

PROSPECTS OF INDONESIAN AGRARIAN LAW SYSTEM REFORM TO PROVIDE THE WELFARES

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Abstract

Agrarian law in Indonesia has not been able to provide prosperity to society. This can be seen from the injustices that arise from a number of regulations in the field of agrarian law, including the Job Creation Law. This article aims to examine whether Agrarian law in Indonesia reflects Pancasila and is based on the mandate of the constitution, and whether there is a need for reform. This research is doctrinal research using a literature study. This study finds that agrarian law policies in Indonesia are still not in favor of people who have a weak economic position. The development of globalization and the pressures of investment make government policies still pro favor those with a strong economic position. Therefore, it is very necessary to have a bill to improve the UUPA to realize a just national agrarian politics to realize the wider community's welfare. Consistency towards recognizing ulayat rights and customary law also needs to be enforced in all government legal policies. This needs to be emphasized in Indonesian legal politics.

Keywords: *Agrarian Reform; Politic of Law; Welfare State.*

Abstrak

Hukum Agraria di Indonesia belum mampu memberikan kesejahteraan pada masyarakat. Hal ini dapat dilihat dari ketidakadilan yang muncul dari sejumlah regulasi bidang hukum agraria, termasuk UU Cipta Kerja. Penulisan ini hendak mengkaji apakah hukum Agraria di Indonesia telah mencerminkan Pancasila dan berlandaskan pada amanat konstitusi, dan perlukah sebuah reformasi terhadapnya. Penelitian ini merupakan penelitian doktrinal dengan menggunakan studi kepustakaan. Penelitian ini menemukan bahwa kebijakan-kebijakan hukum Agraria di Indonesia masih belum berpihak pada masyarakat yang memiliki posisi ekonomi lemah. Perkembangan globalisasi dan desakan-desakan investasi membuat kebijakan pemerintah masih pro pada pihak yang memiliki posisi ekonomi yang kuat. Oleh karena itu sangat diperlukan sebuah RUU Penyempurnaan UUPA untuk mewujudkan politik agrarian nasional yang berkeadilan demi mewujudkan kesejahteraan masyarakat secara meluas. Konsistensi terhadap pengakuan hak ulayat dan hukum adat juga perlu ditegakkan dalam segala kebijakan hukum pemerintah. Hal ini perlu dipertegas dalam politik hukum Indonesia.

Kata Kunci: *Negara Kesejahteraan; Politik Hukum; Reforma Agraria.*

A. Introduction

1. Background

Indonesia is an agrarian country, meaning that Indonesia is a nation where most people live from farming (farming) or people's lives rely on the agricultural sector. Agrarian as an adjective

is used to distinguish the lifestyle of rural people who rely on the agricultural sector from the lifestyle of urban people who rely on the non-agricultural sector (trade, industry, bureaucracy).¹ As an agricultural country, Indonesia has abundant natural resources, consisting of earth, water, and the natural resources contained therein. This potential is a gift and mandate from God Almighty, which must be used to realize the general welfare and prosperity of the people, as mandated by Pancasila and the 1945 State Constitution of the Republic of Indonesia.

The land is very important to human life. His main job was to take care of human life. This often makes the land a source of trouble in this issue of harmony between human. The relationship between humans and the land is a cosmic-magical-religious connection or religion-magical, seen in the form of 'ulayat' rights. In other words, the land was not only about economic benefits but also about the deepened values for humans. In this way, the knowledge grew that humans should take care of the land. This knowledge has grown in various ways over the centuries. As we have seen, the word cadastre appears in Latin *capistratum*, which is a list of monarchs or areas created for Roman property tax (*capotatio terrens*). The Land Registry is the information about the land, the value of the land, who owns the tax rights, so the Land Registry is the right tool to provide a definition and understanding of the rights of the land.²

The land is very essential to human life and at the same time has two functions: social welfare and economic well-being. The existence of land as a social asset is the lifeblood of society, and the land as a valuable resource is the main source of development. It is a physical and commercial property that can be considered.³

Along with the long history of the Indonesian nation, land has become a part of legal development, formulated in the ruling government's legal politics. This is because in developing a nation, it is impossible to separate from the land itself. Laws no. 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA) embodies the manifestation of Article 33 paragraph (3) of the 1945 Constitution, which provides the formulation of social assets and capital assets themselves. A.P Parlindungan believes that the UUPA is the main source of agrarian reform in Indonesia.⁴

