

Implementation of Presidential Decree No. 62 of 2023 on the Implementation of the Agrarian Reform Object Land Program in Majalengka Regency

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ARTICLE INFO

Keywords: Implementation, Presidential Decree, Redistribution, Agrarian Reform, Land

Received : 3, April

Revised : 17, April

Accepted: 19, May

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ABSTRACT

This research focuses on examining the implementation of Presidential Regulation No. 62 of 2023 on the implementation of the acceleration of agrarian reform in Majalengka Regency. The Agrarian Reform Object Land Program is aimed at the prosperity and welfare of the community. This study uses a normative juridical method with the source of data obtained using qualitative. This research aims to test the effectiveness of the implementation of Presidential Regulation No. 62 of 2023 concerning the Acceleration of Agrarian Reform and find out the obstacles to the implementation of Agrarian Reform in Majalengka Regency. The results of this study show that the implementation of Presidential Regulation No. 62 on the acceleration of Agrarian Reform in Nunuk Baru Village, Majalengka Regency, has been on target in the aspect of Asset Management. However, it is not optimal because it is not followed by Access Arrangement, while implementation obstacles include lack of socialization, budget limitations, and inadequate road infrastructure.

INTRODUCTION

Proof of ownership of land rights is such a crucial element, because land is interpreted as a social symbol that depicts land ownership as a representation of honor, pride, and personal success. Therefore, socially and culturally, as well as economically, owning land plays a role as a source of livelihood and a symbol of honor and dignity, as well as identity for its owners. The government, through the right of control from the state, has the authority that is the legal basis to ratify various types of land rights, which are able to be managed and owned by individuals, or which are given to legal entities that are able to control them, accompanied by various legal evidence regarding their ownership and control that are in line with the provisions of laws and regulations that are applied fairly (Sarrahisdas, 2024).

The Republic of Indonesia's 1945 Constitution states in Article 33, paragraph 3, "The earth, water, and natural resources contained therein are controlled by the State and used for the greatest possible prosperity of the people," reflecting the realization of a prosperous and prosperous life for the Indonesian people. Article 12 of the Basic Agrarian Law (UUPA) states that "All joint efforts in the agrarian field are based on common interests in matters of national interest in the form of cooperatives or other mutual cooperation." This is followed by the implementation regulations of the UUPA, which are regulations oriented towards the conservation of natural resources for the welfare of all people.

In the National Medium-Term Development Plan (RPJM) in Indonesia, an area of 9 million hectares will be inserted as an effort to strengthen land tenure rights for the community in the Agrarian Reform Object Land (TORA) program. TORA is one of the national priorities in the development program where land has been controlled by the state or even land owned by the community to carry out the dynamics of distribution or legalization. TORA is also one of the alternatives to reduce overlapping land tenure by redistributing land by providing legal certainty that often occurs in forest areas, so that it can boost the improvement of welfare for people who are always dependent on Natural Resources (SDA) (Kasus et al., 2024).

To realize the prosperity and welfare of the people related to land, the government has realized one of the programs, namely Agrarian Reform contained in Presidential Regulation Number 62 of 2023 related to the Acceleration of the Implementation of Agrarian Reform. On October 3, 2023, President Joko Widodo ratified a Presidential Regulation that replaced Presidential Regulation Number 86 of 2018 concerning Agrarian Reform. The systematic rearrangement of land tenure, land ownership, adoption, and fair use of land is the goal of Agrarian Reform through Asset Arrangement accompanied by Access Arrangement for the prosperity of the people (Nurahmani, 2023)

During the old order period, land redistribution was regulated by Government Regulation Number 224/1961 concerning the Implementation of Land Distribution and Compensation, which placed farmers as the main beneficiaries of land distribution. The enactment of the Presidential Regulation on Agrarian Reform expands the list of beneficiaries of the Agrarian Reform goals

so that not only cultivators, farmers, permanent workers, and farm laborers. Other professions that are determined as criteria for Agrarian Reform subjects or TORA recipients include traditional fishermen, small fishermen, small fish farmers, fishermen and laborers of small salt farmers, cultivators of salt farms who provide their services in cultivated businesses, individuals who have micro businesses, and other types of jobs determined by the minister as the head of the national Agrarian Reform acceleration team. According to Article 19 of the Presidential Regulation on Agrarian Reform, customary law communities, legal entities, and community organizations that have common property rights have the same opportunity as individuals to become objects of Agrarian Reform (Saimar et al., 2024).

