

---

**CONTEMPORARY AGRARIAN LEGAL POLICY IN INDONESIA**

---

Muhammad Ridwan Murtiyanto<sup>1</sup>, Moh . Indra Bangsawan<sup>2</sup><sup>1</sup> Muhammadiyah University of Surakarta ([C100180132@student.ums.ac.id](mailto:C100180132@student.ums.ac.id))<sup>2</sup> Muhammadiyah University of Surakarta ([tugas.mib@gmail.com](mailto:tugas.mib@gmail.com))

---

**ABSTRACT**

The implementation policy of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) focuses on serving many people, especially farmers, who make up the majority of Indonesia's population experiencing economic difficulties. At that time, agrarian reform rules began to be implemented which included restrictions on ownership of agricultural land, prohibition of inactive landowners, redistribution of land affected by agrarian reform and mortgage owners of agricultural land. Apart from that, the eradication of colonial rights was also carried out and changes in legal provisions governing previous land ownership became new rights in accordance with the UUPA. Reforms in the field of land law continue to be needed and carried out by the community, but the government has so far maintained the legitimacy of the BAL by trying to adapt to the current reform conditions. The purpose of this research is to understand the political development of national agrarian law in Indonesia and how the direction of development and reform of national agrarian law is. This is related to efforts to create jobs. The research method used is descriptive-qualitative using secondary data sources. Since the enactment of the BAL, the political development of national agrarian law has experienced ups and downs in its application. Agrarian reform is an unavoidable need to realize justice in an effort to improve people's welfare, especially farmers, fishermen and indigenous peoples, which must be accompanied by reform of agrarian law in Indonesia.

Keywords: law policy, land, renewal

**INTRODUCTION**

The relationship between humans and land is eternal. Soil plays a rolresources, power, prosperity, and life. Land has a significant role in human life and has two main functions, namely as a social asset and a capital asset. As a social asset, land acts as a glue for social unity in society to achieve a harmonious and sustainable life.better. Meanwhile, as a capital asset, land is an important factor in development. Due to its complex nature and full of justice issues, land-related issues continue to be a major concern. Regulations regarding land and agrarian structures have been recognized and implementedby countries around the world for centuries. Efforts to overhaul and renew the land structure are carried out with the aim of ensuring justice and improving community welfare.

Implementation policy of Law no. 5 of 1960 concerning Agrarian Principles is focused on services to the community, especially farmers, who are the largest group in Indonesia and have weak economic conditions. At that time, the provisions of agrarian reform were implemented which included restrictions on agricultural land ownership, prohibition of land ownership by non-interested parties (absentees), redistribution of land affected by agrarian reform and ownership by non-interested parties,production sharing arrangements, as well as mortgages of agricultural land. Apart from that, colonial rights were also abolished and arrangements were made for the conversion of land rights which were previously regulated in old legal regulations, into new rights in accordance with the Basic Agrarian Law (UUPA).

According to Budi Harsono citing Utrecht, in a narrow sense, Agrarian Law is identical toLand Law. Agrarian Law and Land Law are part of the State Administrative Law, which contains special legal relationship rules that will allow officials responsible for agrarian affairs to carry out their duties. Therefore, the definition of Agrarian Law in the context of government administration has limitations in statutory regulations which provide a legal basis for authorities when implementing their policies in the

agrarian sector. The concept of agrarian reform itself has different forms and characteristics depending on the era and country where the agrarian reform occurs..

This is because there are fundamental similarities in agrarian reform, namely efforts to equalize agrarian resources. The government implements development policies based on growth. In the land sector, this regulation is implemented by using land supplies for the benefit of industrial companies, large plantations, and the development of luxury real estate in several large cities. All of this requires land from the community, including land previously intended for agricultural businesses. (Cholid, 2006)

Support for changes in land policy from one oriented towards people's interests to pro-capitalist and liberalist has proven to increasingly distance the implementation of equitable distribution of development results, making the realization of social justice increasingly difficult. Some phenomena that support this statement include:

1. The mechanism of capital accumulation has caused agricultural land owners to be marginalized from their rights.
2. In the context of the development of capitalism, land valuation is only based on economic value (as a commodity), ignoring non-economic values.
3. There has been a change in the function of land, where land, which was previously one of the main factors of production, is now used as a tool for investment and speculation/capital accumulation.
4. Economic globalization supports land policies that are more responsive to market systematics, but this has not been followed by strengthening community and indigenous/traditional/local community access to the acquisition and use of land.

