by the parties are not farmers.<sup>3</sup>

In order to the role of the government to carry out agrarian reform land distribution (A redistribution) Agricultural Land for Farmers Who Do not Have Agricultural Land aimed at building a welfare society, especially farmers. As the agrarian reformation agenda that was proclaimed by the administration of President Susilo Bambang Yudhoyono. “Linkage of agrarian reform with the participation of the community, especially farmers in the village was mentioned in the Programme of Action in the Charter of Farmers (UN FAO), linkages with efforts to improve the productivity of farmers”.<sup>4</sup> When high productivity of farmers, the food security will be achieved. Land redistribution program conducted by the Government, the object of land redistribution, among others, is the maximum excess lands, lands of the former private lands, wastelands, and some free country land that has been cultivated population and is not required by the Government for a particular purpose or purposes. Recipients land redistribution object is the tenant (renters of land agricultural land) which is recognized by the local community. Land redistribution aims to build community

1 Diana Rahmawati. “et.al,” 2012. *Pendayagunaan Tanah Terlantar dalam Rangka Perlindungan Hukum Terhadap Kesejahteraan Petani Studi di Provinsi Kalimantan Selatan*. Laporan Akhir Penelitian. Dibiayai oleh Direktorat Jenderal Pendidikan Tinggi, Kementerian Pendidikan dan Kebudayaan, sesuai dengan Surat Perjanjian Pelaksanaan Penugasan Penelitian Strategis Nasional Nomor: 010/SP2H/PL/Dit.Litabmas/III/2012 tanggal 7 Maret 2012, hlm. 1.

2 *Ibid.*, hlm. 2.

3 *Ibid.*, hlm. 3.

4 Gunawan Wiradi. 2000. *Reforma Agraria: Perjalanan yang belum Berakhir*. Yogyakarta: INSIST Press, hlm. xi.

welfare.

The Indonesian National Land Agency has targeted the year 2012 will distribute as many as 149 600 parcels of land to poor farmers and landless people, in 2012 there were 459 units targeted job is finished being recorded and studied. The result will be distributed to poor farmers and landless people. Land redistribution program is derived from the old land reform object, wasteland and forest conservation land. Currently the National Land Agency is finalizing the land redistribution from the old land reform object. Order to speed up the process of land redistribution, the authority land redistribution has been submitted to the Regional Office. Land redistribution aims to build community welfare. Giving the land was part of the agrarian reform agenda that has long proclaimed by President Susilo Bambang Yudhoyono. In South Kalimantan Province, implementing demolition of abandoned land, especially in the district of Tanah Laut and Tanah Bumbu step demolition of abandoned land has been started from the determination of the location indicated demolition of abandoned land that has been carried out in 2009 in steps of District Land Office/Town and Regional Office of the National Land Agency and has become a national data indicated abandoned land, national data identified derelict land is used as a basis for planning enforcement activities wastelands in 2011.

Basically, this research was not want to limit the land redistribution program of the government of the land from the object wastelands because the identification process until a decision was expressed as wastelands take a long time so there was a possibility in the province of South Kalimantan no wastelands that have been distributed to society, the re-

searchers would examine the land redistribution program derived from the free state land (which has worked on the public for the purposes of agriculture and plantation). See the subject and object of agricultural land redistribution in South Kalimantan and the ruler lands within the scope of the reform of Indonesia in land redistribution projects in South Kalimantan Province.

**Research methods** This type of research is juridical-empirical, with the character of an explanatory research. Using non probability sampling technique, with sampling purposive or judgment sampling, with its own considerations for selecting members of the sample. The research object is the district that implement land distribution (redistribution) of farmland The respondents are of the elements of society, namely farmers and farmer groups who became the recipient of land distribution (redistribution) of farmland has been declared the Government. Informants from the National Land Agency, Agency for Agricultural Extension and the National Bureau of Statistics.

