

# **Agrarian Reform: Implementation and Exploration of Land Conflicts in Several Countries (A Bibliometric and Content Analysis of International Research on the Agrarian Reform Concept)**

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**Abstract:** - The disparity in the structure of land control which leads to agrarian disputes becomes a continuous discussion in the history of land tenure and land ownership in Indonesia. This research employed the bibliometric analysis and the content analysis of international research on agrarian law to provide a more holistic illustration of the latest research trends in the field of agrarian law. The problems of this research are, "Based on the bibliometric analysis, how do various countries regulate agrarian reform?" and "Based on the content analysis, how do various countries explore the resolution of land conflicts through agrarian reform?" This was normative research that employed the statute approach, the conceptual approach, and the comparative approach. This research utilized the VosViewer application to undergo bibliometric analysis from the data extracted from research database sources. The co-word analysis was employed by using keywords that emerged along with the article. Results showed that Article 33 of the Republic of Indonesia's 1945 Constitution explains that the state must provide the greatest guarantee of societal welfare. The agrarian reform that is currently applied with several policies that were issued with the enactment of the Law on Job Creation has concerns about the existence of a paradigm that the existence of land is only for the interest of development and investors without paying attention to the needs of society. Various countries have agrarian issues with different backgrounds of problems that may be concluded into four issues, namely the failure in implementing the agrarian reform; the disparity in land ownership; limitations in handling issues of land ownership, and agrarian justice; as well as unjust political intervention.

**Key-Words:** - agrarian, reform, land, bibliometric, Indonesia, content analysis, international.

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## **1 Introduction**

As an agrarian country, Indonesia has a long history of the development of agrarian law. The development of the Indonesian agrarian law is crucial, considering that most of its people depend on agriculture as their main source of income. The disparity in the structure of land control is a continuous discussion in the history of land tenure and ownership in Indonesia. Such a disparity in land control brings negative impacts to farmers who live on the edge of poverty. This is not a new problem in the national issue of this country, even though land has become the main source for farmers to obtain income. Ironically, it is difficult to access a wide area of land in rural areas. Therefore, it is commonplace that there is a greater population of poor people in villages than in urban areas, [1].

The reality that must currently be acknowledged is that the government emphasizes exploitation for the needs of the state's foreign exchange, [2]. Apart from that, access to natural resource management prioritizes foreign investors. As a legal state, Indonesia must regulate the equal management and redistribution of land as soon as possible. The agrarian law is the basis for regulating spatial management and land usage in Indonesia. Therefore, research related to agrarian law is crucial to obtain knowledge on the latest developments as well as the issues that are still faced in developing agrarian law on the international and national scales. It is also crucial to obtain information on the government's efforts in undergoing reformulation of holistic, whole, and comprehensive natural resource management, [3].

The agrarian law is a crucial branch of law that relates to land and its usage. Along with the development of the era, research in the field of agrarian law becomes ever important to guarantee justice in land usage as well as to prevent the occurrence of agrarian conflicts. The arrangement of the agrarian law is marked by the existence of the national land law with the enactment of Law No. 5 of 1960 on the Basic Agrarian Law, [4].

In the Old Order Era, land law politics tended to be directed to the efforts in manifesting equal welfare distribution for all Indonesian people through the land reform program contained in Law No. 56 of 1960 as well as its implementing regulations. The efforts carried out are by overhauling the land control structure that is then planned to be distributed to the weak societal groups and those that do not have land, [5]. In reality, up to now, there is still a great disparity in society concerning the control over agrarian resources which impacts the rampant cases of agrarian disputes.

There are some principles of agrarian reform, such as justice in control/ownership, usage/utilization, as well as the acknowledgment and respect for indigenous people's agrarian resources, [6]. Apart from that, the Presidential Regulation No. 86 of 2018 on the Agrarian Reform was issued. The *a quo* Presidential Regulation regulates several things, including the restructuring and redistribution of land for certain societal elements, [7].

The activity of land restructuring and redistribution is part of the Agrarian Reform that was formerly known as Land Reform. The Agrarian Reform was the main agenda of the Basic Agrarian Law. The Basic Agrarian Law regulates the Five Programs of the Indonesian Agrarian Reform, which include:

1. The reform of the Agrarian Law through legal unification with a national concept and the provision of a guarantee of legal certainty.
2. The elimination of foreign rights and colonial concession over land.
3. Gradually ending feudal absorption.
4. Restructuring land ownership and elimination as well as legal relationships of a person with land control to create an equal distribution of welfare and justice.
5. Planning on the provision and utilization of earth, water, and natural resources contained therein as well as their planned usage according to their supporting power and capabilities, [8].

These five policies were known as the land reform policies. The land reform policies were

applied to resolve agrarian issues, as so far, there is a lack of policies that provide tenurial security for accessing land that is managed by society. This includes the access to land that is located in the state forest area. It is currently dominated and expanded by giant business agencies in extractive industries, plantation and forestry productions, as well as conservation, [9].

This program started from the instrumentation of governmental agencies as "land procurement institutions" through regimes that issue rights/permits/licenses to land and land resources. At first, they were placed as a protector. But in practice, they were narrowed to only managing non-forest areas (which comprise 33.3% of the Republic of Indonesia's total land area) while ignoring the existing principles. Other legal regulations on land, forestry, and natural resources overlap and contradict each other, [10].

