THE DECADE OF AGRARIAN CRISES: THE LEGACY OF THE NAWA CITA AND THE FUTURE OF AGRARIAN REFORM FOLLOWING THE POLITICAL CHANGES OF 2024



The 2023 Agrarian Annual Report
The Consortium for Agrarian Reform

KONSORSIUM PEMBARUAN AGRARIA
KPA

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The Decade of Agrarian Crises: The Legacy of the Nawa Cita and the Future of Agrarian Reform Following the Political Changes of 2024

A Report on Agrarian Situations and Policies at the End of President Joko Widodo's Governance

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PREFACE

The year 2023 can be said to be the estuary year of the whole disappointment of the agrarian reform movement. The sequences of events, neither at the policy domain nor the real situations in the field, absolutely give no optimism to any effort to solve agrarian problems that have infected our nation over decades.

Agrarian conflicts and violence against people kept happening in many locations over archipelago in various development sectors, for the sake of investment acceleration and national strategic projects. The phenomenon is unfortunately showing its trend of increasing in a few current years.

The phenomenon is more apprehensive, for the number of regulations and policies issued are extensively directed to undermine people's sovereignty to defend their land and livelihood. Those regulations and policy are meant to ease land grabbing by large scale businesses and giant government projects.

Given the time left and the phenomena that occurred throughout whole years, we deserve to express our pessimism on President Joko Widodo, for his capable to fulfill his political promise. His promise to solve agrarian conflicts and land redistribution which expected by millions of people. Moreover, currently the government is busier in doing political consolidation for facing the 2024 political changes.

Closing 2023, the Consortium for Agrarian Reform (KPA) launches its another Agrarian Annual Report. This Report is a summary of result on our monitoring with analyses on the field situations and policies over the year. Keeping in mind that this report is born in an ambiance of a national governance change, we present as well records and analyses of field situations, policies and achievements in the implementation of agrarian reform during two periods of President Joko Widodo's administration.

Finally, 2023 completes the decade of agrarian crises in the two periods of the Joko Widodo's Nawa Cita, with 9 national priority development programs. It will be a huge duty for the future governments. A strong political commitment is needed, not only empty promises in the national vision-mission of each presidential candidate. From The Nawa Cita government of President Joko Widodo, we learned sweet promises and weak political will not suffice, but a pie in the sky.

We hope this report may strengthen the political will and commitment of the future government and all parties involved in developing a common consciousness on the urgency of solving agrarian problems comprehensively in Indonesia. It will be new energy for opening new pages in 2024.

We hope you enjoy reading this book! Happy New Year 2024!
Jakarta, December 31st 2023

Sincerely yours,
The Consortium for Agrarian Reform (KPA)

Dewi Kartika,
General Secretary

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CHAPTER I

INTRODUCTION



I.1. Retrospect of 2023

Next few months, this nation is going to have an electoral political contestation for having the next national government head for another five year terms. It means, President Joko Widodo who has been holding the highest national leadership is going to face ending the term of his power as president.

What kind of legacy that the current government is going to leave for us? What are government work agendas that have been fulfilled as their political promises, granting the aspirations of people?

For sure, 2023 is the last chance who current government have for fulfilling their political promises, especially those of resolving agrarian conflicts and land redistribution to people, especially for peasants, fisherfolks, women, indigenous peoples, rural and urban poor communities. The political promises written clearly in the document containing the vision, mission and work agenda of Joko Widodo which known as the Nawa Cita. The fifth point says that President Joko Widodo would work for "*increasing the prosperity of society with the program of 'Indonesia work' and 'Indonesia prosperous' by supporting land reform and land ownership program over 9 million hectares land.*"

The Government claimed and published, they have legalized and redistribution of a 1,67 million hectares of land. The portion are so far and smaller than the 9 million hectares which Joko Widodo promised in the beginning of his Presidency. However, KPA still doubts on the validity of this small number. This is because the number is not separate with asset legislation program which can't be seen as agrarian reform. The reality in the field validates the doubt, with increasingly of agrarian conflicts escalation and violence.

Tragedy on Rempang and Air Bangis agrarian conflict show how the State and it's operation in facilitating investment interests. The State comes repressively, to exclusion the people from their home and land that has been lived for a long time. The State operation full of human rights violation, at the same level as doing violence and destroying people's sovereignty over their land. Brutallity of this operation remind us of the tragedy of Kertajati because of the government carelessly peasants of 11 villages were exclusion from their land, as the primer rice producer areas in West Java, only to develop an airport which is now nearly deserted.

Several months later, public was shocked by the death of a peasant in Seruyan, Central Kalimantan. He was Gijik, shot to death by security when he was prosecuting their rights, plasma plantation from PT Hamparan Massawit Bangun Persada (HMBP) which never granted. During 2023, KPA recorded the increase of agrarian conflict escalation, conflict incidents kept happening in conflict areas. All of the facts are manifestation the lack of seriousness of Joko Widodo's government in implementing agrarian reform.

The Agricultural Census conducted by BPS in 2023 further strengthens these conjectures and doubts. The number of landless peasants increased from the previous decade. Isn't the number of of landless peasants will decrease if President Joko Widodo did the agrarian reform in a consequent way?

In terms of policy and implementation of agrarian reform, we have witnessed a series of irregularities and agrarian policy liberalization, although massive protests and rejections from various circles of peoples. The government insist to continue the operation and silence the voice that hard do criticism.

In recent years, there are many regulations and policies have deviated from agrarian reform, betraying the constitutional mandate of Article 33 of the 1945 Constitution.

Towards the end of his first administration, Jokowi accelerated the ratification of policies ultraliberal agrarian such as the Water Resources Law, the Sustainable Aquaculture System Law. Furthermore, in the second administration period, Jokowi used pandemic crisis and the threat of economic, food, and various other crises as reason of the government on ratifying the revision of the Mineral and Mineral Law, the Job Creation Law (UU CK) and the Nusantara Capital City Law (UU IKN).

Moreover, other laws such as the Anti-Corruption Commission Law, The Criminal Code Law, *etc.* that actually threaten the sustainability of the the nation's life continues to be expelled. On the contrary, rules and policies which are fundamental for defending society and has long been urged such as Indigenous People's Bill, The Agrarian Reform by Leverage Bill, The Bill of Climate Justice, And Revision of The Presidential Regulation on Agrarian Reform, were completely ignored and have not paid attention by The Government and House of representatives

If we look at and analyze on President Joko Widodo's policies a decade ago, especially in the agrarian and agricultural resources, it can be conclude that totally this regime is only an extension of SBY's Presidency. There is no fundamental changes, because the Governments used the same paradigm and approach, from the ways exploitative, exclusion, and land grabbing from people. Instead of strengthening people become sovereign, on the other hand this approach put people's rights on agrarian resources are getting weaker, even more disappeared. Peasants, fisherfolks, women, indigenous people, poor rural and urban people are excluded from their land and livelihood.

> Instead of strengthening people become sovereign, on the other hand this approach put people's rights on agrarian resources are getting weaker, even more disappeared. Peasants, fisherfolks, women, indigenous people, poor rural and urban people are excluded from their land and livelihood.

Unfortunately, these failures are drowned out by the frenzy of the electoral politics contests which will held in the next few months.

Apparently, the hope that had arisen when Joko Widodo at the beginning of his reign with the promise to solve agrarian conflict and do land redistribution which written in the fifth point of Nawacita documents must be buried deeply.

The end year report that you are reading is a collection of data on the agrarian situations and policies during the 2023, including the agrarian capture of the last decade. We review these data through various analyses to show a comprehensive result, so could be a reference and comparative data to find out the consistency of government with its political promises, how they fulfilled its mandate constitution and the 1960 Basic Agrarian Law (UUPA).

I.2. The Scope and Limitations of Agrarian Conflict

This report is the result of The Consortium for Agrarian Reform's monitoring and analysis on agrarian conflict situation and agrarian policies dynamics in Indonesia during 2023. This report aims to: 1) capturing the latest national agrarian situation; 2) provide comparative data and analysis based on evidence on the agrarian conflicts location and violence that occurred, with the background; 3) Encourage recommendations for improvement with reform on agrarian policy and the resolution of agrarian conflict which are structural conflict, including methods and procedures for handling agrarian conflicts and violence; and 4) Building public awareness on agrarian problems and human rights based on agrarian and land rights in Indonesia.

The agrarian conflict report which we presented is a structural agrarian conflict caused by policy and decision of stakeholder (red: the Government), involving a huge number of victims and wide land areas, and has a consequence on multidimensional problems i.e. social, economic, political and cultural dimensions.

> We define agrarian conflict structurally, as a manifestation of land grabbing community by state or private enterprises, which are facilitated by the policy and regulated by the capital.

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The structural agrarian conflicts which we reported here refers to conflicts that occur between peasants, indigenous people, fisherfolk, the rural and urban poor communities facing a business group (state owned or private) or the government. Thus, this report excludes agrarian disputes and common land disputes, such as individual disputes, inheritance rights disputes, disputes between private parties, and between governmental institutions.

If we refer to Law Number 5/1960 corcerning Basic Agrarian Law (UUPA 1960), agrarian means entire earth, land, water, space including natural resources that contained in it. The entire earth is meant to be on the surface, top and below of earth. In the sense that water is inland waters as well as space; and the space is the space above the earth and water (Article 1 of the UUPA). Then, meaning of agrarian in this report is beyond land.

Thus, this report excludes agrarian disputes and common land disputes, such as individual disputes, inheritance rights disputes, disputes between private parties, and between governmental institutions.

The KPA do monitor of agrarian conflict on sectors: 1) plantation; 2) forestry; 3) mining; 4) coastal areas and small islands; 5) agribusiness; 6) infrastructure development; 7) property; and 8) military facilities.

I.3. Monitoring and Data Collection Methodology

Monitoring and data collection methodology refers to the number of conflict incidents in an area in the related year. Therefore, conflict that occurred at a location in the previous year could be recorded again in this year if the incident still occurred in this year. The agrarian conflict incident refers to process of land grabbing with violence and criminalisation as background of the incidents.

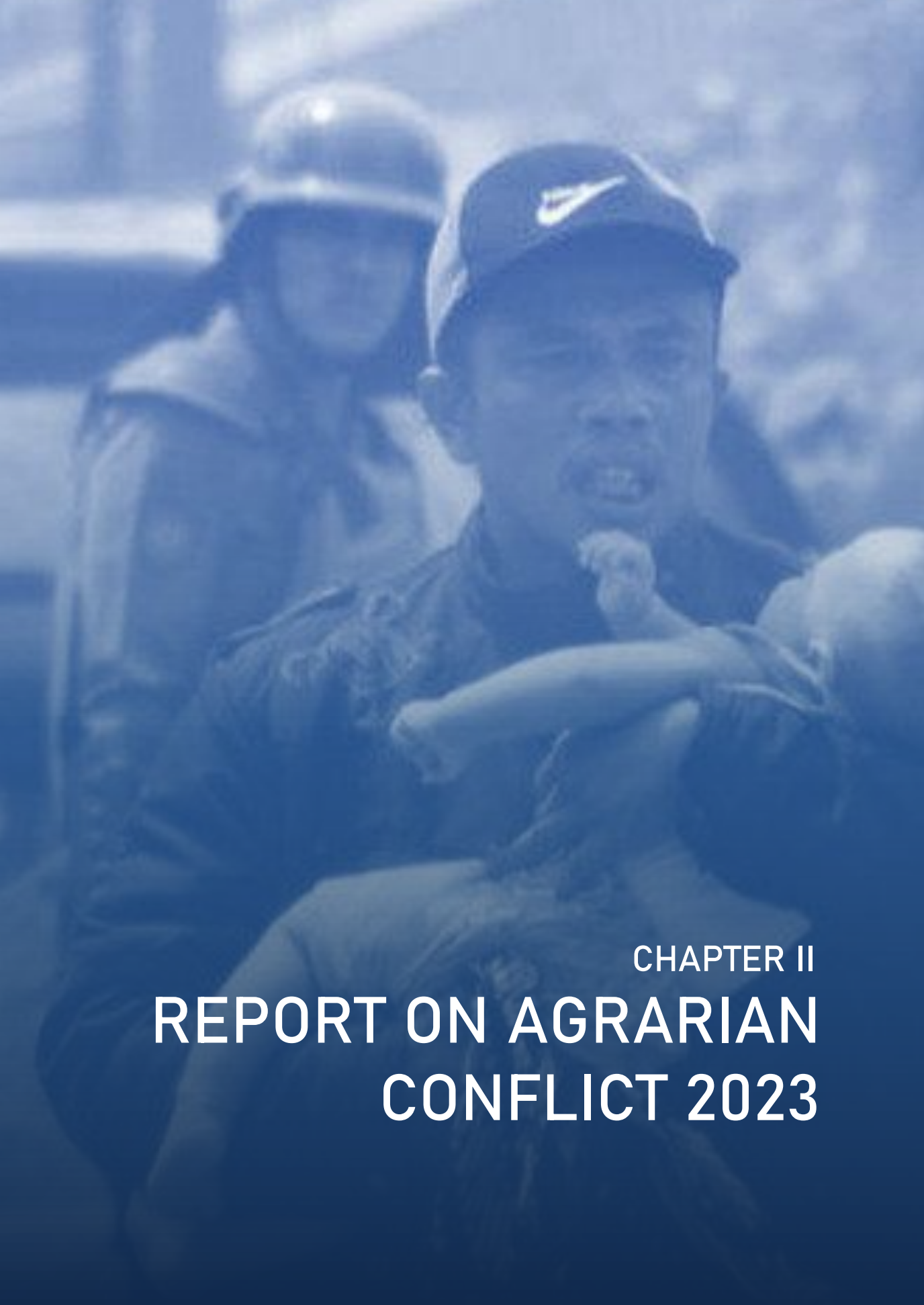
We collect incidents of agrarian conflict information and data: 1) Reports from the victims of agrarian conflict incidents; 2) Reports from KPA's members and networks; 3) Monitoring on agrarian colflict during the year; 4) Monitoring media coverage in a mass media (print and electronic); 5) Conflict

database of emergency response system; and 6) Investigation of spesific agrarian conflict incidents in the field.

Then, the data and information of agrarian conflict are consolidated and analysed through re-examination, investigation, and validation process in order to prevent mistakes in data collection and analysis. For verifying and validating the data, KPA also using comparative information to ensure data quality and accuracy.

Therefore, through the methods, the number of agrarian conflicts we present here may not representative all agrarian conflict incidents with violations and criminalization throughout the year. It is due to the fact that KPA has a limited structure and resources for recording various agrarian situation daily, as well as limited capacity of our investigation teams to reach the conflict locations at remote areas in Indonesia. There are also limitations in terms of the chronological completeness of the case, the type of the agrarian conflict information and data that can be collected from various sources, such as from the media mass.





CHAPTER II

REPORT ON AGRARIAN CONFLICT 2023

The number of agrarian conflict which kept increasing indicates that there is no implementation of the Agrarian Reform which promised during this decade. Thereby, it caused agrarian conflict, both a long simmering conflicts and new agrarian conflicts, are accumulate and continue to emerge, as consequences of large-scale land needs of investments and development on the people's land.

II.1. The Situation of Agrarian Conflicts in 2023

The monitoring that the Consortium for Agrarian Reform did during this year show increase of agrarian conflict incidents with violence and criminalization against communities in an agrarian conflict area. During 2023, The Consortium for Agrarian Reform record that there had been at least 241 agrarian conflicts.

The agrarian conflict incidents occurred on more than half million hectares land, namely 638,188 ha, across 346 villages, involved at least 135,606 household. If averaged, there are 4 people in a household, so more than half million people become a victim of agrarian conflict incidents during 2023.

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The number of agrarian conflicts in 2023 is 12% higher than that of 2022, namely 212 conflict incidents. The number of agrarian conflicts which kept increasing indicates that there is no implementation of the Agrarian Reform which promised during this decade. Thereby, it caused agrarian conflict, both a long simmering conflicts and new agrarian conflicts, are accumulate and continue to emerge, as consequences of large-scale land needs of investments and development on the people's land.

Most agrarian conflict incidents in 2023 are caused by plantation-agribusiness sectors, property business sectors, mining and infrastructure projects. 108 agrarian conflict incidents were caused by plantation enterprises, or 44% from the total number of agrarian conflict incidents.

The second place goes to the property sector with 44 incidents or 18% from the total number of agrarian conflicts. The mining sector contributes 32 incidents (13%). Then, the Infrastructure project sector with 30 incidents (12%), forestry 17 incidents (7%), coastal areas and small islands 5 (3%), and military facility sector contributes 5 incidents (3%).



Figure 1. The Number of Agrarian Conflicts Incidents during 2023

Recurrence of agrarian conflicts yearly in the sector plantations, property, mining and infrastructure project indicates there is no reform by the Government to improve the model and paradigm of development in Indonesia. Policies and orientation of land use and agrarian resources are dominated by investors and huge scale business interest. The paradigm of development which pro-capital intersect with halt of solving the agrarian conflict. The provision and recovery of people's land rights, that have been infringed by the government for agrarian large-scale business have been deadlock.

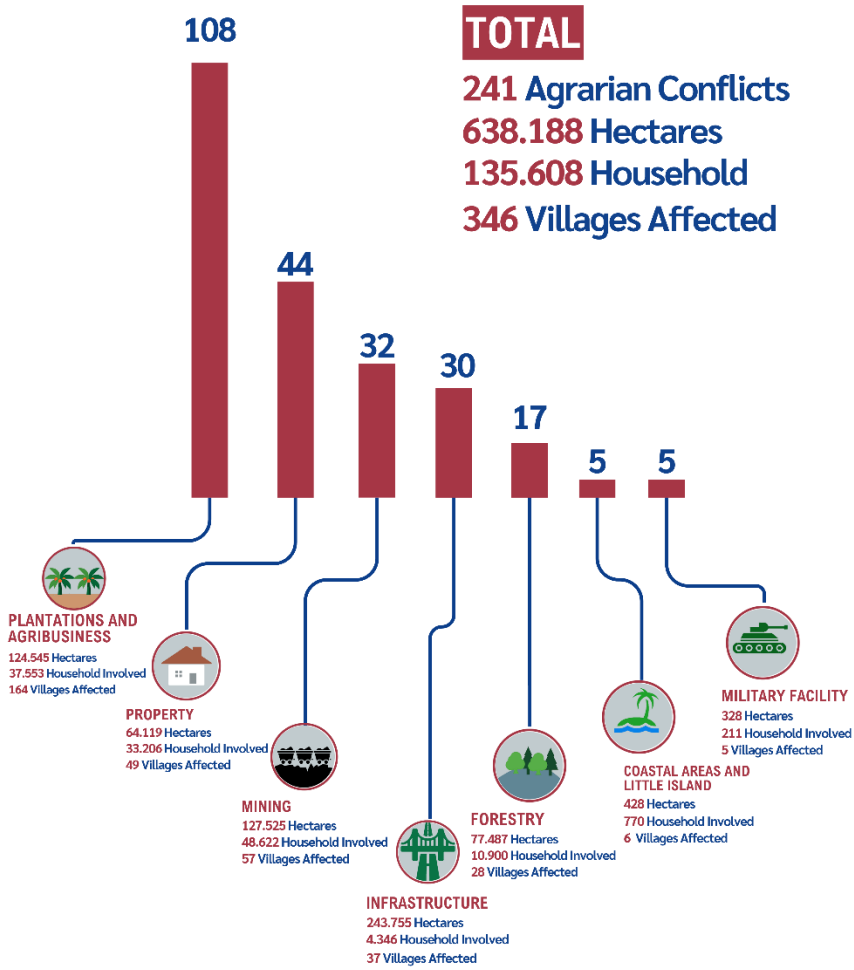


Figure 2. Number of Agrarian Conflict by Sector in 2023

> The Seruyan agrarian conflict is not only a problem of community plasma land which has not been filled by plantation companies, further as an indigenous territories grabbing from indigenous people.

In the plantation sector, agrarian conflict that caused a death of a peasants in Seruyan is one of many reality on how the government, the plantations enterprise with security apparatus handles the agrarian conflict situation is still repressive to the people in agrarian conflict area. The agrarian conflict in Seruyan was not merely the matter that the plasma area that the company promise to grant to peasants had never been given, further as an indigenous grabbing from indigenous people.

The case of Seruyan begins with claims of the PT Hamparan Massawit Bangun Persada (HMBP) unilaterally over Indigenous People's of seruyan land. The company began their operation in the indigenous areas without their consent and argue that the company have Rights to Enterprises (HGU), and the company then offered plasma-nucleus partnership as win-win solution for the community that had lived there

since their ancestor. By the power of capital, backed by the security forces, and manipulating of people's land as "illegal", the people forced to subtly sign away their land.

Local community, indigenous people, peasants who have ownership of the land become landless and promised by the company to give them plasma as worker-peasants of the nucleus-plasma plantation. Finally, after all these years the company welching on their promises, led to public unrest and protest. What they received is not solving and recovery over their land rights, but the mobilisation of security forces in facing people protests until the death of a person and physical injuries to others. Such are modus of for people's land grabbing, that caused agrarian conflict in Seruyan.

The high number of agrarian conflicts in the plantation sector is an indication that the business has not improved its business model and that the government has no serious efforts for solving agrarian conflicts caused by policies and development with plantation expansion in Indonesia.

Many times, President Joko Widodo decide not to solve agrarian conflicts, but insisted that concessions in plantation sector or forestry are not begin and issued in his presidency era. Even worse is during his presidency, many plantations with expired Cultivation Rights Title (HGU, hak guna usaha) with land abandoned are renewed by the government, so conflicts getting worst. Agrarian conflicts involving expired HGUs was made even more complicated with the coming of a new actor of land grabbing, namely the Land Bank, such as an agrarian conflict that occurred by peasants of Batulawang Cianjur.

Indeed, agrarian reform that has become Joko Widodo's political promise basically aims on resolving agrarian conflicts, as well as inequality of land tenure between company with HGU and peasants, indigenous people in to equal agrarian structure. Unfortunately, such as in Seruyan agrarian conflict, they don't receive agrarian conflict solving on agrarian reform framework, rather the endless agrarian conflict situations that led victim, costing peasant's life.

This similar situation occurred in a plantation which manage by a state-owned business, PTPN. In the end of January 2023, PTPN XIV issued a summons letter which will criminalize peasants of Polobankek Utara, Takalar District, South Sulawesi. The company forced people to sign an admission letter to confirm that their land belonged to the PTPN XIV. Eventhough in their previous meetings which were mediated by the Human Rights Commission, people and the company agreed to build a good and effective communication for solving the agrarian conflict. This location is part of Priority Locations of Agrarian Reform (LPRA, Lokasi Prioritas Reforma Agraria), that had been proposed to the government to be a priority location for resolving agrarian conflicts and land redistribution.

Based on BPS and The Ministry of Agricultural data, during 2015-2022 there's expansion of the palm oil plantation areas attain 5.54 million ha. It means that increase on oil palm expansion attain 16,8 million ha in Indonesia, from 11,26 million ha in 2015.

Besides, based 851 LPRAs which were proposed to Joko Widodo to be solved, only 21 locations are solved from conflict with concessions and redistributed to peasants. A huge gap between the expansion of land acquired by plantation conglomerates and agrarian conflict solution and land redistribution for people caused the accumulation and chronicling of agrarian conflicts.

SECTOR	PERCENTAGE
Plantation and Agribusiness	44 %
Property	18 %
Mining	13 %
Infrastructure	12 %
Forestry	7 %
Coastal Areas and Small Islands	3 %
Military Facility	3 %

Tabel 1. The Percentage of Agrarian Conflict Incidents by Sector In 2023

In the infrastructure development sector, agrarian conflicts were results of the oppressive way the government used in smoothing the processes of provision, measurement and land appropriation for the interests of infrastructure development projects investment, especially for those national strategic projects (PSN, Proyek Strategis Nasional). The projects were one-sidedly decided, and the absence of people in determining, agreeing and implementing the PSN had made them have violence face and involved updated means in expropriating and evicting people from their land. Let alone that the PSN schema involved also all categories of business projects including mining by foreign private businesses, so that they increased and worsened the escalation of agrarian conflicts in many locations.

The long list of conflicts caused by the PSNs contains the cases of Rempang Industry Area, Wadas, Air Bangis, Poco Leok, Mandalika, Kertajati and several nickel mining industries such as in Sulawesi and Maluku. The total number of agrarian conflict incidents in the sectors of property, infrastructure and mining in 2023 is 42 (40%), due to pushed acceleration of development with all their supporting infrastructure.

The process of making land avaiable for private-sector or government purposes which led agrarian conflict incidents, are consequences of manipulation and inaccessible process and orientation on land allocation to provide facilities for PSN investments, accommodated by the government through various regulations derived from the Job Creation Law. For example: presidential decree 42/2021 on the facilitation for the PSNs; PD 64/2021 on land bank; PD 19/2021 on the management of land provision for public interest development (a revision on the law 2/2012 on the same matter); PD 18/2021 on Right to Manage, Land Rights, Condominium Units, and Land Registration.

The regulations have deridified the constitutional rights of people, so that weakening the position of People Organizations, especially peasants and indigenous people, on their land rights, the land that they lived from their ancestors, long time before Indonesia exist. Through the Omnibus Law on Job Creation Law and its various derivatives, it has led to land grabbing quickly under the pretext of accelerating national development. From the process of making land available for infrastructure projects, PSNs, premium tourism (“super priority”), palm oil business, and looking for “abandoned” land for the Land Bank. It’s ironic, evaluation and punishment against corporation crimes are increasingly loosened. Such a regulatory construction has made led increasing of agrarian conflicts and violence which is detrimental to the people.

II.2. Agrarian Conflict Incidents by Sector on 2023

A. Plantation Sector

Based on KPA's monitoring during 2023, same as previous year, agrarian conflict incidents in plantation areas have the highest number, 108 incidents over a total 124,545 ha area, involve at least 37,553 households. This trend has increased, from 2022 that had contributed 99 incidents.

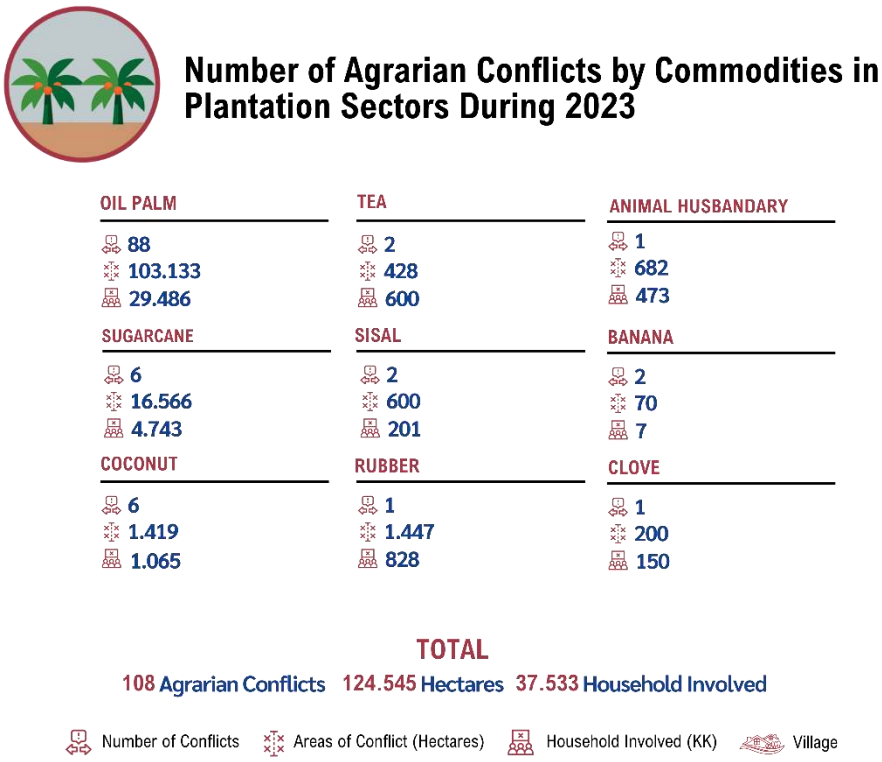


Figure 3. Number of agrarian conflicts by Commodities in Plantation Sectors During 2023

> "For the thousandth time, palm oil businesses are the wirepuller of agrarian conflict in Indonesia.

For the thousandth time, palm oil businesses are the wirepuller of agrarian conflict in Indonesia. Palm oil plantation caused 88 agrarian conflicts, 82% of total incidents in the plantation sector during 2023. Palm oil business is not only known as the wirepuller of agrarian conflict, but their large-scale operation also full of violence and human rights violations in every region in Indonesia.

During 2023, the Consortium for Agrarian Reform recorded that repression and violence from the plantations had criminalised 252 people (248 male, 4 female), 53 people (43 male, 9 female) were persecuted, 2 people were shot, and 3 killed in agrarian conflict. The data adequately reflects the agrarian crises in plantation industry, especially palm oil sector, has caused victims of violence and caused death of people in an agrarian conflict area.

Public still remembers the latest incident, Gijik (35 years old) peasant from Bangkal, Seruyan District, Central Kalimantan, was killed by security apparatus in an agrarian confict between the community and PT Hamparan Masawit Bangun Persada (PT HMBP), which is part of the Best Agro Group International. Other than that, the repressiveness of the apparatus caused 3 people shot and 20 people criminalised.

The background of this agrarian conflict was a protest of the people to the company, because they don't get their rights of the plasma area which promised since 2006. In that span of time, there are countless protest by Indigenous People of Seruyan, still the company never fulfilled their agreement.

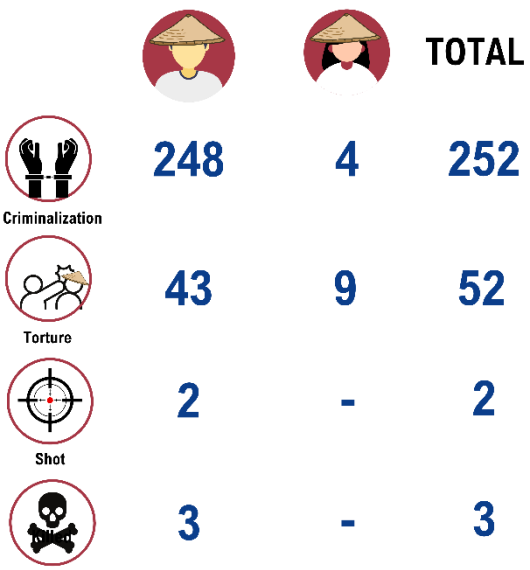


Figure 4. A Situation of Violence and Represiveness in Plantation Industry

Before the tragic incident on October, 7th 2023, the people had done several protests. Since September 2023, Indigenous People of Bangkal, Terawan and Tabiku conducted peaceful actions in the plantation area of PT HMBP 1 by blocking roads. The conditions heated up since September 2023. The company mobilize police officer to secure company assets and dissolve the action. The women of Bangkal were shot with tear gas when they were trying get closer to the palm oil processing plant. Until September 17th, 2023, one person was injured by rubber bullet shot by the police.

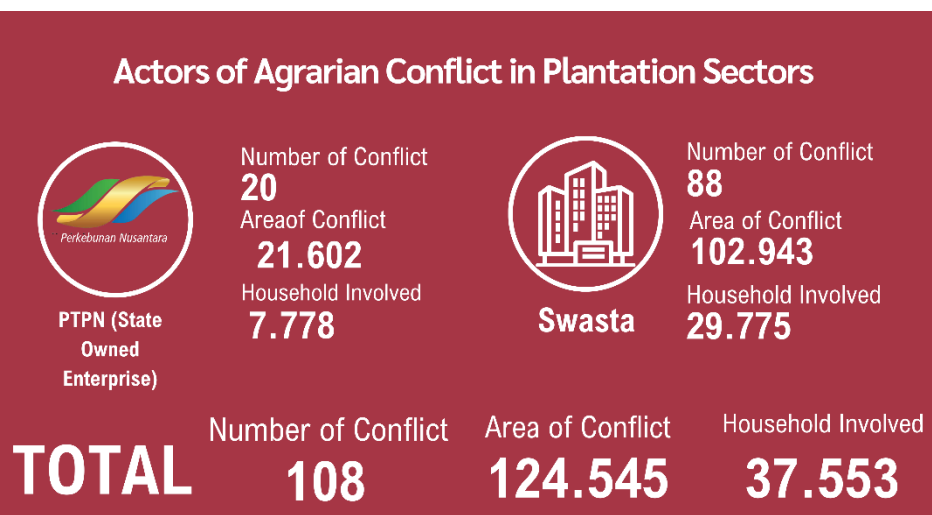


Figure 5. Actors of Agrarian Conflict in Plantation Sectors

A similar incident occured in Bangkal, the peasant from Gurilla village, Pematang Siantar City had conflict against the PTPN III. Incidenst on 21 January 2023 was an act of several times of the enterprise against peasants of Gurilla. Even in 2023, conflict intensified. The PTPN III attack and try to exclude Gurilla peasant, used almost 100 security and joint forces. The incidents left destruction over peasants' houses and mass attack and violence beating against them. The repression caused trauma for peasant union members, especially women and children.