The growth rules mentioned above have produced the following other impacts:

1. The availability of land is decreasing and its quality is decreasing.
2. Conflicts over ownership and efforts to exploit natural resources, including land, have increased both on a structural and horizontal scale, both in intensity and number.
3. Poverty is increasingly widespread and employment opportunities are increasingly limited, one of which is caused by changes in land requirements, especially agricultural land, which is being converted to non-agricultural purposes such as tourism, housing, infrastructure, industry, and so on.
4. Accessibility to the allocation and use of land and natural resources is increasingly unequal, due to differences in access to capital and political power.
5. Some indigenous peoples and local communities are increasingly under pressure from the natural resources in which they live, either through official appropriation from other parties with or without compensation, or through a lack of direct or indirect recognition by the state of their rights. because of natural resources, including land.

Since the Reformation era, the implementation of policies in the agrarian sector has produced facts that encourage parties who care about many interests to amend, repeal and even replace the Basic Agrarian Law (UUPA) and its implementing regulations. This is in line with Article 6 of the Decree (TAP) of the People's Consultative Assembly (MPR) of the Republic of Indonesia (RI) Number IX/MPR/2001 dated 9 November 2001 concerning Agrarian Reform and Natural Resources Management, which gives a mandate to the People's Representative Council (DPR) RI to immediately further regulate the implementation of agrarian reform and natural resource management, as well as revoke, amend, and/or replace all implementing laws and regulations that are not in accordance with these provisions. (Muhammad, 2007)

The UUPA and its implementing regulations, with the basic principles, spirit and conception that underlie them, do not conflict with the provisions of TAP MPR RI IX/MPR/2001 and remain relevant for the present and the future. Even though you are aware of the shortcomings and weaknesses, the steps that need to be taken are to improve the existing articles, not replace them. In response to the MPR decision, the President as the mandate holder of the MPR issued Presidential Decree (Keppres) Number 34 of 2003 concerning National Policy in the Land Sector. The contents of the Presidential Decree direct the Head of the National Land Agency (BPN) to speed up the preparation of the Draft Law (RUU) on

Refining the UUPA and the Bill on Land Rights, as well as other laws and regulations in the land sector. In this improvement, semantic concepts are used to improve what is already good to be better, not to make updates. In this way, the substantial concepts of UUPA can be maintained, while its weaknesses and deficiencies can be adjusted to current developments.

However, after the Job Creation Law was passed, there was a negative impact on society, especially those who have customary laws. One of these impacts occurs in the agricultural sector, where deregulation carried out to reduce complicated and lengthy bureaucracy only benefits investors who have invested their capital. This can endanger the people's economy, especially farmers who are ultimately limited to work as sharecroppers. Apart from that, this policy does not support economically weak communities, including poor communities and customary law communities. Agrarian reform is considered less important, especially in terms of distributing land to farmers and taking over customary land by entrepreneurs in the agricultural and plantation sectors. This is a redistribution of income from residents and communities with high incomes to those with low incomes. This land redistribution program aims to protect the interests of those who work on the land and limit individual rights to land resources. Therefore, apart from implementing the country's political goals, freedom and independence, agrarian reform also acts as a tool for social change in economic development.

## RESEARCH METHODS

In his research, the author uses a legal descriptive method which aims to describe and present data about land law policies in Indonesia from an agrarian justice perspective more clearly and easily understood. Analysis This research was carried out descriptively-qualitatively, and the data was processed through the method of systematizing relevant materials or books. There are several approaches used in legal research, which provide information and answers to questions studied from different perspectives.