Another issue is that customary laws that apply in society are ignored. Or, their existence is nullified by the application of the agrarian law as well as the laws on forestry and mining. Apart from that, there is institutional sectoralism. The other systems, mechanisms, and administrations that regulate land, forestry, and natural resources become even worse.

Agrarian reform is deemed as a rearrangement or an overhaul of land control, [11]. In Indonesia, the government has long planned this great agenda in an effort to eradicate the poverty of rural societies, increase welfare through national food independence, and increase land productivity. It also functions to give an acknowledgment of land ownership rights and land usage to fulfill the needs of society's lives. There are at least three forms of Agrarian Reform, namely asset legality, land retribution, and social forestry. But in general, the mechanism of agrarian reform establishment encompasses four main activity scopes, namely (1) object determination; (2) subject determination; (3) mechanism and delivery system of agrarian reform; and (4) access reform.

Agrarian reform is basically an idea that was born to handle land and natural resource management issues in Indonesia. It aims to increase the welfare of farmers in this country. A country that has established an agrarian reform and created a potential domestic market is Japan, namely after the Meiji Restoration in the 19<sup>th</sup> century. It can be analyzed that the French Reformation and that of Japan have similar patterns, as they use a capitalistic pattern. This pattern resulted from the restructuring of the feudal production system to the formation of a free market for land based on capital competition.

The periodization of the agrarian reform concept in Indonesia is contained in three periods. First, the Land Reform (1960-1965) regards the maintainable, sustainable, and orderly restructuring of agricultural land ownership. Second, Guidelines for Building Change Agents (2005-2014) which uses the principle of asset reform. Third, Agrarian Reform (2016-2019) with a framework program of six priorities, namely (1) the resolution of agrarian conflicts; (2) the structuring of land control and ownership; (3) the legalization of land tenure rights; (4) society empowerment in land utilization and usage; (5) the allocation of forest resources to be managed by society; as well as (6) the institutionalization of agrarian reform executor, [12].

The bibliometric method of analysis was used in this research to identify the most cited articles and their relationship to the topic of the research. The bibliometric research was used on the sciencedirect.com and proquest.com databases using the keywords "Agrarian Reform". The content analysis method was used to explore the themes and research focus in the field of agrarian law in relation to the concept of agrarian reform. The content analysis research was conducted by analyzing abstracts of articles chosen from the results of the bibliometric analyses on research that most frequently appears, [13].

In the context of globalization and modernization, [14], the development of agrarian legal studies becomes ever-important, especially in facing various challenges and changes that happen in the agrarian field in the agrarian reform aspect. It is crucial to conduct this research as not many bibliometric analyses and agrarian law analyses have been conducted in the last ten years, [15]. Apart from that, the bibliometric analysis and the content analysis of international research on agrarian law can provide a more holistic illustration of the latest research trends in the field of agrarian law, as well as help researchers and practitioners develop better policies and strategies in the field of agrarian law, [16].

Therefore, this research utilizes a combined approach between the bibliometric analysis and the content analysis to produce a more comprehensive understanding of the existing literature in the field of agrarian law regarding the concept of agrarian reform. Thus, the problems of this research are, "Based on the bibliometric analysis, how do various countries regulate agrarian reform?" and "Based on the content analysis, how do various countries explore the resolution of land conflicts through agrarian reform?"

## 2 Methods

This was normative research which employed the statute approach, conceptual approach, and comparative approach, [17]. These approaches were employed to analyze all laws and regulations related to the legal issue of this research, [18]. The statute approach was obtained from legal regulations that are relevant to the legal issue, [19]. Apart from that, this research also employed the conceptual approach, which was employed to analyze the existing legal concepts. In employing the conceptual approach, the researchers referred to legal principles, [20].

This research employed the VosViewer application to undergo bibliometric analysis of the data extracted from research database sources. Bibliometrics is the application of statistical methods to the study of bibliographic data, especially in scientific, library, and information science contexts. It is closely associated with scientometrics (the analysis of scientific metrics and indicators) to the point that both fields largely overlap, [21].

Many research fields use bibliometric methods to explore the impact of their field, the impact of a set of researchers, the impact of a particular paper, or to identify particularly impactful papers within a specific field of research. Bibliometric tools have been commonly integrated into descriptive linguistics, the development of thesauri, and the evaluation of reader usage. Beyond specialized scientific use, popular web search engines, such as the PageRank algorithm implemented by Google have been largely shaped by bibliometrics methods and concepts, [22].

The co-word analysis was employed using keywords that emerged along with the article. Then, the co-authorship was employed to identify the most influential writers in the research. The authors also used the NVIVO application to support the content analysis based on various approaches, [23].

This research was a legal research type, i.e., research conducted on results of research articles related to the agrarian law that are contained in reputed journals based on the bibliometric analysis, [24]. This research employed the normative legal method which essentially analyzed primary legal materials in the forms of national and local-level legal regulations, [25]. Apart from that, in this type of research, the authors also analyzed secondary legal materials in the forms of legal books, journals, and papers related to agrarian law, [26]. In this research, the conceptual approach was employed on the results of relevant research articles that were published in reputed journals based on bibliometric

analysis. Then, the content analysis was conducted by focusing on the main concepts uncovered in those articles, [27].