For many years, peasant union do several ways to stop the repression of PTPN III, include hearing with The House of Representatives of Indonesia and some of relevant ministries. All of they done are useless, the PTPN III kept intimidating them by mobilising state security apparatus, meanwhile local governments, Ministry of State-Owned Enterprise (BUMN) and the Ministry of Agrarian Affairs and Spatial Planning (ATR/BPN) are slowly do the necessary to solve the conflict between peasants and the PTPN in agrarian reform framework.

The other agrarian conflict incident involving peasant of Teluk Raya, Kumpeh Ulu, Muaro District, Province of Jambi. The incident caused 27 people were criminalized. The unilateral arrest by police was brutal and repressive. The incident began with a demonstration in front of the PT Fajar Pematang Indah Lestari (PT FPIL) by the peasant, during 17 days. In the protest, the peasants urged the PT FPIL to stop their illegal operation and land grabbing for 25 years, return 474 hectares which belongs to 237 household.

In Solok Selatan, Province of Sumatra Barat, six people is designated as suspect charging them with breach of stealing. The criminalisation is the impact of the conflict between PT Ranah Andalas Plantation (RAP) and people of 2 villages, Nagari Bidar Laam and Nagari Ranah Pantai Cermin. Actually, the company had no legal rights over the land that had become livelihood for the Nagari's people.

The problem is consequences of agrarian conflict that are not solved in Solok district. Still, PT RAP criminalize the Nagari's people even no longer has any legality. The fact was confirmed by the Decree of the Solok Selatan Regent which revoked the licence of PT RAP, on July 29th 2008. Besides, the company had no cultivating rights (HGU) in Nagari Bidar Alam and Nagari Pantai Cermin.

B. Property Business Sector

There are 46 agrarian conflict incidents on 64,198.7 ha in 50 villages involved at least 33,329 households caused by property business sector. Most of the incidents caused by the housing developments (15 conflicts), claimed as government assets (8 conflicts), and the development of industrial areas (6).

The trend of agrarian conflict caused by property business sector show that there has been an increase almost 100% from 2022, which "only" caused 26 agrarian conflict incidents. This drastic increase is due to the acceleration of national strategic projects with related sectors.

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From the total conflicts, 12 of conflicts are national strategic projects such as the KEK Likupang, the development of Petrokimia factory in Air Bangis, landgrabbing for the of the UII campus development in Depok, and the development of glass factory in Rempang, Batam.

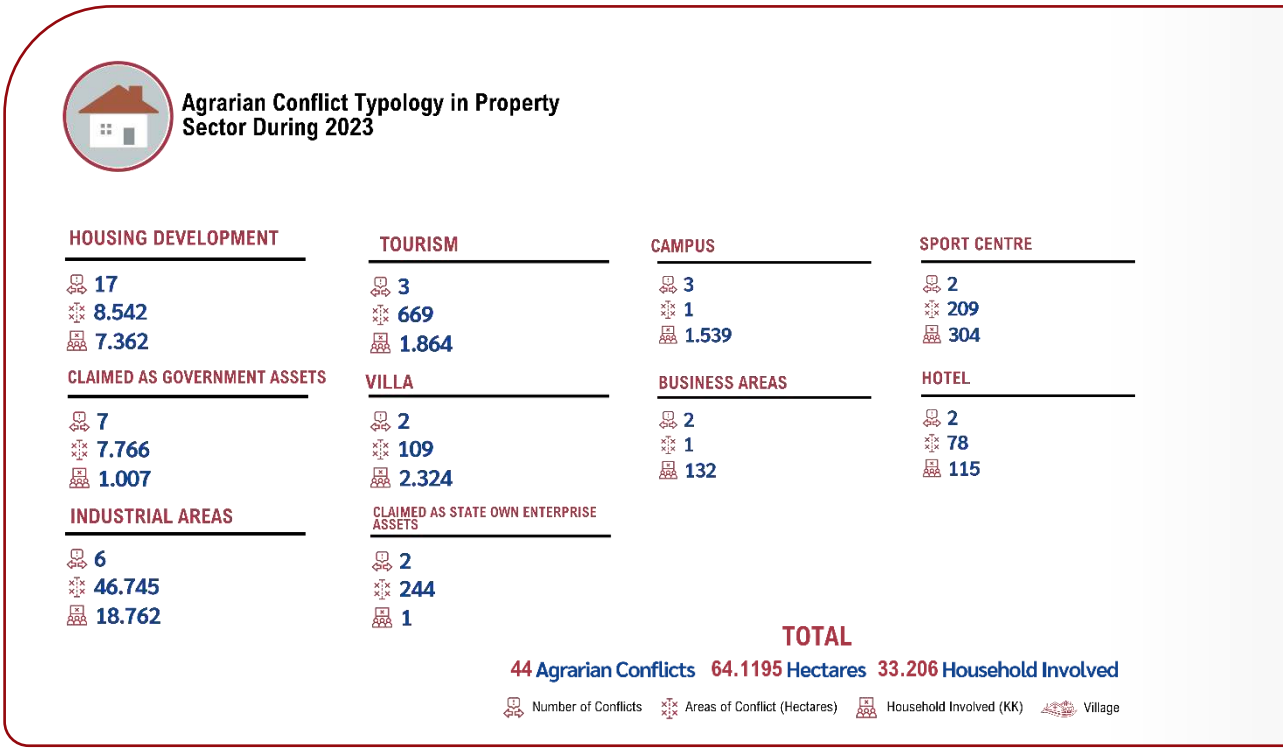


Figure 6. Typology of Agrarian Conflict Incidents in the Property Sector in 2023

The agrarian conflict in Likupang Special Economic Zones (KEK, kawasan ekonomi khusus) caused by land grabbing by one of their developers. This agrarian conflict involved people of Pulisan and Kinun in District of North Minahasa. They report that they were victims of land mafia operation, because their land certificate with Right to Build (HGB, Hak Guna Bangunan) of the PT MPRD. People suspected that there had been a land sale with faux land titles of at the end.

Fisherfolks at Bumbang Island, Lombok, Nusa Tenggara Barat are threatened with exclusion from their land and livelihood. In this agrarian conflict, the people against PT Bumbang Citra Nusa. The company will develop a property in the area. The point is, the company had commenced the development process on people's settlement. PT BCN claimed that they have Right to Build (HGB) over the land. The people said that they were threatened to take the irrational compensation. Otherwise, the company will grab their land and exclude them.

Dozens of peasants from Cisalak, Sukmajaya, Depok, West Java excluded by the development of the Universitas Islam Internasional Indonesia (UIII). The University was among national strategic projects. The peasants against the exclusion for it was their land and their only livelihood, their main income comes from agricultural activities. They said that the University offered compensations IDR 2.5 million. But they insist, for it is meaningless to survive. The UIII done land grabbing and exclusion with intimidation, by using a joint force.



Figure 7. Actors of Agrarian Conflicts in the Property Sector in 2023

Meanwhile, peasants of Air Bangis, Pasaman Barat, Province of West Sumatra are threatened with exclusion from their land and livelihood. The location will develop a petrochemical industrial zone which is PSN. Beside petrochemical industry, there will develop oil processing, airplane industry, smelter and nickel mining. People against this exclusion and land grabbing process for they had been there since their ancestor. They had held demonstrations for days in front of The West Sumatra Governor's Office, ended in chaos due to repressiveness of apparatus, where dozen people arrested brutally. Process to apply for adjustment of status being PSN just admit in 2023, which is still in Coordinating Ministry for Economic Affairs progress. The adjustment of status into PSN is to facilitate the land grabbing process. As The Government had issued the PP 42/2021, which was a derivative of Job Creation Law.

However, there was an agrarian conflict incident that garnered the most attention this year was the agrarian conflict in Rempang, Batam. The agrarian conflict was sparked by of the forced and repressive land measuring plan over people's land. With the level ups of Rempang Eco City development into PSN by the government, involved more than 7,500 people of the island. Based on BP Batam data, the project need 7,572 ha or 45.89 percent of the whole island. The first incidents occurred on September 7th 2023, local people against a joint force of Police-military on the bridge Batam-Rempang-Galang (Barelang) IV. The incidents ended up with a repressive action by the security force and arrest of dozen people who defend for their land rights and against the exclusion.

C. Mining Sector

Investment for mining sector in 2023 caused 32 agrarian conflicts over 127,525 hectares involved 48,622 household in 57 villages. Most of the agrarian conflict caused by nickel mining industry, namely 15 cases, then 6 conflicts caused by coal mining, 5 conflicts caused by sand quarry, 5 conflicts caused by gold mining, and 1 conflict caused by limestone mine.

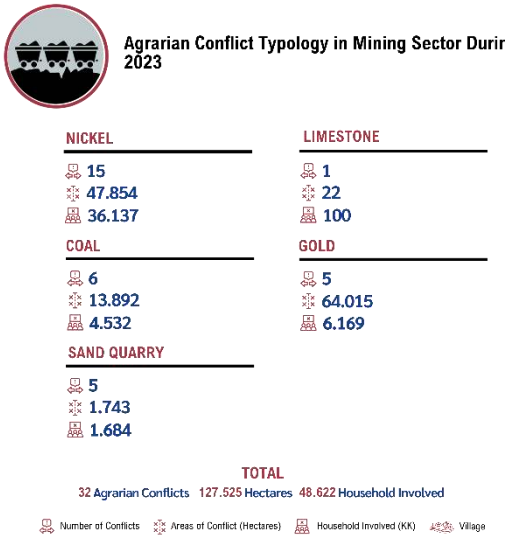


Figure 8. Agrarian Conflict Typology in Mining Sectors 2023

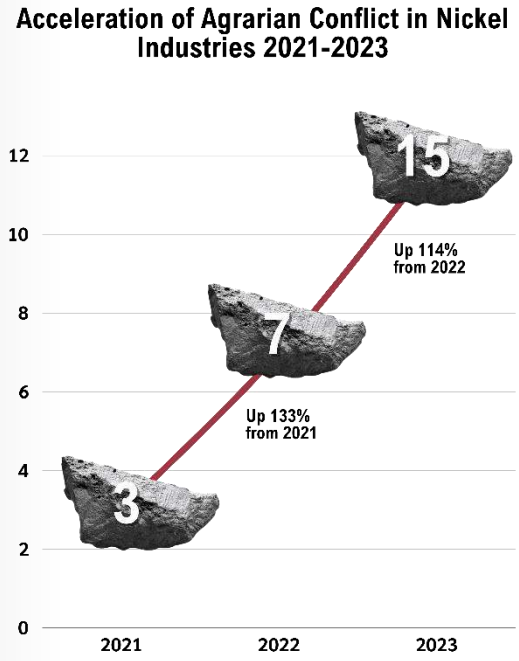


Figure 9. Acceleration of Agrarian Conflicts in Nickel Industries

Conflict which caused by nickel mining should be note, for their number increased significantly from the numbers on 2021 and 2022. Record of KPA show, for the last 3 years there has been an increase rate of agrarian conflicts, reach an average of 100 %, due to the expansion of the nickel mining industry.

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Hence, it is hardly surprising on this trend, for the mining sector is one of the pillars of The Indonesian Government for boosting economic growth. This is also inseparable from Indonesia’s downstream ambitions to increasingly extract nickel resources. The down streaming is wrapped in a narrative of transition to electric energy which is deemed environmentally friendly.

The ambition is obvious in the policy changes for providing convenience for mining enterprises. It was commenced with the revision over the law 4/2009 on mineral and coal mining into Job Creation Law 3/2020 and its various derivatives to simplify land clearing process for accommodating interests of nickel and coal corporations. It means that the revision of the law 4/2009 accompanied with the Job Creation Law so the mining expansion easily, in particular nickel which is now a new primidone for Indonesian government who has the ambition to be a foremost in the global battery production chains.

The target is the transformation from fossil fuel vehicles to electric ones, which were claimed to be environmentally friendlier. On another hand, The Government forgets the danger of the social and environmental costs on this industry are extremely expensive. Agrarian conflict incidents, deterioration of the environment, and violation of labor rights are become costs that people must to bear.

Indeed, most nickel mining industry units were included in the list of PSNs, for the presidential decree for the PSN acceleration provides the facility. Some of nickel industries which include to the PSNs are, Integrated Smelter Development Project of PT Vale Indonesia in Bahodopi (Province of Central Sulawesi), Integrated Smelter Development Project of PT Vale Indonesia in Pomala (Province of Southeast Sulawesi), and Electric Nickel Battery Smelter in East Halmahera, North Mollucas (in favour of battery electric vehicles of Indonesia).

But alas, The Government seems have oblivious the dark traces that mining operation left, namely landgrabbing, deterioration of the environment and worst labor regime. The government takes the path of filthy development for the narrative of clean and renewable energy.

There was an agrarian conflict incident that garnered the most attention this year, conflict between PT IWIP and people of Central Halmahera, Province of North Moluccas. People of Gemaf village, North Weda Utara sub district, were forced to get involved in a confrontation between employees of PT IWIP and Weda's people, caused by the company didn't provide the compensations for land grabbing and exclusion. One of the people admitted that he had frequently requested for compensation. However, the company's management gave only void promises that have never been granted.

Another conflict, between PT Berau Coal and Berau people, Central Kalimantan. The conflict led to the criminalisation of the spouses, Yupiter and Maghdalena. They were in prisons for two years and three months and had to pay a fine of IDR 100 million. This imprisonment was unjustified referred to intimidation and terror practices against the people. For, local people had been charged the compensation for land grabbing by the company. PT Berau excludes 3,000 people from their land, grab about 6,000 hectares.

In some other conflict, there's confrontation between people of Kawasi village, Obi subdistrict, against Harita Nickel; conflict between people of Ungkaya, Central Sulawesi, against PT Alaska Dwipa Perdana; conflict between people of Mosolo Raya and Roko-roko, in Konawe, against PT Gema Kreasi Perdana which is an affiliate of Harita Group; conflict of Indigenous People of Kampung Dingin, Kutai Barat, East Kalimantan, against PT Energi Batu Hitam (EBH) which had criminalised 13 individuals of the Indigenous Community.

D. Infrastructure Sector

Investment and land clearing process for infrastructure developments have led at least 30 agrarian conflicts in many locations. The conflict occured over an area of 243,755 ha, involved 4,346 households within 37 villages. In addition to investments and land clearing, the conflicts were also caused by decades of conflicts that not solved yet in recovering affected people rights, so that the agrarian conflict reemerged.

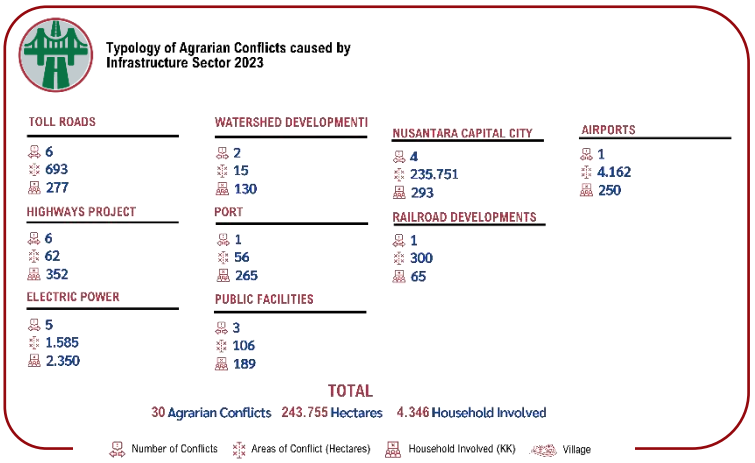


Figure 10. Typology of Agrarian Conflicts caused by Infrastructure Sector

Other development projects led agrarian conflict incidents include toll roads and highways projects, which occured 6 conflicts, 5 conflicts by electric power, 4 conflicts by IKN and its supporting infrastructure, 2 conflict by watershed development. While seaports, dams, airports and railroad developments, each caused one conflict. In this year, most of agrarian conflict in infrastructure sectore caused by the acceleration of PSNs development. From 30 cases, 21 (70%) caused by the PSN.

> “ In this year, most of agrarian conflict in infrastructure sectore caused by the acceleration of PSNs development.



Figure 11. Agrarian conflict in the infrastructure sector by the causes

One of decades conflicts which flared this year was led by the land clearing for the Binjai-Stalbar toll road. Tens of Tandem Hilir people, in particular those who lived in sub-village IX Pasar II, Nenek Miring, protested because their land grabbed by the development of the toll road were not given compensation. People grew more upset for the road had been inaugurated by President Joko Widodo. About 67 households exclude from their land without getting compensated.

A similar conflict is what happened to people of West Manggarai district, NTT, they have not received any compensation for land grabbing and exclusion by the government. This conflict involved 52 household, who were predominantly peasants and honorary teachers.

The data that local communities held indicate that they lost two floored permanent houses, five permanent houses, 16 semi-permanent houses, 14,050 square meter yards, 1,790 square meter rice field, and 10,080 square meter dry field. The conflict incident led by land grabbing for the development of Golo Mori special economic zones.

Many ways had been tried by people for making their demands heard. They even held a protest during the 42nd ASEAN Summit in Jakarta. But they must come home empty-handed, for the government totally ignored them.

In their actions to for manifesting their requests, people were facing intimidation. In one case on 6 and 7 May 2023, Dominikus Savio Bion and Viktor Frumentius from Cumbi sub village, Warloka village, received an Police summons letter. The other day, Doni Parera and Ladis Jeharun got their letters. The invitation was suspected as a form of intimidation and threat for the action plan that they had for the protest before the summit.

Meanwhile, a new conflict occurred this year namely because of the land clearing planning for developing the Sawangan-Bojong Gede toll road (Desari). Those who refused the planning were people of Pabuaran village, Bojong Gede, Bogor. The development of the road will construct 9.5 km road, and it was now in the land clearing process. They refused the development because the compensation offered by the government extremely low price than the standart. People also detected illegal taxation that the Neighbours Factfile.

In Aceh, namely in Silih Nara, Aceh Tengah, 132 households excluded from their land for the development of Peusangan hydroelectric energy development, which was held by the PLN. When this incident reported, the development developing the reservoir phase (sunk areas of the dam). But PLN had not yet given compensation for local people such as what was promised in the beginning of the development. Their information indicates that at the land clearing process in medio 1998 and 2000, the PLN and related officers pledged that people's settlemnets which were included in the project would be compensated, including ponds and agricultural fields.

E. Forestry Sector

> “
> Agrarian conflicts caused by unilateral claim over state forest area or forest concessions include 17 cases over the area of 77,487 ha, involved 10,900 households within 28 villages in many locations.

Agrarian conflicts caused by unilateral claim over state forest area or forest concessions include 17 cases over the area of 77,487 ha, involved 10,900 households within 28 villages in many locations. Overlaps of the state claims of conservation forests over inhabited areas and villages triggered seven incidents of conflict. Corporation claims over industrial cultivated forests rights sparked six incidents. Productional forests 3 cases. Forest management rights, one case.

Referring the conflict incident escalation, we find decrease of the incidents number, where the previous year witnessed 20 incidents. But the decrease was not due to the increase of solved conflicts, but more caused by the ingrowth of the forestry activity that led to clashes that sparked further conflicts.

KPA records show that in the previous decade, there were no success in solving conflicts triggered by unilateral claim over State Forest areas, namely that zero hectare of the conflict area was cleared from the problem. The fact should the conflict must be seriously handled by the government, for the data of the Environmental and Forestry Ministry indicate that more than 25 villages are claimed or included within forest area. Such situation is the main cause of agrarian conflict incidents in

forestry claimed areas. A deeper investigation reveals that the unilateral forest claims cause conflict incidents in other sectors, plantation and mining sectors for example, including PSNs that clear areas that are claimed to be within forest areas.

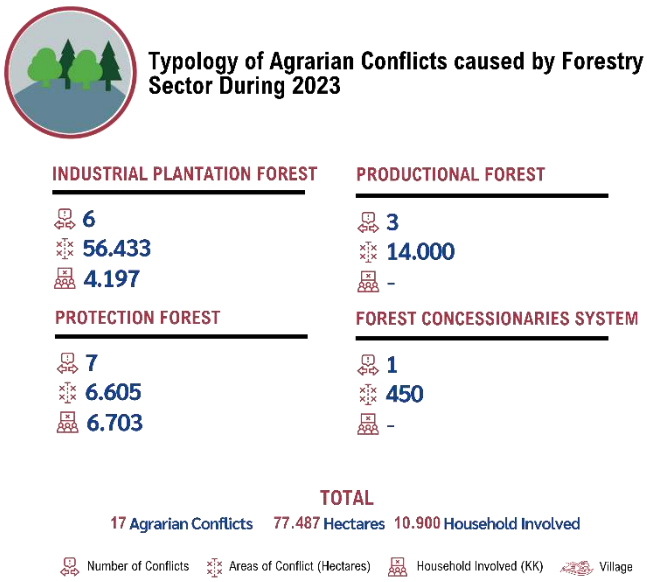


Figure 12. Typology of Agrarian Conflicts caused by Forestry Sector During 2023

Unilateral claims did not only cause conflict or criminalisation against people who lived around the claimed forest areas, but also had unfortunate impacts to society's socio-economic life, for they were hindered to have good access to education, health services and other basic needs, in addition to their weakened economic status due to conflict intimidation that they could be evicted any time from their livelihood that had supported their existence for decades. In 2021, the Central Bureau of Statistics reported that 36.7% from 25,863 villages at the surroundings of forest areas and areas claimed to be forest were in category poor.

Among those cases triggered by HTI rights that sprang this year was the one confronting Mumpa villagers, Tempuling sub district, Indragiri Hilir, Riau, against PT Sumatra Riang Lestari. One affiliate of the company, namely PT RAPP destroyed coconut, pineapple, sweet potato and palm oil fields of villagers. Local people were estimated to suffer an IDR 120 billion cost due to the destruction.

It is known that since 1994, people received a cultivation licence from the chief of Mumpa village, recognised by the Tempuling sub district chief. The private company obtained a unilateral lease from the government through the SK 208.MENHUT-II/2007 on May 25 2007. Holding the lease, the company never making people know about the lease and never put land pegs on the area to make people know about the area under their right.

Unilateral claim and claims overlapping over forest areas also sparked conflict in Sigi, Sulawesi Tengah. The conflict led to criminalisation of several peasants in Sidondo village, by the law enforcement force of the environment and forestry ministry of Sulawesi Tengah. The beginning of the conflict was the one-sided claim by the Lore Lindu National Park body (BTNLL). In the meeting, the three peasants were forced to admit that they mine and extract rocks. The incident by an overlapping claim and the *domeinverklaring* perspective the State had, the colonial principle.

Another conflict occured in Bagan Sinembah, Rokan Hilir, Riau, where local communities are facing land grabs by PT Sumatra Sylva Lestari (SSL). Without any consent from people, the company destroyed 80-hectare land of local people. Beside clearing off the fields, the company took down houses with the force of hundreds of employees and security persons. The Company also clearing off 19-year-old oil palms that are planted by the Local Communities. Not only intimidating local people, the company's security force and employees chased media who reports about the agrarian conflict with machete in hands.

F. Coastal, Small Islands and Military Facility Sector

Agrarian conflict incidents in coastal areas and small islands in 2023 are 5 in number, covering the total area of 428 ha, involved 770 household.

The incidents were sparked by operations of aquaculture (2 cases) and reclamation business (2 cases). The other case was caused by a tourism facility development in coastal areas.

Among the incidents, one was due to the reclamation process of Lae-lae Island and the development of the Makassar New Port, which affected fishermen communities in the island The incident was a continuation of an old conflict which was not solved by the government, where local people refused the reclamation. The development of the port would wipe land and life-space for 1,700 inhabitants of the island. Agrarian conflicts in military facility sectors were caused by unilateral claim of the TNI over land and housing areas of local people. Such conflicts were five in 2023, and involved over 211 households.

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>
> One of the cases that emerged was the reclamation process of Lae-lae Island and the expansion of the Makassar New Port (MNP) development which had an impact on fisherfolks on the island.

II.3 The 2023 Agrarian Conflict Distribution

During 2023, 241 agrarian conflict incidents took place in 33 provinces. Then provinces that contribute the ten highest numbers of incidents are North Sumatra, South Sulawesi, Riau, Jambi, Bengkulu, East Kalimantan, East Java, The Riau Island, and East Nusa Tenggara.

The highest number is for the North Sumatra province, namely 33 incidents covering 34,090 ha areas and involved 11,148households. The conflicts are in 25 villages of various districts.

From all the conflicts in this province, most of them (20 cases) are related to plantation sector. Then, seven conflicts are within the sector of property, 2 conflicts by infrastructure development, 1 conflict bt mining, and 1 conflict by military facility.

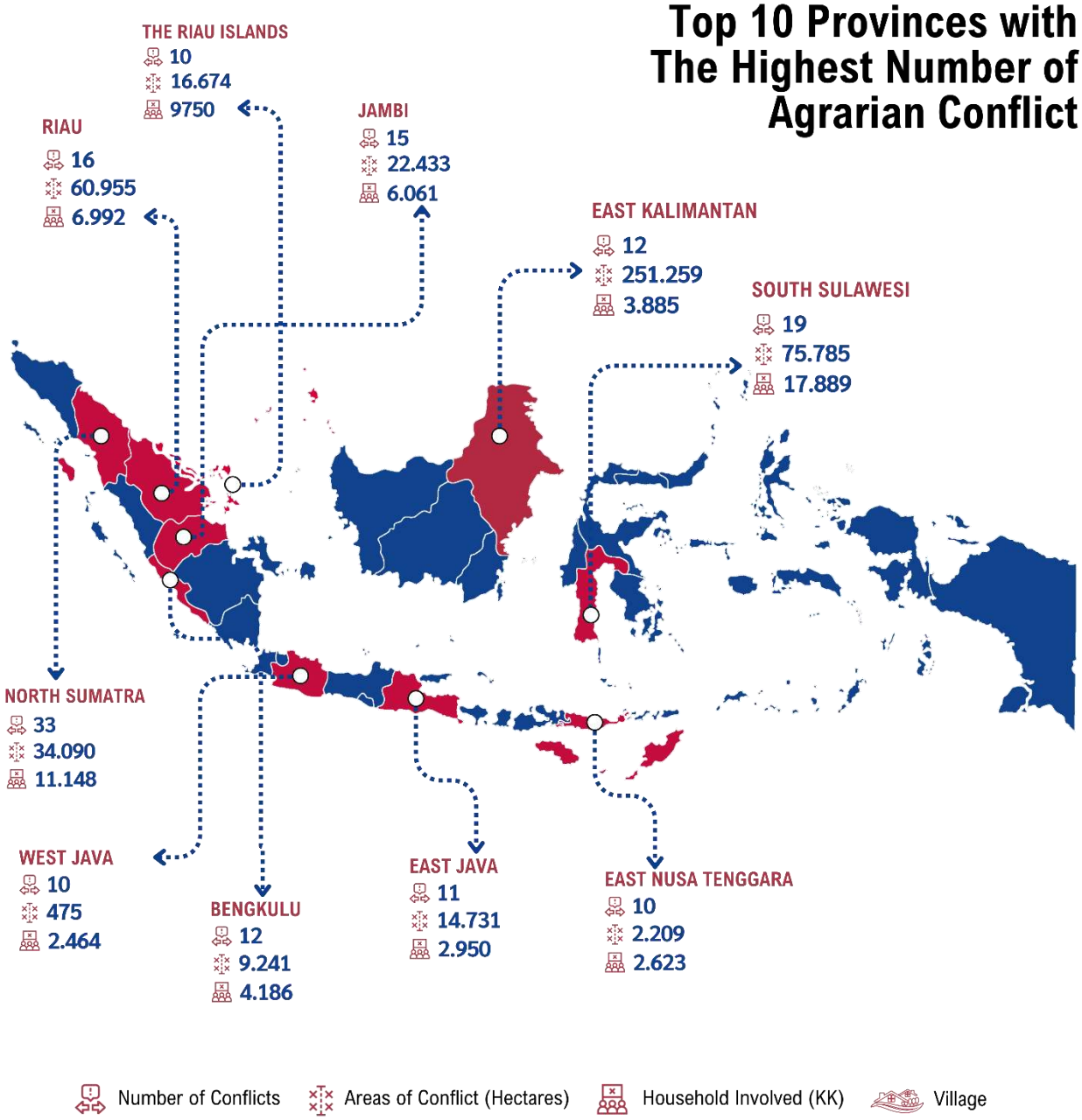


Figure 13. Top 10 Provinces with The Higest Number of Agrarian Conflict

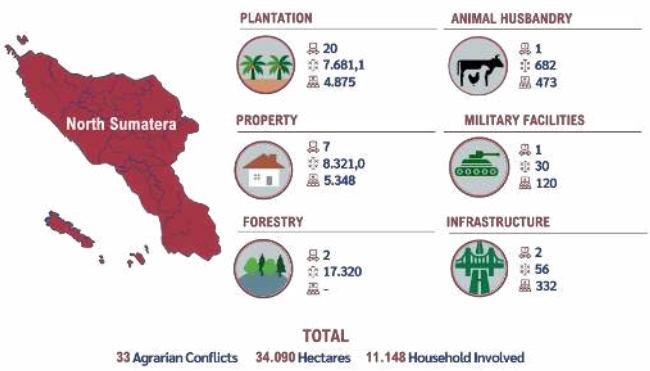


Figure 14. Agrarian Conflicts in North Sumatera on 2023
*) Data on affected victims not found

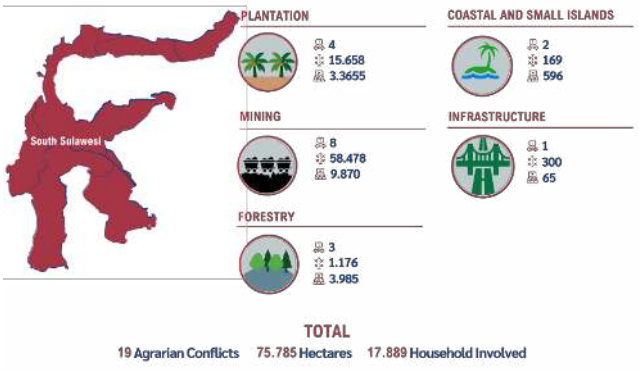


Figure 15. Agrarian Conflicts in South Sulawesi 2023

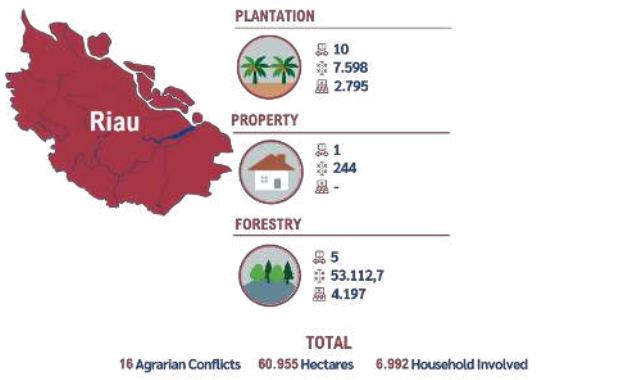


Figure 16. Agrarian Conflicts in Riau 2023
*) Data on affected victims not found

The second place goes to Province of South Sulawesi, with 19 incidents over the total area 75,785 hectares and involved 17,889 households in 53 villages.

In this province, 8 agrarian conflict incidents were within the sector of mining, plantation 4, forestry 3, coastal areas and small islands 2, infrastructure one, property one.

The third place goes to Province of Riau, with 16 incidents, over 60,955 ha, and involved 6,992 households in 20 villages.

In Riau, most of the conflict led by plantation sector contributes 10 cases over 7,598 ha, involved 2,795 household. Forestry sector has 5 incidents, over 53,112.7 ha, and involved 4,197 households. Development in property sector led a conflict due to asset claim by PT Pertamina over 244 ha.

The fourth place goes to Jambi province. It has 15 conflicts in 2023, over 22,433 ha, involved 6,061 households, in 20 villages.

Most of agrarian conflicts in Jambi led by oil palm plantation, 13 incidents, over 22,428 ha, and involved 6,053 households. Two cases were in infrastructure development sector, over five hectares, involved eight households.

Most conflicts in East Kalimantan led by infrastructure development sector, namely five conflicts, over 251,259.3-ha area, and involved 3,885 households. Coal mining sector has three incidents, over 11,000 ha area, involved 3,222 households. Plantation, forestry, property and military sectors, has one each case.