## **ANALYSIS AND DISCUSSION**

### **First, Subject and Object Target Agricultural Land Redistribution in South Kalimantan Province**

The land redistribution subject target beneficiaries for this activity are poor farmers or sharecroppers as referred to in article 8 and article 9 of the Government Regulation No. 224 in 1961 on Implementations of the Land Distribution and Provision of Compensation. The land allocated as object ground Redisribusi land reform activities should be clear and clean, both legally and physically, include:<sup>5</sup>

1. Land object land reform has not been re-

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5 Direktorat Landreform Deputi Bidang Pengaturan Dan Penataan Pertanahan. 2010. *Petunjuk*

distributed, include:

- a. Lands affected by the provisions of reform-is derived from the maximum advantages, absentee and former self-government.
  - b. The land that has become the object of reform affirmed.
2. Land reform object that has been redistributed, anmaun beneficiaries did not meet its obligations as recipients of redistribution and SK reditribusinya had ended 15 years, as stipulated in the Decree of the Minister of Agriculture/Head of the National Land Agency Number 11 Year 1997 on Soils Control Object Reditribusi land reform.
  3. Lands directly controlled by the State to be confirmed by the Head Indonesian National Land Agency, namely:
    - a. According to the Decree of the Minister of Agriculture and Agrarian No. SK 30/Ka/1962 regarding the affirmation of lands that would be Distributed in the framework of implementation of land reform referred to in Article 1 Letter D Government Regulation No. 224 of 1961:
      - 1) Part-this part of private land/eigendom affected Law No. 1 1958:
        - a) Which is agricultural land;
        - b) Are not give back to the former owner as compensation; and
        - c) Which can not be gave to property under Article 5 of Law No. 1 of 1958.
        - d)
      - 2) Land former erfpacht rights/lease:
        - a) Which is agricultural land; and
        - b) Which is now directly controlled by the State.
    - b. According to the Decision of the National Land Agency Number 25 Year 2002 on Guidelines for Application affirmation of the State Land Tenure Land Being Object Settings/Landreform:
      - 1) State Land free.
      - 2) Land former Erfpacht.
      - 3) Land former concession that have expired and walkin extended by right holders or been revoked/dibatalakan by the government.
      - 4) The forest land that has been tilled/done by the right people and talah released by the agency concerned.
      - 5) Land former gogolan.
      - 6) Land former customary rights/customary
  4. Land in location results Activities Inventory Control, Ownership, Use and Utilization of Land (IP4T), which has the potential to be followed in reditribusi ground.

Based on the guide the implementation of land reform land redistribution objects made by the Directorate of Land Reform The Deputy of Settings and Land Planning, lands allocated for Land A redistribution Object Land Reform, include:

1. Land object land reform has not been redistributed, include:
  - a. Lands that were subject to land reform derived from the maximum advantages, absentee and former self-government.
  - b. Soils that have affirmed become the object of land reform.
2. Land object land reform has been redistributed, but beneficiaries are not fulfilling their obligations as recipients of redis-

tribution and Decree (SK) redistribusinya has aged 15 years, as stipulated in the Decree of the Minister of Agrarian/Head of the National Land Agency No. 11 of 1997 on Control of ground-A redistribution land Object land Reform.

3. Lands directly controlled by the state to be confirmed by the National Land Agency of the Republic of Indonesia, namely:
  - a. According to the Decree of the Minister of Agriculture and Agrarian No. SK.30/Ka/1962 regarding the affirmation of lands that would be Distributed in the Framework of the Implementation of the Land Reform as referred to in Article 1 paragraph d of Government Regulation No. 224 of 1961:
    - 1) parts of the private land/eigendom (more than 10 bow. 1 bow=7.14 ha) were exposed to Act No. 1 of 1958;
    - 2) which is agricultural land;
    - 3) are not given back to the former owner as compensation; and
    - 4) which can not be given to the Property pursuant to Article 5 of Law No. 1 of 1958.
    - 5) Land former erfpacht rights/ Right (HGU):
    - 6) which is agricultural land;
    - 7) which is now directly controlled by the state.
  - b. According to the Decision of the National Land Agency Number 25 Year 2002 on Guidelines for the affirmation of the State Land Application Settings Object Being Land Tenure/ Land Reform:
    - 1) The land of the free state;
    - 2) Former land erfpacht;
    - 3) The former land concession that

had expired and was not renewed by the holder of the rights or has been revoked/canceled by the government;