The problem of land disputes that often occur until now is one of the main reasons for the formation of a state that is responsible for ensuring justice and welfare for the community. In today's times, there are many elements that often cause conflicts, both between different communities and between communities against the government. Generally, these conflicts arise due to inequality in terms of control, ownership, land use, and access. The number of people who do not own land (land) in line with a handful of other individuals who own an excessive amount of land is a basis for the emergence of a dispute (Ilham, 2023).

Majalengka Regency is one of the real examples of the polemic of land tenure disputes in forest areas. The main source of livelihood for the local community is from the agriculture, livestock, artisans, and other natural resource sectors that they have managed since the royal era, but as time went by during the colonial period the people's houses and their contents were forcibly burned by the Dutch which made the legality of the land owned by the local indigenous people forfeited, then Perhutani took the opportunity to take part in claiming the land as a forest area. This triggered a protracted conflict over land rights from local community discontent.

According to the above description, the purpose of this study is to investigate the implementation of Presidential Regulation Number 62 of 2023 concerning the Acceleration of the Implementation of Agrarian Reform in Majalengka Regency, as well as the challenges that it faces. Based on the above background description, the author is interested in researching it and proposing a scientific paper for the final student project with the title **"IMPLEMENTATION OF PRESIDENTIAL DECREE NUMBER 62 OF 2023 ON THE IMPLEMENTATION OF THE LAND PROGRAM FOR AGRARIAN REFORM OBJECTS IN MAJALENGKA REGENCY"**

LITERATURE RIVIEW

Agrarian Reform

Agrarian reform, which etymologically comes from the Spanish language (agrarian reform), is an effort to modify or reform the social structure, with the aim of changing the agrarian systematics towards a more prosperous society, especially the peasants. In Agrarian Reform, it is known as TORA or Agrarian Reform Object Land, which is land that is controlled and/or owned by the state, and/or used by the community to encourage the sustainability of redistribution

or legalization which includes TORA in forest areas, from non-forest areas, and from the results of agrarian conflict resolution.

The determination of land as an object of agrarian reform comes from the release of state forest areas, carried out on land that has been used by the community, both in the form of settlements, fields, rice fields, and gardens which originate from the liberation of state forest areas from the results of an inventory of ownership, control, use and land use in forest areas.

According to Ida Nurlinda in her book *Principles of Agrarian Reform: Legal Perspective*, the implementation of agrarian reform in Indonesia aims to change the systematics of land ownership, control, adoption, and utilization to ensure the creation of a sense of justice and as a legal umbrella in these aspects. Change has a crucial role that needs to be realized because until now there are still inequality in the dynamics of land control, adoption, ownership, and utilization caused by income inequality and the emergence of polemics or land disputes (Nurlinda, 2018).

Theory of Land Ownership Conflict

Conflict is a dynamic that contains instrumental properties in the creation, merger, and maintenance of social systematics. Conflict is able to position and maintain the boundary line created between two or more groups (Lewis A. Coser, 1956). Lewis Coser's theory of conflict cannot be separated from the influence of Karl Marx's theory of conflict which explains that the relationship between the conflict is created between two social classes, namely capitalist society between the bourgeois class and the proletariat. Karl Marx said that power is in the hands of the bourgeoisie who has power over the dynamics of production at a certain level (Piter Pasaribu et al., 2022).

According to Coser (1956), the emergence of conflicts in one group against another group can be an affirmation of the group structure and then each of them always reacts to internal conflicts. Coser said that the polemics created between groups could be the basis for strengthening each group. The state of internal conflict produces a systematics that unconsciously contributes value to certain groups.