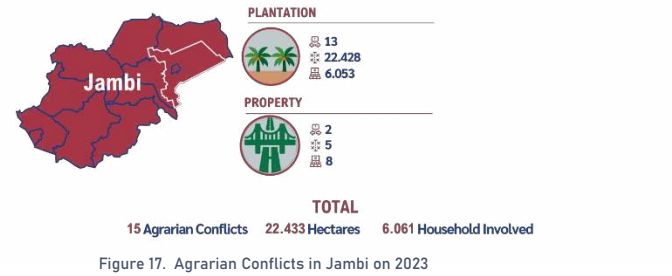


Figure 17. Agrarian Conflicts in Jambi on 2023

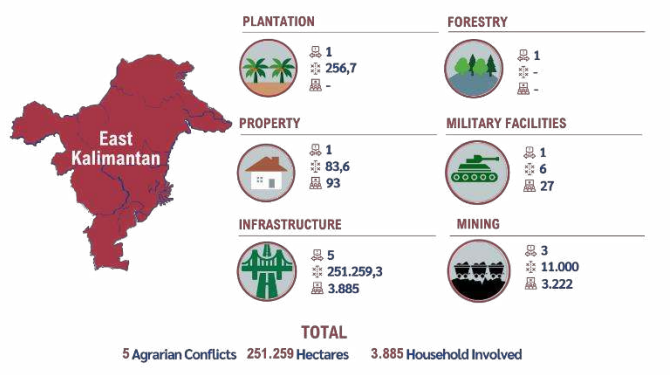


Figure 18. Agrarian Conflicts in East Kalimantan on 2023

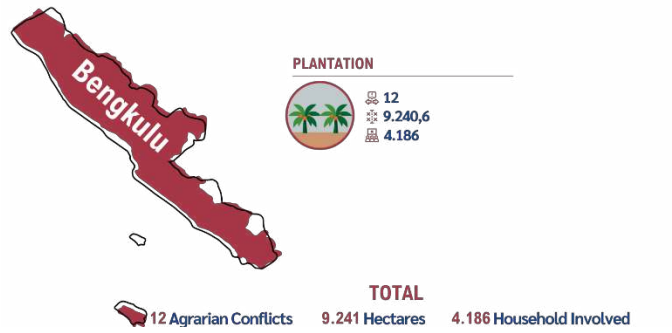


Figure 20. Agrarian Conflicts in Bengkulu on 2023

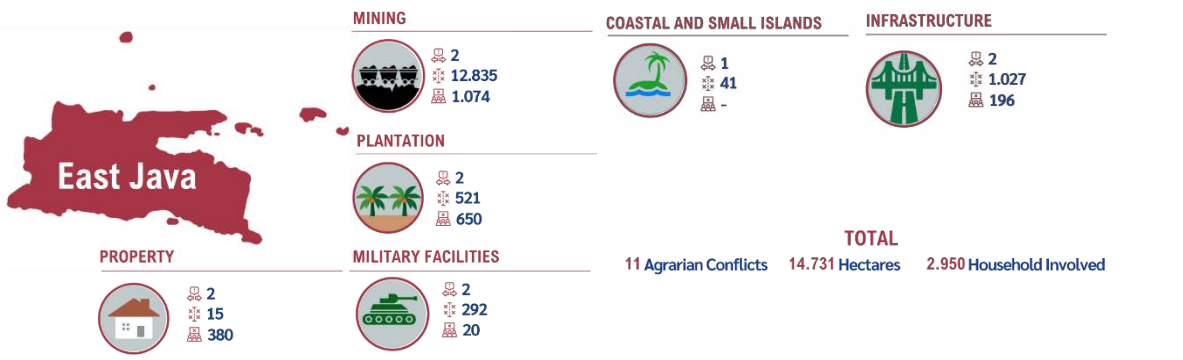


Figure 19. Agrarian Conflicts in East Java on 2023

From the total number, 11 were due to the operation of private plantation business with 8,337 hectares area, and excluded 4,186 households. Another incident was caused by the operation of a state owner business namely PTPN VII, which had a conflict against people of Urai Village, Ketahun, Bengkulu Utara, within an area of 903.3 ha.

Then following by East Java, with 11 cases over 14,731 ha, and involved 2,950 households in 12 villages. Mining, plantation, military facility, infrastructure development and property sectors, each contributes two cases, and an incident was in the sector of coastal area and small islands.

The next place goes to West Java, The Riau Islands, and East Nusa Tenggara, each with 10 incidents in 2023.

In West Java Province, agrarian conflicts occured of 475 ha involved 2,464 households in 10 villages. Most conflicts, 7 cases led by property development, covering 47 ha area, and 1,864 families affected. The plantation sector contributes 2 incidents over 428 ha area involved 600 households. The infrastructure sector caused 1 incident.

In The Riau Island Province, there are 10 agrarian conflicts over 16,674 ha area, involved 9,750 households. Nine incidents led by property sectors, such as industrial zone and housing, over 16,652 ha area and involved 9,450 household. Another conflict led by infrastructure development sector, with 22 ha area and involved 300 household.

In West Nusa Tenggara, there were 10 incidents over 2.209 ha area, involved 2,623 households. Most incidents (7 cases) led by infrastructure development operation over 1,330 ha area, and involved 2,284 households.

> Most conflicts in East Kalimantan led by infrastructure development sector, namely five conflicts, over 251,259.3-ha area, and involved 3,885 households.

II.4. The Overview of Violence and Criminalisation in Agrarian Conflicts

A. Violence and Criminalisation Victims

> During 2023, at least 608 individuals (578 male and 30 female) have been victims of violence and criminalisation.

During 2023, at least 608 individuals (578 male and 30 female) have been victims of violence and criminalisation.

Those victims underwent various violent treatments, namely being criminalised, persecution, shot and even killed when fighting for their land rights

Based on KPA's monitoring, at least 508 people (490 male and 18 female) was criminalized, 91 individuals (79 male and 12 female) were persecuted, six people were shot and three killed in the hands of state security apparatus and company security agents.

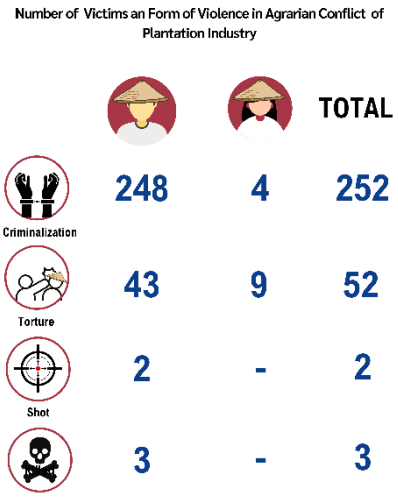


Figure 21. Victims of Violence and criminalization in agrarian conflicts

The number increased compared to the previous year, with 497 criminalisation cases. However, But what is most concerning is the brutality of security forces in conflict areas shows the trend to be heightened. KPA recorded, the number of persecution cases in 2023 is a very significant increase compared to the previous years. In 2022, we saw only 38 cases of persecution, it

means that the increase is 130 percent. Similarly, the cases of shooting increased 100 percent, compare from 2022 with 3 cases.

NAME	GENDER	REGION	SECTOR	CAUSE
Gijik (35)	Male	Central Kalimantan	Plantation	Shot
Logam (51)	Male	Riau	Plantation	Shot
Bertah Sembiring (65)	Male	North Sumatra	Plantation	Persecuted

Tabel 2. Death victims in Agrarian Conflicts 2023

Among criminalisation cases of 2023, we have the incident that underwent by 39 people of Saruwako, Luwu Timur, South Sulawesi. It led by conflict between people agains PT Vale Indonesia, Tbk. Still in South Sulawesi, 21 individuals (including a village chief and members) from Bababinanga village, Duampanua sub district, Pinrang district were criminalised. The case was related to their refusal against the operation of sand mining business PT Pinra Talabangi. People protested the mining operation for it environmental damage for the village.

In Central Sulawesi, 27 people were criminalised by a plantation company, namely PT Hardaya Inti Plantations. The criminalisation led by the fact that the firm did not grant the plasma-nucleus areas that it had promised to peasants, while the latter had handed their land to be managed by the company with the plasma-nucleus schema.

In Jambi province, seven members of Sumberjaya village, Kumpeh Ulu sub district, Muaro Bango district underwent criminalisation in a conflict against PT Fajar Pematang Indah Lestari. In another village of the district, PT FPIL did violent actions to Pematang Bedaro people. The incident led by the peaceful protest of local women to reclaim their land. The protest ended with a violence by Police Officers. Many women were injured for they were drawn off from the mass. People who recorded the incident was threatened by the Regional Police of Jambi to be criminalised.

The cases above were just a few of the violent incidents that occurred during 2023. Other cases still lead to criminalization and violent treatment against people. Such as conflict on Air Bangis, Rempang, Poco Leok, Seruyan, and conflict of PTPN against peasants of Seimencirim and Pematang Siantar, conflict of nickel mining in Halmahera, and conflict by Perhutani in Cilacap.

Those incidents are the manifestation of how repressiveness of security apparatus was in handling conflicts in agrarian domain. The increase trend of violence is not surprising, for in addition to investments and development that were priorities of the government, in many occasions President Joko Widodo insisted his willingness to beat down any party that hindered investment and development. Unfortunately, such a violent threat was more frequently directed towards communities which were victims of land grabbing for government projects and private investment interests.

B. The Presperators of Violence and Criminalisation

During 2023, the police were the main presparators that were involved in most violence cases in agrarian conflict areas. The data that KPA collected shows that police were involved in 85 violentce actions against people. Company security forces were in the second place with 47 cases. While the Indonesian National Military follows with 19 cases, and municipal policy force 18 cases. kasus kekerasan.

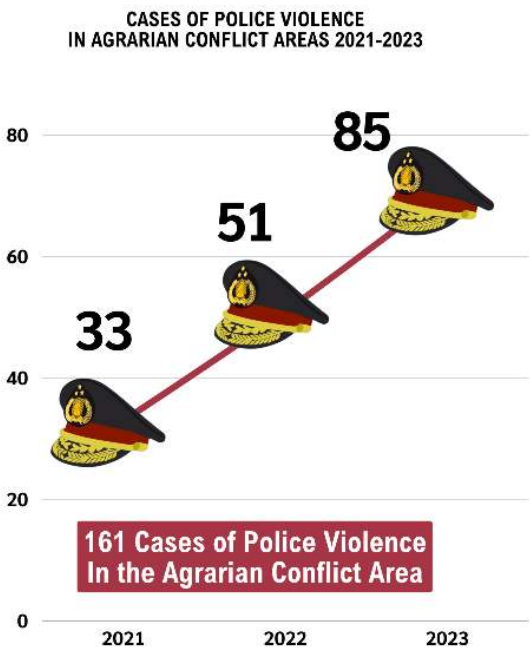


Figure 22. Police violence cases in agrarian conflict areas on 2023

A special notice for the police, due to the fact that they were mobilised most frequently for handling agrarian conflicts in the field. However, their methods carried out are increasingly brutal in the field, causing many victims.

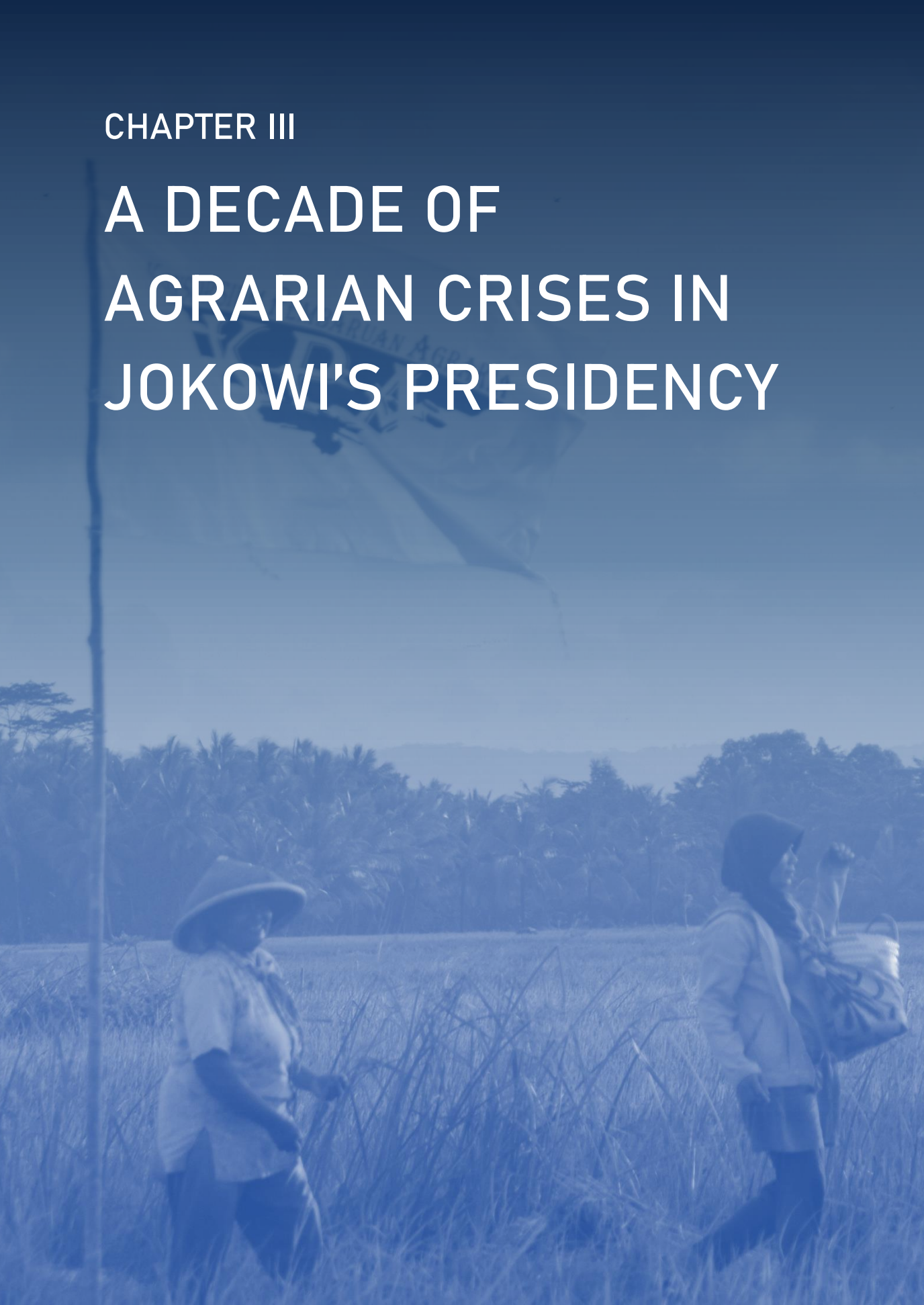
> “In three last years, KPA recorded the violence of police continues to increase.

In three last years, KPA recorded the violence of police continues to increase. It means that there is no serious evaluation in the internal of the police. Let alone, people had protested and many institutions had required the police to do so. Still, their way to solve did not change even more brutal, instead of treating protesters humanely and respect for fundamental rights. If this is impractible since 3 years ago, almost 161 cases of violence by police.



CHAPTER III

A DECADE OF AGRARIAN CRISES IN JOKOWI'S PRESIDENCY



III.1. Increase of Agrarian Conflict Escalation

A. Higher Frequency of Agrarian Conflict Incidents

The series of agrarian conflicts in the whole nine years of Joko Widodo' Presidency, we believe, will keep happening until the end of his presidency. The situation leads to an agrarian crisis, characterised by, first, the constant increase of agrarian conflicts without justice based solution for people, second, facilitation of the government to business in expropriating people's land due to a number of regulations very favourable to investment interests, third, the greater inequality of land ownership so that agricultural, mining, forest, plantation and coastal areas are increasingly accumulated in the hands of capital and political elites.

> In the last nine years (2015-2023), the Consortium for Agrarian Reform recorded increase significant frequency than the previous decade of Susilo Bambang Yudhoyono's presidency

In the last nine years (2015-2023), the Consortium for Agrarian Reform recorded increase significant frequency than the previous decade of Susilo Bambang Yudhoyono's presidency. The two period of Joko Widodo's presidency recorded 2,939 agrarian conflict incidents covering a total area of 6.3 million ha, dan 1.75 million families affected throughout Indonesia.

Plantation, infrastructure development and acceleration of national strategic projects were three sectors with highest incident numbers. In the plantation sector, the Consortium noted at least 1,131 incidents. While in property sector, 609 incidents, and infrastructure 507.

Beside that, national strategic projects were a new sector of agrarian conflict. KPA recorded that in four years (2021-2023) 115 incidents occured in different regions.

SECTORS	NUMBER OF AGRARIAN CONFLICTS	AREAS (HECTARES)	HOUSEHOLD INVOLVED
Plantation	1.131	2.707.598	404.225
Property	609	225.369	177.164
Infrastructure	507	553.166	107.888
Forestry	213	1.799.620	81.882
Mining	212	817.028	358.278
Agribusiness	152	77.563	46.294
Coastal Areas and Small Islands	79	119.006	554.615
Military Facility	36	9.911,4	28.962
Total	2.939	6.309.261	1.759.308

Tabel 3. Number of agrarian conflicts during the Joko Widodo Presidency

The conflict number in nine years of Joko Widodo administration was doubled (100%) if compared to the decade of SBY's presidency, which occured 1.502 conflicts.

YEARS	NUMBER OF AGRARIAN CONFLICT
2020	17
2021	40
2022	16
2023	42
Total	115

Tabel 4. Agrarian Conflicts led by National Strategic Projects (PSN)

The high speed of development and investments in Joko Widodo's era is in line with the increase of agrarian conflict escalation in many places in Indonesia. The problem is not in the development and investment themselves, but from the government's perspective who ignores people's rights in targetted areas for development and investments, so that the operations lead to exclusion and land grabbing.

The problem is not in the development and investment themselves, but from the government's perspective who ignores people's rights in targetted areas for development and investments, so that the operations lead to exclusion and land grabbing.

High recurrence of agrarian conflict incidents shows the reaction of communities against land grabbing. Frequently, land grabbing led by The Government does not recognize the people's land tenure and land tenancy since their ancestors.

The refuses to recognize the people's land rights and ownership caused by the dominance of domain principles of colonial era, while people land rights systems have been recognised by the constitution and the UUPA 1960. In many situations, the state often forces people land rights into a very positivistic legal framework, so that people who cannot prove their land ownership legally and formally, labelled as illegal. Substantively, the background of the problem comes from the government's own mistake in not registering kind of people's land such as mandated by the Basic Agrarian Law.

Lots of agrarian conflicts are caused by several factors which made the increasing of agrarian conflict escalation in the last decade:

First, development and investment which are very pro-market and capital, spared to respect people's land rights so that the government do land grabbing and exclusion easily for facilitating investors and large-scale businesses interests.

Second, the more acute of monopoly and inequality ownersip, which caused high friction between the community and the government with business entities, due to exclusion of the people.

Third, overlapping claims and accumulation of decades unresolved agrarian conflicts mixed up with newer conflicts, because of land grabbing and exclusion for development and investment projects.

Fourth, the use of violence, criminalization and manipulation of compensation schema in the process of land procurement for development and investment of large-scale enterprise.

Fifth, overlapping of policies and regulations, so the consequence is the published policies and regulations to protect peasants, indigenous people, fisherfolks and their land are defeated by policies that accommodate investments and development projects; and

Sixth, positivistic legal perspective in the management of agrarian resources management leads the government easily to exclude people, especially peasants, fisherfolks, indigenous people, poor rural and urban people, who cannot prove their land ownership legally, even though they have been there for decades.

Nowadays, people more powerless, for the government provides more facilities for the easily process of land clearing for investment and acceleration for national strategic projects. Such as, we have the Omnibus Law on Job Creation Law with all its derivative regulations such as the presidential decree 42/2021 on the facility for National Strategic Projects, PD 64/2021 on Land Banking, PD 19/2021 on Land Procurement (revision on the law 2/2012 on the procurement of land for public development), and PD 18/2021 on Right to Manage. Included, the revision of the Mineral and Coal Mining Law, which eases so much exploration and exploitation on national agrarian resources by mining company.

It is inevitable that, there lots of agrarian conflicts in multiple areas caused by exclusion and land grabbing for facilitating the ambition of those big scale business entities. We may mention conflicts caused by the ambition of accelerating national strategic projects, such as Padang-Pekanbar toll road, KEK project in Gresik, hydroelectric power in Pinrang, Wadas mining for Bener dam, Movieland MNC in Lido Sukabumi, Food Estate di Humbang Hasundutan, Lolak dam in Bolang Mongondow, North Sulawesi, Kayong Utara air port in West Kalimantant. Besides, we have also Lambo dam in East Nusa Tenggara, Serang-Panimbang toll road, Muna steam-electric power, food estate in Pulang Pisau, Kalimanatan, Sepaku Semoi dam, infrastructure development for supporting the IKN in East Kalimantan, the development of an airport and oil refiner in Air Bangis, West Sumatra, sand mining project Royal Boskalis in Makassar, and the exclusion over Bowosie forest by the Institutional Authority of Labuan Bajo for infrastructure supporting the KSPN Komodo.

B. Higher Frequency of Violence and Criminalisation in Agrarian Conflict Areas

Besides the Agrarian Conflict escalation getting higher, the approach for handling conflicts did not improve. Even the last decade criminalisation and violence were becoming more frequent. In the last nine years (2015-2023), KPA recorded 3,503 victims of violence and criminalisation in multiple areas of agrarian conflicts.

From that number, 2,442 individuals were criminalized, 905 face violence and persecution, 84 got shot, 72 people killed because of state security apparatus repressiveness. The number is increased compared to the 2005-2014 periode, with 1,354 were criminalized, 553 face violence and persecution, 110 shot, and 70 killed.

There is no differences in the situation of violence and criminalisation in conflict areas is due to the nothing changes almost a decade in the way the government see the problem roots and in handling agrarian conflicts. The way to handle the problem is still the same: first, repressive approach the government use by mobilizing security forces in dealing with agrarian conflicts; and, second, law discrimination and positivism legal perspective (legal formal). The consequence of this perspective is the government easily accused people as anti-development or criminal.

No wonder that during last decade all incidents of agrarian conflict ended up in criminalisation and violent action. Simply look on the conflict between SMB peasants against PT Wirakarya Sakti (WKS), one affiliate company of Sinarmas in Batanghari, Jambi. The conflict ended with the arrest over 45 peasants who were persecuted. In the same year, 25 people of Taman Sari, Bandung, were criminalised by the police when they were refused to exclude by government of Bandung. In Urut Sewu,

> **In 2022, 40 people of Malin Deman village, Muko-muko, Bengkulu were criminalised by the police. They were accused of stealing palm oil in PT Daria Dharma Pratama (DDP) area.**

Kebumen, Central Java, military apparatus indiscriminately shelled the peasants with truncheons and rubber bullets which injured 15 people, one person was shot.

In 2021, 10 transmigrant peasants of Sukamukti village, Mesuji sub district, Ogan Komering Ilir were criminalisd by the police. The incident began with reclaiming by the peasants against land grabbing by land mafia practices, which the land they obtained through transmigration program.

In the same year, 21 members of Indigenous People of Tano Batak were arrested when they held protest in front of the office of the Ministry of Environment and Forestry. The action was manifesting their huge discontent for land grabbing and exclusion by PT Toba Pulp Lestari, has not been resolved.

In 2022, 40 people of Malin Deman village, Muko-muko, Bengkulu were criminalised by the police. They were accused of stealing palm oil in PT Daria Dharma Pratama (DDP) area, while actually they harvested from their own plants. In the same year, 40 people of Wadas village were arrested by the police for their refusal against the andesite mining activity for the construction of a PSN namely Bener dam. The same brutality befell by people ofLabuan Bajo, Manggarai Barat, NTT. People who protested to against the Governor's policies, Viktor Laiskodat, were repressed and forcibly arrested. In the meantime, 42 of them were criminalised.

Those cases represent small picture of the whole violence and criminalisation that state security apparatus did when dealing with agrarian conflict incidents. Unfortunately, the government looked to simply see the cases more as statistical number than as an alarm of doing evaluation. Indirectly, President Joko Widodo seemed doesn't think all incident series are a problem. Even he instructed directly the police do not hesitate the people that was seen against investment.

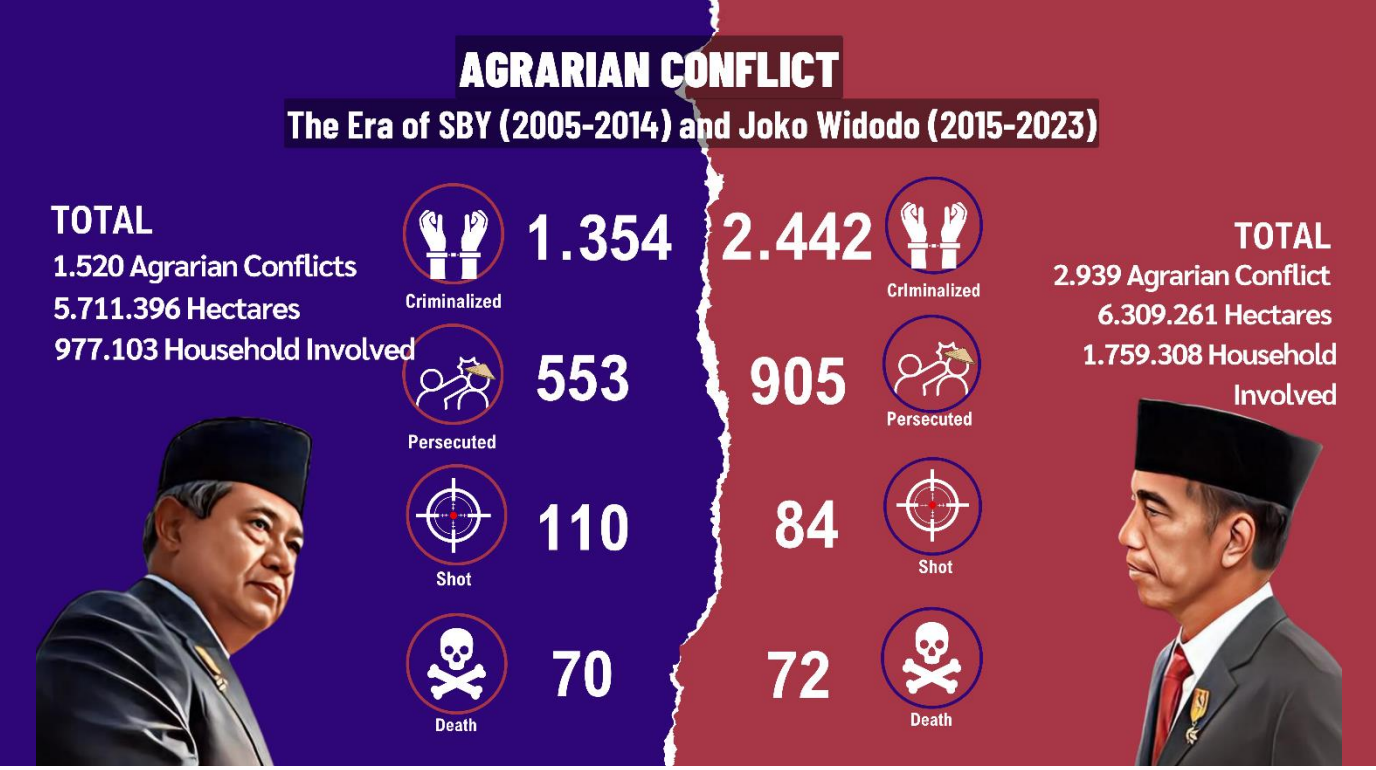


Figure 23. Number of agrarian conflicts between Joko Widodo's Presidency and Susilo Bambang Yudhoyono's Presidency

III.2. Increasing The Conversion of Agricultural Areas

Infrastructure development process and investment in agrarian realm that went almost a decade eroded dominantly those areas of productive agriculture. In many cases of land grabbing for infrastructure development, many areas of food producers were functionally changed into airport, toll road, residential development, and other investments in agrarian sector, such as plantation.

This phenomenon did shrink not solely millions of hectares of productive agricultural areas that were the source of peasant's livelihood but also source of national food resilience. The situation caused the deficit of our rice production nationally, amidst the rise of rice demand due to population growth.

It is a cruel irony for the government had issued the law 41/2009 on the Protection of Agriculture Land Sustainable Food.





Figure 24. The Diminution Number of agricultural areas since 2014-2022
Source: mapbiomas.nusantara.earth (Auriga, 2023)

Among so many cases of agrarian conflict than devoured productive agricultural areas are the PLTU Cilacap, Bener dam in Purworejo and Wonosobo, New Yogyakarta International Airport (NYIA) in Kulon Progo, Yogyakarta-Bawen toll Road, Yogyakarta-Cilacap toll road, and Yogyakarta-Solo toll road, and Kertajati airport.

In Kertajati, acceleration for the development of International Airport of West Java (BIJB) culled 11 villages in Kertajati sub district. The airport was projected to be the second greatest in Indonesia, after the Soekarno-Hatta international airport in Banten. There were 7,500 ha rice field, orchard and housing areas which were fconversion to be airstrip areas, Kertajati Aeorocity and business development zone.

There are 11 villages in Majalengka which were affected by land grabbing and exclusion without clean and clear process. Sukamulya village was the only village who decided to defend for their land and housing areas. The area of the village about 740 ha, namely 700 ha for agricultural area, and 40 ha for settlement area. There are 1,700 households, 5,500 people.

BIJB did not run effectively and in 2021 it was refunctioned as maintenance, repair and overhaul (MRO) or an aircraft repair. To make BIJB runs optimally in line with the planning of developing an aero city, development and a large scale of land conversion around the are needed. The data of Housing, Residential Area and Land Agency (DPKP) of Cirebon district, property industry has increased in the past ten years.

> “ In Poso, the Poso hydropower megaproject with 515 MW capacity in 2020 caused 266 hectares of rice field and dry field in 16 villages around the Poso Lake has patently disappeared.

In Poso, the Poso hydropower megaproject with 515 MW capacity in 2020 caused 266 hectares of rice field and dry field in 16 villages around the Poso Lake has patently dissappeared down. Besides, 94 buffalos in Tokilo village died in 2 months; the loss of Mosango lake cultural tradition in Kompodongi; and impairment to subsistence livelihood of fisherfolks.

In Wadas, Purworejo, 148 ha of agricultural area cultivated by 300 households were destroyed by the andesite mining project for the construction of the Bener Dam (which is a PSN). The operation wiped away 539 percils of dry field and destroyed 27 fountains that were supplying water for Wadas people and a some of Central Java people.

In Kulon Progo, Yogyakarta, the development of Bandar International Yogyakarta took away 581.57 ha area, comprising 3,492 pieces of people's agricultural fields. Land clearing was conducted in five villages in Temon sub district, Kulon Progo, namely Glagah, Palihan, Sindutan, Jangkaran and Kebonrejo villages. .

From 2010 to 2016, or before the development of the airport, the speed of land conversion was at 2-14 ha. But since 2017 the rate soared up to 243 ha, especially in the airport 's development zone. In 2018, The Agricultural Office of Yogyakarta recorded that the land conversion was 200 ha yearly. It caused decrease in rice production, yearly almost 1,000 tons. In addition to housing and industry areas developments, the development of the airport was the significant factor of the diminution number of agricultural areas. Then The Government said that new rice fields need to be developed in large-scale area.

The development of NYIA airport destroy houses and agriculture land. The Government of Kulonprogo recorded 300 ha of chili fields had been destroyed, with their annual production 2,700 tons in Temon sub district for the airport's development.

In the development of the trans-Sumatra toll road, some agricultural areas were destroyed. Agricultural areas along the road were converted into gas stations, settlement, restaurants, and so on.

A similar case was found in the developments of toll roads in Yogyakarta and Central Java, where 250 ha agricultural areas would be converted. At least 38 ha of productive fields in Sleman district would be affected by the roads' development.

Jogja-Solo, Jogja-Kulonprogo, and Jogja -Bawena would destroy 561 agricultural areas in Tirtoadi, Melati sub-district, Sleman district, Yogyakarta special region. While the Jogja-Cilacap toll road spanning 121.75 km would pass through other districts such as Kebumen and Purworejo, more specifically 53 villages in 15 sub.-districts. Further, this projects were seriously endangering food agricultural areas which has been long served as pillars for national food security.

III.3. The Increase in Inequality of Land Ownership

A. The Increasing Number of Landless Peasants

The phenomenon of exclusion and agricultural land grabbing for infrastructure developments and investment in extractive sectors did not simply insisting on land conversion but also made peasants, fisherfolks, indigenous people, and rural people who had their livelihood in agriculture the more and more landless, or even they were expulsed out into other sectors. The data collected by the KPA from 2015-2023 indicate that 1.75 million people had been victims of agrarian conflicts. They were being threatened with wholesale land grabbing and exclusion who had to find other livelihood, or they excluded from their land and livelihood and had to find another source.

The situation was corroborated by the result of Cencus of Agricultural by the Central Bureau of Statistics (BPS) in 2023. The report reveals the situations of agrarian and agriculture crises which has been getting worse over the past decade.