In the bibliometric analysis, researchers used the key concepts related to agrarian law to identify research trends as well as group articles based on certain topics or themes. In this paper, the authors used various concepts, including “agrarian conflict”, “land tenure”, “agrarian reform”, and “business usage rights”. They are used as references in the bibliometric analysis.

Then, in terms of the content analysis, the writer used concepts that are linked to agrarian law. This aims to analyze the article's contents deeper. The authors used some concepts, including “the protection of land tenure rights”, “the social justice aspect in agrarian law”, and “the implementation of the agrarian law regulations”. The authors focused on these key concepts. This is so that the conceptual approach can help writers identify the similarities and differences in the various theories and concepts in studies linked to agrarian law.

In this paper, the writers employed the comparative approach to research articles' results section. The articles chosen were those which regard agrarian law and were published in reputed journals. Next, the writers used the bibliometric and content analyses by comparing the similarities and differences in the findings and approaches of the aforementioned articles. Through the bibliometric analysis, the writers analyzed the research frequency of papers regarding certain themes and topics in different periods. Apart from that, the writers also underwent a comparison between research papers on certain themes and topics in various areas and states, [28].

### 3 Results

In this research, the authors used the aforementioned query on Scopus.com, which resulted in 177 articles.

After the researchers conducted inclusion and exclusion selections, 35 articles were obtained. Then, the researchers conducted a quality assessment of those 35 articles. From this assessment process, the researchers identified 19 articles that were adequate to be extracted. The comparison between the amount of query results and the number of articles that passed the inclusion and exclusion selections is shown in Figure 1.

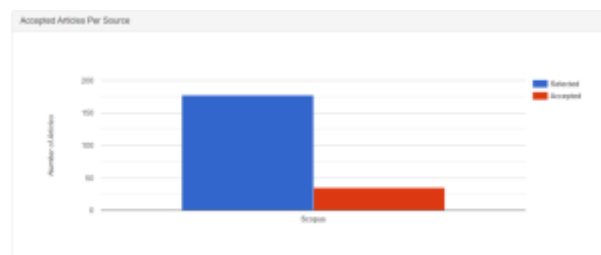


Fig. 1: The comparison of articles as query results and the number of articles that passed the inclusion and exclusion selection

Then, the number of articles that passed the year-based selection is shown in Figure 2.

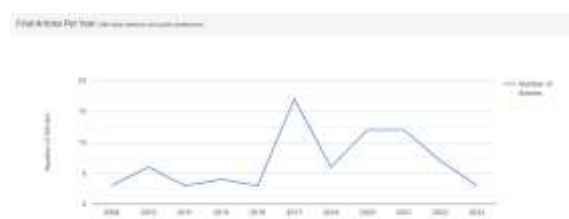


Fig. 2: The number of articles that passed the inclusion and exclusion selection based on year

The bibliometric indicator measures the volume and impacts of knowledge production on certain topics. The metrics that are most often used are the number of publications (volume) and citations (impacts), [29]. The bibliometric indicators are used to analyze temporal trends and geographic research distribution on the global agrarian reform. The most productive and influential journals are also shown, [28]. The number of annual article production is presented in Figure 3.

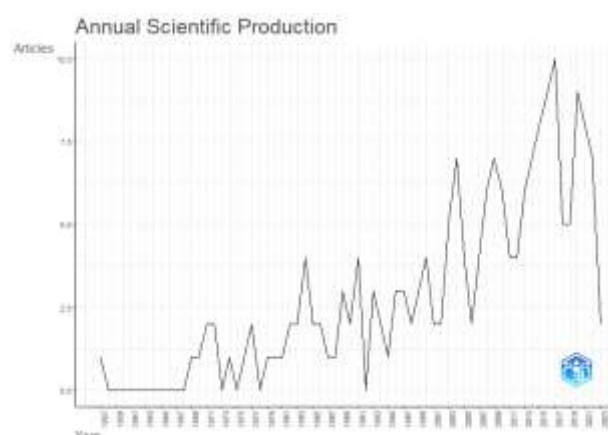


Fig. 3: The number of articles produced each year

Corresponding author's countries refer to the authors' country of affiliation as corresponding authors in research publication, [30]. The suitable authors are usually the main contact point for publication and are responsible for correspondence

related to research. In the context of the given reference, it is observed that the representation of suitable writers from various countries varies in scientific literature, [31].

Corresponding authors' countries provide information on the location of writers who are responsible for undergoing correspondence on the research article. This information may be beneficial for various reasons. First, it helps identify the geographic distribution of the research and various countries' contribution towards publication, [32]. Second, it may give insight into the diversity and collaboration patterns in scientific research in the legal field, [33]. Apart from that, knowing related writers' countries may be relevant to understanding the different environmental impacts of research and funding sources of publication results, [34]. Information on the countries of the related writers is invaluable to analyze and interpret the global landscape of scientific research. Figure 4 shows that the countries with the highest number of research corresponding authors that discuss agrarian reform are the United States, followed by South Africa and the United Kingdom.