¹ Urip Santoso, *Hukum Agraria dan Hak-Hak Atas Tanah*, (Jakarta : Kencana Prenada Media Group, 2010), p. 5

² Soerojo Wignjodipoero, *Pengantar dan Asas-Asas Hukum Adat*, (Jakarta: CV Haji Masagung, 1988)

³ Maria S.W. Sumardjono, *Tanah Dalam Perspektif Hak Ekonomi, Sosial dan Budaya*. (Jakarta: Kompas, 2008),

⁴ AP. Parlindungan. *Bunga Rampai Hukum Agraria Serta Landreform Bagian I*. (Bandung: Mandar Maju, 1989), p. 9

UUPA focuses on services for the community, especially farmers, who make up the majority of Indonesia's population (as stated earlier in the background, where our country has an agrarian society) and has a poor economic situation. The birth of the UUPA marked the period in which land reform provisions came into effect in terms of restrictions on ownership of agricultural land, prohibition of absentee ownership of land (*guntai*), land redistribution subject to land reform and absentee rules, and arrangements for profit-sharing and pawning of agricultural land. With the UUPA, the abolition of colonial rights and the conversion of land rights, which were originally regulated in the old legal system (colonial law) became new rights based on the UUPA.

2. Literature Review

According to E. Utrecht, Land Law is Agrarian Law in a narrow sense. Land Law and Agrarian Law are part of State Administrative Law because they relate to legal relations between officials who have authority in agrarian/land law and the community.⁵

Furthermore, according to Boedi Harsono, land law does not regulate land in all its aspects. It only regulates one of its juridical aspects which is called land tenure rights. The legal provisions governing land tenure rights can be compiled into a single unit which constitutes a single system, which is called land law.⁶

Hence, the object of land law is not the land itself but the rights and obligations regarding land owned and controlled in its various forms, including its legal and institutional framework, its transfer, and supervision by the community.⁷ So it is not an exaggeration to say that the UUPA is a milestone for agrarian reform in Indonesia.

However, along the way, the UUPA did not contribute to cases of land disputes, such as the dispute in Mesuji, the mining case in Bima, and hundreds of other agrarian conflicts that have occurred to date. This is because of the inconsistency between the policies of the ruling government and the UUPA itself. Policies that were originally populist are now developing in a pro-capital direction based on an economic policy orientation in the direction of national

⁵ E. Utrecht. *Pengantar dalam Hukum Indonesia*. (Jakarta: PT. Penerbitan dan Balai Buku Ichtar) pp. 162, 305, 321 & 459

⁶ Boedi Harsono, *Hukum Agraria Indonesia*, (Jakarta : Djambatan, 2008), p. 17

⁷ Nathaniel Lichfield, dan Haim Darim-Drabkin. *Land Policy in Planning*. (London: George Allen & Unwin Ltd, 1980) p. 13

development. Therefore, national development, which focuses on economic factors, greatly influences land law policies in Indonesia.⁸

Before we enter the discussion, it is better in this background that we first clarify the concept of agrarian reform (agrarian reform) with land reform. If referring to the essence of agrarian reform and comparing it with Ben White's land reform, et al. in his writings explain as follows:

It is common to distinguish land reforms (which aim to alter structures of access to land) and agrarian reforms, a more comprehensive approach that, besides (and sometimes even instead of) land reform, aims to promote access of landholders to the various inputs (knowledge, credit, markets) they need to increase productivity and enhance sustainable livelihoods... The land reform vs. agrarian reform distinction is problematic for at least two reasons. First, any successful land reform is necessarily accompanied by the other supporting measures mentioned above, if they were not already in place, rendering the distinction redundant.... The notion of "agrarian reform" does, though, serve the purpose of emphasizing the inadequacy of redistributive land reform by itself in bringing about lasting, structural change in the rural economy and society.⁹

Ben White distinguishes the orientation between the two. Where the scope of agrarian reform is wider than land reform, so to be able to achieve agrarian reform, land reform must be successful first, namely providing access to the rights and obligations for the community to land by taking into account several factors such as knowledge, credit, and markets to increase productivity and support environmental sustainability. However, agrarian reform focuses on achieving the community's goals, namely the community's welfare, especially in an agrarian society.