The 2023 Cencus of Agriculture mentioned as well the decrease number of peasants in Indonesia during the last decade. In 2023, number of peasants were 29.34 million, decrease from 2013, namely 31 million. From the total number, 19.49 million are peasants more than 45-year-old. Besides, the number of landless peasants increased 18.54 million, 18.54 percent higher than the number of the previous decade (18.54 million).

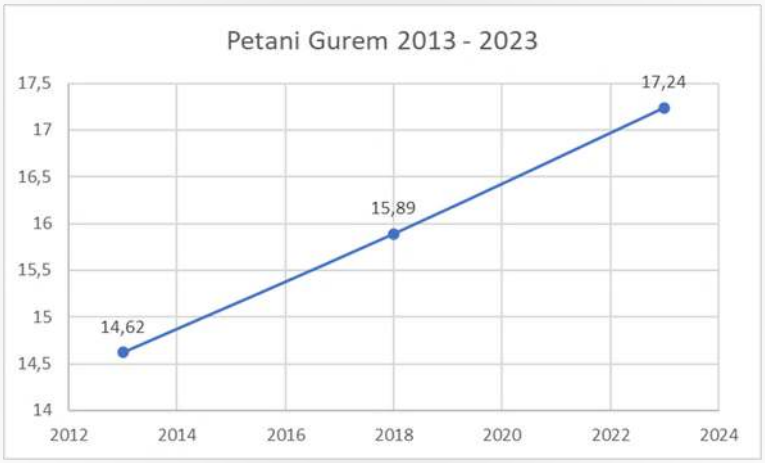


Figure 25. The Increasing Number of Landless Peasants during the last decade
Source: The 2023 Cencus of Agriculture

> In addition, the data that the KPA had collected during the last decade (2015-2023) shows that top 10 provinces that are the highest number of agrarian conflicts were also the region where extremely significant guremization

In addition, the data that the KPA had collected during the last decade (2015-2023) shows that top 10 provinces that are the highest number of agrarian conflicts were also the region where extremely significant guremization. They were Aceh, North Sumatra, Riau, Jambi, South Sumatra, Lampung, East Java, West Java, Central Java, and South Sulawesi.

They were being threatened with wholesale land grabbing and exclusion who had to find other livelihood, or they excluded from their land and livelihood and had to find another source. Agrarian conflict incidents in this decade frequently focused on productive agriculture area which is livelihood for million peasants in Indonesia. The expansion of plantation industry and infrastructure developments, narrowing the agricultural land as the primary livelihood for the peasant, the main producers on agriculture sector. Narrowing of the agricultural land led the increasing number of guremizations peasant, left agriculture sectors for the sector is no longer profitable.

NO.	PROVINCE	NUMBERS OF AGRARIAN CONFLICT	INCREASING OF LANDLESS PEASANTS (%)
1.	East Java	260	19,15
2.	Riau	253	102,97
3.	North Sumatra	243	33,22
4.	West Java	223	11
5.	South Sumatra	149	71,47
6.	South Sulawesi	129	26,21
7.	Lampung	121	57,65
8.	Aceh	118	69,53
9.	Central Java	117	4,66
10.	Jambi	116	53,88

Tabel 5. The increasing number of landless peasants based on top 10 provinces that contribute to the highest conflict during 2015-2023.-2023

B. The Increasing Land Monopoly by Large Scale Business

The higher frequency of agrarian conflicts in the last decade are consequences of the unsolved old agrarian conflicts. Such a situation was closely linked to the significantly greater number of giving permit and concession for plantation, forestry and mining large scale businesses. The authorizing of new permits and concessions further expands landholders by large-scale bussiness on plantation, forestry, and mining. The degree of inequality extremely higher, doubling down land for peasants.

> “ The authorizing of new permits and concessions further expands landholders by large-scale businees on plantation, forestry, and mining. The degree of inequality extremely higer, doubling down land for peasants.



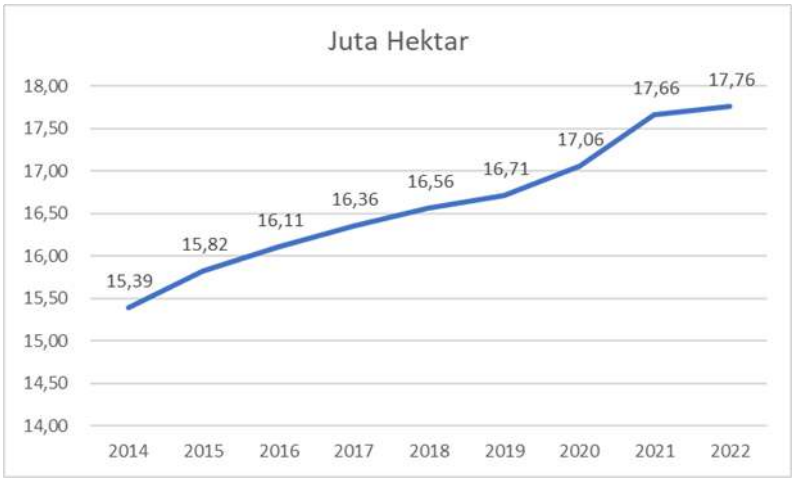


Figure 26. The increase of oil palm plantations area during 2014-2022

Plantation sector in particular the palm oil plantation had a very significant growth of their operational area in 2014-2023 terms. In 2022, the area of oil palm plantation was 17.76 million ha. It means that the growth was 2.37 million ha (200 thousand ha per year) where in 2014 the area was 15.39 million ha. According to the statistical bureau 2021, those millions ha of plantation area were in the hands of only 2,466 plantation companies.

The significant growth of palm oil plantation was in line with agrarian conflict situation that the Consortium recorded in the same terms. Since 2015-2023, were recorded at least 1.131 conflict incidents over the area of 2.7 million ha.

Increase of Palm Oil Land Area (2014-2022)	2,75 Hectares
The Extents of Agrarian Conflict on Plantation (2015-2023)	2,7 Hectares

Tabel 6. The comparison of the increase in oil palm plantation land area with the total land area of agrarian conflict on plantation

Similar situation was there in the industrial forestry, where the Ministry of Environment and Forestry had the record of land increase of industrial plantation forest area (HTI, hutan tanaman industri) in 2014-2023. In 2022, the HTI area was 11.22 million ha. The increase was 700 thousand ha since 2014, where the area was only 10.54 million ha. The KPA's data indicate that in 2015-2023 terms, the total area of forestry sectors' agrarian is almost 1.79 million ha. It means that the high number of agrarian conflicts in the sector was partly due to the expansion that the HTI companies did in various locations in Indonesia.

Ironically, instead of controlling the HTI concessions that caused agrarian conflicts, The Government provided the red carpet that privileged forestry companies that held the rights.

The government provides forest amnesty for illegal palm oil, mining and forest businesses through the forest amnesty policy regulated in Articles 110A and 110B Job Creation Law.

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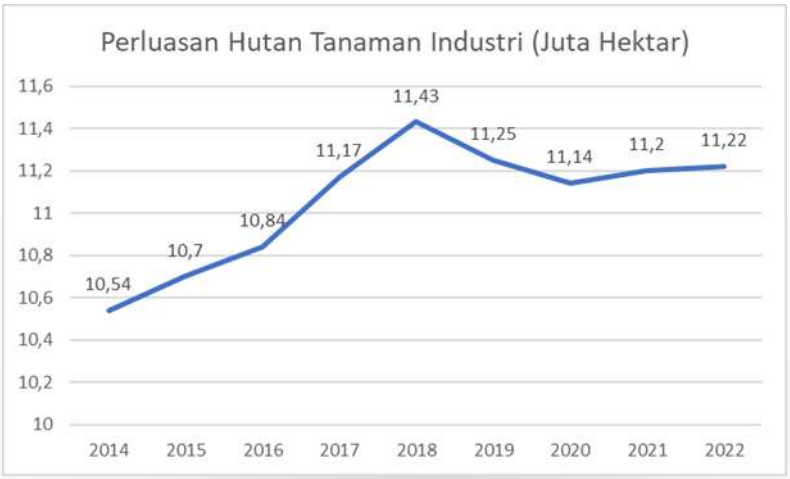


Figure 27. The increase of Industrial Plantation Forests area during 2014-2022
Source: Ministry of Environment and Forestry 2022

Those land areas that were "already" illegally grabbed, claimed and owned by the company for palm oil, mining and forestry can be legalised by only admitting (registering) and paying fines to the government (in this case, the KLHK and BKPM).

In forest area, forestry illegal business was targeted to cover 3.1 million ha, and mining 2.16 million ha (KLHK and BKPM, 2023). The fact was a perfect opposite to the reality that not even a palm of forestry conflicted land was redistributed to community members.

Increase the HTI Area during2014-2022	680.000 hektar
The Extent of Agrarian Conflict in the Forestry Sector 2015-2023	1.799.620 hektar

Tabel 7. Comparison of the increase in HTI land area and the total area of forestry agrarian conflict land

III.D. Structural Poverty in Areas of Agrarian Conflicts

Rilis BPS 2022 menyebutkan angka kemiskinan Indonesia sampai Maret 2022 sebesar 26,16 juta jiwa atau 9,54 persen. Sementara sekitar 14,34 persen juta jiwa (54,81 %) dari total penduduk miskin tersebut berada di wilayah pedesaan.

The 2023 BPS data indicates that the number of poverty of Indonesia up to March 2022 was 26.16 million, or 9.54 percent of the whole national population. While about 14.34 million (or 54.81%) of those poor people were in rural areas.

The similar case is found in areas surrounding the forest areas. The BPS on 2021 reports that says 36.7 percent of all 25,863 Indonesian villages within areas adjacent to forest areas were categorized on poor. The data of General directorate of undeveloped regions development acceleration of the Ministry of Villages, Development of Disadvantaged Regions, and Transmigrarion indicate that 58 percent of all disadvantaged villages in Indonesia were located around forest areas.

> 58 percent of all disadvantaged villages in Indonesia were located around forest areas.

Agrarian conflicts that were left unsolved for decades were among factors of pulverisation in various regions of Indonesia. In addition of getting excluded and undergoing intimidation on daily basis, those communities which are within the agrarian conflict areas, either due to plantation, forest or mining area claims, have no access to education, health and other needs services such as aid programs from the government. Those people living in agrarian conflict have very often no administrative recognition from the government so that they have no access to basic rights that the government provides.

Such a case was what happened in Lubuk Mandarsah, Tebo district. Children of the Tebo peasant union (STT) were in difficulty for accessing education because they were surrounded by palm oil plantation that was in conflict against the peasants.

Apart from being the victims on agrarian conflict, the absence of land redistribution for women forced them becoming migrant workers. For the last 9 years, at least 1.4 million women became migrant labourers (BP2MI, 2014-2022), for there was no land that they can cultivate to secure their livelihood. It means that development in agriculture failed to absorb the surplus population and productive labour in rural areas.



Agrarian Conflicts during Joko Widodo's Presidency (2015-2023)

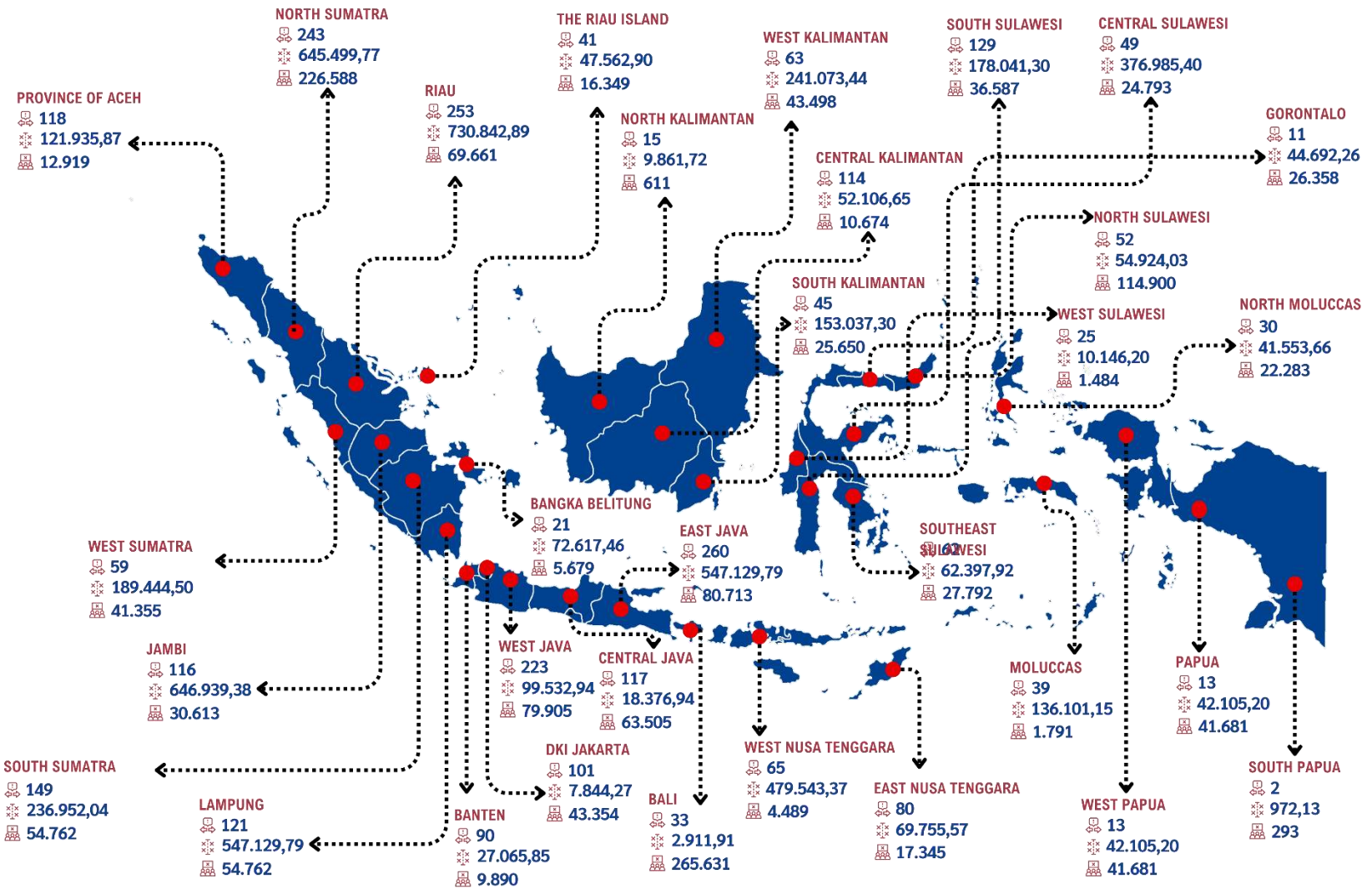
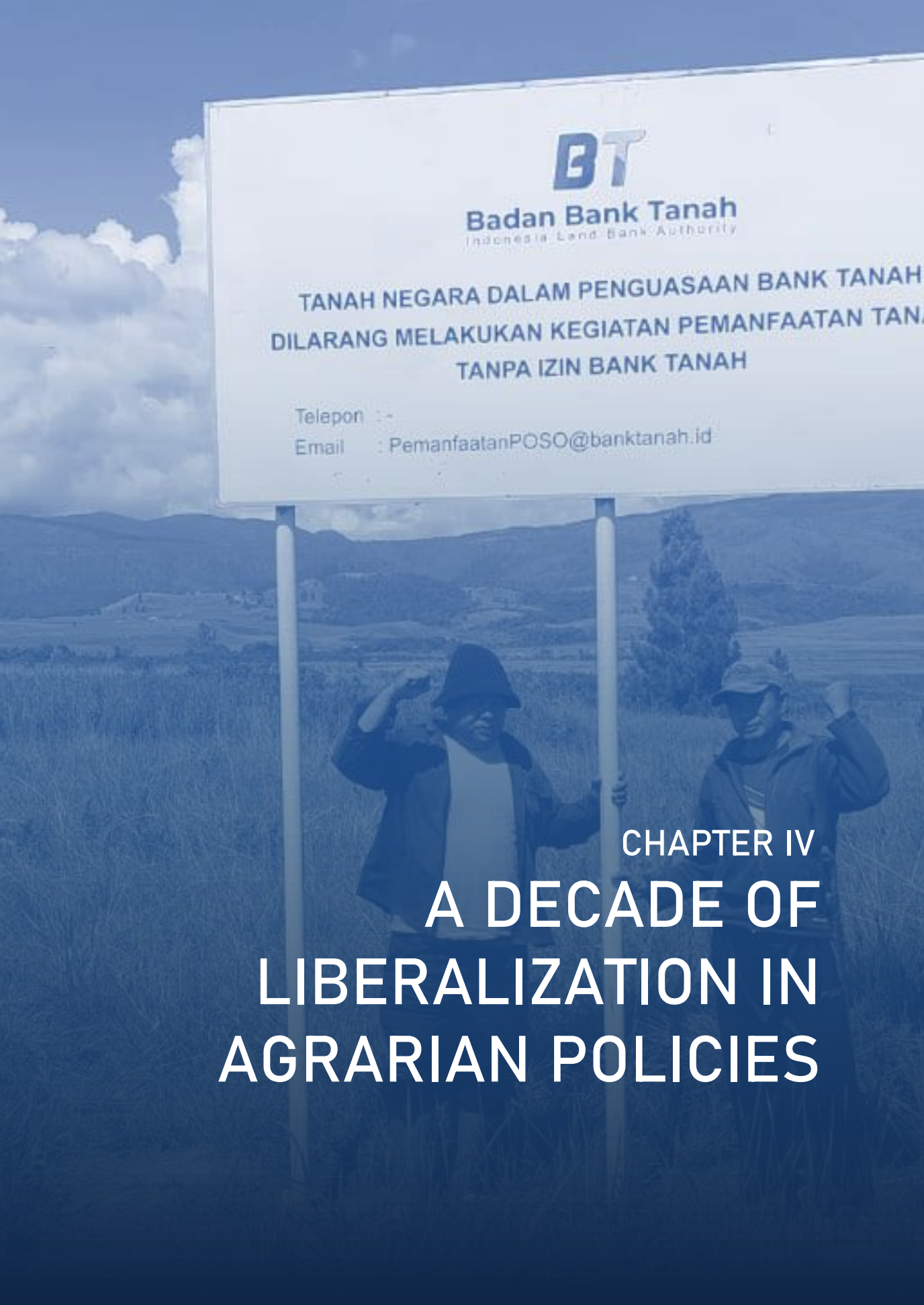


Figure 28. Agrarian Conflicts during Joko Widodo's Presidency (2015-2023)



CHAPTER IV

A DECADE OF LIBERALIZATION IN AGRARIAN POLICIES

IV.1 A Retrospective on Jokowi's Two-Term Policies

Indonesia has experienced hyper-regulation since 2014-2018, with the government issuing 8,838 legal regulations at the executive level through Government Regulations, Presidential Regulations, and Ministerial Regulations (PSHK, 2019). Many of these regulations were enacted without adequate consultations and analysis from experts, grassroots organizations, or the legislature. Even amidst the severe impact of the Covid-19 pandemic, the President and the House of Representatives rushed to finalize and pass the Job Creation Law. This situation was exacerbated by the government's minimal efforts to prevent land grabbing, criminalization, and poverty. This means the government failed to consider the adverse effects on the people, who hold the highest sovereignty in the Republic of Indonesia.

The array of policies implemented during Joko Widodo's two-term administration clearly demonstrates a number of measures that fundamentally oppose the Agrarian Reform agenda, as mandated by the 1945 Indonesian Constitution, the MPR Decree IX/2001 on Agrarian Reform and Natural Resources Management, and the 1960 Basic Agrarian Law (UUPA). This is despite the Agrarian Reform agenda involving over 9 million hectares, which was integrated into the promises of Nawa Cita and Joko Widodo's own policies.

> "The array of policies during Jokowi's two-term administration vividly illustrates a number of policies that are fundamentally against the Agrarian Reform (AR) agenda .

2015

- The economic policy package focused on improving the competitiveness of the industry, accelerating the development of national strategic projects (PSN), and pushing investments by simplifying administrative requirements and boosting tax incentives. The eighteenth package of this policy failed to reach its goals in 2018.
- The issuing of Presidential Regulation 1/2015 on the handling of social impacts of Jatigede dam development. The first legal product of Joko Widodo was merely to facilitate the expropriation process of 4,983 hectares in 28 villages in Sumedang.
- The enactment of Presidential Regulation 30/2015, which is the third revision of Presidential Regulation 71/2012 on the land provision mechanism for public interest development projects.
- The Ministerial Regulation of ATR/BPN 9/2015 on the procedure for establishing communal land rights for customary communities and certain communities inhabiting specific areas failed and ended up turning into regular individual land certification.

2016

- The revocation of 3,143 Regional Regulations and 270 Ministerial Regulations deemed to hinder investment (Setkab, 2016).
- The enactment of Presidential Regulation 3/2016 on the Acceleration of Implementation of National Strategic Projects, covering 225 projects. This regulation was created to provide a legal basis to support the development of business facilities for entrepreneurs under the pretext of National Strategic Projects (PSN).

2017

- The drafting and discussion of the Land Bill as the basis for establishing a Land Bank to ensure land availability for entrepreneurs. The Agrarian Reform (AR) agenda then became a shield for the President to gain support from the public and the AR movement.
- The enactment of Presidential Regulation 88/2017 on Procedures for Resolving Land Control in Forest Areas. This regulation was created as a basis for the Ministry of Environment and Forestry (LHK) to avoid implementing Agrarian Reform in forest areas. The process of releasing forest areas for land redistribution was intentionally made complex, lengthy, and partial (Agrarian Reform cannot be implemented in Java, protected forests, and conservation areas). In other words, the Ministry of Environment and Forestry continues to force communities to apply for Social Forestry as a requirement for utilizing land in areas claimed as forest zones.

2018

- The enactment of Presidential Regulation 86/2018 on Agrarian Reform. Issued at the end of Jokowi's first term, this regulation is still far from perfect, as it has limitations, especially regarding Agrarian Reform institutions, authority, the involvement of grassroots organizations, and its implementation mechanism and system.
- The government took a loan from the World Bank amounting to IDR 2.8 trillion to fund land certification, but labelled this program as Agrarian Reform (AR). This led to misunderstandings among the public about the true nature of Agrarian Reform.

2019

- Jokowi requested support from the MPR-DPR to draft and pass the Job Creation Law (UUCK) coinciding with his inauguration for the second term. However, this was not to enact and align regulations as the basis for implementing Agrarian Reform (AR), as mandated by MPR Decree IX/2001, but to facilitate land procurement and investment.
- The coordinating minister for Economic Affairs issued a Decision 378/2019 to create the Joint Task Force between the Government and the Chamber of Commerce (Kadin) to inventory issues and provide input for improving the Omnibus Law based on public consultation results.
- The enactment of other laws that ease investment and strengthen entrepreneurs' control over agrarian resources, such as the Agricultural Cultivation System Law, the Water Resources Law, the National Resource Management for National Defence Law, and the revision of the Corruption Eradication Commission Law (KPK Law). All these were passed through a carry-over system, meaning that if they had been discussed two years ago and stalled, they could still be ratified later.

2020

- The enactment of Law 11/2020 on Job Creation during the pandemic, despite the opposition from the Agrarian Reform Movement (AR) in various regions. This law is procedurally and substantively flawed as its content contradicts the constitution and opposes the Fourth Principle of Social Justice.
- The provision of IDR 225 trillion in incentives to entrepreneurs under the guise of national economic recovery (Ministry of Finance, 2021). These incentives were likely enjoyed by businessmen, including those in the extractive industries such as mining, forestry, palm oil, and National Strategic Projects (PSN), which have seized peasants' lands during the pandemic.
- The government initiated the development of Food Estates, or Jokowi's version of forced cultivation systems, in North Sumatra and Central Kalimantan.

2021

- The enactment of 9 government regulations that accelerate land grabbing:
  - Government Regulation 64/2021 on the Land Bank Agency;
  - Government Regulation 124/2021 on the Capital of the Land Bank Agency;
  - Government Regulation 18/2021 on Management Rights, Land Rights, Apartment Units, and Land Registration;
  - Government Regulation 19/2021 on the Implementation of Land Procurement for Public Interest Development Projects;
  - Government Regulation 20/2021 on the Management of Abandoned Areas and Lands;
  - Government Regulation 43/2021 on the Resolution of Spatial Planning, Forest Area, Permits, and/or Land Rights Inconsistencies;
  - Government Regulation 23/2021 on Forestry Administration;
  - Government Regulation 40/2021 on the Administration of Special Economic Zones;
- The amnesty for illegal businesses in palm oil, mining, and logging in forest areas with the issuance of Minister of Environment and Forestry Decree No. 359/Menlhk/Setjen/KUM.1/6/2021 dated June 29, 2021, involving 51 legal subjects. The actions of these entrepreneurs clearly constitute corruption and forestry crimes, which should be punished by revoking their permits and returning the land to the community.
- The issuance of Constitutional Court Decision 91/PUU-XVIII/2020 on November 25, 2021. In this decision, the government and the DPR are required to improve the Job Creation Law (UUCK) both formally and substantively. Furthermore, they are prohibited from making regulations/actions that are strategic and have broad impacts.
- The enactment of Presidential Regulation 113/2021 on the Structure and Administration of the Land Bank Agency, marking the beginning of the Land Bank operation to seize community lands to develop buisness.
- The issuance of Coordinating Minister for Economic Affairs Regulation 7/2021 on Changes to the List of National Strategic Projects. This is strong evidence of the loss of national sovereignty over land and economic development, as the majority of National Strategic Projects do not originate from community needs.

2022

- The issuance of Minister of Environment and Forestry Decree No. SK.01/MENLHK/SETJEN/KUM.1/1/2022 on the revocation of forest area concession permits, covering 3.1 million hectares from 192 units of permits. However, this land was not returned to the community but was instead resold to investors.
- The revocation of 2,065 Mining Business Permits (IUP) for metallic minerals, non-metallic minerals, and rocks, covering 2.16 million hectares. This revocation was not fully implemented, as entrepreneurs only needed to complete administrative documents to continue their illegal businesses.
- The designation of Special Management Forest Areas (KHdPK), as regulated by Minister of Environment and Forestry Decree No. 287/2022, covering 1.1 million hectares. This decree also negated the remaining 1.3 million hectares of farming land and villages in Java, designating them as forest areas under the control of the State-owned enterprise Perum Perhutani.
- The enactment of Government Regulation in Lieu of Law (Perppu) 2/2022 on Job Creation, despite Constitutional Court Decision 91/PUU-XVIII/2020, where the people successfully demonstrated formal and material defects in the Job Creation Law (UUCK), declaring it unconstitutional and requiring it to be revised within two years.
- The enactment of Law 3/2022 on the National Capital, which will exacerbate agrarian conflicts, affecting at least 235,667 hectares of customary territories due to the mega-project of the National Nusantara Capital (IKN) construction in East Kalimantan (AMAN East Kalimantan, 2023).

2023

- The DPR approved the enactment of Government Regulation in Lieu of Law (Perppu) 2/2022 on Job Creation, previously enacted by Jokowi. This approval by the DPR signifies the loss of checks and balances on power in Indonesia.
- The enactment of Law 4/2023 on the Development and Strengthening of the Financial Sector, shortly after Jokowi borrowed $750 million from the World Bank in June 2022 (World Bank, 2022). The Governor of the Bank Indonesia can now come from political parties, which is dangerous considering the current corruption and nepotism among party elites.

- The formation of the Land Use and Investment Management Task Force through Presidential Regulation 70/2023 on Land Allocation for Investment Management. This task force is responsible not only for revoking mining business permits (IUP) but also for revoking Forest Area Use Permits (IPKH) and recommending the cancellation of land rights, thereby strengthening control over agrarian resources.
- The enactment of Government Regulation 12/2023 on Business Licensing, Business Facilitation, and Investment Facilities for Business Actors in the Nusantara Capital. This regulation allows land use by business entities for cultivation (HGU) for up to 190 years and building usage rights (HGB) for up to 180 years, favouring land-hungry entrepreneurs.
- The government issued a package of policies facilitating land grabbing in the Nusantara Capital through:
  - Law 21/2023 on the Revision of the IKN Law;
  - Government Regulation 26/2023 on Sedimentation Management in the Sea; and
  - Presidential Regulation 78/2023 on Managing Social Impacts in the context of Land Provision for National Development.
- The enactment of Law No. 1 of 2023 on the revision of the Criminal Code (KUHP) makes the criminalization of land rights activists easier. It also institutionalizes customary laws as written law, requiring prior recognition.
- The enactment of Presidential Regulation 62/2023 on the Acceleration of Agrarian Reform was made without addressing the implementation obstacles, particularly institutional and procedural issues. Moreover, Regulation 62/2023 sets the reform scheme through the Land Bank, avoiding implementation in forest areas and is reluctant to address agrarian conflicts over state-owned enterprises' claimed assets.
- The enactment of Government Regulation 52/2023 on the revision of Agricultural Administration, aimed at allowing land monopoly by state-owned enterprises (BUMN) and their subsidiaries in the plantation sector.
- The enactment of Presidential Regulation 78/2023 on the revision of Managing Social Impacts for National Development Land Provision aims to legalize the repressive actions of the Authority Body and Integrated Team for land acquisition issues, simplifying resolution through compensation.
- The enactment of Presidential Regulation 70/2023 on Land Allocation for Investment Management, to identify the amount and location of lands that can be resold to entrepreneurs in the name of investment in mining, plantation, and forest utilization.

Based on the policy kaleidoscope during Jokowi's administration, several key conclusions can be drawn:

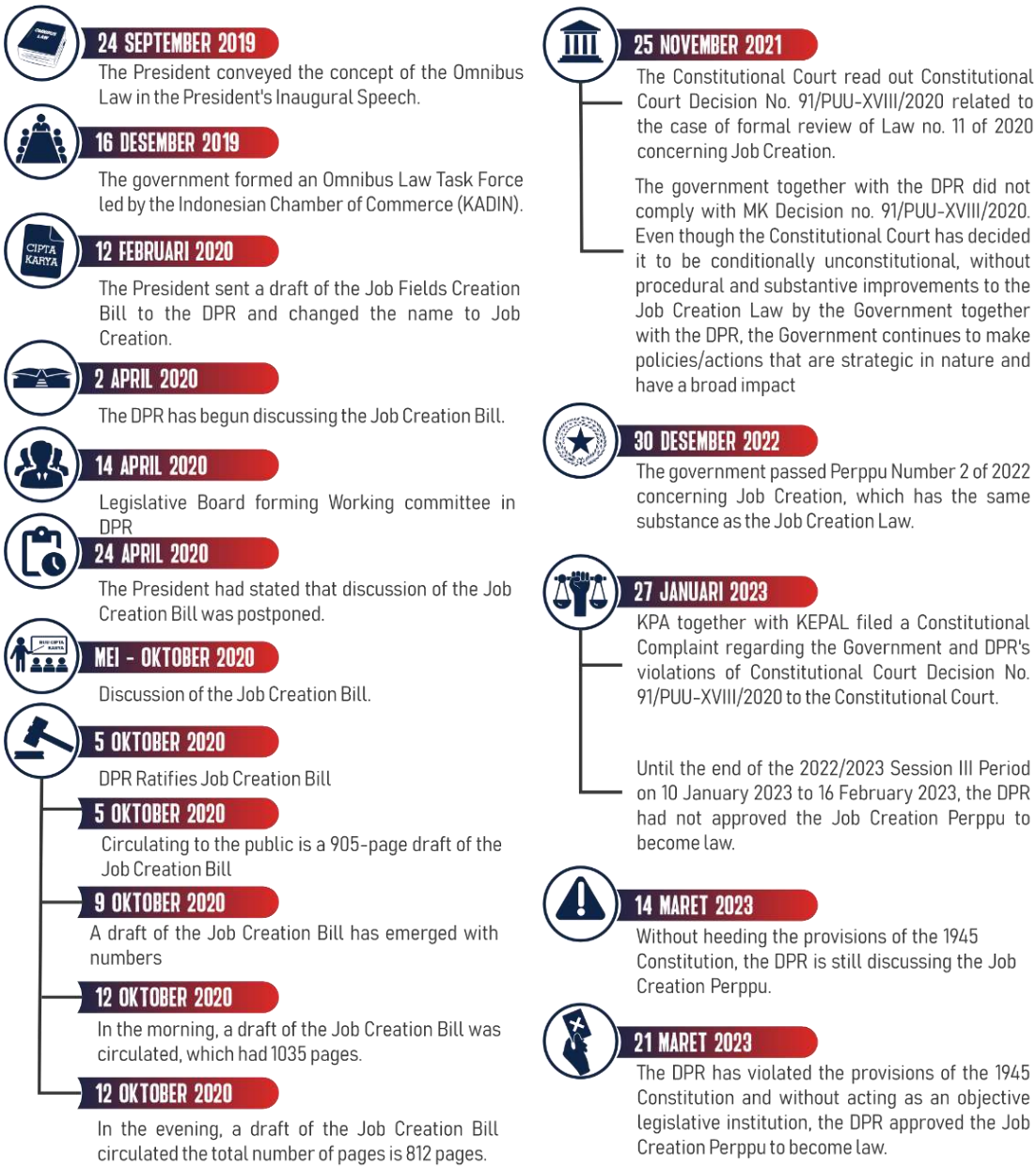
First, **Acceleration of Agrarian Resources Liberalization**: There has been a swift liberalization of agrarian resources, benefiting selected elites. Although the blueprint for this was prepared by previous regimes, the liberalization accelerated significantly during Jokowi's era. This liberalization also extended to investments in previously restricted or heavily regulated sectors of natural resources, fully opening them up during Jokowi's term, exemplified by the Food Estate program.