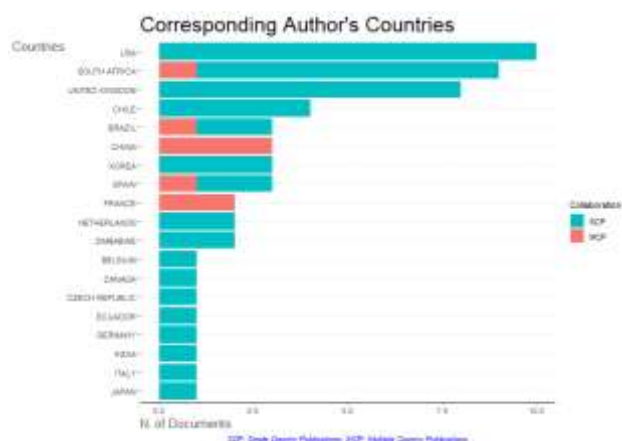


Fig. 4: Corresponding authors' countries

Country scientific production refers to the research results and publication activities of various countries in various scientific fields. Bibliometric analysis is commonly used to assess research activities, performance, and scientific quality of a country by analyzing the number and impact of published articles as well as their distribution according to country or language, [35]. Economic strength has been identified as a significant factor that influences scientific activities, with rich countries investing more in scientific research and yielding more influential results, [36]. Funding plays an important role in stimulating collaboration between scientists and producing more papers with a higher level of citation, even though their effects

may vary in various countries depending on their investments in science and technology. The disparity in scientific production has been observed between various areas, with Latin America and Caribbean countries commonly having a lower level of production compared to the United States and European countries, [37].

Apart from that, bibliometric analysis may be used to analyze the generation and evolution of knowledge as well as evaluate scientific quality and their impacts to the academic realm, [38]. In this context, the bibliometric analysis may help identify a country's contribution towards the development of science and technology in certain fields, [39]. Therefore, a state's scientific contribution becomes crucial in the bibliometric analysis as it provides an illustration of a country's contribution towards the development of knowledge and technology as well as aids the taking of strategic decisions in the national-level development of research and innovation, [25].

Figure 5 shows the density of countries' scientific production. Darker blue colors show a greater amount of scientific production. Figure 5 shows that the USA has the highest rate of scientific production, marked by the darkest blue color.

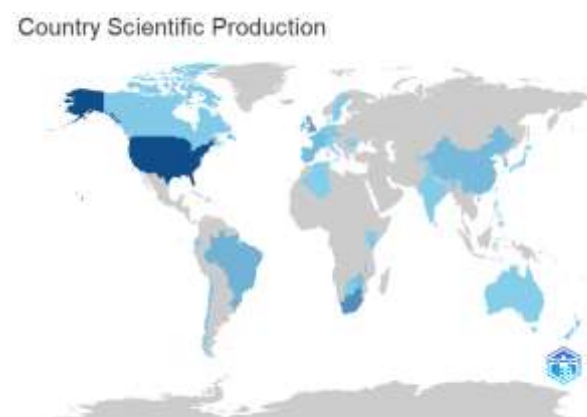


Fig. 5: The Scientific Production of Various Countries All Over the World

Table 1 shown the scientific productivity on several countries (data per 1000 citizen). To measure the impact that various sources and writers give, the authors used the H-Index as it is a crucial metric. Such a metric is widely used in academics to examine the influence and productivity of publication papers and authors. This index calculates a publication's number of citations as well as publications. Apart from that, the H-Index also provides an impact measurement that is much more comprehensive when juxtaposed with a simple local index that uses degrees, [40]. Some studies

have been conducted on the connection between the H-Index and a few factors, including the total sources and the impact. Based on research, it was found that a functional relationship exists between the total number of sources and the H-Index. It was shown that this relationship increases in a concave manner, [41].

Table 1. The Scientific Production of Various Countries

Country	Frequency
USA	60
South Africa	30
UK	22
Brazil	13
China	9
France	9
Spain	9
Netherlands	7
Zimbabwe	7
Chile	5
Belgium	4
Czech Republic	4
Canada	3
Germany	3
Ireland	3
South Korea	3
Botswana	2
India	2
Kenya	2
Malawi	2
Sweden	2
Tajikistan	2
Algeria	1
Australia	1
Ecuador	1
Italy	1
Japan	1
New Zealand	1
Philippines	1
Portugal	1
Romania	1
Switzerland	1

Then, some other researchers have compared the H-Index with other local indexes including degrees. They show that the former was more accurate. It also had a stronger mathematical structure, [42]. To analyze the contribution of writers and sources in a particular study field, one can use the H-Index. It provides a more nuanced productivity analysis and research influence as it considers publication quality and quantity.

The Figure 6 shows each source's H-Index. It was shown that on the topic of agrarian reform, the Journal of Land Use Policy has the highest H-Index rank.