- 4) Forest land that has been tilled/ done by the people and their rights have been released by the relevant agencies;
  - 5) The former land gogolan;
  - 6) The former lands of indigenous rights/customary.
4. The results of the soil at the site of Inventory Control, Ownership, Use and Utilization of Land (IP4T), which has the potential to be followed up in the redistribution of land.  
Provision of Property Rights over land to farmers recipient Object Land Reform Land redistribution is given by the following terms:
    - a. The recipient is obligated to pay cash income redistribution (to Land Land Object reform derived from the maximum excess soil and absentee land);
    - b. The land in question must be given limit signs;
    - c. The right to be registered with the relevant Land Office to obtain the certificate;
    - d. The recipient shall undertake redistribution/actively seeking land;
    - e. After 2 (two) years since the enactment of Decree granting rights are required to achieve the increase in crop yields each year as set by the Department of Agriculture area;
    - f. Which receives the rights shall be a member of a local agricultural cooperative lay of the land in question;
    - g. During the currency revenues have not been paid in full (for Land Reform

Land Objects derived from the maximum excess soil and absentee land), Hak given it is prohibited to be transferred to another party, if not obtained prior permission of the Head of Land Office districts/cities;

- h. Failure to fulfill obligations or violation of the ban on the above can be used as an excuse to deprive Proprietary given it, without giving an indemnity. Revocation Hak was done by the Decree of the Minister of Agrarian or other official designated by him

### **Second, Mastery lands the scope of land reform in Indonesia in land redistribution projects in South Kalimantan Province.**

In Article 1 of Government Regulation No. 224 of 1961 on the Implementation of Land Distribution and Provision of Compensation, stated that the lands that will be distributed within the framework of reform are:

1. Land excess of the maximum limit;
2. Soils absentee (guntai);
3. Land of self-government and self-government that the former was transferred to the State;
4. Another Land directly controlled by the State.

In the course of Reforma Agraria Indonesian better known as land reform, which includes:<sup>6</sup>

1. Prohibition to master the agricultural land exceeded the limit;
2. Ban ownership of the land "absentee";
3. A redistribution the remaining lands of the maximum limit, the lands affected by the provisions of "absentee", the former self-governing lands and lands of other countries;
4. Setting about returns and redemption of

agricultural lands mortgaged;

5. Rearrangement sharing agreement agricultural land, and;
6. Determination of the minimum ownership of agricultural land, with prohibition to perform acts that result in solving ownership of agricultural lands into parts that are too small.

### **Maximum and Minimum broad Land Tenure**

Therefore it is necessary to prevent the ownership of land by individuals in excess, and the division of land into very small so it does not become a viable source of life.<sup>7</sup> What is prohibited under the provisions of Article 7 of this, and if it is related to Article 17, mentioned above, in the well-known literature with latifundia ban or in the Philippines is also said to Hacienda, meaning ban vast land holdings so that no one may have a maximum limit of land, especially land that in the literature mentioned the existence of a ceiling on land ownership.<sup>8</sup>

And excess soil that is also called surplus will be taken by the government and distributed to the landless farmers (tunakisma) also called Landless-Farmers or to small farmers also called near-Landless-Farmers, for this purpose by the government has issued Law No. 56 the government law in 1960 and Regulation No. 224/1961.

### **The Absentee Prohibition**

Absentee land ownership, land ownership is a farm whose owner is outside the district that is different from the location of the agricultural land in question. This is an implementation of Article 10 of the BAL

<sup>6</sup> *Ibid.*, hlm. 19.

<sup>7</sup> AP. Parlindungan.1998. *Komentar Atas Undang-Undang Pokok Agraria*. Bandung : Mandar Maju. hlm, 73.

<sup>8</sup> *Ibid.*,

which every person and legal entity that has an agricultural land rights in principle obliged to work or actively working on their own, by preventing means of extortion.

Absentee more protracted ban regulated by Government Regulation No. 224 of 1961 on Land Distribution and Provision of Compensation. In Article 3 states:

1. The owner of agricultural land migrating residence or leave out the subdistrict where the land lies for 2 (two) years in a row, he is reported to the competent local authorities and the period of 1 (one) year from the date of expiry of 2 (two) years at the top he is required to transfer title to the land to others who reside in the district of the lay of the land;
2. If the owner of the land which is meant in paragraph (1) of this article migrate or leave out the District of residence where the land lies, while he did not report to the competent local authorities, within 2 (two) years since he left the place residence was obliged to transfer title to the land to others who reside in the district of the lay of the land.