Second, **Institutionalization of Business Entities under Public Guise**: Business bodies disguised as public entities have been established to control agrarian resources within the government structure, such as the establishment of the Land Bank and the Authority Body.

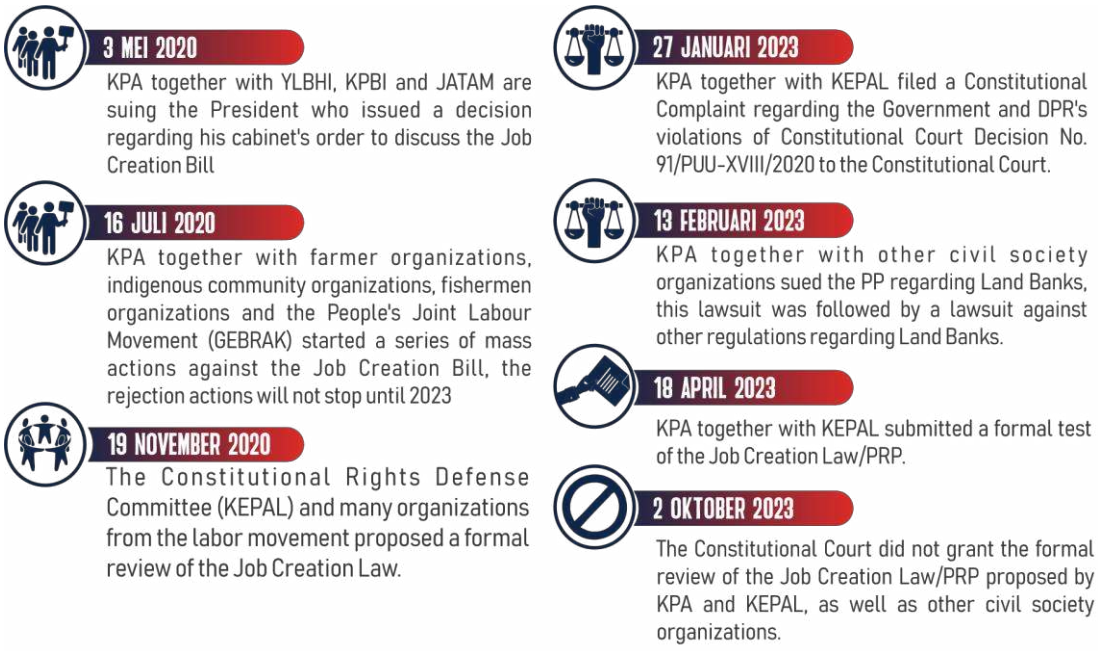
Third, **Lack of Legal Certainty and Justice**: The agrarian liberalization under Jokowi has resulted in law enforcement that fails to provide certainty, justice, and benefits to the broader community, especially marginalized groups in the national agrarian structure. This is evident from the absence of progressive judicial decisions, the increase in criminalization and guilty verdicts, lenient punishments, or even the failure to prosecute land grabbers and environmental destroyers.

IV.2 Degradation of Policies and Agrarian Issues due to the Omnibus Law on Job Creation (UUCK)

The Omnibus Law on Job Creation has amended, added, and streamlined 79 laws to facilitate monopolies and exploit agrarian resources, as well as provide flexibility for cheap labour wages. A total of 1,203 provisions from these 79 laws regulated under the Omnibus Law on Job Creation were completed in just 167 days through 64 meetings, even during recess periods. This marks the trajectory of the phenomenon of autocratic legalism through the enactment of the Omnibus Law on Job Creation.



The government's actions immediately elicited responses from various sectors of society. From its drafting to its enactment, dozens of peasants' organizations, fishermen, labor unions, women's groups, indigenous communities, and students voiced their opposition to the Omnibus Law on Job Creation (UU Cipta Kerja). Their concerns centered around the agrarian crisis and poverty, which were major worries for the grassroots movements at that time.



In its journey, the people's struggle received a breath of fresh air when the Omnibus Law on Job Creation (UU Cipta Kerja) was conditionally declared unconstitutional through Constitutional Court Decision No. 91/PUU-XVIII/2020. However, the government did not respect or implement this decision. Consequently, the government continued to produce implementing regulations for the Omnibus Law on Job Creation, taking strategic and wide-ranging actions. This eventually led to the issuance of Government Regulation in Lieu of Law (Perppu) No. 2/2022 concerning Job Creation as a maneuver to circumvent the Constitutional Court's decision. In response, the Parliament (DPR) supported the enactment of the Perppu on Job Creation, leading to the forced enforcement of the Omnibus Law on Job Creation and its regulations.

Examining the government and DPR's ambitions regarding the implementation of the Omnibus Law on Job Creation, it is crucial to dissect the impacts of its execution. While the law aims to harmonize regulations to enhance investment, ensure job creation, and improve public welfare, its true objective appears to be easing land acquisition and strengthening monopolies for entrepreneurs.

On numerous occasions, both the President and his cabinet openly stated that the goals of the Omnibus Law on Job Creation include:

1. Increasing investor confidence and ensuring business certainty.

2. Accelerating the resolution of land status issues, preparing spatial plans (RDTR) to streamline investment processes for investors.

3. Strengthening the role of investment task forces (satgas investasi) in supporting and resolving investment issues.

4. Integrating and granting access rights to the centralized OSS RBA licensing system and implementing the OSS licensing system at the regional level.

5. Promoting large-scale investments and job creation, particularly in the manufacturing sector.

6. Preparing project documents ready for investors in regions to support investment promotion.

7. Boosting export-based investments and the information and communication technology sector.

8. Enhancing the effectiveness and targeting of incentives for investors (State of the Nation Address, August 16, 2023).

These points illustrate the government's strategic goals with the Omnibus Law on Job Creation, which emphasize economic growth and investment facilitation but also raise concerns about its potential impacts on labor rights, environmental protection, and equitable economic development.

In the context of resolving agrarian issues, how significant is the impact of the Omnibus Law on Job Creation (UU Cipta Kerja) on welfare, job security, and regulatory simplification?

IV.3 The Omnibus Law on Job Creation (UUCK) Fails to Improve Peasants Prosperity

The purpose of the Omnibus Law on Job Creation (UU Cipta Kerja) is to create prosperity. Unfortunately, the prosperity intended is not reaching groups such as peasants, fishermen, laborers, indigenous communities, and other urban and rural poor groups. This can be seen in the structural poverty figures in Indonesia in 2023, which remain high both in rural and urban areas. Poverty rates are still concentrated on the island of Java, with 52.58% or 13.62 million people affected (BPS, 2023).

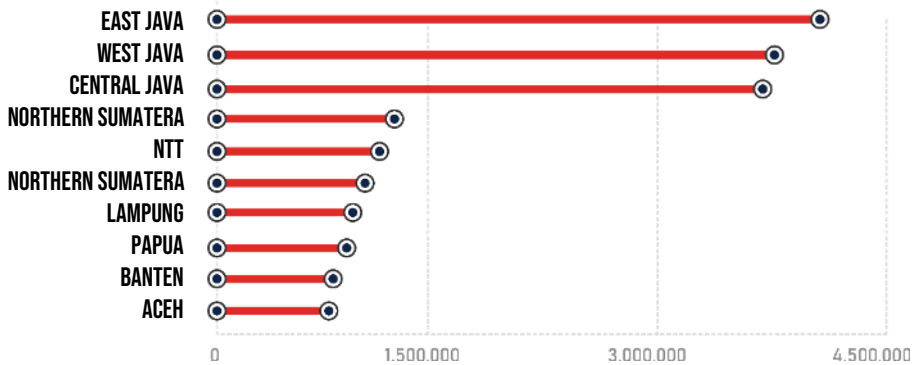


Figure 29. Poverty Figures by Region | Provinces with the highest number of poor people in Indonesia (Source, BPS processed by KPA 2023)

Based on the graph above, the provinces that are the epicenter of structural poverty also coincide with the concentration of land grabbing affecting peasants, such as in East Java (Jatim), Central Java (Jateng), West Java (Jabar), North Sumatra (Sumut), and East Nusa Tenggara (NTT). This fact demonstrates a correlation between structural poverty and the lack of rural land available for peasants. The phenomenon of farming land grabbing has been on the rise since 2013, 2018, and 2023.

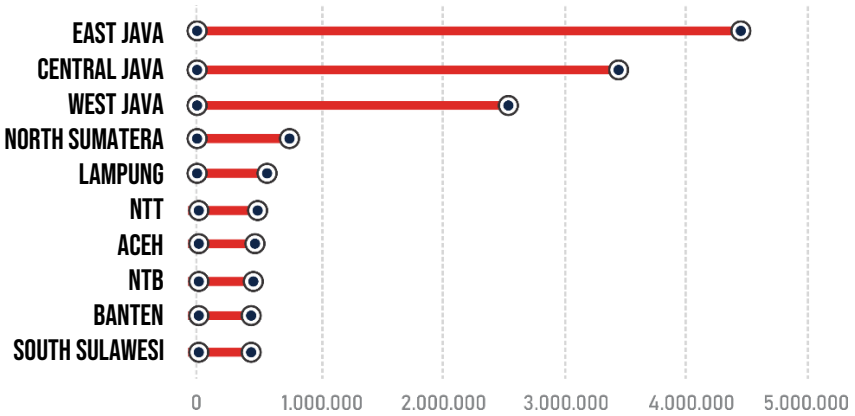


Figure 30. Provinces with highest landless rates | Provinces with the highest number of landless peasants in Indonesia (Source: BPS processed by KPA 2023).

The high poverty rates and the widespread presence of landless farmers are closely tied to extensive land based driven development. This is due to various policies prioritizing business ease over the general welfare of the population. Consequently, there have been shifts in agricultural systems and land use in rural areas, pushing many to seek additional livelihoods outside of farming, often resulting in dual livelihood strategies. Chambers (1992) categorizes household livelihood strategies into three stages: Desperation, Vulnerability, and Independence.

> The high poverty rates and the prevalence of landless farmers coincide with extensive land based driven development.

Tens of millions of poor people in Indonesia do not seem to benefit from the Omnibus Law on Job Creation in the same way as entrepreneurs. This is evident in the allocation of the national budget, which shows minimal focus on public welfare compared to significant emphasis on business protection and support.

To promote the agricultural sector, the government has focused extensively on infrastructure development such as dams, reservoirs, and irrigation. These infrastructure projects are often carried out under the National Strategic Projects (PSN) framework, which makes their planning and implementation appear coercive and difficult to oppose. The budget allocated for these PSN projects is substantial, reaching Rp 1,134.9 trillion (Ministry of Economic Affairs, 2016-2023). However, many of these PSN projects are owned by private enterprises that engage in unsustainable land grabbing practices, which cannot be justifies by genuine public development.

The extravagant budget allocated to business protection and PSN projects contrasts sharply with the budget for the smallholder agricultural sector (agricultural machinery, agricultural insurance, irrigation, and seeds), which totals only Rp 177.1 trillion from 2019 to 2023 (Ministry of Finance, 2023). In the name of food security, the government has also initiated corporate agricultural projects aimed at establishing a national food barn covering 165,000 hectares. However, these corporate ventures, purportedly based on science and technology, capital, modern organization, and management, often deviate from their designated ministries and agencies. For instance, the Ministry of Defense, typically involved in defense and weaponry, also manages land, while the Coordinating Ministry for Maritime Affairs and Investment claims involvement.

The substantial national budget allocation to ensure business ventures and the downstream activities of extractive industries, infrastructure development, and corporate agriculture reflects the economic policy direction under President Jokowi. Alongside budget disparities, there are also policy discrepancies. The Omnibus Law on Job Creation facilitates ease and acceleration of land acquisition through various implementing regulations such as the Land Bank, Food Estate, and simplified land procurement for extractive businesses and PSN projects. Without delivering prosperity to its people, the Omnibus Law on Job Creation is laden with potential corruption practices. The government's claims about the benefits of the Omnibus Law on Job Creation for welfare have remained unsubstantiated.

IV.4 The Omnibus Law on Job Creation (UUCK) Fails to Provide Quality Job

Based on data from the Ministry of Investment, the investment realization in the first semester of 2023 amounted to Rp 678.7 trillion, with a total of 849,181 workers absorbed. This means that the employment absorption rate for every Rp 1 trillion of investment is, on average, only 1,248 people (BKPM, 2023). Therefore, not many jobs are actually created, especially when considering the impact and threats associated with unsustainable investments.

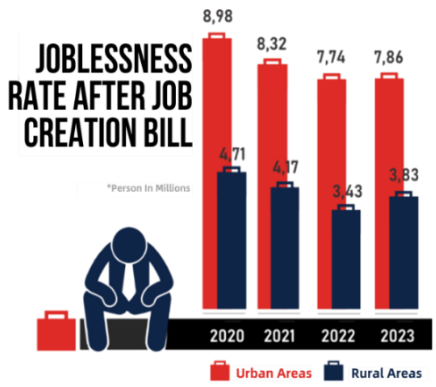


Figure 31. Unemployment Post-Omnibus Law on Job Creation related to Agrarian Issues, Spatial Planning, Agriculture, Environment, Energy, and Investment. Source: BPS processed by KPA, 2020-2023

The implementation of the Omnibus Law on Job Creation (UUCK) has failed to "ensure every citizen obtains employment," as by August 2023, the number of unemployed people in Indonesia reached 11.74 million, with 3.88 million of them residing in rural areas (BPS, 2023). According to BPS data, the unemployment rate in 2023 increased compared to 2022. From 2022 to 2023, the number of unemployed in rural areas increased by approximately 450,000 people, while in urban areas, the number of unemployed increased by 120,000 people. Thus, the Omnibus Law on Job Creation has not succeeded to reduce unemployment in Indonesia, neither in rural nor urban areas.

Thus, the Omnibus Law on Job Creation, along with the investments and hundreds of projects

aimed at guaranteeing employment, has shown the opposite effect in practice, particularly in the agrarian sector. According to KPA's monitoring from 2020 to 2023, the National Strategic Projects (PSN) have caused 85,555 families to lose their land and/or face the threat of losing their livelihoods. For instance, the Geothermal Power Plant (PLTP) project in Poco Leok, Manggarai, threatens 2,233 families with the loss of their land and ancestral territories, which are vital for their lives and livelihoods.

Moreover, there are larger threats from the negative impacts of geothermal projects on Flores Island, designated as a Geothermal Island, similar to the experiences of communities around the Ulumbu and Mataloko geothermal power plants. These communities have faced crop failures due to damaged groundwater, the emergence of hot mud eruptions, and deteriorating health conditions. These national strategic projects or other implementations of the Omnibus Law on Job Creation not only result in job losses for the communities, but also pose social and cultural threats that cannot be measured in monetary terms.

In the village of Siria-Ria, Humbang Hasundutan Regency, North Sumatra, peasant households have experienced a nearly 70% decrease in rice paddy yields due to the food barn project (FIAN, 2022). Additionally, there was a recent incident involving an explosion at the smelter furnace of PT Indonesia Tsingshan Stainless Steel in the PT Indonesia Morowali Industrial Park (IMIP), Morowali, a day before Christmas in 2023. The explosion resulted in at least 59 casualties, 13 of them died due to workplace accidents. This was caused by the ease of doing business and investments that focus solely on capital expansion, without improving the poor labor system or ensuring workers' protection.

> In the village of Siria-Ria, Humbang Hasundutan Regency, North Sumatra, peasant households have experienced a nearly 70% decrease in rice paddy yields due to the food barn project (FIAN, 2022).

The KPA believes that the absorption of labor in urban and rural areas does not compensate for the loss or threat to the livelihoods of peasants, fishermen, indigenous communities, and women in these regions. Due to the implementation of the Omnibus Law on Job Creation, communities in many places have become increasingly vulnerable to displacement and face multidimensional crises. The bargaining position of the community in defending their land rights has weakened due to various National Strategic Projects (PSN), food estates, land bank, and other initiatives. Similarly, the position of workers has also weakened as their protection measures are continually reduced or eliminated to facilitate investment.

IV.5 The Omnibus Law on Job Creation Adds to the Chaos of Agrarian Law

The overlapping regulations and lack of harmony among existing laws were the main arguments for the introduction of the Omnibus Law on Job Creation. However, during the drafting process, the government and the House of Representatives (DPR) fostered elitism in politics. Laws were crafted to serve the interests of the oligarchy, thereby aligning regulations to legitimize the liberalization of agrarian resources. Since the Omnibus Law on Job Creation was enacted in 2020 until 2023, the government has issued at least 835 pieces of legislation, including laws, government regulations in lieu of laws (Perppu), government regulations (PP), and presidential regulations (Perpres). Among these, 109 are regulations concerning agrarian issues, including plantations, forestry, spatial planning, agriculture, environment, energy, and investment (KPA, 2023).



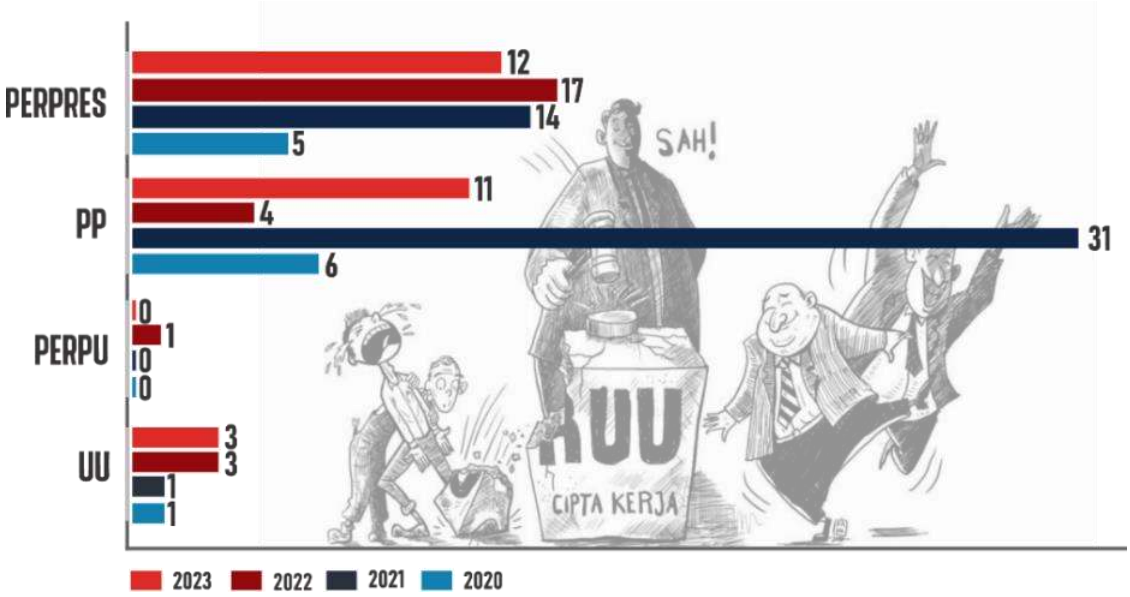


Figure 32. Number of Regulations After the Issuance of the Omnibus Law.
Source: BPS processed by KPA, 2020-2023.

Hundreds of regulations during Jokowi's administration were made without sufficient participation, thus overlooking the impact of implementing these laws on the people. In 2023, for instance, there were revisions such as the National Capital IKN Law and Government Regulation No. 12 of 2023 concerning Licensing and Investment in IKN, Government Regulation No. 26 of 2023 concerning Management of Sedimentation Results in the Sea, Presidential Regulation No. 70 of 2023 concerning Land Allocation for Investment Arrangement, and Presidential Regulation No. 78 of 2023 concerning Social and Community Impact Handling in the Context of Land Provision for National Development. All these derivative regulations only catered to the needs of the business world and disregarded the needs of communities.

> “ Ironically, the Omnibus Law and its implementing regulations actually reinforce agrarian sectoralism.

Ironically, the Omnibus Law and its implementing regulations actually strengthen agrarian sectoralism. This means that the Omnibus Law has not proven to simplify or streamline regulations and bureaucracy in addressing structural agrarian issues across all sectors (land, plantations, forestry, mining, agriculture, and food). The derivative regulations of the Omnibus Law continue to operate in their own ways, thus the harmonization of laws has not been achieved.

IV.6 Securing Policies Before the Change of Power

To smooth the path for the mega-project of the Nusantara Capital City (IKN) in East Kalimantan, the government continues to take various steps to attract both domestic and foreign investors. Various packages of maximum ease and benefits for investors are being designed. This secretive revision of the IKN Law regulates the duration of land rights, including granting 190 years for Cultivation Rights (HGU) and 160 years for Building Rights (HGB).

> The granting of HGU and HGB concessions for large-scale enterprises upfront (including the granting, extension, and renewal of rights) is a form of violation of the 1945 Constitution, the Basic Agrarian Law (UUPA), and Constitutional Court Decision No. 21-22/PUU-V/2007 concerning the judicial review of Law No. 25 of 2007 on Investment.

The granting of HGU and HGB concessions for large-scale enterprises upfront (including the granting, extension, and renewal of rights) is a form of violation of the 1945 Constitution, the Basic Agrarian Law (UUPA), and Constitutional Court Decision No. 21-22/PUU-V/2007 concerning the judicial review of Law No. 25 of 2007 on Investment.

The granting of HGU-HGB for nearly two centuries indicates that the development of the Nusantara Capital City (IKN) is heavily influenced by the interests of investors and large-scale enterprises. Consequently, the IKN project neglects various fundamental aspects, such as exacerbating inequality and agrarian conflicts for the communities in East Kalimantan.

Following the revision of the IKN Law, the President issued another controversial regulation related to land, namely Presidential Regulation 78/2023 on Handling Social and Community Impacts in the Context of Land Provision for National Development. This regulation was signed to give the green light to local governments and Free Trade and Free Port Zones (KPBPB) to streamline the land acquisition process for development projects. The content of this regulation also serves as an entry point for the Rempang Eco City project, as Batam is part of the KPBPB area.

> "Perpres 78/2023 regulates the procedures for evicting and excluding communities from their land"

Perpres 78/2023 regulates the procedures for evicting and excluding communities from their land in such a way that only offers compensation to affected communities. Severely, this compensation is further filtered through several prerequisites that disregard the community's land rights. Compensation is only provided to communities proven by the Government to have occupied the land continuously for ten years.

In reality, Perpres 78 is inconsistent and contradicts Law No. 2 of 2012 concerning Land Procurement for Development for Public Purposes. The phrases and provisions for compensation in Law 2/2012 are reduced by Perpres 78 to the term "compensation."

This regulation further demonstrates its inconsistency by using the term "land provision," as if it is different from "land procurement" under Law 2/2012. However, Article 1 paragraph (2) of Perpres 78 states that land provision is land procurement. This means Perpres 78 regulates the same matter as other regulations but uses different terms. Then, why create new regulations? It disperses budgetary resources for land provision matters that already have legal instruments, exacerbating the chaos in agrarian law.



CHAPTER V

A DECADE OF AGRARIAN REFORM FAILURE UNDER JOKOWI



V.1 Assessing the Government's Achievements in the Agrarian Reform

During Jokowi's two terms in office, the only parameter claimed as success in agrarian reform reported by the government is the number of land parcels certified. This kind of reporting is flawed because it incorrectly includes land certification as part of agrarian reform program. Land certification is not agrarian reform, because its implementation serves those who already hold land but lack formal titles, with prerequisites such as 'clean and clear'. Therefore, land certification cannot lead to a fundamental overhaul of land ownership and control, nor does it address the restructuring of agricultural production, consumption, and distribution systems as genuine agrarian reform should. This means that Jokowi's agrarian reform is not a genuine version of agrarian reform.



Land certification cannot lead to a complete overhaul of land ownership and control, nor does it address the restructuring of agricultural production, consumption, and distribution systems as genuine agrarian reform should be carried out. This indicates that Jokowi's agrarian reform is not a *genuine agrarian reform.*

A genuine agrarian reform has three main agendas: 1) Redistribution of land to peasants, farm laborers, and other landless poor to reduce inequality; 2) Resolution of agrarian conflicts; and 3) Economic empowerment after land redistribution. Therefore, without land redistribution, resolution of agrarian conflicts, and economic empowerment, these efforts cannot be considered as part of the agrarian reform.

The success of a genuine agrarian reform can be measured by indicators such as: (1) Reduction of agrarian structural inequality through redistribution of land ownership, use, and utilization; (2) Resolution of structural agrarian conflicts across Indonesia; (3) Poverty alleviation through strengthening productive agrarian economic systems and centers in rural areas; and (4) Restoration of ecological functions and balance through sustainable land use and agrarian resource management.

Based on these indicators, all claims of implementing agrarian reform during Jokowi's two terms can be deemed unsuccessful because they were carried out without efforts to resolve conflicts, without redistribution, and maintained concentration and monopoly of agrarian resources by a few elites. The failure of agrarian reform implementation during Jokowi's administration can also be explained using the following criteria:

A. Priority Locations for Agrarian Reform

The implementation mechanism of agrarian reform (RA) under the Jokowi administration in forestry areas begins with the issuance of decrees (SK) and indicative maps for Agrarian Reform Areas (TORA) within forest areas. Subsequently, the Ministry of Environment and Forestry (KLHK) conducts inventories of these locations before they are removed from forest

areas to be designated as definitive TORA. Such implementation process carried out in a top-down manner does not match Agrarian Reform locations that communities have been advocating for. Out of the government's target of 9 million hectares for agrarian reform, they aimed for 4.1 million hectares to be released from forest area and 0.4 million hectares from expired concessions (HGU/Land Use Rights) and abandoned lands. The remaining 4.5 million hectares merely involve regular land certification programs.

The government claims to have redistributed 1.43 million hectares (358%) from expired concession and abandoned lands. However, the redistribution from forest areas has only reached 0.3 million hectares (9%) of the promised 4.1 million hectares. Yet for KPA, these achievement claims require thorough and transparent evaluation. The claimed fantastic 358% achievement of redistributed lands from expired and abandoned concessions has never been openly disclosed to the public, and no information has been provided on which specific concession lands have been redistributed. Furthermore, the recipients of this redistribution are unknown. Are they prioritized subjects of agrarian reform, meaning smallholders, farm laborers, and rural poor including those facing structural agrarian conflicts? Data shows increasing rural poverty and widespread agrarian conflicts.

The government's reported achievements are solely based on the number of certified land parcels. There are no achievements based on indicators such as conflict resolution, the number of formerly landless small farmers who have been lifted out of poverty, or the number of farm laborers and peasants who benefitted from land redistribution.

Since its inception, the technocratic design of Agrarian Reform in the National Medium-Term Development Plan (RPJMN) was set to fail in achieving the goals set forth by the Constitution, UUPA (Basic Agrarian Law), and Presidential Regulation 86/2018. The government's largest effort under the guise of agrarian reform has been focused on the Comprehensive Systematic Land Registration (PTSL) rather than national agrarian restructuring. This failure mirrors the errors of the SBY administration in executing the National Program of Agrarian Reform (PPAN), which narrowed agrarian reform to a mere land certification program.

Regarding land registration claims within the government's Agrarian Reform framework or Comprehensive Systematic Land Registration (PTSL), the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) only operates in non-conflict areas. This means the government's Agrarian Reform does not address the deadlock in resolving thousands of agrarian conflicts that have continued to emerge. As Head of State and of the Government, the President has failed to protect rural areas, agricultural lands, villages, and customary territories from arbitrary State claims through forest areas, State-owned enterprise like PTPN (National Plantation Company), Perhutani/Inhutani (State Forestry Company), regional government assets, HTI (Industrial Timber Plantation), and registered lands for redistribution under the Agrarian Reform framework.

The failure in achieving land redistribution could have been avoided if the proposed lands (object) and beneficiaries (subject) for land redistribution under the Agrarian Reform was based on the Priority Locations for Agrarian Reform (LPRA) advocated by KPA and people's organizations for decades. Instead of implementing proposed LPRA, the government has been excessively occupied serving elite interests under the guise of national development and economic growth. The KPA's demand for 1.6 million hectares since 2016 has not received

serious attention from President Jokowi in terms of execution. Agrarian Reform remains a mere political promise devoid of evidence, moving away from social justice and the welfare of the broader population.

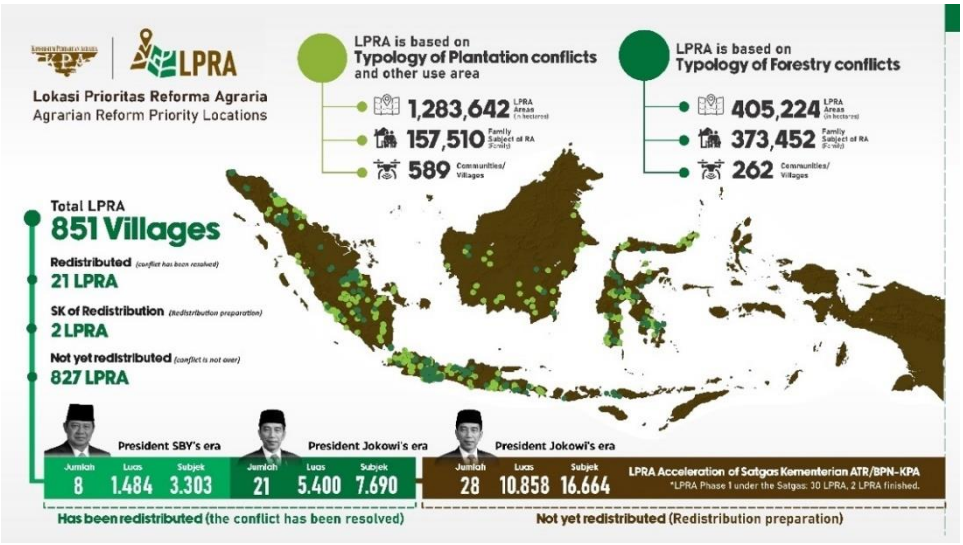


Figure 33. LPRA Based on Conflict Typology
Source: Infographic of LPRA Distribution by KPA

> Out of 851 Priority Locations for Agrarian Reform (LPRA) proposed by KPA along with people's organizations as subjects of agrarian reform, only 21 LPRA, or 2.46%, have successfully been redistributed to peasants and rural women.

Out of 851 Priority Locations for Agrarian Reform (LPRA) proposed by KPA along with people's organizations as subjects of agrarian reform, only 21 LPRA, or 2.46%, have successfully been redistributed to peasants and rural women. Even then, this progress has only been achieved in conflict areas involving former private concession/HGU. Meanwhile, LPRA achievements in area involving for state-owned enterprises (PTPN, Perhutani/Inhutani) and Industrial Timber Plantations (HTI) remain at zero percent.

This is highly concerning because President Jokowi promised that at least 50% of LPRA proposals by KPA together with people's organizations would have their conflicts resolved and land redistributed to benefit the people (Secretariat Cabinet Meeting Record, 2020).

B. Without resolving agrarian conflicts

Settlement of agrarian conflicts with the principle of restoring the rights of victims

who have been fighting for agrarian justice is one of the primary tasks of the agrarian reform. Without resolving these conflicts, the number of agrarian conflicts continues to increase each year. From 2015 to 2023 alone, there have been 2,939 conflicts covering an area of 6.3 million hectares, affecting 1.75 million peasant households, farm laborers, fishermen, and indigenous communities in villages and rural areas across Indonesia (KPA, 2023).

> The presence of thousands of agrarian conflicts inherited over time, left unresolved and continuing to increase, demonstrates that the government has not made sufficient efforts to fairly resolve these conflicts within the framework of the agrarian reform.

The presence of thousands of agrarian conflicts inherited over time, left unresolved and continuing to increase, shows that the government has not made sufficient efforts to fairly resolve these conflicts within the framework of the agrarian reform. Land is not prioritized for the people, and there has been land grabbing in rural areas, agricultural lands, settlements, and customary territories to serve the needs of businesses. All of these have been facilitated by various government policies and actions that fail to understand the phenomenon of structural agrarian conflicts and are anti-reform in nature.