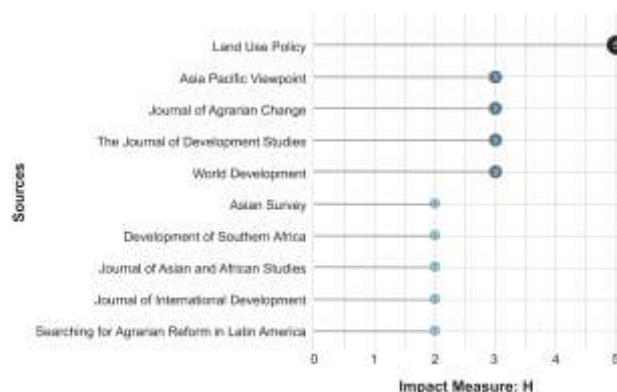


Fig. 6: Sources' local impact by H-index

Then, Figure 7 shows the word cloud of the query used in this bibliometric analysis. It is a visualization method that functions to show the most frequently used words in a text or in literary materials, which are then displayed in the form of a cloud. It is a crucial method in this type of analysis as it gives a clear image of the word utilization frequency and distribution in the analyzed literary works, [43]. This method eases scientific paper authors in obtaining information on the patterns and trends in a particular research field, [44]. Thus, authors will understand the most crucial and relevant topics that are analyzed in literature through the word cloud. They will also gain an understanding of the contribution and development of research on a particular topic.



Fig. 7: Word cloud

Trend topics give knowledge on a field of research and what currently developing in that field. After understanding the publication trends, writers will gain information on works that have the greatest impact, authors that are mostly cited by other researchers, and patterns of collaborative research, as well as the most productive institutions, [45]. This information helps authors understand the current condition of research, identify a research gap or an area of saturation, and make a decision on the future direction of research, [46].

The bibliometric analysis also allows the identification of potential subtopics and trend topics in a field, which may guide researchers explore a new research field and handling the issues that arise. Apart from that, a periodical analysis of scientific

production trends may uncover fluctuations in research activities and highlight the areas of growth or decline. Trend topics provide authors, lawmakers, and funding institutions with highly valuable information to make the right decisions and effectively allocate funds in the bibliometric field, [47].

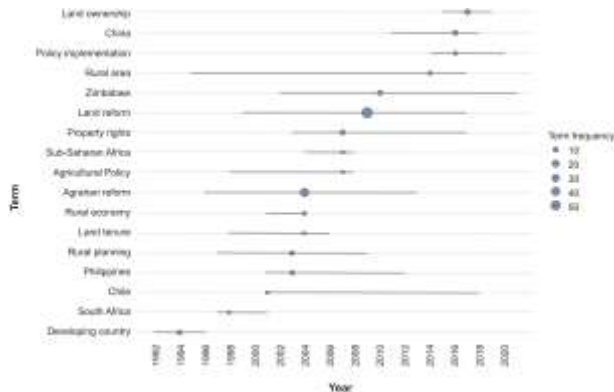


Fig. 8: Trend topics from 1992 to 2020

Figure 8 is a bibliometric trend topic from 1992 to 2020. Another crucial instrument in the bibliometric analysis is the overlay network visualization. It allows authors to visually examine the link and relationship between various factors, such as countries, keywords, journals, or writers, [48]. To apply this technique, researchers usually use a software like VOSviewer. It allows a great development and visualization of bibliometric networks. Such software displays three visualization map types, i.e., density visualization, overlay visualization, and network visualization, [49]. Such maps display an intuitive and clear bibliometric network representation, allowing authors to understand trends, clusters, and patterns in data, [50].

Through overlay visualization, authors may easily understand the collaboration and interconnection between various entities, giving them insight into the research field's dynamics and structure, [51]. Apart from that, this technique can help point out the influential entities or the main actors in the network, combine potential research with bibliographics, as well as support the identification of crucial research trends, [52]. Overlay network visualization provides people with a better understanding and interpretation of complex bibliometric data. Therefore, it becomes a crucial instrument in the bibliometric analysis, [53]. Figure 9 shows the overlay network visualization for the agrarian reform topic.

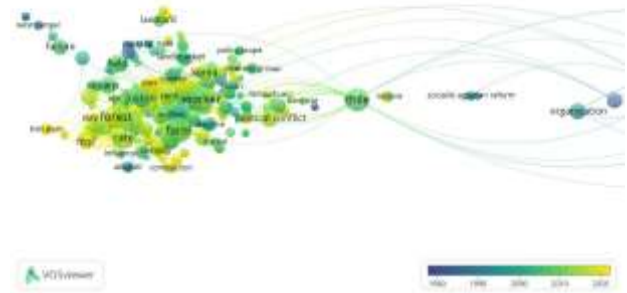


Fig. 9: Overlay network visualization

In this analysis, a visual representation of the link between research networks is displayed in a thematic map, aiding authors in understanding data visualization mathematical calculations, [54]. Such a map may be generated by several software such as Bibliometrix, Citespace, VOSviewer, and CitNetExplorer, [54]. Such maps provide people with greater insight into the research productivity and development in a certain field, visualize the intellectual structures of a research field, as well as identify the arising research themes, [44]. By analyzing bibliometric data and making a thematic map, researchers may obtain insight into the research trends and patterns in a certain field, identify the research gap, and make decisions for the direction of future research, [55]. Figure 10 shows the thematic map for the topic of agrarian reform.