3. Research's Problem

Agrarian Reform is interpreted differently between the UUPA and Presidential Regulation (Perpres) Number 86 of 2018 concerning Agrarian Reform issued by President Joko Widodo. According to Article 1 Paragraph (1) Presidential Regulation (Perpres) Number 86 of 2018 concerning Agrarian Reform, what is meant by Agrarian Reform is the restructuring of the structure of control, ownership, use, and utilization of land that is more equitable through Asset Management and accompanied by Access Management for the prosperity of the people of

⁸ Maria S.W. Sumardjono. *Loc. Cit*

⁹ Ben White, Saturnino M. Borras, & Ruth Hall. *Land Reform*. in Bruce Currie-Alder, Ravi Kanbur, David M. Malone, & Rohinton Medhora. *International Development: Ideas, Experience, and Prospects* (London: Oxford University Press, 2014) chapter 28, p. 7

Indonesia. Meanwhile, land reform in the UUPA includes reforming and rebuilding the land use planning system, abolishing colonial agrarian law, and developing national agrarian law.¹⁰

Agrarian reform is an effort to structural change based on the relations between agrarian subjects in terms of access (control and utilization) of agrarian objects. Concretely, agrarian reform is carried out to make changes to the land tenure structure and changes in the guarantee of certainty in land tenure for the people who take advantage of the land and the natural wealth that accompanies it.¹¹

However, land as an agrarian resource has not been guaranteed to give purposiveness to meet the prosperity of the people. The existence of land has not been able to fulfill mutual benefits in the concept of the social function of land rights. One of the problems that currently arise to meet the common needs of all people in the concept of social function is the availability of agricultural land to meet food needs.

According to the AKATIGA Foundation, the Center for Social Analysis stated that Indonesia's development policy as an agrarian country is indeed lacking in fixing the agrarian structure in a broad sense, and is more inclined to sell natural resource wealth, which results in agriculture reducing food sovereignty, causing poverty and unemployment and increasing sales of cheap labor.¹²

The conditions mentioned above are mostly experienced in areas with potential as agricultural areas whose land is very productive to produce agricultural products. One of the rice-producing areas whose land has agricultural potential is in Sukoharjo Regency, Central Java Province. Based on Triana Rejekiningsih, land use, consisting of paddy fields in Sukoharjo Regency, Central Java Province, was 45.12% (21,054 Ha), and non-paddy land was 54.885% (25,612 Ha). In 2012 the area of paddy fields in Sukoharjo Regency was 21,054 Ha, whereas previously, in 2010, the area of paddy fields was 21,287 Ha, which decreased or decreased by 1%. This condition shows the conversion of paddy fields to non-rice fields in Sukoharjo Regency by 1% from 2010 to 2012. The working population in Sukoharjo Regency is dominated by three sectors, namely the industrial sector by 27.04% (122,170 people), the industrial sector by 27.04% (122,170 people), trade by 25.33% (110.832 people), and the agricultural sector by

¹⁰ Bachsan Mustofa. *Hukum Agraria dalam Perspektif*. (Bandung: Remadja Karya, 1988), p. 27

¹¹ Ida Nurlinda. *Prinsip-Prinsip Pembaruan Agraria, Perspektif Hukum*. (Jakarta: Rajawali Pers, 2009), p. 77.

¹² Yayasan Akatiga. *Memerangi Kemiskinan Menuju Pemerataan*. Diakses melalui <https://www.akatiga.org/language/id/memerangi-kemiskinan/>

18.95% (51.154 people). From these data, it can be seen that the population working in the agricultural sector is the least among other sectors. This situation causes Sukoharjo Regency to experience a decrease in agricultural production. This can be seen from the data on the productivity of lowland rice farming in the Sukoharjo Regency, which has decreased in the last 3 (three) years. The production of rice farming in 2010 was 283,655 tons. In 2011, the production was 269,472 tons. There was a large decline in production in 2011, 5%.¹³

4. State of the Art

Several studies have examined the reform of agrarian law in Indonesia. For example, Yanis Maladi in 2013 examined how Indonesia's agrarian reform has reflected the Pancasila Paradigm.¹⁴ While the research conducted by Muhammad Ilham Arisanputra in 2013 examined the implementation of agrarian reform in Indonesia, which should be carried out by applying the principles of good governance by involving the participation of the community and related parties.¹⁵ In 2018, the research conducted by Rayyan Dimas Sutadi et al. examined a comparative study comparing the policies of agrarian law products produced in three eras of the government period, namely the old order, the new order, and the reform order.¹⁶ From those researches, there is no research that examines the agrarian reform concept in the national politic of law framework.