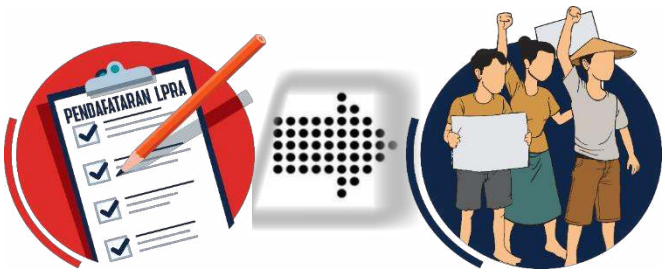
The absence of agrarian reform administrative services also contributes to the persistence of agrarian conflicts. Through colonial-inspired approaches and attitudes, the utilization and management of agrarian resources are directed not towards the widespread welfare of the people. Without restructuring land ownership, agrarian resources remain concentrated in hegemonic power far from justice.

The presence of various elite interest competing for the utilization and management of agrarian resources is a major factor explaining why agrarian reform implementation does not target conflicted areas. There is an imbalance in land ownership, or areas where people are landless. Yet, these areas should be prioritized in the work of the Agrarian Reform Task Force (GTRA).

> Ideally, when peasants, farm labores, fisherfolk, women, indigenous peoples, and urban poor register subjects and objects of agrarian reform (AR), there should be an administrative system that can promptly issue valid proof.

Ideally, when peasants, farm laborers, fisherfolk, women, indigenous peoples, and urban poor register subjects (recipient) and objects (land to be redistributed) of agrarian reform (AR), there should be an administrative system that can promptly issue valid proof, rather than prolonging the process through bureaucratic and non-participatory means. The proof of AR registration should then be publicized to inform local governments, military and police forces (TNI-Polri), and other stakeholders. This way, in implementing the AR administrative system,

the government can more effectively protect all AR registrants from eviction and criminalization threats.



Peasants, Farm Workers, Fisherfolks, Women and Indigenous Peoples collect and consolidate data on objects and subjects of Agrarian Reform which will then be proposed as LPRA.

Peasants, Farm Workers, Fisherfolks, Women and Indigenous Peoples as champions of land rights from intimidatory, repressive actions, arbitrary land confiscation and criminalization in the future.

Through the LPRA registration scheme as described above, the administrative implementation of agrarian reform (AR) provides an effective protection. Moreover, it can protect peasants, farm laborers, fisherfolk, women, and indigenous peoples as land rights defenders, against intimidatory, repressive actions, arbitrary land grabbing, and future criminalization. Even if the registered land is only officially redistributed in the coming years, peasants would feel secure and protected against various threats, and simultaneously such a system would demonstrate the government's true commitment to the welfare of its people.

C. Not Correcting Land Ownership Inequality

> Without correcting and restructuring land ownership within the framework of Agrarian Reform, the government is actually maintaining and even legalizing agrarian inequality in Indonesia

The next parameter is the condition to realize land ownership by peasants. If agrarian reform (RA) has indeed been implemented, the land and water of Indonesia would have been redistributed to peasants, fisherfolk, indigenous peoples, women, and urban and rural poor communities. Measuring this parameter is very relevant to verify the actual restructuring of land ownership resulting from the government's version of Agrarian Reform. However, the fact remains that there are now 17.24 million small farming households in Indonesia (BPS, 2023). This means that since Jokowi took office as President, there has been an increase of approximately 2.62 million small farming families.

Chapter III explains that palm oil entrepreneurs now control 17.76 million hectares of land (Auriga, 2023), timber entrepreneurs through Industrial Forest Permits (HTI) control 11.11 million hectares (LHK, 2021), and mining entrepreneur control 10.11 million hectares (Auriga, 2022). This is in addition to the allocation of land to entrepreneurs through the legalization of illegal palm oil, mining, and forestry

businesses via the forest amnesty policy stipulated in Articles 110A and 110B of the Job Creation Law. Lands that have been illegally seized, claimed, and controlled by investors for palm oil, mining, and forestry businesses without permission or land rights can be legalized simply by registering and paying a fine to the government, specifically the Ministry of Environment and Forestry (KLHK) and the Investment Coordinating Board (BKPM).

In forest areas alone, illegal business activities are estimated to cover 3.1 million hectares, and in the mining sector, 2.16 million hectares (KLHK and BKPM, 2023). Tragically, not an inch of this land has been given to peasants who have fought for their land rights for decades and have been waiting for the realization of the government's Agrarian Reform policy for eight years. As a result, there are still 3.406 villages that have been unilaterally claimed as state forest areas for decades (BPS, 2021). These “illegal” villages should have been removed from the forest area so that economic and social development can proceed as it should. Over time, high levels of land ownership inequality have persisted. According to BPS data from 1973-2013, land ownership inequality fluctuated between 0.50-0.72.

Based on the above facts, the increasing number of peasants and the expanding lands owned by corporate demonstrate that no landless farmers or farm laborers have benefited from the Agrarian Reform policy. The government has not dared to touch investors' lands for redistribution to peasants and farm laborers. Without correcting and reform land ownership within the framework of Agrarian Reform, the government is actually maintaining and even legalizing agrarian inequality in Indonesia.

D. No Reform in Forest Areas

The communities living around forest areas are among the largest poor groups in Indonesia. There are 20,277 villages within and outside forest areas (BPS, 2021). Of these, 3,406 villages are inside forests or claimed as forest areas, and they do not receive infrastructure development like other villages, as they considered as “illegal”. Such development discrimination should not occur if Jokowi and the Ministry of Environment and Forestry (LHK) implemented agrarian reform (AR) in forest areas.

According to KPA's LPRA data, there are 589 villages covering 1.2 million hectares claimed as forest areas. It's not that the Ministry of Environment and Forestry (LHK) lack information about these LPRAs, but rather they tend to avoid dialogues with the Agrarian Reform Movement. The Minister of LHK feels satisfied with her social forestry policies, boasting millions of achievements, to obscure the fact that tens of millions of hectares of forest are being given away to companies outside of public and international scrutiny.

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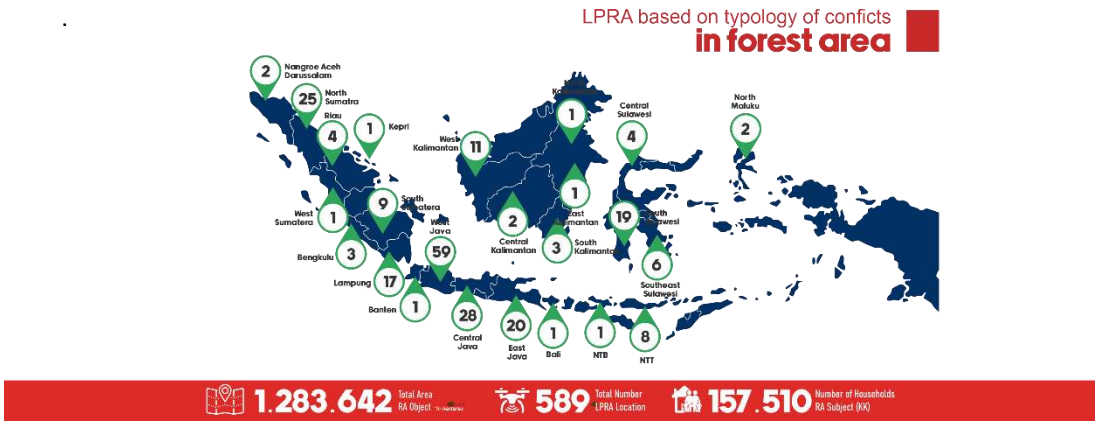


Figure 34. LPRA based on Conflict Typology
Source: Infographic on the Distribution of LPRA Plantation LPRA KPA

To address agrarian conflicts in forest areas, instead of moving away from colonial methods and attitudes by implementing agrarian reform (AR), the government remains entrenched in anti-reform policies such as Social Forestry (PS). This is nothing new, as it was previously called Community-Based Forest Management (PHBM). These policies merely provide usage permits or access without addressing the fundamental issue: the fulfilment of land rights as a human right.

> According to KPA's perspective, over the past nine years, **the Ministry of Environment and Forestry (KLHK) has been noted as being resistant to the agrarian reform (RA) movement and often views AR as not aligning with the spirit of protecting ecological functions.**

According to KPA, over the past nine years, the Ministry of Environment and Forestry (KLHK) has been noted as being resistant to the agrarian reform (AR) movement, often viewing it as incompatible with the spirit of protecting ecological functions. However, on the ground, peasants and indigenous peoples in the LPRA areas have demonstrated their ability to manage and cultivate their lands sustainably.

The application of access theory in the ownership and utilization of forest agrarian resources is not understood in the context of Agrarian Reform, which aims to reform governance, usage, production, and consumption patterns. Access should be seen as social and power relations that enable or hinder the benefits and use of agrarian resources, not limited to ownership that disregards political economy approaches, land rights as human rights, and sustainability.

The government and many others conclude that Social Forestry (PS) is a form of Agrarian Reform (AR) implementation in forest areas. However, ideologically and fundamentally, they are not the same. AR and PS cannot be academically equated. Academics view PS as an intermediary process from conflict towards redistribution and recognition of land rights.

Some believe that PS is a tactical strategy to prevent mining, forestry, and palm oil permits from encroaching on community lands. In contrast, the government claims that PS is a way to prevent environmental damage while retaining control of land ownership by the government. KPA believes these parties are aware that PS does not meet the community's needs but consider simplifying the understanding and implementation of access theory as the most pragmatic or vested interest step due to the many challenges Agrarian Reform faces.

PS has also become an opportunity for agrarian corruption by land mafias posing as activists, as found by Tempo and many environmental organizations in 2022. It is estimated that there was a flow of Rp. 300 billion in fraudulent funds within the PS policy (Tempo, 2022).

Similar to PS, another problematic policy has been issued by the Environment and Forestry Minister, this time specifically addressing forestry claims in Java through the establishment of Special Management Forest Areas (KHdPK). Through KHdPK, the Minister reclaims 1,103,941 hectares from the 2.4 million hectares of forest land in Java monopolized by the state-owned company Perhutani, which in reality has been owned and managed by peasants for decades. KHdPK is merely a justification for forest claims in Java, perpetuating poverty in forest areas. This claim would not exist without the Omnibus Law (UUCK). KHdPK is a product of UUCK, because Article 36 of UUCK, which amends many articles in the Forestry Law, led to the

issuance of Government Regulation 23/2021 on Forestry Administration and Minister of LHK Regulation 4/2022 on Social Forestry in KHdPK.

KHDPK Claim by the MoEF

*in number of Ha



	Banten	West Java	Central Java	East Java		Total
Production Forest Claims:	52.239	163.427	136.239	286.744	=	638.649
Protection Forest Claims:	7.740	175.517	66.749	215.288	=	465.294

Figure 35. KHdPK Claims by the Minister of Environment and Forestry
Source: Ministerial Decree of the Minister of Environment and Forestry No: 287/2022, processed by KPA.

Agrarian conflicts on the island of Java seemed to hold the promise of resolution. However, KHdPK represents a paradox to the hopes of peasants in Java. Moreover, the management of production and protected forests on Java Island, which has reverted to the Ministry of Environment and Forestry, has resulted in forest area policies becoming centralized and disconnected from the conditions of local communities.

> According to KPA, the terminology and policies of Social Forestry (PS) and Special Management Forest Areas (KHdPK) have so far been:
>
> **Firstly,** a distortion of Agrarian Reform itself, and evidence of the intention from Jokowi and the Ministry of Environment and Forestry to strengthen the control, monopoly, and claims of the state over "forest areas."
>
> **Secondly,** PS-KHdPK merely perpetuates and legitimizes the crimes of the colonial government by unilaterally determining the status, function, and use of forests.
>
> **Thirdly,** PS-KHdPK does not fulfill the principles of Agrarian Reform because it is not aimed at restructuring state forest area claims over community land.

There has been no change in the structure of land ownership and control in Java or other regions within the framework of AR thus far. Even when Jokowi and the Minister of Environment and Forestry promised in front of KPA to redistribute 1 million hectares of land in Java under the AR framework, none of the 85 LPRA covering 44,386 hectares, claimed by

KHdPK and Perhutani Management, have been released from the forest claims held by the Envrionment and Forestry Ministry.

The Ministry of Environment and Forestry, with the attitude of the "King of the Forest," unilaterally claims settlements and farmers' land as forest areas. This is obvious in the case faced by the Pasundan Peasants Union in Sagara Village, Cibalong Subdistrict, Garut. Although in 1996, the settlements and agriculture land were removed from forest areas and became land reform objects, even receiving land certificates, in 2023, the Ministry, through Ministerial Regulation No. 4 of 2023 concerning Social Forestry (PS) on KHdPK, unilaterally re-claimed the settlements and agriculture land as forest areas.

The implementation of AR in forest areas is non-negotiable and urgently needed, considering the agrarian conflicts, inequality, poverty, developmental discrimination, criminalization, corruption, and environmental damage which cannot be denied by Jokowi. The anti-reform perspective carried out by President Jokowi through the Ministry of Environment and Forestry is the direct cause of the poor achievement in land redistribution from forest area. Over the past nine years, only 379,621 hectares, or 9.26% of the 4.1 million hectares target (ATR/BPN, December 2023), have been redistributed. This means that in the last nine years, the Ministry of Environment and Forestry has completely failed to implement Agrarian Reform under its jurisdiction.

According to KPA's LPRA data, the Ministry's land redistribution efforts were limited to housing and yards areas which were released from forest area, without recognizing the land rights on community field and agricultural lands. For example, in Delima Village, Tanjung Jabung Barat Regency, Jambi, only 41 hectares of peasants' settlements were released from the forest area claims of PT WKS's HTI concession. Meanwhile, the LPRA area proposed by peasants, which included 700 hectares of agricultural and community agriculture land, has yet to be released from PT WKS's control. Ironically, PT WKS, a subsidiary of Sinar Mas Group, can control 300,000 hectares in Jambi Province. The case of Delima Village is a stark example of agrarian inequality in Indonesia.

E. No Reform on Plantations Concessions

From 2015 to 2023, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) has repeatedly claimed to have redistributed more than 1.3 million hectares of expired and abandoned concession land (HGU/Right to Cultivate) (ATR, 2023). The inaccuracy of this claim is easy to demonstrate. KPA measures it by assessing how much abandoned and expired HGU land has been "successfully" regulated and revoked for redistribution to Agrarian Reform subjects. For instance, during the tenure of Minister Joyo Winoto, the ATR/BPN Ministry reported that there were 7.13 million hectares of expired and abandoned HGU land (ATR/BPN, 2009). In reality, this figure has not changed much, standing at 7.24 million hectares according to the Coordinating Ministry for Economic Affairs in 2023.

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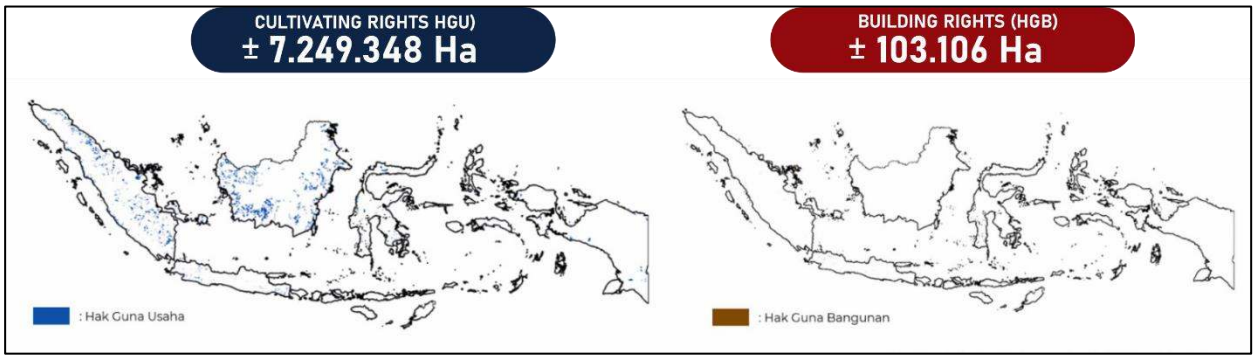


Figure 30. Abandoned Land According to the Government in 2023
Source: One Map Policy Secretariat in the Presentation of the Coordinating Ministry for the Economy, 2023. Processed by KPA

So, if the area of expired and abandoned HGU has not decreased, but has even increased over the last nine years, which problematic HGUs have actually been redistributed to the people by the Jokowi administration as claimed?

> The uncertainty of the redistribution claim figures is further reinforced by the lack of data transparency from the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) and the Coordinating Ministry for Economic Affairs. There is no publicly available list of former HGUs and abandoned HGUs that are being touted as government success stories

The uncertainty surrounding the redistribution claims is further compounded by the lack of data transparency from the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) and the Coordinating Ministry for Economic Affairs. There is no publicly available list of former and abandoned HGUs that are being cited as government success stories, nor is there information about which companies were involved or who received the redistributed land. This lack of transparency suggests that the government's claim of redistributing over 1 million hectares is likely not true.

This situation is supported by the fact that from 2015 to 2023, only 21 LPRA cases involving conflicts with former private companies have successfully been resolved with secured land rights. In reality, most LPRA cases involving former private HGUs are among the easiest for the government to resolve.

Meanwhile, none of the LPRA cases involving conflicts with former HGU lands of state-owned plantation companies (PTPN) have been addressed by the Minister of ATR or the Minister of State-Owned Enterprises (BUMN). These cases remain unresolved and are not considered "clear and clean" according to government terminology, let alone reaching the stage of land redistribution.

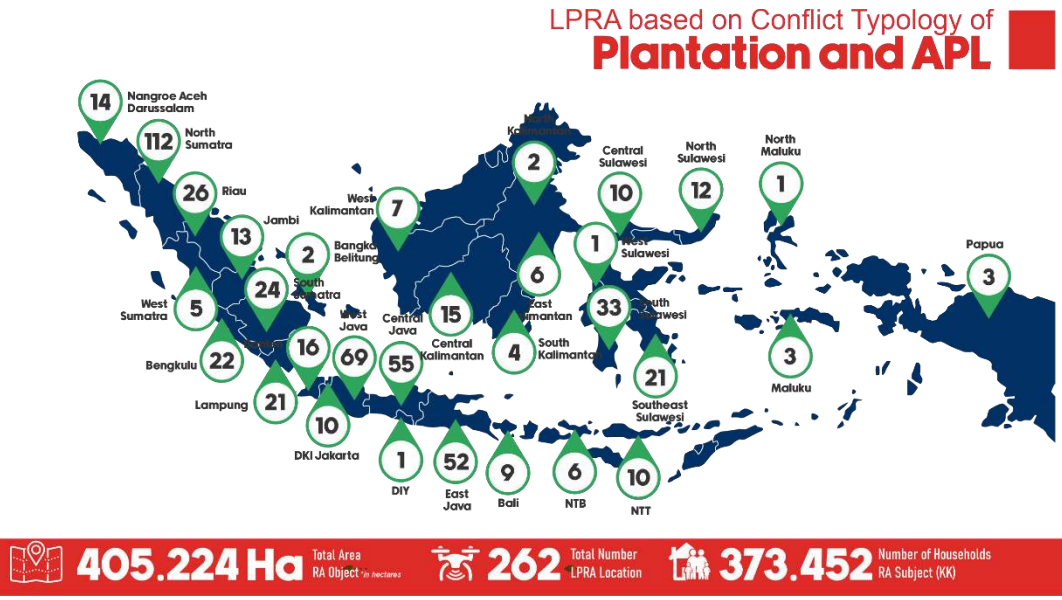


Figure 31: LPRA Based on Conflict Typology
Source: Infographic of LPRA Plantation Distribution, KPA

Based on the distribution of LPRA with agrarian conflict typologies in plantations, out of 405,224 hectares of conflicts area, 275,268 hectares involve state-owned plantation companies (PTPN) throughout Indonesia for decades, while local communities have lived and farmed these lands sometimes since before Indonesia's independence or since the New Orde era. Of these 275,000 hectares which should be processed by the government, there has been zero achievement in resolving agrarian conflicts and redistributing land originating from former and abandoned concessions of state-owned plantation companies (PTPN).

Out of the 275,000 hectares that should be processed by the government, even after a decade, there has been zero achievement in resolving agrarian conflicts and redistributing land originating from former and abandoned concessions of state-owned plantation companies (PTPN).

The Ministry of State-Owned Enterprises (BUMN) has even issued a policy stating that for land redistribution from BUMN assets, peasants and citizens who have constitutional rights as subjects of agrarian reform must compensate these BUMN companies. Currently, the Ministry of Agrarian Affairs and Spatial Planning (ATR), BUMN, supported by several

academics from universities, are developing the concept of "social plantations". Under this scheme, peasants and indigenous communities whose land has unilaterally been claimed as BUMN assets will be compelled to accept a land utilization scheme, in the form of Right of Use (Hak Pakai) on top of BUMN's Right to Manage (HPL) for their housing or agricultural land.

> The concept of "social plantations" or "distribution of benefits/access" currently being designed by the Jokowi administration represents a significant step backward from what was promised in its own development agenda (Nawacita). Especially if these social plantations are claimed to be part of the Agrarian Reform agenda, there is a clear absence of redistributive land reform, which is supposed to be at the core of a genuine Agrarian Reform.

The concept of "social plantations" or "distribution of benefits/access" currently being developed by the Jokowi administration represents a significant regression from what was promised in its own Nawacita agenda. Particularly if these social plantations are being touted as part of the Agrarian Reform agenda, there is a notable absence of redistributive land reform, which should be the core of genuine Agrarian Reform.

This means that the full recognition of people's rights to land is dissipating, as misguided state claims or principles like “domein verklaring”, reminiscent of colonial times, are being reaffirmed and persist into present-day independence. The government seems to have forgotten that forms of “domien verklaring” over agrarian resources were abolished under the 1960 Basic Agrarian Law (UUPA).

Despite the minimal land redistribution resulting from agrarian conflict resolutions, there are some instances where KPA considers the redistributed land case suitable for learning and reflection by the government and academic circles in respect to concrete practices of agrarian reform. Here are LPRA cases from KPA members that the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), along with civil society and peasant unions, have managed to resolve:

First	LPRA Gunung Anten represents a milestone in the history of agrarian reform struggle by KPA and peasant unions, as it marks **the first time that land rights have been recognized in the form of collective ownership.** Under the initiative, organized by the Peasant Movement of Banten (P2B), a restructuring of land ownership has been implemented at the community level. Here, it was agreed that 33% of the land is owned by women, while 25% is owned by younger generations of peasants. This restructuring also outlines future uses for the land, which include collective farming, residential purposes, rural roadways, collective food storage, peasant schools, conservation areas for water sources, worship facilities, and other social amenities. This initiative is crucial as it forms the foundation for strengthening the economic empowerment of KPA members through the development of DAMARA (Advanced Agrarian Reform Village).

Second	LPRA Muktisari mirrors LPRA Gunung Anten in its transformative journey from mere land reclamation to becoming a peasant union with a distinct social sensitivity and advocacy compared to other organizations. Before the government recognized their land rights, the Pasundan Peasant Union (SPP) in Ciamis engaged in extensive deliberations to rearrange land ownership and land use at the community level. **Across 113 hectares of SPP farmland in Muktisari Village, 47% is designated for agricultural use, divided between two ownership categories. Femal peasants own 26.49 hectares, while the remaining 27.52 hectares are owned by male peasants.** The remaining 53% is reallocated for various purposes: 1. An Agrarian Institute as a center for learning about agrarian reform movements and agriculture in West Java. 2. An Islamic boarding school for children of farmers, serving as a stronghold for cadre development and agrarian reform regeneration. 3. A School for disabled children, reflecting peasants concern for other vulnerable groups in Ciamis. 4. Conservation areas to support farming activities and the social life of farmers, among other uses. This initiative, driven independently by the farmers, aims not only to eliminate inequalities among peasants but also to allocate land for broader community needs and conservation efforts. It represents another level of struggle for agrarian reform by KPA members. The peasants of SPP union truly honor the land, not just for themselves but also for the wider community beyond their union. This initiative serves as a critique of the government, highlighting that despite its wealth of facilities, authority, resources, and finances, it has not achieved what the farmers have accomplished.
Third	On September 14, 2022, certificates of ownership were handed over covering an area of 269 hectares to 528 peasants in Ongkaw II Village. In this village, peasants have successfully restructured land ownership, achieving parity between men and women with 33% of the land now owned by women. Beyond addressing internal disparities in land ownership within their organization, the peasants have also agreed upon and developed a system for land use based on agricultural commodities, such as designating specific areas for corn and coconut plantations. This arrangement facilitates farmers in planning their economic development within the agrarian reform (AR) area, including establishing village-scale agricultural enterprises to process their produce before selling it in the market. This approach highlights that social transformation in rural areas and the downstream processing of agricultural-natural resources should not solely revolve around large, exploitative corporate-based downstream activities that harm the environment. When given trust (without stigma) and strengthened capacities, people can truly become economically independent. **Policies promoting downstream processing should prioritize strengthening and expanding community-based agricultural production centres. This is the essence of a genuine agrarian reform.**

What peasants collectively do should serve as an example for the government on how to truly implement agrarian reform. The absence of the state does not deter peasants' determination to reorganize land ownership and usage, including voluntary and collaborative land redistribution. Beyond economic interests, peasants also have a vision for ecological balance, where lands are not solely used for agriculture and housing, but are designated for land uses that serve as water absorption areas and protected zones.

Peasants accomplish all of this through their organization, such as the South Minahasa Peasants Union (SPMS). Peasants have their own critical intelligence and awareness, believing that village development must uphold values and goals of justice, as well as maintain social, economic, religious, and environmental balance.

Therefore, the collective actions of peasants are not just about efficient land management, but also about building a sustainable and harmonious community with nature. The government should take cues from initiatives like this in designing policies and implementing genuine agrarian reform that considers not only economic aspects, but also social justice and environmental sustainability.

F. No Reform in Coastal, Small Islands, and Marine Areas

One undeniable irony is the poverty experienced by communities in coastal and small island areas. Data shows that some of the poorest regions in Indonesia are actually in the archipelago and coastal zones, such as Maluku, Papua, Bali-Nusa Tenggara, and Sulawesi (BPS, 2023). Meanwhile, the potential wealth from marine resources is estimated to be around US$ 1.33 trillion or approximately Rp 19,840 trillion (KKP, 2022).

One significant factor contributing to the concentration of poverty in coastal and small island regions is the lack of land rights and rights to natural resources in the sea and coastal areas for local regulations and monopolies in the control and management of marine resources.

> “One significant factor contributing to the concentration of poverty in coastal and small island regions is the lack of land rights and rights to natural resources in the sea and coastal areas for local regulations and monopolies in the control and management of marine resources.

Following the implementation of non-participatory coastal zoning planning under Law No. 1 of 2014, the latest update in 2023 via Government Regulation No. 26 of 2023 now governs the exploitation and liberalization of sea sand. Of Indonesia's approximately 17,001 islands, about 1.8 million hectares are designated as forest areas, while the remaining land is allocated for production forests, various other land uses, mining, and so forth (FWI, 2023).

The government's facilitation of large corporations to dominate coastal and marine agrarian resources has not brought prosperity to the communities. With a continued focus on land-based development, various permits for extractive industries have been issued by the government in small islands and coastal communities. This trend has intensified under the Omnibus Law on Job Creation, where permits and ease of doing business in coastal and small island areas have become increasingly uncontrolled.

In North Maluku, by the end of 2023, corruption related to agrarian resources by the Governor of North Maluku was revealed, involving the issuance of mining permits, discussions on spatial planning (RTRW), and turning a blind eye to mining operations that violate regulations. During two terms of the North Maluku Governor (2014-2023), 54 mining business permits were recorded to have been granted (JATAM, 2023). One notable case is PT Indonesia Weda

Industrial Park (IWIP), a state-owned enterprise controlled by an oligarchy close to the Jokowi administration, which in 2023 alone triggered three conflicts in six villages: Lelilef Sawai, Lelilef Waibulan, Loleba, Minamin, Gemaf, and Sagea in Central Halmahera and East Halmahera Regencies. Approximately 5,188 families residing, farming, and utilizing marine resources in these areas have been increasingly marginalized and excluded from their living spaces due to overlapping concessions for mining, plantations, and forests.

The people of Komodo Island in West Manggarai, East Nusa Tenggara, have also faced similar fates. Since colonial times and through every change of government regime in Indonesia, the people of Komodo Island have consistently been excluded from decisions affecting them directly. Conservation efforts, tourism development, state-owned enterprises, and various other developments, along with overlapping concessions, continue to pose agrarian challenges that persist today.

> Since the colonial era and through every change of government regime in Indonesia, the communities of Komodo Island have consistently been excluded from decisions affecting them directly. Under the guise of conservation, tourism development, state-owned enterprises, and various other developments, overlapping concessions have become persistent agrarian issues that continue to prevail today.

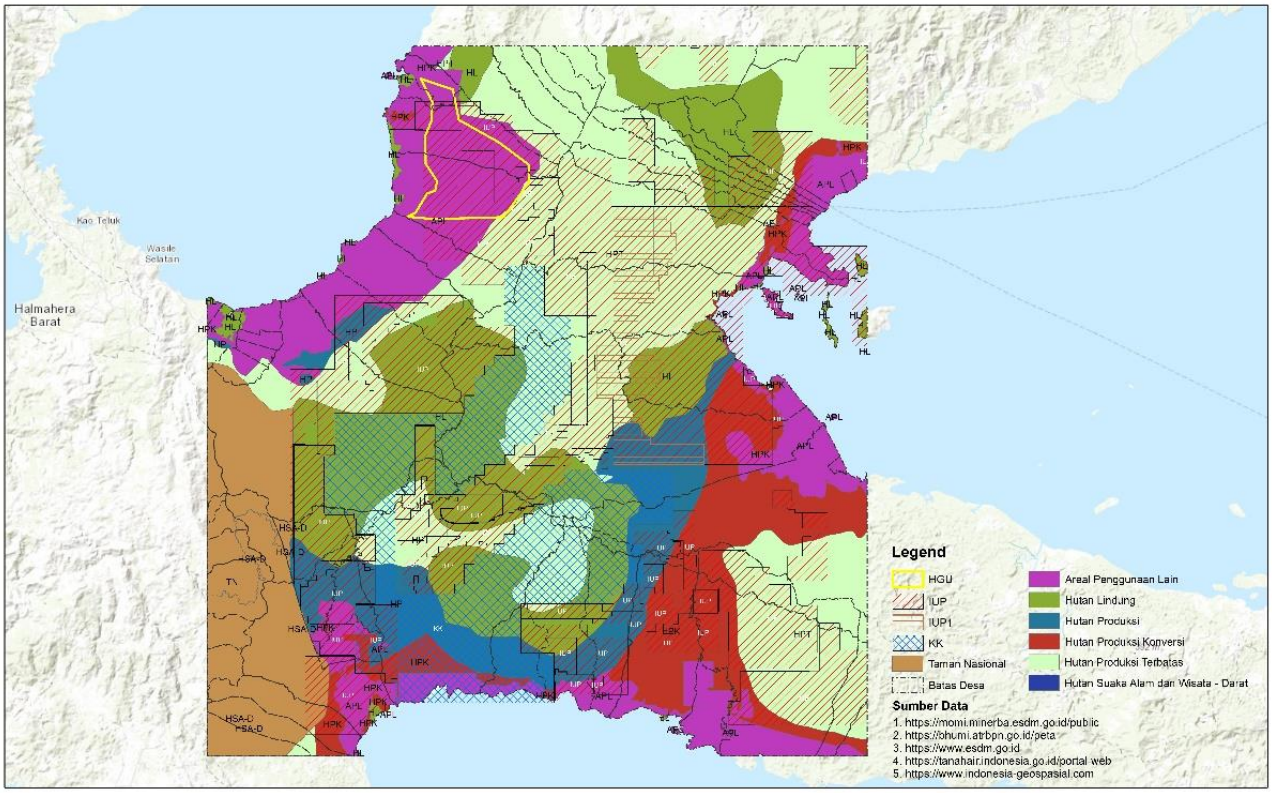


Figure 32. Overlapping Concessions in Coastal Areas.
Source: ESDM and LHK, processed by KPA, 2023

Moreover, the government's claims of successful Agrarian Reform (AR) in coastal and small island areas, such as granting Building Rights over water in the Riau Islands and among the Bajo tribe, do not merit the term Agrarian Reform. Issuing 525 Building Rights certificates with a 30-year validity to residents of Kampung Mola, the Bajo tribe on Wangi-Wangi Island, Wakatobi, Southeast Sulawesi, is merely a distribution of certificates that lacks wisdom and erases the cultural identity of the Bajo tribe. The state neglects various rights of the Bajo tribe and accelerates the phenomenon of landfall. In addition to state recognition, the Bajo tribe needs rights of passage, open access, and various supporting facilities, not Right to Build (HGB) certificates.

The absence of Agrarian Reform in coastal waters is evident from the lack of recognition by the State of the rights of coastal and small island communities, including the right to reside, right of passage, the right to develop maritime cultural values, and various other traditional rights. Rights to maritime ulayat, traditional fishing territories, coastal and small island governance, and fishing licensing regimes that allow equitable access for communities.