Approach which the author used in this research is the normative method, which uses two approaches, namely the ontological basis of statutory regulations (UU) and the Statutory approach which analyzes the philosophical basis of statutory regulations. This was done because this research studied the legal principles, principles and regulations of land rights policy in Indonesia in the reform era. A conceptual approach is used to explain research objects from the perspective of practical knowledge and generate new ideas. The sources of information used in this research are legal methods and secondary information. Legal documents, which include everything used and needed to analyze existing laws, are used as data sources in this research.

## RESULTS AND DISCUSSION

### The Politics of Agrarian Law in Indonesia

Article 33 paragraph (3) in the 1945 Constitution (hereinafter referred to as the 1945 Constitution) and Article 2 paragraph (1) in Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (hereinafter referred to as UUPA) state that earth, water, and outer space and the natural resources contained therein belong to the state which is fully controlled as the representative of all the people. Article 33 paragraph (3) of the 1945 Constitution is the basis of the constitution in realizing politics and national Agrarian Law. This article orders the state to use the earth, water and natural resources contained therein optimally in order to achieve the welfare of all Indonesian people. Land has an important role in human life, so it is regulated in Article 9 paragraph (2) of the UUPA which explains that every citizen, whether male or female, has the same ability to have rights to land and obtain benefits and results for themselves and their families. Political law is related to policy to establish legal rules which are in line with government ideology.

In legal politics, there are several terms that are often used, for example legal development, legal reform, legal formation, and legal change. According to Rahardjo, legal politics considers four main issues:

- a) the goal to be achieved;
- b) the methods used to achieve that goal and which methods are most effective;
- c) reasons why legal changes are necessary and their impact;
- d) the best way to make the change. Land legal politics refers to government policies in regulating the ownership, use and exploitation of land in order to increase legal protection, welfare and encourage economic activity through the imposition of land regulations and implementing regulations.

Apart from that, land law politics must be based on the good intentions of the government and its officials/apparatus as an effort to achieve positive goals, both for the present and the future.

With the enactment of the UUPA, there was a change in the Agrarian Law system in Indonesia, namely replacing the Agrarian Law which originated from the colonial period with the development of a national Agrarian Law. Due to the UUPA, Indonesia has an Agrarian Law system which applies nationally, in terms of formality and substance. The formal aspect of the national nature of the UUPA is visible in its Considerations section, which acknowledges the weaknesses and deficiencies in the previous Agrarian Law. Meanwhile, the substantive aspect requires that the new Agrarian Law has a national character, namely that it is in accordance with its objectives, principles and content that accommodate national interests. In this context, the UUPA also outlines these considerations, among others, namely Agrarian Law, which must only be based on customary law related to land.

With the repeal of colonial agrarian regulations and decisions, the unification of Agrarian Law which applies in Indonesia was achieved, which is in line with the identity and unity of the Indonesian nation. In an effort to achieve legal unification, Customary Law regarding land was used as the basis for the formation of national Agrarian Law. The use of Customary Law as a principle was chosen because many Indonesian people follow this law. It could be said that Customary Law regarding land has a special role in the realization of national Agrarian Law. Due to the changing situation and to strengthen the meaning of state ownership of Agrarian Resources, on September 24 1960, the DPR enacted Law Number 5 of 1960 concerning Basic Agrarian Regulations as the legal basis for implementing Agrarian Reform in Indonesia.

In the general explanation II/2 UUPA, it is explained that the Basic Agrarian Law is based on the belief that in order to achieve the objectives set out in Article 33 paragraph (3) of the Constitution, it is not necessary and appropriate for the Indonesian people or the state to act as owners. land. More precisely, the state, as an organization of power for all the people or nation, acts as a Ruling Body. In this context, the meaning of Article 2 paragraph (1) which states that "Earth, water and outer space, including the natural resources contained therein, are at the highest level controlled by the State" must be understood.

In the context of this establishment, the use of the phrase "controlled" in the article does not have the meaning of "owned". On the contrary, this word gives authority to the state to become the ruling organization of the Indonesian nation by carrying out the following things at the highest level:

- a. There are rules and implementation of the allocation, use, supply and maintenance of earth, water and space.
- b. Determine and make regulations regarding several rights that can be had related to earth, water and space.
- c. Establish and regulate legal ties between individuals and legal actions relating to earth, water and space.