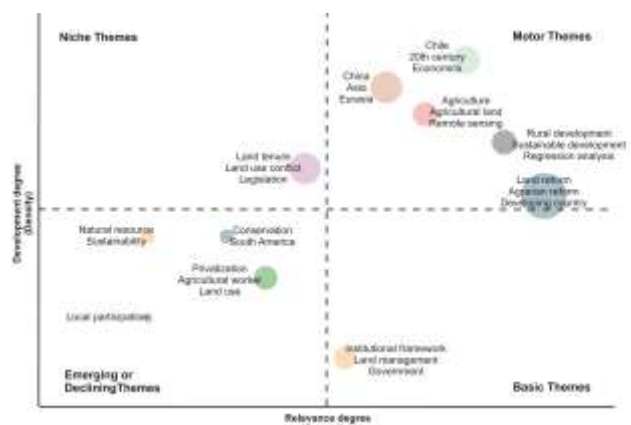


Fig. 10: Thematic map

According to Figure 10, the favourite themes were land reform and agrarian reform in developing countries; privatization and land usage; land conflicts; local participation; as well as land management by the government.

“Social justice for the whole of Indonesian people”, which is the fifth principle of Pancasila (the Five Principles that make Indonesia’s ideology)

means justice which becomes the right of all Indonesian people. Efforts to achieve social justice must constantly prioritize the weak and the poor so that they may become a stronger group that has an equal position with other societal groups. In line with that, the agrarian reform has the aim and goal to create a change in the ownership and tenure system of land which will then correlate to the new direction of land ownership and tenure. This will then be adapted to the changes and development of society that is currently undergoing development according to the ideals of Article 33 of the Republic of Indonesia's 1945 Constitution, [56]. In essence, agrarian reform is a form of food resilience method. It increases the economic level of farming societies to achieve a just and prosperous society according to the Pancasila. The agrarian reform is actually a mandate that has been stipulated in the Decision of the People's Consultative Assembly No. IX/MPR/2001 on the Agrarian Reform and Natural Resource Management. The aforementioned direction becomes the policy basis for resolving various issues of poverty, disparity, unjust socio-economic conditions of society, as well as natural resource destruction, [57].

In Indonesia, agrarian reform is stipulated in Presidential Regulation No. 86 of 2018 on the Agrarian Reform. The concept of agrarian reform is the restructuring of land tenure structures, ownership, usage, and utilization, making them more just through asset structuralization which is combined with access structuralization for the welfare of the Indonesian people, [58]. Article 2 of the Presidential Regulation No. 86 of 2018 on the Agrarian Reform states that the agrarian reform aims to:

- a. Decrease the disparity in land tenure and ownership to achieve justice;
- b. Handle agrarian disputes and conflicts;
- c. Create an agrarian-based source of society's welfare and prosperity through the regulation of land control, ownership, usage, and utilization;
- d. Create job opportunities to decrease poverty;
- e. Fix society's access to economic sources;
- f. Increase food resilience and sovereignty; and
- g. Fix and maintain the quality of the environment.

The Presidential Regulation No. 86 of 2018 on the Agrarian Reform states that agrarian reform is the restructuring of the structures of land tenure, ownership, usage, and utilization, making them more just through the structuralization of assets combined with the structuralization of access for the welfare of the Indonesian people, [59]. Here, there are differences in the implementation of the agrarian reform compared to the era before the enactment of

that Presidential Regulation. In the previous era, the implementation of the agrarian reform that was carried out through the land reform program only conducted land redistribution. Thus, Presidential Regulation No. 86 of 2018 determined that the agrarian reform is implemented by structuralizing assets which comprises land redistribution, asset legalization, and access structuralization. The aforementioned access structuralization encompasses social mapping of the increase of institutional capacities; the guiding of businesses; the increase in skills; the usage of effective technologies; business diversification; capital access facilities; marketing access facilities; the strengthening of databases and commodity and information; and/or the provision of supporting infrastructure, [60].

Meanwhile, the agrarian reform subjects that are eligible to obtain land redistribution as agrarian reform objects are individual persons, [61], societal groups with collective ownership rights, and legal entities. Then, according to the Presidential Regulation, agrarian reform objects originate from land with expired Business Usage Rights and Building Usage Rights that were not extended or those that are not reapplied for a right renewal. The agrarian reform objects may also include state land in the form of ex-abandoned lands that are now utilized, lands originating from the release of land areas, arisen lands, as well as land that resulted from dispute resolution and land conflicts.

## 4 Discussion

Various countries have made efforts to improve land distribution. The restructuring of land ownership and tenure may be used as a comparison to improve land control in Indonesia. Based on the extraction of data identified from several laws and regulations on the agrarian reform concept as well as the impacts produced from the policies of each country, the following is information on the agrarian reform regulation in various countries:

### 4.1 Agrarian Reform Regulations in Mexico

The country of Mexico with its Agrarian Law of 1992 and the Amendment of Article 27 of the Mexican Constitution states that the agrarian reform aims to modernize the agrarian sector and create land market efficiency to provide ease and open opportunities for real estate investment. This reformation leads to an increase in vulnerability towards land conflicts in the informal suburban areas of cities. This reformation creates a new



channel in the regularization of land ownership which may potentially have extensive impacts related to informal housing. The domination of *la Comisión para la Regularización de la Tenencia de la Tierra* (CORETT/the Commission for the Regularization of Land Tenure) in the residential regularization sector has especially been challenged since 1974 with the granting of a new authority to *ejidatarios* (communal landholders), through the *ejidal* (a communal land area for farming) assembly institution, to make decisions on who is acknowledged as the valid owner of an urban site. In 1992, the agrarian reform in Mexico yielded radical changes in the *ejidal* system.