Based on the description of the background above, this research examines the concept of agrarian reform in the framework of national legal politics and the extent of the urgency of agrarian reform in the realignment of national agrarian politics.

B. Research Method

This research is doctrinal research conducted by literature study. The legal materials used include statutory regulations, books, scientific journals both nationally and internationally, and electronic articles on Agrarian Law. All data collected will be analyzed using qualitative data

¹³ Triana Rejekiningsih. "Asas Fungsi Sosial Hak Atas Tanah Pada Negara Hukum (Suatu Tinjauan Dari Teori, Yuridis Dan Penerapannya Di Indonesia)". *Yustisia* Vol. 5 No. 2, Mei-Agustus 2016, pp. 300-301

¹⁴ Yanis Maladi, "Reforma Agraria Berparadigma Pancasila dalam Penataan Kembali Politik Agraria Nasional", *Mimbar Hukum*, Vol. 25, No. 13, p. 27

¹⁵ Muhammad Ilham Arisanputra, "Penerapan Prinsip-Prinsip Good Governance Dalam Penyelenggaraan Reforma Agraria di Indonesia", *Yuridika*, Vol. 28, No. 2, (2013), p. 188

¹⁶ Rayyan Dimas Sutadi, Ahmad Nashih Luthfi, & Dian Aries Mujiburahman, "Kebijakan Reforma Agraria di Indonesia (Kajian Komparatif Tiga Periode Pelaksanaan: Order Lama, Order Baru, dan Orde Reformasi)", *Jurnal Tunas Agraria*, Vol. 1, No.1, September (2018), p. 192

analysis methods to examine Agrarian reform within the framework of National Law Politics to produce a conclusion that is qualified to answer the questions in the problems studied in this study.

C. Result and Discussion

1. Indonesia's Politic of Law on Agrarian Law

Regulations in the Indonesian national legal system must be based on Pancasila and uphold the goals of the Indonesian state as mandated in the Indonesian constitution. The constitutional provisions must be used as an instrument of development politics and legal politics of realigning national agrarian politics within the framework of agrarian reform by making Pancasila a legal politics paradigm thus, Pancasila take a role as a philosophical state/state ideology (*filosofische grondslag*)¹⁷ and a common platform in the context of state life.¹⁸

The politic of law is a basic policy in determining the legal product that will be produced. Padmo Wahjono explains this understanding that the politic of law is a basic policy that determines the direction, form, and content of the law to be formed. Thus, national legal politics must, of course, be able to encourage and fill all elements in the work system following the ideals of national law so that they work in harmony with the ideals of the nation, state goals, legal ideals, and the guiding principles of the Indonesian state law contained in the preamble of The 1945 State Constitution of the Republic of Indonesia.

If we talk about agrarian law in Indonesia, then the politics of agrarian law in Indonesia must adhere to the Pancasila paradigm as a source of national basic law. That is, Pancasila is the source of all state law.¹⁹ As emphasized by A. Hamid Attamimi, Pancasila is the fundamental norm of the Republic of Indonesia because Pancasila is the legal ideal (*rechtsidee*) of the Indonesian people or the fundamental norm of the state under Pancasila (*Stufenbau Theori – Hans Kelsen*).²⁰ Therefore, law reform with the Pancasila paradigm means changes to existing laws or the creation of new laws that contain and radiate the values of Pancasila.²¹

¹⁷ Dardji Darmodiharjdo. "Orientasi Singkat Pancasila", in Mahfud MD. *Dasar dan Struktur Ketatanegaraan Indonesia*. (Jakarta: PT. Rineka Cipta, 2001) p. 3