If obligations as contemplated above are not met then the land is controlled by the government and given to the land owners for damages. To further land reform object used as a soil that will redistributed according to applicable regulations.

In relation to this absentee land ownership,<sup>9</sup> among other states, violations of the provisions on the prohibition of absentee land ownership due to the ease of obtaining Card (KTP) of agricultural land in the location concerned. In addition, given the advanc-

es in communication and transportation, to distance shelter and basic lay of the land as absentee land ownership ban is outdated. Because it thinks should be considered whether the provision of absentee land ownership will be abolished or retained, located in one district criteria can be replaced with the corresponding example for most of his time living in the location of agricultural land, but it is also its biggest revenue obtained from the land, and the soil should not be neglected.

### **The Land Redistribution of Land Reform Object**

In connection with the object of reform in Indonesia in Article 1 of Regulation 224 of 1961 on the Division of Land and Compensation Provision, stated that the lands within the framework of the implementation of the reform will be distributed according to this rule are:

1. Land of the rest of the maximum limit (land surplus) as defined in the Act No. 56 Year 1960;
2. Lands taken by the government as the owner resides outside sub- lay of the land (the land of absentee);
3. Lands of the autonomous and self-governing former was transferred to the State, as defined in the dictum of the four letters A BAL;
4. Other lands controlled by the state to be confirmed further by the Minister of Agrarian. Other lands in this case as the former private lands, lands with a right to cultivate that have expired, suspended or canceled, forestry lands handed back to the state and others.

In order to provide greater access to farmers in a farm, as well as through land redistribution program object land reform, land reform program can also be done through the

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9 Maria SW Soemardjono. 2009. *Kebijakan Pertanahan Antra Regulasi dan Implementasi*. Cet. 6. Jakarta: Kompas Media Nusantara, hlm. 52.

distribution of land through the opening of new fields, such as resettlement projects, as done so far. Land reform program as a way to regulate control and ownership of land can be done through land redistribution program as well as through the opening of new agricultural lands called the distribution of agricultural land.

### **The Implementation of the Land Redistribution in South Kalimantan**

Land Reform includes an overhaul of the ownership and control of land and legal relations concerned with the exploitation of the land.<sup>10</sup> The purpose of land reform held in Indonesia is to enhance the income and standard of living of farmers, especially small farmers and peasants land, as a foundation or prerequisite to organize economic development towards a just and prosperous society based on Pancasila.<sup>11</sup>

One of the land reform programs is a land redistribution activity. It looks picture in South Kalimantan Province, the implementation of land redistribution is:

| No | Regional Redistribution (Ha) of Land Area (Regencies) |              |
|----|-------------------------------------------------------|--------------|
| 1. | Regency of Balangan                                   | 463,89 Ha    |
| 2. | Regency of Banjarbaru                                 | 1.470 Ha     |
| 3. | Regency of Tapin                                      | 6.925,04 Ha  |
| 4. | Regency of Tabalong                                   | 1.548,75 Ha  |
| 5. | Regency of Kotabaru                                   | 21.181,41 Ha |
| 6. | Regency of Hulu Sungai Utara                          | 126,07 Ha    |
| 7. | Regency of Hulu Sungai Tengah                         | 1.207,18 Ha  |
| 8. | Regency of Hulu Sungai Selatan                        | 1.200,67 Ha  |

10 Boedi Harsono. 2003. *Hukum Agraria Indonesia*. Jilid 1 Hukum Tanah Nasional. Edisi Revisi. Jakarta : Djambatan, hlm. 367.

11 *Ibid*, hlm. 370.

*Source: Data Tentative Land Redistribution Programme South Kalimantan Province Year 1965-2011, BPN South Kalimantan Province.*

The results of the 3 (three) District research areas, as the sample in South Kalimantan Province, namely: Barito Kuala, Banjar and Tanah Laut. In Barito Kuala, in the District and Sub-District Cerbon Rantau Badauh, the implementation of the redistribution of land in 2010, based on interviews with farmers on their average gain of 0.5 hectares land redistribution, 1 and 2 Ha Ha. To the get the land area of <0.5 Judge 1 Ha as much as 80% and 2 ha of land area by 20%.