#### 4.2 Agrarian Reform Regulations in Peru

In Peru, the agrarian reform from 1969 to 1980 aimed to resolve issues of inequality in land distribution expropriating private lands and redistributing land to poor farmers. The impacts of land reform may specifically decrease the intensity of armed conflicts in Peru. Land reformation may decrease the number of guerilla attacks and state-armed actions after 1988, facilitate the capacity of civil organizations to drive away guerilla fighters, and weaken the left wing of legitimate Marxists, which is the main ideological opponent of the Shining Path (the communist party of Peru).

#### 4.3 Agrarian Reform Regulations in China

China has created various policies and laws in an effort to regulate land in its country, including:

- a. Agricultural Land Law
- b. Land Administration Law
- c. Agricultural Land Reform Policy
- d. Rural Development Policy
- e. Environmental Protection Policy

The series of agrarian policies and actions aim to change the unjust and inefficient land ownership structure, as well as fix the socioeconomic conditions of farmers. The agrarian reform aims to give clear and secure land ownership rights to farmers. It also aims to increase agricultural productivity and farmers' welfare.

In China, the aim of agrarian reform is to promote the national economy's development through the improvement in the rural land ownership structure and the agricultural productivity boost. Unfortunately, there are still many challenges that are faced in implementing agrarian reform in this country, including the pollution of the environment, corruption, and the situation where private parties take over land.

Even though generally, this program positively affects the economic development in rural areas, it

also has its downsides to farmers' welfare and rural development. For instance, different forms of businesses quickly occupy what was formerly agricultural land. It creates new forms of exploitation by business owners and the regional government. Apart from that, it also leads to a terrible land degradation. Therefore, the rural land law reformation needs to be supported by good law enforcement to yield the desired results as well as protect farmers' interests.

#### 4.4 Agrarian Reform Regulations in South Africa

The law that regulates land ownership and usage in South Africa is the Constitution of the Republic of South Africa No. 108 of 1996. It provides a legal framework for the land reformation and redistribution in that country. The government has also applied various laws and policies to implement land reform, including the Law on the Restitution of Land Rights, the Law on Land Reformation (Labor Tenants), and the Law on the Association of Communal Properties. But, as mentioned in the text, the application of these policies is faced with challenges and they do not always yield the desired results.

In South Africa, land reformation leads to various impacts. So far, the program of land restitution has provided compensation to individuals and society for the losses they suffered as an impact of the coerced transfer and the rehabilitation program. The land reformation programs generally do not bring benefits to the poor. On the contrary, they bring benefits to those who are relatively already benefited.

The concept of agrarian reform in South Africa aims to increase rural life through land reform and develop a sustainable agricultural model. However, the coercion of large-scale production in the land reform project brings negative impacts on the capabilities of beneficiaries to produce quality products. It is to develop the capacity of farmers to produce quality products and develop an alternative agricultural model according to the background and capabilities of land reform beneficiaries.

The issue in South Africa is related to the coercion of large-scale production in land reform projects, which experienced failure. This is due to the incompetence of land officials in South Africa. Prior to the land reform, agricultural lands were controlled by the Boers (white landlords) or white farmers who were efficient in managing land, thus yielding a rather abundant produce. But after the agrarian reform, these lands were not distributed to

farmers, but rather, were distributed to the family members of land officials.

The fatal mistake was that the land that was supposed to be distributed to the people who worked as farmers (but who did not have land) was given to those who did not work as farmers. Thus, after the land reform, the productiveness of these lands drastically decreased, even though they were previously productive for agriculture in the hands of the Boers. This was due to the lack of competence of landowners in managing their land.

The issue of land in South Africa is regulated by various laws, including:

- a. The Restitution of Land Rights Act (1994): This law gives land restitution rights to those who have lost their land due to racial discrimination perpetrated by the government before the year 1994.
- b. The Land Reform or Labor Tenants Act (1996): This act gives agricultural labor the right to obtain land tenure over the land they work on.
- c. The Communal Property Associations Act (1996): This act creates a legal framework to establish a collective ownership association to work on land together.

#### **4.5 Agrarian Reform Regulations in the Philippines**

In the Philippines, a regulation issued in 1988 that provides stipulations on land is the Comprehensive Agrarian Reform Law (CARL). The objective of this law is to lower the rate of land ownership disparity while increasing agricultural workers' and farmers' welfare. It provides agricultural workers and farmers with the right to utilize, own, and manage land in a fair and sustainable manner. Then, some other policies and regulations were enacted in the Philippines on land, including the Local Government Code, Land Registration Act, and Public Land Act. Unfortunately, various problems and challenges still hinder the effective application of such laws, such as legal uncertainty, unfair and oppressive political intervention that sides land owners as well as resistance from land owners.

This law extends land ownership from large owners to agricultural workers, farmers, as well as other disadvantaged people in the Philippines. Unfortunately, this program's application has led to conflicts between poor groups that fight over land claim rights.