¹⁸ Jimly Asshiddiqie, "Implementasi Nilai-Nilai Pancasila dalam Menegakkan Konstitusi Indonesia", Makalah, Sarasehan Nasional Kerjasama Mahkamah Konstitusi RI dengan Universitas Gajah Mada, 2-3 Mei 2011, Yogyakarta, p. 56

¹⁹ Jazim Hamidi. *Revolusi Hukum Indonesia*. (Yogyakarta: Konstitusi Press dan Citra Media, 2006), p. 77

²⁰ *Ibid*, p. 177

²¹ Maria S.W. Sumardjono, *Op.Cit*, p. 55

2. Prospects of Indonesian Agrarian Law System Reform to Provide the Welfares

It can be said that agrarian reform includes restructuring the ownership, control, and use of agricultural resources, especially land, for the benefit of farmers, farm laborers, and small people in general, the point of which is land redistribution being the basis for prosperity. According to Dianto Bachriadi, the essence of agrarian reform is land reform in redistributing land ownership and control.²² Meanwhile, Maria S.W explained that agrarian reform is to overcome inequality in the structure of ownership/control and utilization of natural resources (agricultural resources), including land.²³ So, the substance or character of agrarian reform based on political orientation to achieve the ideals and goals of the nation based on Pancasila must realize that national agrarian law politics consistently protect the interests of its people and get the right to live in physical and spiritual prosperity in a just manner. In fulfilling their welfare, the people have the right to have property rights, and these property rights cannot be taken over arbitrarily by anyone.

Furthermore, the politics of national agrarian law must be guided by religious moral values and protect human rights without discrimination. From these two things, it can be seen that two social values are combined into one in the concept of agrarian law politics, which is based on the values of Pancasila. The community's social values (*Gemeinschaft/paguyuban*) with their emphasis on the value of togetherness must be synergistically combined with the social values of society (*Gesellschaft/patembayan*) with their emphasis on individual interests and freedom.

It is these distinctive values that distinguish the Indonesian legal system from the legal systems of other countries so that the term we know as the Pancasila Law state appears. The style of our society is a combination of more than one choice of social values, which we call a prismatic choice which in a legal context can be referred to as prismatic law (Fred W. Riggs – Prismatic Society). Therefore, if Pancasila is internalized into agrarian reform as a legal development paradigm, then to ensure that the law is obeyed or the law is enforced, it has at least four guiding principles. First, the law must protect the whole nation and ensure the integrity of the nation, and therefore it is not allowed to have laws that plant the seeds of disintegration. Second, the law must be able to guarantee social justice by providing special protection for the weak so as not to be exploited in free competition against the strong. Third, the law must be built

²² Dianto Bachriadi, "Reforma Agraria untuk Indonesia Pandangan Kritis tentang Program Pembaruan Agraria Nasional (PPAN) atau Redistribusi Tanah ala Pemerintahan SBY", Makalah, Diskusi di Fakultas Hukum Universitas Bengkulu, 2 Juni 2007

²³ Maria S.W. Sumardjono, *Op.Cit*, p. 69

democratically and build democracy in line with democracy (state of law). Fourth, the law must not be discriminatory based on any primordial ties and must encourage the creation of religious tolerance based on humanity and civility.²⁴

John Harris, in his writings, stated that the conditions for the success of agrarian reform policies in developing countries are having a strong political commitment from the state and the availability of social capital and/or the development of civil society.²⁵

Meanwhile, according to Sein Lin, the conditions for the success of agraria reform policies are that state administrators must fulfill two main issues, namely the constitutional mandate and agrarian law and how to enforce them at a practical level. It must also pay attention to implementing organizations, state administration systems, courts, planning and evaluation, education and training, financing, local government, and participation of farmer organizations.²⁶

It is hoped that agrarian reform will no longer revive the *domein verklaring* principle (areas that cannot be proven ownership formally are considered to be owned by the state), so the state must lay down the political foundations of agrarian law that prioritizes the content of populist values. The reflection of the populist principle can be seen in the preamble of the UUPA, which in its implementation must embody the five points of Pancasila. This implementation is intended to make the politics of national agrarian law is rooted in the shared ideals and goals mandated in the constitution.

Carrying out agrarian reform can be interpreted and interpreted as systematic, planned, and carried out relatively quickly, within a certain and limited period, to create prosperity and social justice as well as pave the way for the formation of a new democratic and just society, which begins with steps rearranging the control, use, and utilization of land and other natural resources.