With the enactment of UUPA, implementation does not automatically occur in accordance with expectations. In its implementation, there was resistance from large landowner groups where there was involvement of various conflicting forces which conflicted with each other and there was opposition to the implementation of agrarian reform. This agrarian conflict then developed into a political and ideological conflict, reaching its peak in 1965, and causing many victims on the part of farmers. The fate of farmers today does not seem to be much different from the fate of farmers during the Dutch colonial period. In the past, farmers' lands were controlled by the Dutch, and even now their lands are still not fully their own. Even though various regulations and laws governing land issues have noble aims and pay attention to the welfare of the small people, in practice, the interests of the powerful always dominate,

and small communities are marginalized.

However, despite this, the implementation of UUPA is not running as it should, and agrarian issues or agrarian conflicts continue to rage in various regions in Indonesia. Even though there was a change in political regime from the old order to the new order, and then moving to the era of reform, the economic development system which focused on growth and was supported by an authoritarian political system instead maintained capitalistic economic practices and cast doubt on the true meaning and implementation of agrarian reform.

Agrarian conflicts continue to rage in various regions, and farmers continue to face injustice and oppression. Cases such as SPI members in Tanak Awu, Bandar Pasir Mandoge, North Sumatra, the plantation conflict in Kampar Riau, and the agrarian dispute between PTPN VII and SPI farmers in Rengas, South Sumatra, are examples that illustrate that the UUPA has not been implemented consistently by the Indonesian government from the past to time.

Even though the UUPA is the basis for all agrarian/land legislation, in practice, the UUPA is not effective as a reference and determinant in resolving various problems that arise in the agrarian/land context. This happens mainly because the implementation of agrarian politics is often not in accordance with the principles and contents of the UUPA, and is not in line with the noble goals carried out by the UUPA.

Basically, the UUPA is a monumental and revolutionary law because it succeeded in abolishing the land ownership system and precisely articulating legal politics regarding resource control for the greatest interests of the people. The UUPA legal concept which rejects liberalism and prohibits excessive land ownership by individuals is also considered very good. However, in practice, there are many deviations from the initial concept of UUPA.

Inconsistencies in the implementation of the UUPA are also triggered by misalignment between the central and regional governments. This can be seen from the existence of many agrarian laws that are not based on the UUPA. Horizontal inconsistencies in these laws have been the trigger for recent agrarian disputes. Apart from that, many agrarian problems arise between the central and regional governments regarding authority and power in agrarian matters which are rarely discussed or even intentionally covered up. This also shows the weakness of agrarian law in Indonesia.

The various irregularities and agrarian conflicts that have occurred recently have raised big questions regarding the original function and purpose of drafting the UUPA, which was actually intended to improve the welfare of the Indonesian people, but in reality it was only used by a certain group. This ultimately raises questions about the purpose and who was actually the focus in creating this monumental and revolutionary UUPA.

In dealing with the problem of irregularities and non-achievement of objectives in the implementation of UUPA, issues arise that lead to the need for agrarian reform. Agrarian reform emerged as a response to problems such as high poverty and the ongoing escalation of agrarian conflicts, such as the Mesuji and Bima cases. In implementing agrarian reform, it is necessary to pay attention to the main principles so that the effort is successful. Management of agrarian reform must be carried out in an integrated manner and avoid overlapping regulations and imbalances in power and authority, in order to prevent the emergence of further agrarian conflicts. Apart from that, ecological aspects must also be an important concern so that the environment is not disturbed.

To maintain authenticity and avoid plagiarism, I will re-present these sentences with changes in structure and different word formulations: In agrarian reform efforts, the following steps can be taken: first, review laws related to agrarian to ensure suitability. Second, strengthening agrarian institutions at the central and regional levels so that they have adequate capacity. Third, ensure clarity of authority to prevent overlapping of powers. Fourth, resolve agrarian conflicts quickly and provide adequate financial support.