#### **4.6 Agrarian Reform Regulations in Italy**

In the context of agrarian reform in Italy, it is a series of policies enacted in the 1950s that aim to resolve the case of land ownership disparity in this

country. This law includes the redistribution and expropriation of land, land ownership limitation, as well as the transfer of land tenure from owners to farmers. Then, this agrarian reform also includes programs on land transformation and infrastructure. It aims to boost land quality as well as improve farmers' living standards. Apart from having the objective to raise the societal welfare level, this program also aims to decrease disparity in the socio-economic sector between Italy's northern and southern sections. The following are the regulatory bases of the agrarian reform in Italy:

- a. The agrarian reform policies in the 1950s, land expropriation and redistribution.
- b. Gullo decrees in the 1940s related to the issues of land.

#### **4.7 Agrarian Reform Regulations in Sudan**

The land reformation concept in Sudan aims to recover the historical injustice through the consolidation of rights over the land of rural societies. These reformation programs tend to take the top-down approach based on the Weberian country model, which leads to a policy disparity between the land laws and the reality in villages.

The land reform that focuses on the consolidation of rights over the land of rural societies through the ownership of customary land based on the ownership of customary land may become a solution to cease conflicts. Land reform in South Sudan tends to ignore changes in society and on the land that was brought by the English colonial government and the Sudan People's Liberation Army during the North-South Civil War.

To understand such a dynamic, there needs to be a review of the relationship between state development and land reformation. One must critically see the changes in land property due to changes in the local government and uncover several misunderstandings on the right to land. Then, the regulatory basis for agrarian reform in Sudan is the Law of the Regional Government the Unregistered Land Act of 1970, and the Land Transaction Ordinance of 1984.

#### **4.8 Similarities of Agrarian Reform Regulations in Various Countries**

Various countries have agrarian issues with different backgrounds of problems. But most have made efforts to create legal protection and certainty for poor and weak societies that are vulnerable to disparity, injustice, and lack of attention. For instance, the concept of agrarian reform in South Africa aims to increase the livelihood in villages through land reform and develop a sustainable

agricultural model. Similarly, the Philippines gives farmers and agricultural workers the right to justly and sustainably own, manage, and utilize land. In Indonesia, the agrarian reform program may develop to regulate the access structure rather than merely regulating redistribution.

In its implementation so far, the issue of agrarian reform in Indonesia impacts the agricultural societies as the majority group that must be given attention to be empowered to achieve societal welfare, [34]. Therefore, the strengthening of the agrarian reform is an obligation. Based on the theory explained by Lawrence M. Friedman, as a legal system, the law comprises three components, namely the component of structure, the component of substance, and the component of culture, [62]. The legal structure is an institutionalization that is created from a legal system. Meanwhile, the legal substance is an output of the legal system in the form of regulations that are used by various regulating parties and the regulated party.

Then, legal culture is an attitude and value that are related to the law and the legal system, [17]. The legal culture may be differentiated into internal legal culture and external legal culture, [63]. The internal legal culture is the legal culture of societal members that carry out legal tasks. Meanwhile, the external legal culture is the legal culture that exists in the general society, [19].

Every society has a legal culture, but only societies with legal specialties have an internal legal culture, [11]. This legal culture functions as a bridge between legal regulations and legal behavior in society. The agrarian reform needs to be strengthened by perfecting the legal structure, legal substance, and legal culture in the field of agrarian reform. Legal structure relates to the institution that handles the field of agrarian reform, [64].

## 5 Conclusion

This paper contributes by reevaluating the agrarian reform in Indonesia. The agrarian reform in Indonesia is currently ineffective due to several issues and the government created policies to ensure the effectiveness of the agrarian reform. This research found that the government's policies were ineffective because of several conflicts, such as disputes between the customary society and corporations as well as other conflicts. This research could contribute information for the government in creating future policies that serve as a conflict resolution to increase the effectiveness of agrarian reform. The recommendation for future research is

research on how to resolve such agrarian conflicts. Resolving agrarian conflict is the essence of the agrarian reform. Without any conflict resolution policies, the agrarian reform will fail. Future research could be aimed at studying this conflict resolution.

This research also found that various countries have agrarian issues with different backgrounds of problems. But most have made efforts to create legal protection and certainty for the weak and poor societies that are vulnerable to disparity, injustice, and lack of attention. Generally, the issue of agrarian reform in various countries may be divided into four issues, namely the failure in implementing the agrarian reform, the disparity in land ownership, limitations in handling issues of land ownership and agrarian justice, as well as unjust political intervention and the increasing conflict.

This research found that several countries also had an agrarian reform, just like Indonesia. These countries took different paths to resolve this problem. Through this research, Indonesia should make a policy with a greater possibility to be applied through mixed methods to boost the effectiveness of the agrarian reform.

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### **Contribution of Individual Authors to the Creation of a Scientific Article (Ghostwriting Policy)**

- Permadi: Conceived the research, provided an original idea of the study, provided materials and data for the research, and reviewed the paper. Revised the paper.
- Azizi: Designed the methods, selected research data, analyzed and interpreted the data, and wrote the paper.

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The authors have no conflicts of interest to declare.

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