KPA criticizes Jokowi for his misguided thinking and practice of Agrarian Reform, particularly in coastal, small island, and marine areas. Equating the recognition of coastal community territories and the implementation of Agrarian Reform with business licensing processes will perpetuate and exacerbate structural poverty.

The legal regime in coastal and small island areas and land tenure laws in coastal and small island areas indicate the persistence of *domein verklaring* practices that have been abolished by the Basic Agrarian Law/UUPA. Therefore, the government should understand the more complex coastal culture compared to land areas, recognizing that territorialization in marine areas, which has public nature and function, is insufficient. It's not just about certification or legalization of assets, but also about respecting maritime and coastal cultures, as well as reforming coastal, small islands, and marine governance.

G. No Reform for the Recognition of Customary Territories

The recognition of indigenous communities has not been understood, regulated, and implemented substantively and comprehensively in line with the aspirations of the Constitution. As a result, indigenous people have not been recognized as subjects of Agrarian Reform. Although the recognition of indigenous people is constitutionally guaranteed and declarative in nature, in practice, the recognition provided is constitutive and complicated.

Throughout the decade of Jokowi's administration, indigenous people have consistently faced inequality and agrarian conflicts. From 13 members of KPA are indigenous people spread across 106 villages in 3 provinces and 12 districts, who collectively control 276,823 hectares of land. Not a single one has received protection and recognition for their customary territories.

> ”
>
> Although the recognition of indigenous people is guaranteed by the Constitution and is declarative in nature, in practice, the recognition given is constitutive and complicated.

Despite a slightly improved legal climate during the reform era, the issues faced by indigenous people in prolonged agrarian and social conflicts remain unresolved. The 1945 Constitution of Indonesia, MPR RI Decree No. IX/MPR-RI/2001 on Agrarian Reform and Natural Resource Management, the Basic Agrarian Law (UUPA), and laws recognizing, respecting, and protecting the rights of indigenous peoples and the cultural diversity of the nation over agrarian resources have not been effectively implemented. Instead, these laws have been degraded and politicized across different regimes, ultimately leaving customary territories vulnerable to large-scale businesses. This situation often places indigenous people in frequent conflicts with the State and corporations.

According to findings from the Indigenous Peoples Alliance of the Archipelago (AMAN), between 2017 and 2022, there were 301 cases of land grabbing affecting 8.5 million hectares of customary territories, leading to the criminalization of 672 indigenous people defending their ancestral lands (AMAN, 2017-2023). This area represents 41% of the 20.7 million hectares of mapped customary territories (AMAN-BRWA, 2023).

Despite constitutional guarantees and declarative nature of indigenous recognition, in practice, the recognition provided is manipulative and complex. Layered and partial recognition of indigenous communities from both regulatory and authoritative sides remains the main obstacle to implementing Agrarian Reform for the recognition of customary territories. Thus, development initiatives under the guise of Agrarian Reform in indigenous territories still fall far short of true reform practices and contradict the interests of indigenous communities.

Recognition of indigenous territories should be carried out by prioritizing the principle of decolonization, which entails fulfilling constitutional mandates. Recognition of indigenous communities should not be separated from the recognition of their territories.

Recognition of indigenous territories should be implemented by prioritizing the principle of decolonization, which means fulfilling constitutional mandates. Recognition of indigenous communities should not be separated from the recognition of their territories. This can be easily inventoried and administered to ensure that indigenous communities have full rights secured, enabling them to preserve, manage, and cultivate their land according to their local wisdom. Therefore, the implementation of Agrarian Reform should prioritize indigenous communities as a group that must have their agrarian justice fulfilled and be prosperous.

H. Agrarian Issues and Rural Women's Migration

In patriarchal cultures, women bear a dual burden as they must combine reproductive and productive work. Reproductive work, such as childbirth and caregiving responsibilities, often goes unrecognized, especially for rural women. Furthermore, it is frequently overlooked that this includes social reproduction, the process of creating and maintaining social systems and structures such as education, health, food, and others. As a result, women are excluded from decision-making processes that impact the household, farming communities, and broader society. Their local knowledge is consequently halted, further exacerbating the loss of cultural identity within communities and intergenerational rights.

These issues are compounded by agrarian inequalities and conflicts, leading to the loss of women's livelihoods. This injustice deepens multiple layers of discrimination against women, making them the most adversely affected victims.

In other words, agrarian conflicts contribute to the reinforcement of violence and injustice against women. Losing land due to conflict doesn't just lead to structural poverty experienced by women but also forces them into becoming migrant workers.

Agrarian conflicts contribute to the exacerbation of violence and injustice against women. The loss of land due to these conflicts does not merely lead to structural poverty experienced by women but also forces them into becoming migrant workers.

Besides the consequences of losing land rights, poverty, and environmental degradation, women also opt to become migrant workers due to fear resulting from intimidation and the repressive actions of authorities in areas affected by agrarian conflicts.

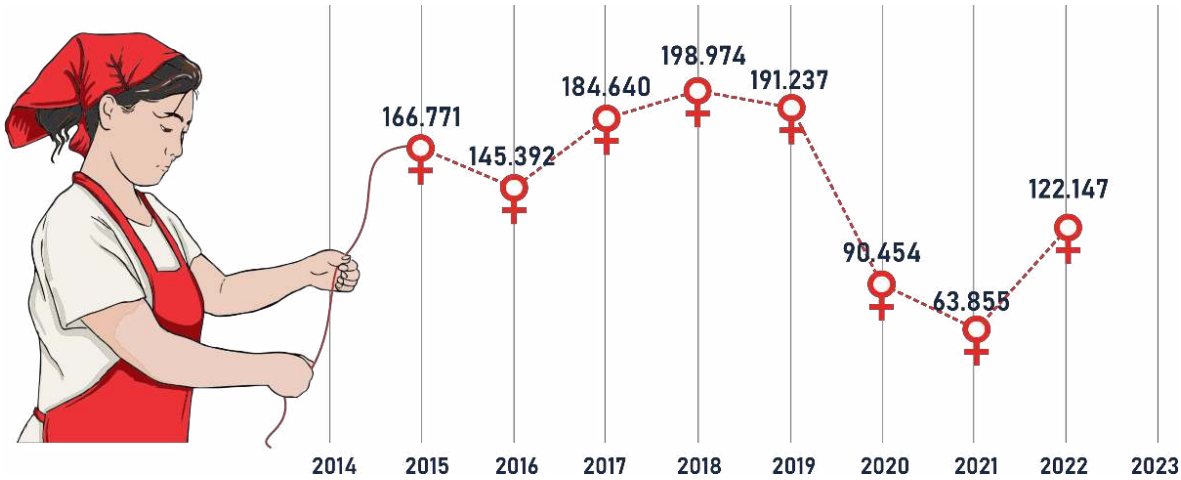


Figure 33. The increase of female migrant workers from villages
Source: BP2MI, 2015 – 2022 – processed by KPA

Currently, there are 1.16 million women who are forced to work abroad in order to secure employment, either in homes or on farms in countries like China, Malaysia, and Hong Kong (BP2MI, 2022). The majority of these female migrant workers come from provinces such as East Java, Central Java, West Java, North Sumatra, and others. These areas, which contribute significantly to the female migrant workforce, have also been hotspots of poverty and agrarian conflicts in recent years. Thus, it can be concluded that these factors are directly correlated, leading to the migration of women. Some of the provinces that are centres of poverty and conflict, causing female migration, include:

PROVINCE	POVERTY RATE	NUMBER OF CONFLICTS	FEMALE MIGRANT WORKERS (PERSONS)
East Java	4.188.810	260	298.181
West Java	3.888.600	223	326.703
Central Java	3.791.500	117	287.592
North Sumatra	1.239.710	243	79.375
South Sumatra	1.045.680	149	8520
Lampung	970.670	121	71.701
Aceh	806.750	118	3298

Table 8. Overlap of Conflict Areas, Poverty, and Female Migration.
Source: BPS, BP2MI and KPA, 2023

Besides the high rate of women's migration due to agrarian conflicts and structural poverty, based on KPA findings from 2017-2023, at least 109 women have been persecuted, 69 women criminalized, 1 woman shot, and 2 women killed while defending their land, which serves as their home and economic source (Catahu KPA 2017-2023). Furthermore, in the agricultural sector alone, there are 3.29 million women peasants in villages across Indonesia. President Jokowi should recognize and prioritize women peasants as subjects of agrarian reform.

The failure to implement Agrarian Reform, combined with a series of violations of women's rights in agrarian conflicts, has resulted in women losing their livelihoods, becoming a significant factor in the inevitable phenomenon of migration. The limitations of legal protection in Indonesia internationally also continue to perpetuate violence against women. Migrant worker abuses, including those experienced by women in NTT, saw at least 118 migrant workers from NTT die overseas in 2023 (Kompas, 2023).

The issues in poverty-stricken areas and the primary sources of female migrant workers are interconnected. The likelihood of 1.16 million rural women becoming migrant workers and experiencing further injustice and oppression can be minimized if:

First, there is prioritization of land redistribution for women in villages, accompanied by gender analysis and strengthening of women's roles in consultations and decision-making. *Second,* there is guaranteed economic support and agricultural infrastructures for women who are subjects of land redistribution. *Third,* there is legal protection and recognition of land rights for women among peasant, fisherfolk, and indigenous people in rural areas.

I. Ecological Disasters Due to Agrarian Reform Failure

Ecological disasters are an accumulation of ecological crises caused by injustice and the failure of natural resource management systems, resulting in the destruction of environmental carrying capacity, ecosystem degradation, and harm to people's livelihoods (WALHI, 2023). Extractive businesses such as plantations and mining are ubiquitous in areas

of agrarian conflicts and ecological disasters. The operational activities of extractive businesses and the government's development ambitions have led to food crises, climate crises, changes in spatial functions, mega infrastructure projects, and the political economy of spatial control. Therefore, the connection between environmental recovery and protection and the Agrarian Reform agenda cannot be separated.

Peasants, fisherfolk, and indigenous people living in rural and remote areas possess unique knowledge to mitigate and adapt to climate change while maintaining economic and environmental sustainability. Their abilities are far superior to the superficial solutions offered by the government through extractive industries or carbon trading.

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Therefore, they should rightfully be prioritized as subjects of Agrarian Reform. Once land has been redistributed and peasants, farm workers, fisherfolk, indigenous people, and women are prepared to move towards strengthening rural production and industrialization, the preserved ecological function becomes a crucial determinant of the success or failure of the Agrarian Reform agenda.

The data below indicates that ecological disasters are still very high in Indonesia, which is in the process of implementing Agrarian Reform. In 2021 alone, 18,864 villages were affected by ecological disasters.

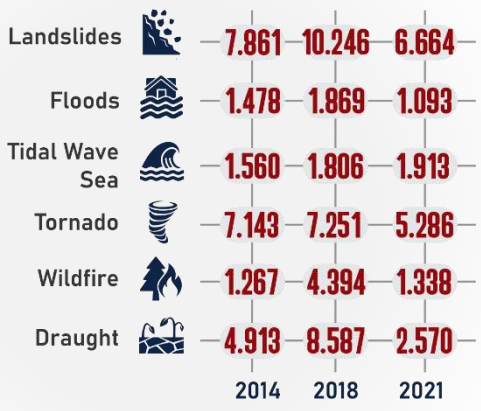


Figure 34. Number of Villages Affected by Ecological Disasters Source: BNPB and BPS, 2021

Based on the explanation above, the recovery and protection of the environment also serve as a benchmark for the success or failure of Jokowi's implementation of Agrarian Reform. It is impossible for peasants, farm workers, fishermen, indigenous communities, and women to live prosperously and for a strong people's industry to thrive after land redistribution if their villages are struck every year by landslides, floods, droughts, and other ecological disasters.

If the Agrarian Reform requires the environment while aiming to restore it, the question is: How much area of extractive industries permits such as palm oil, coal, minerals, wood, etc., has been returned to its natural function? How much of it has been returned to the ownership of peasants, fisherfolk, women, and indigenous people? To what extent do peasants, fisherfolk, women, and indigenous people play a role and know about managing agrarian resources and preserving the environment?

J. Imported Food Continues to Flow in, Failing to Achieve Food Sovereignty

Agrarian Reform without adequate land redistribution to peasants, farm laborers, fishermen, and indigenous communities as food producers will not succeed, as seen in South Africa, the State of Bihar in India, or parts of northeastern Brazil (Michael Lipton, 2009). If imported food commodities still flood traditional markets, it means no new food production centers have been created under the government led Agrarian Reform. Moreover, it is certainly odd if Agrarian Reform is carried out simultaneously with uncontrolled food import policies.

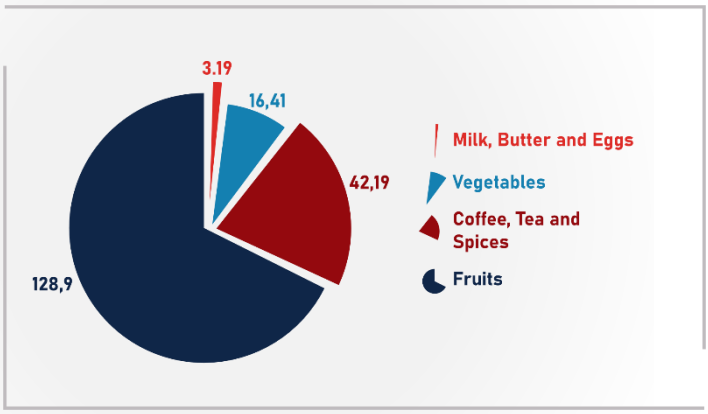


Figure 35. Food produces imported
Source: BPS, 2023

Rice is among the main commodities that Indonesian farmers produce, but the government failed to stop or reduce at least rice imports. The data below show the trend "when" the government imported rice, namely the days before general elections. Not only businessmen, even the government seeks for profits from surplus price on each kilogram of the imported rice. The rice flooded households in the form of social or food aid. Such a phenomenon is easily found in villages when presidential candidates, legislative candidates are seeking for votes, they come to Bulog, the Ministry of agriculture and trade for obtaining social aid quotas that they distribute in their own election areas (KPA, 2023).

There are nine basic food necessities: rice, sugar, vegetable oil and margarine, beef, chicken, eggs, milk, shallots and garlic, fish, and salt. Domestic agricultural production is considered insufficient to meet the rapid growth in food consumption, leading to continuous imports (The Food Trade Dependence Index, 2022).

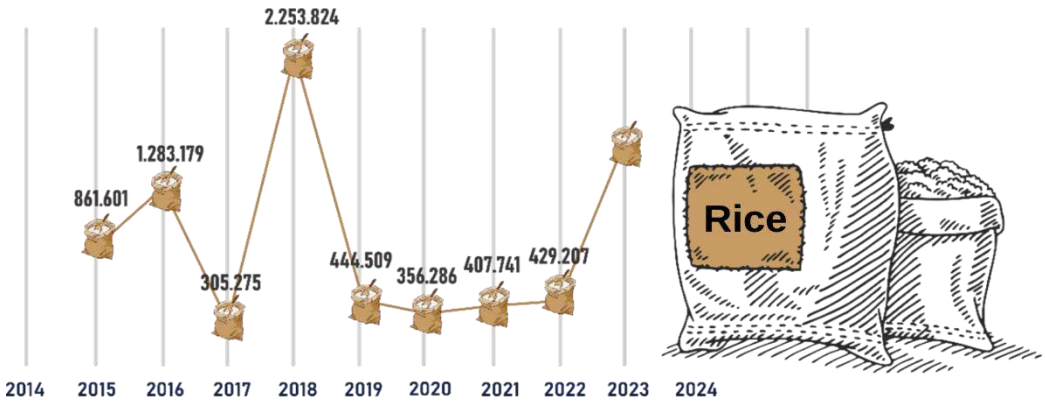


Figure 36. Rice Imports
Source : BPS 2015-2023

The need for main food products in Indonesia is highly dependent on import markets. Six out of nine essential commodities need to be supplied from other countries. Fruits and vegetables, as well as other major food commodities like rice, wheat, soybeans, and corn, are highly dependent on imports. Why has Indonesia failed to achieve food sovereignty and continues to depend on imported agricultural products? A country with such fertile and extensive land areas should not be in this position if agrarian reform were truly implemented through agrarian reform, resolving agrarian conflicts, redistributing land to peasants and agricultural workers, and empowering local food production centers (agriculture and food farming, animal husbandry, inland fisheries, and marine fisheries).

Why has Indonesia failed to achieve food sovereignty and still relies on imported food products? A country as fertile and vast as Indonesia should not be in such a dire situation if Agrarian Reform were truly implemented through agrarian restructuring, resolving agrarian conflicts, redistributing land to peasants and agricultural workers, and strengthening local food production centers (agriculture and food farming, animal husbandry, inland fisheries, and marine fisheries).

In addition to rice, other food commodities that are highly dependent on imports are sugar and salt. From 2014 to 2022, the government imported 30.6 million tons of sugar and 16.1 million tons of salt (BPS, 2022). Specifically for rice, the government has imported 7.53 million tons of this staple food since Jokowi took office.

The food import policy is further exacerbated by the increasing conversion of rice fields to non-agricultural land. According to a monitoring by Auriga, during Jokowi's decade-long administration, the rice fields area has tended to shrink. In 2020, it reached 10 million hectares, but has now decreased to 9 million hectares (Auriga, 2023). This is correlated with the rising curve of rice imports, inversely proportional to the decreasing area of rice fields, indicating Jokowi's failure to achieve food sovereignty and Agrarian Reform.

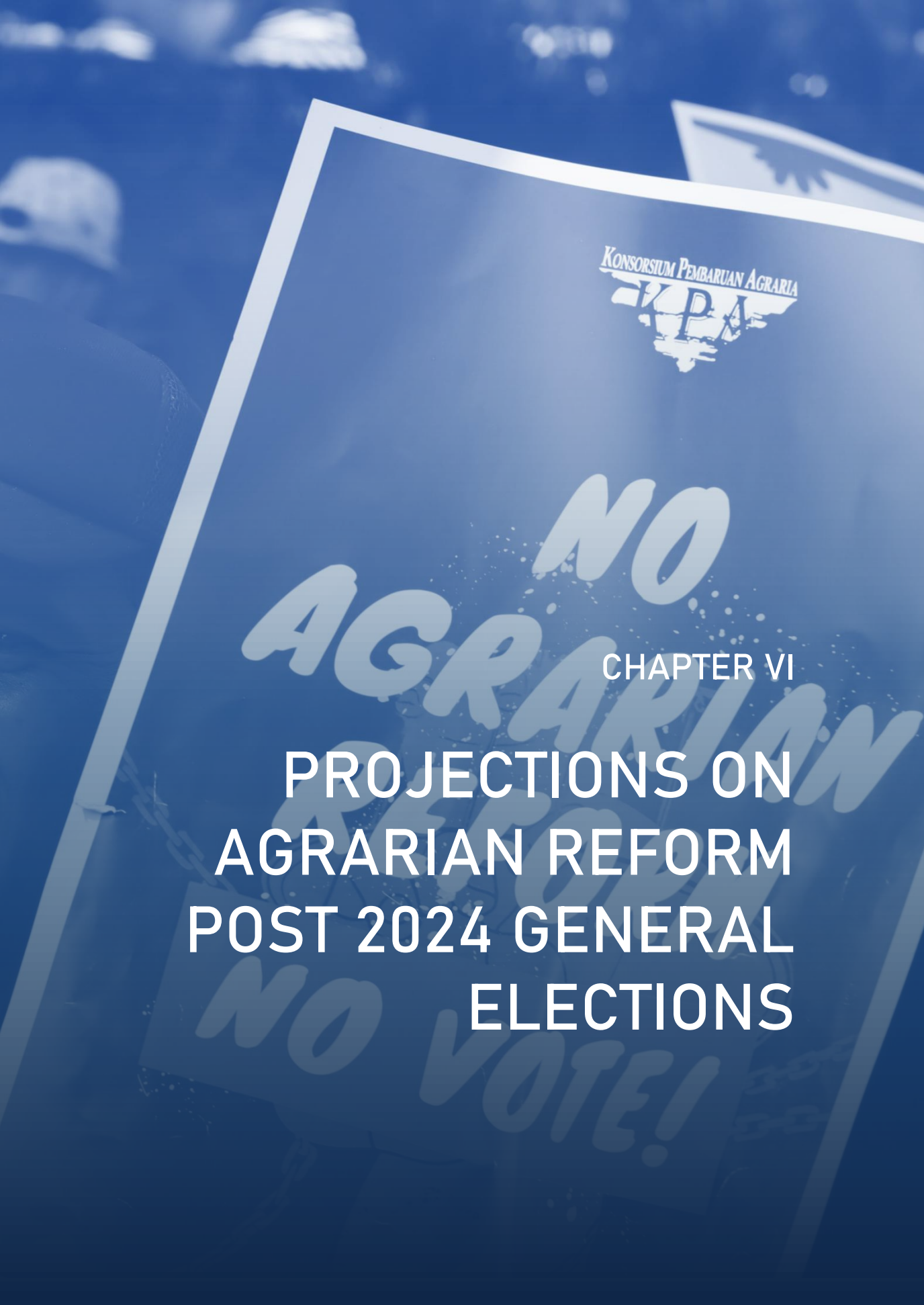
In the context of Agrarian Reform as a systemic operation to achieve food sovereignty, it is clear that the agricultural model based on conglomerate agribusinesses, such as food estates, is not the answer. The food estate model actually shifts the role of peasants, fishermen, fish farmers, and livestock breeders as the primary food producers.

In the context of Agrarian Reform as a systemic operation to achieve food sovereignty, it is clear that the agricultural model based on conglomerate agribusinesses, such as food

estates, is not the answer. The food estate model actually shifts the role of peasants, fisherfolk, fish farmers, and livestock breeders as the primary food producers. Instead, food estates exacerbate land grabbing, agrarian conflicts, and drive the proletarianization of farmers, turning them into laborers on these projects. This has been observed in North Sumatra, Central Kalimantan, and Papua. In the future, the anti-Agrarian Reform policy of food estates must be thoroughly evaluated and halted if genuine Agrarian Reform is to be implemented.

The entanglement of food issues and imports as political commodities means that food imports do not reach areas with high hunger risks. Evidence from 2015-2022 shows that at least 93 people in Papua died and thousands of others suffered health problems due to extreme hunger (Kompas & BBC, 2015-2022).





CHAPTER VI

PROJECTIONS ON AGRARIAN REFORM POST 2024 GENERAL ELECTIONS

VI.1 Presidential Candidates and the Agrarian Reform Agenda

The 2024 elections are not just about choosing a president; it cannot be denied that the political epicentre revolves around the presidential election of the Republic of Indonesia. In the 2024 elections, the Indonesian people will choose from three pairs of presidential and vice-presidential candidates (capres and cawapres candidates).

> The Anies-Muhaimin (01), Prabowo-Gibran (02), and Ganjar-Mahfud (03) pairs all promise to implement Agrarian Reform (AR) if elected as President and Vice President of the Republic of Indonesia for the 2024-2029 term. The question is: what kind of Agrarian Reform (AR) are these candidates promising? Do the agrarian crisis and the obstacles in implementing the AR over the past 9 years form the basis for formulating these commitments?

In a democratic and healthy electoral system, the winners of the presidential election must be accountable for all their political promises, while the people have the right to demand these promises and openly criticize policies that do not align with public aspirations. In the context of accountability for political promises, three pairs of candidates have officially registered themselves with their vision-mission documents to the Indonesian Elections Commission (KPU RI). These widely circulated vision-mission documents can serve as an initial barometer of the political will of each candidate pair regarding their populist agendas.

Anies-Muhaimin (01), Prabowo-Gibran (02), and Ganjar-Mahfud (03) have all pledged to implement agrarian reform if elected for the 2024-2029 presidential term. However, the nature of the agrarian reform they propose remains unclear. It's important to consider whether the current agrarian crisis and previous challenges in implementing reform over the past nine years have influenced their promises.

Despite mentioning agrarian reform in their vision and mission documents, these candidates have not prioritized it as a main agenda. In some instances, agrarian reform appears to be treated as a minor program rather than being given appropriate attention, despite its significant strategic and political importance to many Indonesians. This lack of emphasis has resulted in a lack of detailed explanations regarding the specific models and key programs of agrarian reform that these candidates intend to implement if elected.





	03. Ganjar-Mahfud	02. Prabowo-Gibran	01. Anis-Muhaimin
Mission	Mission 4: Accelerating Economic Development Equlization	Asta Cita 2: Strengthening the national defense and security system and promoting national self-sufficiency through food, energy, water, creative economy, green economy, and blue economy self-sufficiency	Mission 4: Building cities and villages based on humane, just, and mutually advancing regions
Agenda	**Fair and Equitable Development**	**Food self-sufficiency**	Agrarian Reform
Program	Comprehensive Agrarian Reform. Efficient and just allocation of land, including redistribution and legalization of land free from land mafias, to ensure transparent, fast, accurate, and cost-effective land administration and documentation processes.	No.19: Implementing Agrarian Reform agenda to improve the welfare of farmers in a broad sense while supporting increased production in agriculture, plantations, forestry, livestock, fisheries, and marine sectors.	1. Accelerating a fair and participatory land redistribution program, especially for landless peasants, smallholders within peasant household schemes, and agricultural production cooperatives; followed by targeted and sustainable community empowerment efforts aimed at enhancing the welfare of land recipients;
			2. Accelerating the resolution of agrarian conflicts and comprehensive land tenure overlaps through a participatory and equitable cross-sectoral approach;
			3. Accelerating the provision of land tenure security for communities through proactive efforts by the government and strengthening recognition of indigenous people' customary rights over their territories and customary forests, as well as all natural resources therein, through streamlining administrative processes and enhancing

			4. Reorganizing institutions to achieve faster and integrated agrarian reform implementation;
			5. Harmonizing policies and regulations across agrarian, spatial planning, and natural resources sectors to reorganize control, ownership, use, and utilization of land, water, and coastal areas. This includes ensuring equitable recognition, protection, and regulation of all state-owned land and communal land (including indigenous lands);
			6. Completing the "One Map Policy" and "One Data Policy" programs and building a geospatial information system based on land parcels accessible to all citizens and the government to ensure fair, sustainable, and inclusive use of land and agrarian resources;
			7. Providing public access to utilize land, including those owned by government agencies, regional governments (Pemda), state-owned enterprises (BUMN), and regional-owned enterprises (BUMD), to boost the economy of the people through accountable and participatory schemes;
			8. Developing land-based spatial planning to achieve sustainable development with a participatory approach and respect for human rights;
			9. Formulating tax policies and regulations in the agrarian sector that are fair and do not burden the community, aimed at the use and utilization of land.

KPA's overall observations regarding the promises of Agrarian Reform by the three candidates can be summarized as follows:

First Not prioritizing Agrarian Reform as the main mission to achieve the vision of social justice, prosperity, and welfare for the people of Indonesia.

Second In the formulation of Agrarian Reform by the presidential candidates, some candidates still include land certification programs (land legalization), while minimally or even not mentioning at all land redistribution programs resulting from resolving agrarian conflicts involving problematic concession claims (such as HGU, HTI, IUP, location permits, HPL), or correcting imbalances due to monopolies' land ownership and control by a few groups.

Third On average, presidential candidates tend to interpret Agrarian Reform narrowly and partially, thus not integrating it with rural development programs, agriculture, food security, plantations, forestry, coastal and small island management, infrastructure, technology, and economic institutions. It appears that Agrarian Reform is treated merely as a matter of land issues alone, especially focusing on land certification (non-conflict related).

Fourth They have not yet positioned Agrarian Reform as a roadmap for honoring, protecting, fulfilling, and restoring the Constitutional Rights to Land of landless farmers, farm laborers, tenant peasants, indigenous communities, fishermen, and all marginalized groups.

Fifth They have not yet made the institutional reform as an integral part of their promises for Agrarian Reform. A crucial lesson from the Jokowi administration is that the Agrarian Reform agenda cannot be implemented effectively without a dedicated implementation body led directly by the president, which is authoritative and capable of overcoming inter-ministerial sectoralism.

Sixth They have not yet dared to reform urgently needed and relevant policies to overcome past obstacles in Agrarian Reform, namely by pushing for the enactment of an Agrarian Reform Law as a lex specialis to the Basic Agrarian Law of 1960. This policy upgrade (beyond mere presidential decrees) is essential to drive fundamental improvements in agrarian, natural resources, agriculture, food security, and land rights for the people.

Seventh The promises of Agrarian Reform by the candidates are not consistent and aligned with other development plans in the sectors of land, plantations, forestry, mining, infrastructure development, coastal and small island development, which often contradict Agrarian Reform. For instance, none of the candidates dare to openly and firmly address the dangers posed by the Omnibus Law on Job Creation (UU Cipta Kerja), which exacerbates the legal complexities in agrarian and natural resource laws and threatens the Agrarian Reform agenda.

VI.2 Strengths and Weaknesses of Agrarian Reform Promises by Presidential and Vice-Presidential Candidates

Based on the analysis of the available documents, we can also compare the pros and cons of the Agrarian Reform visions and missions of the candidates.

In the Agrarian Reform narrative of Candidate Pair 01, Anies-Muhaimin, they appear to have a more comprehensive understanding of Agrarian Reform compared to the other candidates. The Agrarian Reform agenda of Candidate Pair 01 is more proportional, as it is designated as a specific agenda, with nine program promises related to Agrarian Reform. Their Agrarian Reform promises are sufficient, covering various priority issues that have long been the aspirations of the people, such as resolving agrarian conflicts, supporting peasants and landless farmers (farm laborers), and even linking Agrarian Reform with the State's obligation to recognize indigenous territories, including institutional reform for the implementation of Agrarian Reform. Meanwhile, the Agrarian Reform narratives of the other two candidates are quite brief and still narrow in their understanding of Agrarian Reform. Therefore, it is difficult to analyze further what kind of Agrarian Reform model Candidate Pairs 02 and 03 actually intend to implement in the future.

The criticism for Candidate Pair 01 is that one Agrarian Reform program they propose needs to be watched carefully: the model of providing "benefit access" for "State-owned and regional government land." This model needs to be scrutinized or even rejected because, as has happened in the past, this model is counterproductive to the promise of resolving latent and chronic agrarian conflicts, which have failed to be resolved for decades, caused by unilateral claims by State-owned enterprises/plantations/forestry/local governments. These are the core-plasma models inherited from the New Order era, often continued, such as the partnership schemes that exploit and encourage the proletarianization of farmers and cheap wages, social forestry, KHdPK, social plantations, and benefit distribution—schemes presented as "win-win solutions" that often serve as excuses for neglecting the obligation to reach the 9 million hectares target set for Agrarian Reform.

The State should actually address such structural agrarian problems by restoring land rights through land redistribution and fully fulfilling land rights, rather than just providing "benefit access" over State company land. In other words, if only providing utilization access, there is no correction of past mistakes due to the continued practice of *domien-verklaring*, which has persisted from colonial times, the New Order, to the Reform Era. In this context, Candidate Pair 01 should improve their Agrarian Reform mission to avoid repeating past mistakes. *If elected, will Candidate Pair 01, who promises "changes," be bold enough to take breakthrough steps to straighten out the Agrarian Reform agenda, which has failed in the past in upholding the national Agrarian Constitution?*

On the other hand, looking at the interpretation and placement of Agrarian Reform by Candidate Pair 02, Prabowo-Gibran, it still appears quite narrow and partial compared to Candidate Pair 01. It remains a small program, but its strength lies in its placement under the food self-sufficiency program, indicating that Candidate Pair 02 understands that the Agrarian Reform agenda cannot be separated from agriculture and food issues. It would be more

progressive if the agrarian reform agenda were strategically elevated, with agrarian reform seen as a means to achieve food self-sufficiency and national food sovereignty.

A critical point of criticism for the Agrarian Reform promise of Candidate Pair 02 is the continuation of the food estate project (national food barn), which has been led by the Ministry of Defense. From the formulations related to agriculture and food promises, there is repeated emphasis on optimizing agricultural production, with policy orientation known to focus more on large-scale agricultural corporate. Such agrarian-agricultural policies would actually be counterproductive to Candidate Pair 02's own Agrarian Reform promises.

Candidate Pair 02 must realize that a "land-hungry" agricultural model like the food estate will once again become a hindrance. Even the food estate could become a boomerang for Candidate Pair 02's Agrarian Reform promises, as it inevitably leads to land accumulation back into the hands of a few business entities/conglomerates, rather than benefiting peasants as seen in the past. This project has even been seen as a practice of seizing indigenous territories. Therefore, even though intending to "continue," *the question remains whether Candidate Pair 02 is capable of breaking away from the mistakes of previous regimes in terms of land allocation and unjust agricultural-food systems that have caused national inequalities.*

Now, what about the Agrarian Reform promises of Candidate Pair 03, Ganjar-Mahfud? Based on the vision-mission documents submitted to the Indonesian General Elections Commission (KPU RI), it appears that the Agrarian Reform narrative of Ganjar-Mahfud still remains within the shadow of the Jokowi administration's style of Agrarian Reform. Candidate Pair 03's Agrarian Reform promises still seem to interpret land legalization as agrarian reform. However, the inclusion of land certification schemes during the Jokowi administration has philosophically and ideologically deviated from the promise of tackling inequality, and not just distributing certificates.