In the land ownership conflict that occurred in Nunuk Baru Village, the community and the perhutani party had different interests and goals. Both the community and Perhutani are trying to maintain the right to land ownership. Conflicts according to Coser (1956) can have a positive impact on the people involved in them when negotiations to create a consensus occur.

Justice Theory

According to Rawls, the existence of different social institutions depends on the virtue of justice. By embracing all of his innovative concepts, such as the original position and the veil of ignorance, Rawls constructed a number of principles of justice. According to John Rawls, no one in society is in a better position than another in terms of position, social standing, degree of intelligence, ability, strength, and so forth. All people are in the same situation and are on an equal footing.

Rawls explained that each party in the original position will realize the adoption of two main principles of justice. First, every individual has a harmonized right to broad and compatible basic freedoms accompanied by harmonious freedoms for other individuals. Second, social and economic differences are arranged in such a way. So that in terms of the redistribution of land certificates in the Agrarian Reform program, it is in line with Rawls' principle of difference which can create economic opportunities for vulnerable groups and encourage social mobility and equitable distribution of welfare. The government in terms of land redistribution must determine which people can get justice (Faiz, 2009).

METHODOLOGY

The research is carried out using the normative juridical law research method, which is a research conducted through the approach of laws and regulations and other literature materials that are always related to the problem. The sources in this study use data acquisition sources obtained using qualitative. The data collection techniques in this study include observation, interviews, document analysis, and participatory research. Interviews were conducted with village government officials and related parties such as stakeholders of the TORA program, namely the local National Land Agency (BPN).

Data collected through a thematic analysis process to identify themes that are in accordance with the research data, then the acquisition of facts through observation, interviews, document analysis, and participatory comparisons is critically aimed at creating credible understanding. A participatory approach that includes the involvement of the community as well as TORA program stakeholders in the research process is applied to ensure that the findings in this study reflect their realities and needs, and become a strong foundation for recommending effective policies.

RESEARCH RESULT AND DISCUSSION

Implementation of Presidential Regulation Number 62 of 2023 on the Implementation of the Agrarian Reform Object Land Program in Majalengka Regency

Agrarian Reform is a national strategic program that contains a crucial role as an effort to harmonize the systematic control, adoption, ownership, and use of land, as well as the settlement of agrarian conflicts, in order to create a just economy (PERPRES 62/2023). Meanwhile, what is meant by Asset Arrangement contained in Article 1 paragraph 2 is the rearrangement of the control, ownership, use, and utilization of land in order to produce justice in land control and ownership. In line with the goals of Presidential Regulation No. 62 of 2023, the Government has carried out the issuance of land redistribution certificates in Majalengka Regency, precisely in Nunuk Baru Village, as well as ending the long wait for Nunuk Baru Village who fought for their ancestral land. This is also proof that the government through the National Land Agency of Majalengka Regency has seriousness to realize the welfare of the community. There is a special feature in the implementation of the Agrarian Reform Object Land

(TORA) program in Nunuk Baru Village, because the decree obtained by Nunuk Baru consists of a protected forest decree which is then converted into a production forest and then a decree out of the forest area. The land removed from the forest area includes areas that have been used by residents for settlements, social facilities, and public facilities.

The implementation of the TORA program in Nunuk Baru Village involves several stakeholders, including the formation of the Agrarian Reform Task Force (GTRA), which consists of law enforcement officials, local governments, and the community, as well as the Ministry of Agrarian and Spatial Planning/BPN. The GTRA based on Article 69 of Presidential Regulation No. 62 of 2023 is tasked with coordinating and integrating Agrarian Reform policies and programs between the central and regional governments, including providing land for agrarian reform objects, land redistribution, asset legalization, agrarian polemic resolution, and economic empowerment of Agrarian Reform subjects. Agrarian Reform subjects are TORA recipients who meet the requirements and are determined to receive TORAs. Supervision is also carried out by GTRA to check and monitor the running of the program by taking good coordination steps with the hope that the land will be used properly by the people of Nunuk Baru Village.