In reconstructing the National Agrarian Law Politics in the field of agrarian reform, according to Boedi Harsono, there are at least five targets to be achieved in agrarian reform, namely legal unification with a national conception, elimination of foreign rights and national concessions, elimination of feudal spirit, reform of land ownership and control in realizing

²⁴ Fred W. Riggs. *Administration in Developing Countries: The Theory of Prismatic Society*, in Mahfud MD. *Op.Cit.* p. 23

²⁵ Jhon Harris. *Social Capital Construction and The Consolidaton of Civil Society in Rural Areas*. (Bangkok: Project Development Institute and The University of The Philipine Press, 2001), p. 154

²⁶ Sein Lin. *Land Reform Implementation, A Comparative Prespective*. (Hatford: Jhon Lincon Institute, 1974) p. 52

equitable distribution of prosperity and justice, as well as future planning for the use of land and the wealth in it.²⁷

Agrarian reform has been on the state agenda since the People's Consultative Assembly stipulates MPR Decree No. IX/2001 concerning Agrarian Reform and Natural Resources Management (PA/SDA). Prior to the existence of a separate law on agrarian reform, the MPR Decree above became the political basis for the agrarian reform agenda. In order to Tap MPR No. IX/2001 increasingly exists, so at the 2003 MPR annual session, it reaffirmed MPR Decree No. IX/2001 through MPR Decree No. 1/2003 concerning the Results of the Review of Materials and the Legal Status of the Decisions of the MPR/MPRS. The purpose of the re-affirmation, especially the MPR Decree No. IX/2001 is to maintain a legal basis until forming a separate law on agrarian reform. Even MPR Decree No. 1/2003 provides additional recommendations to the Government to take proportional and fair measures. In order to implement the agrarian reform agenda as desired by MPR Decree No IX/2001 in conjunction with MPR Decree No 1/2003, the Government must ensure that the law is obeyed, especially those who violate the law must be dealt with.

In 2018, the President of Indonesia, Ir. Joko Widodo, issued Presidential Regulation (Perpres) Number 86 of 2018 concerning Agrarian Reform. This Presidential Decree was issued to accommodate reforms in the agrarian sector, including in this Presidential Decree the Agrarian Reform Object Land program. However, this presidential decree also drew much criticism because it had many weaknesses, especially in realizing agrarian reform based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

In reforming agrarian law in the national legal system, the following points should be put forward: a) Increased transparency and accountability of BPN based on good governance (General Principles of Good Governance/AAUPB); b) The formulation of a land policy framework includes four components, namely the legal component and land conflict, the land administration component, the land tenure and use component, and the government institutional component; c) Improved land administration service standards that are fast, low-cost, straightforward, and one-stop integrated; d) a more in-depth study of land tenure and management in Indonesia; and, e) The Government's commitment to prioritize the resolution of land issues is based more on philosophical aspects and is not only oriented to economic aspects.

²⁷ Boedi Harsono, Op.Cit, p. 5

D. Conclusion

Agrarian Reform is a necessity to realize justice to improve the welfare of the community, especially the farming community, fishers, and indigenous peoples, which the Agrarian Law Reform in Indonesia must accompany. Agrarian law reform in Indonesia is needed to anticipate the progress and development of the times, especially in the land sector under the current of globalization, by making improvements to the UUPA in a Bill on Completion of the UUPA. The improvement of the UUPA is only on matters of a practical nature in the context of adjusting to the development of globalization following the soul and personality of the nation (Pancasila as the *rechstidee*). At the same time, the philosophical concept of the UUPA must still be maintained. However, land reform in the UUPA has not been able to realize national agrarian politics because there are many deviations in the field in implementing the UUPA. Many implementing regulations mandated by the UUPA have not been realized until now. Therefore, it is urgent to affirm and revitalize the values of Pancasila in national agrarian politics. Especially regarding respect for land tenure and ownership. For example, in recognition of customary rights. If this country is consistent with recognizing and respecting customary law and customary rights, it is necessary to review the legal politics relating to respect for customary law and rights.