Research for Banjar, in Tabuk and Sungai Karang Intan, the implementation of land redistribution in 2009. Based on interviews with Farmers, almost equal to the Barito Kuala, on average, the redistribution of land <0,5 ha-1 Ha as 81% and spacious 2 Ha much as 19%.

Research at Tanah Laut, in the district and sub-district Kurau Mine Re, the implementation of land redistribution in 2010. Based on interviews with farmers on Tanah Laut too, experienced the same thing, only acquire land redistribution that extent is not much, which is approximately 0.5 Ha-1 Ha as much as 70% and spacious 2 Ha much as 30%.

Whereas the minimum amount of land area is 2 hectares, while the maximum is 5 hectares of land area, for land redistribution program as prescribed by the implementation of the Land Redistribution BPN. The actual amount of land area of less than 2 hectares, is not enough for the welfare of farmers. According to farmers, agricultural produce of the land area of less than 2 hectares, just enough to eat everyday, not for sale. As for enhancements, farmers choose to be farm laborers in the agricultural land of others, with a salary

of Rp 35,000/day. And there are some men-garoni or lease land belonging to someone else with a profit-sharing system, to earn additional income.

Power over and ownership of land, particularly for agricultural land or land-land used for public business it reaches the point of economics. How now if farmers with 0.2 acres, certainly not to lean life. There are two interesting data. The first data are farmers in Indonesia it is a producer but at the same time 70% of them are nett buyer once buyer eat. So he was a manufacturer but at the same buyer. Due to insufficiency and secondly, the picture income income composition of the farmers from agricultural sources of income that is getting smaller by the day was 27%. The Approximately 30%. The rest were from non-agricultural activities. Do so labor, whether that at no time were planting it goes to the city. Because not enough, because this happens parselisasi. Not to mention the level of workers has become a farmer.<sup>1</sup>

## CONCLUSION

1. The citizens in South Kalimantan not know about the redistribution of land as one of the land reform program. They know only know the certification of agricultural land through PRONA. Even-though for different PRONA object to the implementation of land redistribution, which is only to farmlands. Subjects redistribution of land was based on research results, not all of which involved the redistribution of land were farmers, but

there are professional traders, private employees and civil servants. So that the land redistribution program misses the point. Object redistribution during the time in South Kalimantan, only state-controlled land or state land arable.

2. The implementation of redistribution of agricultural land, according to the land reform program is the maximum limit for the excess land, land affected by a ban on absentee and wastelands. But until now it can not be done, because the district BPN and BPN Regional Office of the Province does not know the exact data is definitely excess land ownership and absentee land holders. To wastelands already begun in the identification ole BPN, which will be the object in the land redistribution in South Kalimantan, which is included in the program in the 2014's. On the implementation of land redistribution in Barito Kuala, Banjar and Tanah Laut, because the land is the object of the land redistribution only state-controlled land or state land plots, so that the land which became the object of extensive land redistribution is not widely not less than 2 hectares. In fact there are less than 0.5 ha. So as to terms of welfare for farmers who obtain land redistribution, far from prosperous, Hasip their farm just to have enough to eat everyday, not for sale. To school their children, earn a living other, so as farm laborers on farms of others, so workers in the city, rented the farm of others.

## Suggestion

1. Establish a Local Regulation on Sustainable Agricultural Land. To protect kepe-milihan agricultural land in order not to fall to the landowners who are not farm-

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1 Sambutan Kepala BPN RI, Pada Pembukaan Lokarkarya dan Konsultasi Teknis Deputi Bidang Pengaturan dan Penataan Pertanahan, Bandung, 14 April 2008, hlm. 41. (Himpunan Pidato Kepala BPN RI Tahun 2008).

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2. The implementation of land redistribution in South Kalimantan, South Kalimantan, the object of the redistributed land land only state-controlled or state land under cultivation only, so that the extent of land held less than 2 ha. So that the level of welfare is far from enough. For South Kalimantan need to be held Farm-land Consolidation program, to reach the area of agricultural land up to 2 hectares of farmland

Nusantara.

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