The awarding of certificates to the people of Nunuk Baru Village took place on February 13, 2025 which was given directly by the Deputy Minister of Agrarian and Spatial Planning/National Land Agency, Ossy Dermawan accompanied by the Acting Regent of Majalengka. The number of certificates that have been received by the local community as beneficiaries of this program consists of 1,373 Property Rights Certificates (SHM) given to residents of Nunuk Baru Village. In addition, there are 22 Certificates of Right of Use for Nunuk Baru Village, 21 Waqf Certificates, and the remaining 18 Certificates of Right of Use for the Majalengka Regency Government. This is certainly inseparable from the synergy of related parties and the local village community.

The process of redistributing land that is included in the TORA category in Majalengka district itself begins with counseling to prospective beneficiaries by going directly into the field and checking the land and also the recipients from the forest area release decree. Then inventory, identification and identity checks are carried out from the community of prospective recipients of land redistribution such as KTP and KK, a certificate from the Head of Nunuk Baru Village accompanied by a witness explaining that the recipient is the correct owner who controls or cultivates the land and has been verified by Perhutani to be subsequently determined as the subject and object of redistribution.

Collaboration between stakeholders not only occurs during the implementation of land redistribution, but has also started from the pre-redistribution stage, especially in the provision of Agrarian Reform Object Land (TORA) through the PPTPKH process. Synergy in the realization of land redistribution includes various stages, ranging from the provision of TORA in pre-redistribution, the electronic land redistribution process which includes the preparation of documents, counseling, inventory and identification, measurement and mapping, to studies and recommendations through the GTRA

session. In addition, this process also includes the determination of subjects and objects and the issuance of electronic certificates. The success of this implementation is supported by the interests of each party that can be harmonized and achieved together (Rineksi et al., 2025).

The implementation of Agrarian Reform in Nunuk Baru Village, Majalengka Regency, especially in the aspect of asset management, has encouraged legal settlement of land ownership by the community. This reflects the role of the state in realizing agrarian justice and recognition of the rights of the people of Nunuk Baru Village who have long occupied the land.

The results of an interview with one of the P2 sections of the National Land Agency of Majalengka Regency stated that Nunuk Baru Village has not received access arrangements in accordance with Article 1 paragraph 3 which reads "Access Arrangement is an economic empowerment program for the subject of Agrarian Reform to improve welfare based on land use." This is due to the limited cost budget to realize the access arrangement so that it is related to the strategic steps that will be taken by the National Land Agency in Majalengka Regency to ensure the sustainability of the TORA program, namely to carry out access arrangements in the next fiscal year.

An important aspect in the implementation of Presidential Decree No. 62 of 2023 is based on the theory of policy implementation by Van Meter and Van Horn (1975) which is influenced by several variables such as: Policy Standards and Objectives; Resources; Characteristics of the Implementer; Communication between Organizations; Disposition; and Social, Economic, and Political Environment. Therefore, budget limitations in the aspect of Access Arrangement which are included in resources greatly determine the effectiveness of policies and the conditions of the social, economic, and political environment are important aspects.

Obstacles in the Implementation of the Agrarian Reform Object Land Program in Majalengka Regency

Land law reform or often referred to as Agrarian Reform is based on the provisions of Article 33 paragraph (3) of the 1945 Constitution which states that the state has the right to control all natural resources, including earth, water and natural resources contained in it. The use and control of water, earth, and natural resources contained therein obliges the state to improve the welfare and prosperity of the local community by guaranteeing and protecting various community rights and anticipating any actions from third parties that can cause people to not have access to their land and water rights (Halwan et al., 2021).

Agrarian reform has at least three main goals that must be achieved, namely reforming inequality in the agrarian structure, resolving agrarian conflicts, and improving people's welfare. Basically, agrarian reform includes programs that can help reduce poverty, boost national welfare through food self-sufficiency, improve land productivity dynamics, and recognize various land rights, both state, public and private, and use them for the benefit of the community (Alvian & Mujiburohman, 2022).