REFERENCES

- Arisanputra, Muhammad Ilham. "Penerapan Prinsip-Prinsip Good Governance Dalam Penyelenggaraan Reforma Agraria di Indonesia", *Yuridika*, Vol. 28, No. 2, 2013
- Asshiddiqie, Jimly. "Implementasi Nilai-Nilai Pancasila dalam Menegakkan Konstitusi Indonesia", Makalah, Sarasehan Nasional Kerjasama Mahkamah Konstitusi RI dengan Universitas Gajah Mada, 2-3 Mei 2011, Yogyakarta
- Bachsan Mustofa. (1988). *Hukum Agraria dalam Perspektif*. Bandung: Remadja Karya
- Bachriadi, Dianto "Reforma Agraria untuk Indonesia Pandangan Kritis tentang Program Pembaruan Agraria Nasional (PPAN) atau Redistribusi Tanah ala Pemerintahan SBY", Makalah, Diskusi di Fakultas Hukum Universitas Bengkulu, 2 Juni 2007.
- Currie-Alder, Bruce, dan Ravi Kanbur, David M. Malone, dan Rohinton Medhora. (2014). *International Development: Ideas, Experience, and Prospects* London: Oxford University Press
- Hamidi, Jazim. (2006). *Revolusi Hukum Indonesia*. Yogyakarta: Konstitusi Press dan Citra Media
- Harris, Jhon. (2001). *Social Capital Construction and The Consolidaton of Civil Society in Rural Areas*. Bangkok: Project Development Institute and The University of The Philipine Press

- Harsono, Boedi. (2008). *Hukum Agraria Indonesia*, Jakarta : Djambatan
- Lichfield, Nathaniel dan Darim-Drabkin. Haim. (1980). *Land Policy in Planning*. London: George Allen & Unwin Ltd
- Lin, Sein. *Land Reform Implementation, A Comparative Prespective*. (Hatford: Jhon Lincon Institute, 1974) hlm 52
- Maladi, Yanis. “Reforma Agraria Berparadigma Pancasila dalam Penataan Kembali Politik Agraria Nasional”, *Mimbar Hukum*, Vol. 25, No. 13
- MD, Mahfud. (2001). *Dasar dan Struktur Ketatanegaraan Indonesia*. Jakarta: PT. Rineka Cipta
- (2011). *Membangun Politik Hukum, Menegakkan Konstitusi*. Cetakan ke-2. (Jakarta: Grafindo Persada
- Nurlinda, Ida. (2009). *Prinsip-Prinsip Pembaruan Agraria, Perspektif Hukum*. Jakarta: Rajawali Pers
- Parlindungan, A.P. (1989). *Bunga Rampai Hukum Agraria Serta Landreform Bagian I*. Bandung: Mandar Maju
- Rejekiningsih. Triana. “Asas Fungsi Sosial Hak Atas Tanah Pada Negara Hukum (Suatu Tinjauan Dari Teori, Yuridis Dan Penerapannya Di Indonesia)”. *Yustisia* Vol. 5 No. 2, Mei-Agustus 2016
- Santoso, Urip. (2010). *Hukum Agraria dan Hak-Hak Atas Tanah*. Jakarta : Kencana Prenada Media Group.
- (2010). *Pendaftaran dan Peralihan Hak atas Tanah*. Jakarta: Prenada Media Group.
- Sumardjono, Maria S.W. (2008) *Tanah Dalam Perspektif Hak Ekonomi, Sosial dan Budaya*. Jakarta: Kompas
- Sutadi, R.D., Luthfi, A.N., & Mujiburahman, D.A., “Kebijakan Reforma Agraria di Indonesia (Kajian Komparatif Tiga Periode Pelaksanaan: Order Lama, Order Baru, dan Orde Reformasi)”, *Jurnal Tunas Agraria*, Vol. 1, No.1, September 2018
- Utreht, E. (1961). *Pengantar dalam Hukum Indonesia*. Jakarta: PT. Penerbitan dan Balai Buku Ichtar
- Wignjodipoero, Soerojo. (1988). *Pengantar dan Asas-Asas Hukum Adat*. Jakarta : CV Haji Masagung
- Yayasan Akatiga. *Memerangi Kemiskinan Menuju Pemerataan*. Diakses melalui <https://www.akatiga.org/language/id/memerangi-kemiskinan/>