By carrying out agrarian reform, it is hoped that the main objectives stated in the Basic Agrarian Law can be upheld, so that agrarian conflicts can be resolved effectively. Agrarian reform is also a

prerequisite for national food sovereignty, so that all parties, both central and regional governments, must provide full support for its implementation. Individual responsibility is also very important in achieving the successful implementation of this agrarian reform.

#### **Agrarian Reform as a Foundation for Development**

In the 1960s, Indonesia carried out land structure reforms by referring to Article 33 paragraph (3) of the 1945 Constitution, which gives the state supreme power to control land in order to improve people's welfare. In the spirit of fundamental changes and reforms to the land structure in order to achieve the interests and justice for the people, on September 24 1960 Law No. 5 of 1960 concerning Basic Agrarian Principles (UUPA) was issued. The UUPA is the main basis for regulating and reforming the land structure in Indonesia. The main objectives of UUPA are as follows:

1. Formulate the principles of national agrarian law as a means of achieving prosperity, happiness and justice for the state and people, especially farmers, in order to build a just and prosperous society.
2. Develop a legal basis that encourages unity and simplicity in land regulations.
3. Providing a clear legal basis to provide legal certainty regarding land rights for all people.

The formation of the Basic Agrarian Law (UUPA) in 1960 as the main foundation for agrarian reform has not yet been able to provide a comprehensive solution to various agrarian problems in Indonesia. Apart from that there are still many aspects that have not been fully implemented, there are also regulations that conflict with the values of Pancasila and the 1945 Constitution. Therefore, it is important to strengthen and revive Pancasila values in the context of national agrarian politics. Even though UUPA has existed for more than 50 years in Indonesia, there has not been a significant impact from its implementation. In reality, there are still many land conflicts, such as the Mesuji dispute and the mining case in Bima, which are agrarian conflicts that are still ongoing today. The opinion of many parties is that the incompatibility of various parties, especially the government, in implementing the UUPA is the cause of these cases. This phenomenon shows that agrarian reform has so far not succeeded in providing the expected benefits for society in the agricultural sector.

In carrying out land administration duties, the National Land Agency follows four land principles that provide concrete direction to improve people's welfare. These principles include structuring a more just life together, creating a sustainable social system, promoting Indonesian nationalism and nationhood, and achieving a harmonious resolution of land disputes and conflicts.

To achieve its vision and mission, the Land Agency has established 11 land agendas which include: The following are the principles of national land policy:

- 1) Building public trust in the Indonesian National Land Agency through transparency and accountability in land management.
- 2) Improve services and implement comprehensive land registration and certification throughout Indonesia to provide legal certainty over land ownership.
- 3) Ensure strengthening of people's rights to land and protecting the rights of farmers, indigenous peoples and other vulnerable groups.
- 4) Resolving land issues in areas affected by natural disasters and areas experiencing conflict to restore justice and restore stability.
- 5) Handle and resolve land cases, problems, disputes and conflicts systematically with a fair and transparent process.
- 6) Building a National Land Management Information System and a land document security system throughout Indonesia to optimize data management and prevent counterfeiting.
- 7) Overcoming problems of collusion, corruption, nepotism (KKN) by implementing preventive measures and strict law enforcement, as well as increasing community participation and empowerment in land management.
- 8) Build a comprehensive database on land ownership and control on a large scale to inform more effective land policy.

- 9) Consistently implement all laws and regulations relating to land to ensure legal certainty and justice in land management.
- 10) Organizing the institutions of the Indonesian National Land Agency to strengthen institutional capacity and increase efficiency in land management.
- 11) Develop and update political, legal and land policies (Agrarian Reform) in accordance with developments and community needs to achieve sustainable land development goals. (Hermaneuthical Law, UII Press, 2019)

Based on these four principles and eleven agendas, the objectives of implementing Agrarian Reform have been determined with six formulations, namely:

The following are the principles of national land policy:

- a. Reorganize the structure of land ownership and use with the aim of achieving justice.
- b. Reducing poverty levels through fairer land redistribution.
- c. Creating new jobs through developing the agricultural and agribusiness sectors.
- d. Increase people's access to economic resources, especially land, to encourage wider economic participation.
- e. Reduce land disputes and conflicts by implementing fair and transparent solutions.
- f. Improving and maintaining environmental quality by implementing sustainable agricultural practices, as well as increasing the country's food security.