The plans or frameworks that the government has realized in this regard are: First, the government prepares infrastructure; second, collaborating with communities that have been certified through partnership schemes; and third, collaborating with community groups for capital participation in order to facilitate access by empowering the community. Of course, the community and this institution must be connected through community empowerment based on land owners and for that support is needed in order to increase community income based on land use (Ministry of ATR/BPN).

There are several obstacles to the implementation of agrarian reform in Majalengka Regency, namely:

Lack of Socialization of the Community

Lack of socialization leads to the possibility of agrarian conflicts. In the absence of effective communication between the government and the community, misunderstandings can arise regarding what the goals and procedures of agrarian reform are. This situation has the potential to cause dissatisfaction and even conflict among the parties involved. Therefore, understanding land reform is crucial for communities to maintain a peaceful environment and support effective policy implementation.

A more focused strategy for the socialization of Agrarian Reform is needed to overcome these obstacles. The public can benefit from the efficient dissemination of appropriate and correct information through the use of various communication channels, both contemporary and traditional. In addition, involving community leaders and local leaders in the socialization process can increase public trust in the Agrarian Reform initiative.

Limited Budget for Access Arrangement

One of the main obstacles in realizing the ideas contained in Presidential Regulation Number 62 of 2023 is the lack of funding to build access to agrarian reform. To achieve the goals of agrarian reform, such as equitable land allocation and improving community welfare, this Presidential Regulation underlines the need to build land access. However, it is difficult to implement the programs contained in the Presidential Regulation without a budget. Often infrastructure development that can facilitate community access to land resulting from agrarian reform is constrained. Based on Presidential Regulation Number 62 of 2023, access arrangements are related to land ownership and the provision of infrastructure and facilities needed to support agricultural activities and regional economic growth. The potential of land obtained through Agrarian Reform cannot be utilized optimally without adequate infrastructure, such as access roads, irrigation, and other supporting facilities. Therefore, proper budget allocation is needed to help achieve these goals.

The lack of budget can also cause dissatisfaction in society which ultimately has an impact on social stability, and it is not impossible that it can even cause potential agrarian conflicts. The involvement of the community itself has been emphasized in Presidential Regulation Number 62 of 2023 in the process of structuring access. Therefore, in creating effective and sustainable agrarian reform, the government needs to ensure that budget allocations for access

arrangements are not only available but also managed in a transparent and accountable manner.

Inadequate Village Road Access

Mobilization of rural areas is a challenge for the implementation team tasked with surveying the location and structure of the land. This road access constraint has an impact on the social and economic aspects of land reform. The government and other infrastructure development actors should consider these challenges carefully, especially those related to village road infrastructure. The effectiveness of Agrarian Reform will be greatly influenced by investment in road construction and development, and ensuring that communities can fully benefit from the program. To ensure that the development is in accordance with the needs on the ground, the government must also involve the community in the design and management of infrastructure. Thus, better access to encourage improvement in the quality of life of rural communities and help optimize land use generated by agricultural reform.

CONCLUSIONS AND RECOMMENDATIONS

The implementation of Presidential Regulation Number 62 of 2023 concerning the Acceleration of the Implementation of Agrarian Reform in Majalengka Regency, especially Nunuk Baru Village, is on target, but it is still not optimal because the Asset Arrangement in Nunuk Baru Village is not followed by a follow-up program, namely Access Arrangement where community empowerment is carried out for the beneficiary of Agrarian Reform in order to have welfare and improve the community's economy. There are several obstacles in the implementation of Agrarian Reform, namely; Lack of socialization to the community, limited budget for access arrangements, inadequate road access to villages.

ADVANCED RESEARCH

Further research can be carried out on the analysis of the effectiveness of asset arrangement without access arrangement which aims to assess the extent to which land redistribution has an impact on the welfare of the community when access arrangement has not been implemented so that it is expected to provide an idea that if in the Agrarian Reform Object Land (TORA) program only carries out asset arrangement can bring meaningful changes or must always be in line with access arrangement.

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