Furthermore, the emphasis on efficient and cost-effective land administration may indicate that the "Agrarian Reform menu" they offer underestimates the barriers to Agrarian Reform under Jokowi's administration. This suggests a lack of prioritization of more strategic and fundamental programs as main agenda. Therefore, Agrarian Reform has not resumed to bring about social justice as mandated by our agrarian constitution, the Basic Agrarian Law of 1960. Ganjar-Mahfud pair needs to be wary of this weakness so that their Agrarian Reform does not repeat the mistakes of the past, where corrections to structural agrarian inequalities were not addressed, and there was a reluctance to resolve structural agrarian conflicts.

A positive aspect of Candidate Pair 03's Agrarian Reform narrative is addressing land mafias and data transparency-accuracy issues. These are important supporting programs for Agrarian Reform. However, to achieve legal and political breakthroughs, Ganjar-Mahfud can elevate the level of their Agrarian Reform promises by aiming to dismantle the modes and practices of agrarian corruption, collusion, and nepotism that have been the root cause of agrarian conflicts, land grabs from communities, and hindered the regularization of concessions such as HGU, HTI, and others. As a mission improvement, transparency of data is crucial, directed towards opening up HGU, HGB, HTI, IUP data so that Agrarian Reform can be concretely implemented.

Will Ganjar-Mahfud's political orientation towards agrarian reform lean in this direction? Considering their overly simplified agrarian reform promises, learning from the 9-year legacy of poor agrarian policies, if elected, Ganjar-Mahfud should call upon agrarian reform activists when empowered to deepen and execute agrarian reform as expected by the people.

VI.3 The Biggest Obstacles to Agrarian Reform Post-Presidential Election

> For KPA, this law (Job Creation Law) is the biggest barrier to the Agrarian Reform agenda.

In predicting the future of Agrarian Reform, we can do so through various avenues, including predictions through the lens of the Job Creation Law (UU Cipta Kerja or UUCK) known as the Omnibus Law. For KPA, this law is the biggest barrier to the Agrarian Reform agenda. Looking back, the framers of the UUCK can be referred to the Ministerial Decree No. 378/2019 on the Joint Task Force of the Government and the Chamber of Commerce (Kadin) for Public Consultation on the Omnibus Law. The composition of the task force includes a Director, a Chairperson, Vice Chairpersons I to VIII, comprising 127 members from various ministries/agencies, governors, entrepreneurs, and academics. The drafting of the Omnibus Law was supported by government elites such as Sofyan Djalil, Airlangga Hartarto, Mahfud Md, Puan Maharani, Ida Fauziah, Erick Thohir, Sri Mulyani, Siti Nurbaya, Arifin Tasrif, Basuki Hadimuljono, Sandiaga Uno, and others. Among businessmen, figures like Rosan Perkasa Roeslani of Kadin, Arsjad Rasjid of Kadin, Paulus Totok Lusida of REI, Joko Supriyono of GAPKI, Franky O. Widjaja of Sinar Mas, and more were involved.

Ironically, all Indonesian political parties share culpability for their collective involvement in passing the Omnibus Law. Moreover, some of the individuals who supported its enactment now hold key positions in various presidential campaign teams. This situation poses a significant obstacle to fulfilling their promises of Agrarian Reform in the future. Will these candidates, along with their political parties, businessmen, and supporting academics, be willing to bear the burden of the worst legacy of agrarian policy, which they collectively turned into "legal law" in ways contrary to the 1945 Constitution and the Basic Agrarian Law (UUPA)?

In the Ganjar-Mahfud team, for instance, Arsjad Rasjid, besides being the head of Chamber of Commerce (Kadin), is also a director at PT Indika Energy Tbk (INDY). An affiliate of INDY, PT Masmindo Dwi Area, involved in the mining sector, has expropriated a 14,390-hectare area affecting 255 families in Ranteball village, Latimojong sub-district, Luwu district, South Sulawesi. Another notable figure is Hary Tanoesoedibjo, owner of MNC Group, whose subsidiary PT GLD Property triggered an agrarian conflict incident in the property sector through land allocation for business purposes in Kebon Sirih, Menteng, Jakarta.

In the National Campaign Team of the Progressing Indonesia coalition led by Prabowo, Rosan Perkasa Roeslani played a pivotal role in ensuring the successful drafting and enactment of the Omnibus Law. At the time, he chaired the task force and served as the head of the Chamber of Commerce (Kadin). He also held affiliations, including being a president commissioner and independent commissioner at PT Bumi Resources Tbk. One of its subsidiaries, PT Citra Palu Mineral, caused an agrarian conflict incident in 2023, expropriating a 22,142-hectare area inhabited by 3,000 families in North Luwu, South Sulawesi, for gold mining.

Within Anies' circle, Surya Paloh, chief of the inspectors assembly in Anies' national winning team, is affiliated with the Media Group's subsidiary, PT Emas Mineral Murni, which caused agrarian conflict incidents in Nagan Raya district and Aceh Tengah, claiming a concession area of 10,000 hectares (Mongabay, 2020). Another businessman associated with Anies' party is Rachmat Gobel, owner of Gobel Group. The group, in partnership with Sojitz Corporation, through its subsidiary PT Berau Coal, caused conflict in Berau, East Kalimantan, by expropriating a 6,000-hectare area and displacing 3,000 families for coal mining. Additionally, there are ongoing cases of criminalization against Yuppiter and Magdalena who were advocating for their land rights.

> “ The Agrarian Reform Consortium (KPA) assesses that the future President's duty in implementing Agrarian Reform must be consistent and concrete. When pledging to execute Agrarian Reform (AR), it implies that the future government must boldly take a firm stance against entrepreneurs/corporations, including those who supported their campaign, and have a poor track record concerning agrarian concessions like HGU/HGB/HTI/IUP, etc.

Based on the distribution of elite businessmen involved in the victory of the next President of Indonesia, the Consortium for Agrarian Reform (KPA) assesses that the future President's task in implementing Agrarian Reform must be consistent and concrete. When pledging to execute Agrarian Reform (AR), it means that the future government must dare to take a firm stance against entrepreneurs/corporations, including those who supported their campaign, and have a poor track record regarding agrarian concessions such as HGU/HGB/HTI/IUP, etc. Moreover, if the elected President later distributes ministerial positions and leadership of institutions to their campaign team and supporters, it presents the biggest challenge that the winners of the 2024 Presidential and Legislative Elections must be able to address, to prevent the failure of Agrarian Reform implementation from recurring. *Can the presidential candidates, if elected, push forward fundamental changes so that the points of justice, prosperity, and happiness of the agrarian-based people can truly be realized?*

VI.4 Revision of the Presidential Regulation on Agrarian Reform Without Involving the Agrarian Reform Movement

Since 2019, the National Committee for Agrarian Reform (KNPA) together with agrarian experts have been drafting and pressing for revisions to the Presidential Regulation Number 86 of 2018 concerning Agrarian Reform (Perpres 86/2018). This demand arose because Perpres 86/2018 contains many provisions that are contrary to reform, as stipulated in the Basic Agrarian Law (UUPA) and the Decree of the People's Consultative Assembly (TAP MPR IX/2001). There are more than 30 provisions that need to be amended so that the implementation of Agrarian Reform can fulfill its objectives as stated in the regulation itself.

The revisions are focused on four areas of regulation: (1) institutional and authority arrangements; (2) priority subjects and objects of agrarian reform; (3) resolution of agrarian conflicts; and (4) post-land redistribution support programs. Despite various efforts by KNPA to push for these amendments, the government has not taken these proposals seriously.

On October 3, 2023, the public was surprised by the issuance of Presidential Regulation Number 62 of 2023 concerning the Acceleration of Agrarian Reform Implementation (Perpres 62/2023), which revoked Perpres 86/2018 and Perpres 88/2017. Similar to previous government policies/actions, the process of forming Perpres 62/2023 was conducted without meaningful participation from the people, particularly KNPA and agrarian experts. As a result, the transformation from Perpres 86/2018 to Perpres 62/2023 was still deemed inadequate. The Agrarian Reform Consortium (KPA) even identified several shortcomings in it, including:

First In Presidential Regulation 62/2023, the Acceleration of Agrarian Reform lacks clear direction and objectives because the articles regarding the seven goals of Agrarian Reform implementation have been removed by the government. This impacts the government's operational framework, which now focuses on quantitative achievements (number of land parcels) listed in the action plan. With the current government's stronger pro-investment paradigm, this is very dangerous because the philosophical goals of Agrarian Reform are thereby abandoned. Another weakness is that Agrarian Reform once again lacks a target to overhaul the structure of agrarian inequality, and the government is even unwilling to cease granting land to businessmen.

Second The Acceleration of Agrarian Reform lacks clear stages, workflow, and indicators. The ideal implementation of agrarian reform should proceed through the following stages: a. comprehensive data collection and register of all lands in Indonesia, including forest areas, to obtain data on the structure of land ownership, use, and utilization; b. acceptance of registration of Agrarian Reform locations identified by the community; c. resolution of conflicts in disputed areas or villages; d. land redistribution for restructuring of land ownership, land use, and utilization, as well as other agrarian resources; e. strengthening of rights, including providing legal guarantees and/or legal rights to land; and f. empowerment through the provision of supporting programs to Agrarian Reform subjects to enhance land utilization.

Third Land Object of Agrarian Reform (TORA), whether in forest or non-forest areas, primarily comes from residual lands and heavily depends on political will. The government remains reluctant to reduce lands held by forestry, palm oil, and mining businesses for the people, instead prioritizing business sustainability. Even TORA in forest areas only originates from released lands for plantations and unproductive production forests. Moreover, TORA in non-forest areas can stem from allocations by the Land Bank, which, notably, is an institution that seizes land, reviving *domien-verklaring* through Management Rights and allocating only 30% of Land Bank assets for Agrarian Reform.

Fourth The National Agrarian Reform Acceleration Team (PRAN) resulting from the revision of the Presidential Regulation on Agrarian Reform (RA) once again is not directly led by the President. This will likely repeat the failures of Agrarian Reform so far, especially due to the sectoral egos of ministries. Moreover, PRAN is chaired by the Coordinating Ministry for Economic Affairs, which has failed to lead the implementation of Agrarian Reform and has even issued policies contrary to Agrarian Reform, such as the National Strategic Projects (PSN), among others. There is also no involvement of people's organizations in PRAN, the Implementation Team for Accelerating Agrarian Reform, or the Agrarian Reform Task Force.

Fifth The resolution of agrarian conflicts is not affirmative. Although communities can report and request resolution of agrarian conflicts to the Implementation Team for Accelerating Agrarian Reform, victims of agrarian conflicts are not guaranteed protection from criminalization, evictions, etc., nor are there maximum time limits set for resolving these conflicts. In other words, the resolution of agrarian conflicts will still take time and continue to affect victims on the ground. The approach to resolving conflicts is left to the ministries under related sectoral regulations, which complicates the resolution of agrarian conflicts.

Sixth The conflict resolution model in forest areas and claims of State-owned enterprise assets are limited to utilization partnerships such as Social Forestry and Social Plantation/Benefit Distribution programs. The government's misconception is evident when it often equates these programs with Agrarian Reform (RA). However, the principles of the two are fundamentally different. Agrarian Reform involves restructuring inequality by granting full legal ownership rights to community on their land, not merely granting access permits.

Seventh One of KPA's main criticisms of the implementation of Agrarian Reform under the Jokowi administration so far is its bias towards land-based issues. Meanwhile, the situation of fisherfolk in coastal areas and small islands has not been addressed at all by Agrarian Reform policies. Yet, fisherfolk are supposed to be one of the subjects of Agrarian Reform, but there has been a failure to outline how their constitutional rights are to be fulfilled through Agrarian Reform.

Eighth Perpres 62/2023 on Accelerating the Implementation of Agrarian Reform was not formulated based on an evaluation of past failures in implementing Agrarian Reform. The government remains focused on land certification, land redistribution

in non-conflict agrarian areas, operating without time limits, not stopping the granting of land to businesses, and without restoring the rights of victims of agrarian conflicts due to criminalization and eviction.

Based on the conditions and analysis above, KPA deeply regrets the process of drafting and debating law and regulations without involving the Agrarian Reform Movement and Agrarian Experts. Therefore, KPA needs to promptly respond to the implementation of Perpres 62/2023 and its impact on the struggle for land rights in Indonesia. It is crucial to assess the opportunities and threats of implementing Agrarian Reform, particularly in addressing the needs of land rights.





CHAPTER VII

RECOMMENDATIONS: STRAIGHTENING NATIONAL AGRARIAN REFORM BY THE NEW GOVERNMENT

[1] Recommendations for solutions are drawn from the Political Manifesto of the Agrarian Reform Movement, the Political Speech of the Secretary General of KPA on National Peasants' Day, the Political Stance of the National Committee for Agrarian Reform on the commemoration of National Peasants' Day 2023, and the Tenure Conference 2023 attended by hundreds of organizations from various regions in Indonesia.

VII.1 Leadership of the President in Agrarian Reform Institutions

The Agrarian Reform Task Force (Gugus Tugas Reforma Agraria or GTRA) is an institution established by the government as a task force aimed at accelerating the resolution of land conflicts and land redistribution through the framework of Agrarian Reform. This institution is one of the policy derivatives of President Jokowi's Nawacita promise for implementing Agrarian Reform in Indonesia. In this regard, KPA reminds President Jokowi that he still holds a significant unfulfilled promise regarding the resolution of agrarian conflicts and land redistribution in Indonesia, particularly his commitment to directly lead the Agrarian Reform institutions, responding to the mass actions of the National Committee for Agrarian Reform (KNPA) during the 2019 National Peasants' Day commemoration.

> The adequate institution to implement Agrarian Reform is the Agrarian Reform Authority (BORA). The principles of Agrarian Reform, the establishment of BORA, and the national and systemic implementation of Agrarian Reform must be regulated in a law, specifically in the Agrarian Reform Law (UU

Throughout Jokowi's two terms in leadership, from an institutional perspective, KPA evaluates that the National Agrarian Reform Team (Tim Reforma Agraria Nasional or TRAN) and GTRA, both at the central and regional levels, have mostly engaged in routine meetings (business as usual). The work focus has been more on PTSL (Systematic Land Registration) /ordinary land certification. However, the essence of Agrarian Reform, as mandated by the Basic Agrarian Law (UUPA) and Presidential Regulation No. 86/2018 on Agrarian Reform, involves restructuring agrarian inequality, resolving agrarian conflicts, and strengthening the economy post-resolution.

The weakness of these institutions is exacerbated by the implementation process, which excludes the involvement of civil society organizations, especially critical groups. There is no representation from civil society organizations, particularly from the Agrarian Reform Movement (Gerakan RA), which should be part of the National Agrarian Reform Team (TRAN), to provide a balancing voice for this crucial agenda akin to agrarian reform (AR). At the provincial and district levels, the situation is not much different. Provincial Agrarian Reform Task Force (GTRA) led by governors, and district GTRA led by regents have not seriously fulfilled the mandate of the Presidential Regulation on Agrarian Reform. There are still few representations of grassroots organizations and agrarian activists involved in the structure of provincial or district GTRA. In fact, there are cases where GTRA is exclusive and elitist, involving free riders of agrarian reform who lack a clear track record and even deviate from the constitutional struggle in agrarian contexts.

Based on the reflection above, the ideal institution for implementing Agrarian Reform is the Agrarian Reform Authority (Badan Otorita Reforma Agraria or BORA). The principles of Agrarian Reform, the establishment of BORA, and the national and systemic implementation of Agrarian rReform must be regulated at the level of a law, specifically the Agrarian Reform

Law (UU Reforma Agraria or UURA). BORA will lead the stages of preparation and implementation of Agrarian Reform systematically and nationally, both before and after the enactment of UURA, with the following stages:

SHORT TO MEDIUM TERM WORK OF THE AGRARIAN REFORM AUTHORITY (BORA)

NO	PLANNING	IMPLEMENTATION	MONITORING AND EVALUATION
1.	In the first 100 days, the President will immediately establish the Agrarian Reform Implementation Authority (BORA) so that the registration of priority locations proposed by the people can commence promptly. This Authority will be directly led by the President and initially serve as the Preparatory Committee for the Consideration and Implementation of Agrarian Reform until the Agrarian Reform Law (UURA) is enacted.	The people, especially peasants, farm laborers, indigenous people, fisherfolk, women in rural areas, and marginalized groups in cities, will register their lands and territories with the government for further processing (Agrarian Reform by Leverage). BORA, together with the government, will also proactively reach out (go the extra mile) to grassroots communities, especially in areas identified as experiencing inequality, conflict and structural poverty.	Coordination meetings of BORA regarding the national Agrarian Reform plan, draft preparation stages, planning, and implementation models of Agrarian Reform. In the early days of the administration, these meetings will be conducted intensively within the first 100 days of the presidency, followed by regular meetings every month or every two months in the first six months.
2.	Planning of the Agrarian Reform Bill (RUU RA) for a systemic and national implementation of Agrarian Reform.	Comprehensive mapping and recording of all land in Indonesia, including forest areas, to obtain complete and accurate data on land ownership, use, and utilization structure. Consolidation of robust agrarian data to support the implementation of Agrarian Reform, ensuring it is goal-oriented, with accurate targets and subjects.	Intensive, inclusive, and transparent deliberations on the draft Agrarian Reform Bill (RUU RA) between BORA (Agrarian Reform implementation Authority) — comprising the Preparatory Committee or Council for Agrarian Reform — the President, and the Indonesian House of Representatives (DPR RI), actively involving civil society movements (CSMs).
3.	Planning the design and implementation of Agrarian Reform.	After the registration of locations proposed by the people is accepted, during the settlement process, priority rights to land are granted to the people, including the right to cultivate the land – not limited to an indicative TORA. Rather, the proposals of the people are prioritized and form the basis	Field review of the implementation of Agrarian Reform by BORA.

		for the implementation of Agrarian Reform.	
4.	Planning the budget for the national implementation of Agrarian Reform, ensuring it is precise, adequate, proportional, and accountable within the State Budget (APBN) and Regional Budgets (APBD).	Issuance of a single decision for the resolution of many cases in areas, villages, or communities that are in conflict or are experiencing inequality.	Opening up opportunities as widely as possible for the community to report achievements, obstacles, and threats to the implementation of Agrarian Reform in their areas.
5.	Planning the stages and processes of identification and verification of land ownership and control.	Land redistribution is carried out by reorganizing the control, ownership, use, and utilization of land and other agrarian resources to be fair and transformative.	Evaluation meetings of BORA on the overall progress and achievements of Agrarian Reform implementation are held annually.
6.	Planning for the resolution of agrarian conflicts.	Strengthening rights, including providing legal guarantees for land rights.	Preparation of recommendations based on monitoring and evaluation outcomes of Agrarian Reform implementation agreed upon in BORA meetings/ coordination.
7	Planning for providing legal certainty of land rights through participatory land rights models based on consensus among the people.	Economic development in AR areas through the provision of support programs to AR subjects to enhance land utilization and improve the welfare of the people; establishment of economic institutions owned by peasants, fisherfolk, indigenous people, women (cooperatives, agricultural banks, and other mutual assistance enterprises); soil fertility and natural carrying capacity preserved.	Reporting on Agrarian Reform progress at least every 6 months to the President of Indonesia/Chairman of BORA, including pushing for strategic recommendations aimed at creating policy breakthroughs, legal discretion for execution by the President. This ensures that any obstacles are not allowed to persist and stagnate.

> There is no longer any reason for future government resulting from the 2024 elections to refrain from establishing a dedicated agency for implementing Agrarian Reform, similar to BORA, directly led by the President of Indonesia. Up to now, the government has often prioritized reasons such as the burden on State finances and

the bloating of the cabinet. It is important to note that during Jokowi's administration, hundreds of trillions from the State budget were allocated to infrastructure development, National Strategic Projects (PSN), the Capital City of Nusantara (IKN), and various other projects, including the establishment of numerous new agencies to support business interests.

There is no longer any reason for future government resulting from the 2024 elections to refrain from establishing a dedicated agency for implementing Agrarian Reform, similar to BORA, directly led by the President of Indonesia. Up to now, reasons such as the burden on State finances and the bloating of the cabinet have always been emphasized by the government. It is important to note that during Jokowi's administration, hundreds of trillions from the State budget were allocated to infrastructure development, National Strategic Projects (PSN), the Capital City of Nusantara (IKN), and various other projects, including the establishment of numerous new agencies to support business interests. Therefore, for the people-oriented agenda of Agrarian Reform, the President should face no obstacles other than weak political will.

The government has no reason to argue that the establishment of a specialized agency would burden the State budget. Currently, there are 115 institutions/agencies funded during Jokowi's administration (85 Non-Structural Institutions and 30 Non-Ministerial Government Institutions). It is also known that before and after the Job Creation Law (UUCK), the government continued to establish new agencies for investment purposes (such as the Labuan Bajo Authority, Land Bank, IKN Authority, Land Procurement Task Force for Investment Purposes, Investment Guarantee Institution, etc.).

These conditions indicate the ineffectiveness of government officials' work methods, in addition to the paradigmatic issues that have not been friendly towards people-oriented agendas like Agrarian Reform, and the establishment of various new institutions to serve elite business interests. So much public money and national debt have been used to finance the establishment and operationalization of institutions/agencies that are more focused on allocating large swathes of land for investment.

VII.2 Draft Law on Agrarian Reform: The State's Effort to Correct Agrarian Reform and Liberate the People

> The government must understand that Agrarian Reform should return to its true values and mechanisms (genuine Agrarian Reform).

The government must understand that Agrarian Reform should return to its true values (genuine Agrarian Reform). Simply put, Gunawan Wiradi emphasizes that Agrarian Reform (AR) is a reorganization of the ownership, control, and use of agrarian resources, particularly land. For whose benefit? Agrarian Reform is intended for the benefit of the marginalized (peasants, farm laborers, landless people, and other marginalized groups, both men and women).

Agrarian Reform should be implemented thoroughly and comprehensively. Land reform, is the core of Agrarian Reform (AR). "Thorough and comprehensive" means, firstly, that the targets are not only agricultural land but also forest, plantation, mining, irrigation, marine lands, and other agrarian resources. Secondly, land reform programs must be accompanied by supporting programs such as education and training on production technology, credit programs, marketing, and more. In short, Agrarian Reform is land reform plus supporting programs, or an enhanced land reform program.

The main principles of Agrarian Reform that must be upheld are: (1) Land is for those who truly work on it. (2) Land should not become a commodity or an item of trade for profit. (3) Land has a social function and should not be monopolized, causing inequality.

The main objectives of Agrarian Reform are as follows: (1) To correct the inequality in agrarian structure to be more equitable through the redistribution of control, use, and utilization of land for the poor and landless peasants in rural areas. (2) To resolve structural agrarian conflicts throughout Indonesia for the restoration, fulfillment, and recognition of people's land rights. (3) To address structural poverty in rural and urban areas due to the lack of land rights and other agrarian resources. (4) To create community-owned productive and processing bases (agriculture, plantations, livestock, community aquaculture) to generate added value from harvests, generate productive rural employment, and strengthen the interest of young peasants/rural youth. (5) To achieve food independence and sovereignty, overcome food crises, and build food resilience for the people and the nation. (6) To reorganize agrarian resources centered on the people for sustainable environmental support.

The position of the Draft Law on Agrarian Reform (RUU RA) can be explained in relation to Law No. 5 of 1960 on Basic Agrarian Principles (UUPA 1960). The RUU RA does not intend to replace the UUPA, but to operationalize it more specifically in the land sector and its connection to the implementation of national agrarian political principles in the land sector, encompassing strategic sectors.

The Agrarian Reform process in this Draft Law includes a series of main activities, namely: (1) Land registration to obtain information on land ownership and inequality. (2) Conflict

resolution, particularly needed in areas or villages with agrarian conflicts. (3) Land redistribution to reorganize the control, use, and ownership of land and other agrarian resources. (4) Strengthening rights by providing legal guarantees and legalization of land rights, whether individual, collective, or a combination of the two according to community consensus. (5) Provision of supporting programs through funding, market guarantees, technology, infrastructure, and knowledge for land redistribution recipients.

Future government must refer back to the primary texts of Agrarian Reform before determining the direction of Indonesia's development. This is crucial to avoid repeating the misunderstandings and public misconceptions about Agrarian Reform, as it occurred during Jokowi's decade in power. This effort must also be supported by people's movements and academics to return to the correct path.

Given the various agrarian crises caused by inequality, conflicts, and injustice due to anti-reform policies/actions as previously described, the government can no longer implement Agrarian Reform as it did during Jokowi's decade of failure. The hegemony of interests, capital, and politics in the implementation of Agrarian Reform requires breakthroughs beyond mere legal action. The Indonesian government must fulfill its constitutional mandate to maximize the welfare of the people through genuine Agrarian Reform, removing all obstacles of sectoral ego, elite power hegemony, and colonial values that have long been entrenched in agrarian issues in Indonesia.

A strong legal foundation aligned with the Agrarian Constitution is essential for implementing national Agrarian Reform in this Republic. Therefore, it is crucial for the President and the DPR RI, elected in the 2024 elections, to promptly draft and enact the Agrarian Reform Bill with the spirit of addressing inequality and strengthening the institutions responsible for Agrarian Reform.

A strong legal foundation aligned with the Agrarian Constitution is essential for implementing national Agrarian Reform in this Republic. Therefore, it is crucial for the President and the DPR RI, elected in the 2024 elections, to promptly draft and enact the Agrarian Reform Bill with a commitment to addressing inequality and strengthening the institutions responsible for Agrarian Reform.

The President, as both head of State and head of government, must understand genuine Agrarian Reform and lead its systematic implementation from Aceh to Papua. Moving forward, the President should no longer delegate the implementation of Agrarian Reform to a coordinating ministers or other ministers. This agenda is about liberating the Indonesian people from the oppressive, exploitative, and inequitable agrarian system. The President should lead its implementation firmly and decisively.

By enacting the Agrarian Reform Law, the President and the DPR RI will fulfill a crucial national agenda: carrying out the mandate of TAP MPR XI/2001 on Agrarian Reform and Natural Resource Management. The Agrarian Reform Law will be an integral part of the process of evaluating, correcting, and harmonizing agrarian and natural resource regulations, in line with the Basic Agrarian Law (UUPA) and the Constitution.

VII.3 Institutional Reform in the Agrarian and Natural Resource Sector

In addition to establishing the Agrarian Reform Authority (BORA), which will specifically and on ad-hoc basis lead the implementation of Agrarian Reform (AR), institutional reforms that support BORA's work are also crucial. In this context, institutional reform is essential to eliminate the dualism in land regimes (forest and non-forest) and create a unified national land system, as per the principles of the 1960 Basic Agrarian Law (UUPA). This is important to eliminate ministerial/agency sectoralism within the government, which has hindered the implementation of Agrarian Reform.

> In this context, institutional reform is crucial **to eliminate the dualism in land regimes (forest and non-forest) and create a unified national land system,** as per the principles of the 1960 Basic Agrarian Law (UUPA). This is essential to eliminate the sectoralism among ministries and agencies within the government, which has historically impeded the implementation of Agrarian Reform.

Institutional reform needs to be pursued through:

1. Restructuring ministries/agencies responsible for Agrarian-Natural Resources issues, specifically by consolidating forestry planning agencies, geospatial information, spatial planning, and land rights both on land and sea into one institution under the Ministry of Agrarian and Spatial Planning/National Land Agency (ATR/BPN). Meanwhile, the Ministry of Environment and Forestry (KLHK) has full authority to preserve ecological functions of forestry and environmental support.
2. Harmonizing and synergizing institutional functions and programs among the Ministry of Villages, Ministry of Agriculture, Ministry of Environment and Forestry (KLHK), Ministry of Maritime Affairs and Fisheries (KKP), Ministry of Cooperatives and SMEs (Kemenkop), and State-owned enterprises (BUMN) to ensure coherence in the implementation and development of Agrarian Reform.
3. Ensuring strong political support and program alignment from local governments.
4. Ensuring that the National Police (Polri) and Indonesian National Defense Forces (TNI) support the implementation of Agrarian Reform by assisting the government in protecting lands of peasants, indigenous communities, and other marginalized groups, including coastal fishing areas.

VII.4 Other Main Agendas to Straighten Agrarian Reform Moving Forward

Besides the two main agendas for rectifying and improving Agrarian Reform mentioned above, other recommended solutions for the elected President and Vice President of Indonesia are:

1. Building a national, systemic, participatory, proactive, transparent, and accountable land registration system in accordance with the Constitution and Basic Agrarian Law (UUPA), eliminating dualism in land regimes, ceasing clear-and-clean approach, legalistic and top-down mechanisms like TORA in executing Agrarian Reform.
2. Conducting comprehensive evaluation and correction of unilateral State claims over forest areas or state forests, through redefining forest boundaries to exclude tens

of thousands of villages, settlements, customary areas, community farming lands, rice fields, community fishpond areas, and national food reserves owned by the people.

3. Evaluating and revoking licenses for natural resources and land rights (HGU/HGB/Hak Pakai/HTI/IUP or new forms like HPL) proven to cause agrarian conflicts, inequality, evictions, poverty, and ecological damage.

4. Establishing an open information system regarding Land Rights and concessions such as HGU, HGB, Hak Pakai, and Hak Milik; location permits and business permits like HTI, conservation areas, IUP; as well as management rights (HPL).

5. Strengthening, protecting, and affirming cadastre of marine, coastal, and maritime areas, access to the sea and fishing grounds, fishing communities, and maritime cultural heritage of indigenous peoples to ensure basic rights of surrounding communities are met.

6. Promoting a unified map policy favoring community-made maps to expedite Agrarian Reform implementation and correct overlaps of corporate concessions on community lands.

7. Shifting government perspective and benchmarks from highly quantitative developmental outcomes, often pragmatic, to a combination of quantitative and qualitative measures aligned with social-ecological justice principles for peasants, indigenous peoples, fishermen, laborers, women, and urban marginalized groups. Thus, the success of Agrarian Reform should not solely rely on land parcel counts (certificates), but on correcting inequalities, accuracy of Agrarian Reform subjects and objects, gender justice perspectives, ensuring peasantry regeneration, etc.

8. Revising and repealing legal provisions used by businesses, government, and law enforcement to criminalize communities, violate freedom of expression, opinion, and organization, such as Conservation Law, P3H Law, Plantation Law, Mining Law, Sustainable Agricultural Cultivation System Law, ITE Law, Criminal Code, and Spatial Planning Law.

9. Evaluating and reforming the Indonesian National Armed Forces (TNI) and National Police (POLRI) to no longer serve as corporate guards repressing communities defending land rights. Repealing the Civil Servant Law allowing TNI-POLRI to enter public institutions and businesses. This includes halting land seizure models under the guise of military and security facility development.

10. In addition to the Draft of Agrarian Reform Bill (RUU RA), the future President must expedite the enactment of the Indigenous Peoples Bill based on civil society movement proposals to protect, recognize, and restore indigenous peoples' rights and customary territories as a crucial part of future Agrarian Reform implementation.

11. Promoting the Climate Justice Bill through grassroots participation involving various societal components, especially vulnerable groups marginalized within Indonesia's Agrarian and Natural Resources structures.

12. Amending the Conservation Bill to ensure peasants, indigenous people, fisherfolk, women, and surrounding communities are not discriminated against or displaced from their lands and territories. Integrating Human Rights norms and standards on Land and Natural Resources into all policies and regulations on Agrarian and Natural Resources. This is crucial to ensure government policies are aligned with efforts to recognize and protect human rights in Indonesia.

13. Strengthening the structure and authority of State institutions and commissions such as the National Commission on Human Rights (Komnas HAM), the Ombudsman of Indonesia, the Judicial Commission, the National Police Commission, the Public Information Commission, the Indonesian Attorney General's Commission, Witness and Victim Protection Agency, to create independent public protection institutions free from political elite and investor control, and allowing these institutions to support a genuine Agrarian Reform for the greatest interests of the people.

14. Restoring the Constitutional Court to its original purpose as the guardian of the Constitution. Ending practices of ethical violations, corruption, conflicts of interest, government and parliamentary interventions, and practices damaging the principles and goals of the Constitutional Court.

15. Restoring the independence of the Corruption Eradication Commission (KPK) by freeing it from government influence and weakening through legal revisions, and returning KPK to the Corruption Eradication Commission Law. Thus, rampant Agrarian and Natural Resources corruption harming the people and caused by undue wealth accumulation can be exposed and uprooted at its core.



WANTED!
A PRESIDENT WHO DARES TO IMPLEMENT

GENUINE AGRARIAN REFORM

KONSORSIUM PEMBARUAN AGRARIA
KPA

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