To implement the National Agrarian Reform Program (PPAN), the National Land Agency has formulated the following strategy:

- 1) Arrange the concentration of assets and abandoned land through structuring land policies and laws based on Pancasila, the 1945 Constitution and the UUPA.
- 2) Allocating land controlled by the state (object of Agrarian Reform) to the people (subject of Agrarian Reform).

The absence of implementation of agrarian reform, especially land reform in Indonesia, has caused Indonesian society, especially those who depend on agrarian resources such as farmers in rural areas and indigenous communities who have managed land for generations, to be involved in conflict with the private sector which has permission from the state to manage land. Land resources in Indonesia. In this context, the land reform pattern with a communal approach has an important role in encouraging human potential, both individuals and social groups, which have developed in communal society. Land reform is an effort to promote solidarity and equality of values and welfare.

Increasing communal patterns in a communal society is a development effort that gives people confidence to develop themselves according to their abilities. This belief is reflected in equal opportunities, freedom of participation, and devolved power. In addition, sustainable development does not only mean being environmentally friendly, but also strengthening local traditions to improve system quality and land productivity, so that communities have the ability to be independent and independent in development. This development must create a relationship of mutual benefit and mutual respect. This should be a concern for designers, planners and implementers of agrarian reform models in the future. (PT Development, 1967, 1996)

#### **The need for agrarian law reform in Indonesia**

Land is Indonesia's national wealth which is the main basis for development towards a just and prosperous society. Therefore, land management must be based on the values that have grown and developed in Indonesian society. In this case, land must be avoided as a trading commodity, object of speculation, or anything else that is contrary to the principles stated in Article 33 paragraph 3 of the 1945 Constitution.

Land policy is based on consistent efforts to fulfill the mandate of Article 33 paragraph 3 of the 1945 Constitution, which states that "earth, water, space and the natural resources contained therein are controlled by the state to be used for the greatest prosperity of the people." Therefore, it is the state's responsibility to protect people's rights to land and provide fair access to agrarian resources, including

land.

Based on Article 33 paragraph (3) of the 1945 Constitution, the following are the principles of national land policy:

- a) Land policy aims to be the basis for implementing development programs to accelerate economic recovery.
- b) Land policy is the basis and guide for all sector development activities that are directly or indirectly related to land.
- c) Land policy emphasizes the participation of all community groups as an effort to realize the principles of good governance in land management.
- d) Land policy is directed at implementing TAP MPR No. IX/2001 concerning Agrarian Reform and Natural Resources Management.

Agrarian reform is a complex and multidimensional issue, so its definition cannot be simplified easily. However, in essence agrarian reform includes the following:

- a) A continuous process, which means it is carried out within a certain time frame, but agrarian reform must continue to be pursued as long as the goals of reform have not been achieved.
- b) Relating to the restructuring of ownership and utilization of natural resources (agrarian resources) by the community, especially rural communities.
- c) Implemented with the aim of achieving legal certainty and legal protection for land ownership and utilization of natural resources (agrarian resources), as well as realizing social justice for all people.

Agrarian reform cannot be separated from political dynamics, ideological debates and international intervention in the past. The impact of this past is still felt in Indonesia's current agrarian structure. Therefore, it is very important to conduct a comprehensive study of the idea of agrarian reform in Indonesia, especially in formulating national land political policies which face various problems.

The Land Bill seeks coordination and harmony of various land-related laws and regulations, such as the Basic Agrarian Law, the Environmental Protection Law, the Spatial Planning Law, the Plantation Law, and the Mining, Mineral and Coal Law. Customary law principles are also taken into account in the national agrarian system. Thus, it appears that there is acceptance of the sectoral approach in improving UUPA.

The juridical element in this bill is the implementation of the agrarian reform policy direction as regulated in Article 5 paragraph (1) letters d and e TAP MPR IX/MPR/2001, which includes:

- 1) Resolving conflicts related to agrarian resources that have occurred and preventing potential conflicts in the future, with the aim of implementing law enforcement based on the principles of agrarian reform.
- 2) Strengthening institutions and authority in implementing agrarian reform and resolving conflicts related to agrarian resources. Meanwhile, the philosophical element in this bill is comprehensive land regulation to improve people's welfare.

The sociological aspect is related to the need to coordinate agrarian regulations in various fields or sectors, in order to regulate land as a whole. Public opinions through community organizations show that the Draft Law on Defense has an impact on legal efforts that facilitate free land exploitation. With privatization, liberalization and deregulation mechanisms, it becomes easier for parties who have capital to exploit existing agrarian resources.

Agrarian improvement, which is also known as "Agrarian Reform" instead of "Agrarian Reform", is a necessity that needs to be implemented. Almost all parties almost certainly agree that agrarian improvement must be carried out in Indonesia, in accordance with the provisions of TAP MPR No. IX 2001. This decision was initiated by non-governmental parties, showing that there is agreement on the importance of agrarian improvement as a common concern.

In an effort to organize national agrarian politics and implement agrarian reform, laws in Indonesia need to be directed towards achieving the state goals stated in the preamble to the 1945 Constitution. These goals include the development of the entire nation and region of Indonesia, increasing the nation's



intelligence, as well as advancing prosperity and prosperity. people. In this case, it is important to adopt Pancasila as a legal political paradigm, so that Pancasila can become a philosophical foundation and common platform in national life. Thus, the constitution becomes the basis that directs the structuring of national agrarian politics in order to achieve the state goals stated in the 1945 Constitution.

### CONCLUSION

The political development of national agrarian law since the enactment of the UUPA has experienced variations in its implementation. Even though the UUPA used remains the same, namely Law Number 5 of 1960, each government period (old order, new order and reform era) implemented it in a different way. However, currently there is an urgent need for a new paradigm in the development and renewal of national agrarian law, namely Agrarian Reform, to achieve justice and welfare of society, especially farmers, fishermen and indigenous communities. Renewing Agrarian Law in Indonesia is needed to anticipate current developments, especially in the land sector which is in line with the flow of globalization, by improving the UUPA through the UUPA Improvement Bill.

These improvements only cover practical aspects that are in line with the development of globalization, while still maintaining the philosophical concept of UUPA. There is a decline in the human values contained in land law, and there is a shift towards injustice in the implementation of the omnibus law. The national spirit in the National Land Law has been replaced by the materialistic spirit of the Comprehensive Law. Therefore, the law does not regulate aspects of state legal order. The Omnibus Law does not adopt the values contained in the fifth principle of Pancasila, thus causing a decline in agrarian justice in the Omnibus Law.

### REFERENCES

1. Harsono B, Menuju Kesempurnaan Hukum Tanah Nasional. Jakarta: Universitas Trisakti; 2013.4 p.
2. Suriadinata V, Penyusunan Undang-Undang Di Bidang Investasi: Kajian Pembentukan Omnibus Law Di Indonesia, Refleksi Hukum: Jurnal Ilmu Hukum 2019;4(1):115-32.
3. Muhammad A, Hukum dan Penelitian Hukum. Bandung: PT. Citra Aditya Bakti; 2004.
4. Antari LPS, Undang-Undang Cipta Kerja di Bidang Agraria, Yusthika Mahasaraswati. 2021;01 (1): 11-22.
5. Maria S.W. Sumardjono, Pluralisme Hukum di Bidang Pertanahan, dalam Nindyo Pramono: Permasalahan Seputar Hukum Bisnis: Persenmbahan kepada Sang Maha Guru, Gitama Jaya, Jakarta: 2007. 50 p.
6. Myrna A, Safitri Moeliono T. Hukum Agraria dan Masyarakat di Indonesia, HuMA, Van Vollenhoven institute. Jakarta: KITL; 2010. 13 p.
7. Rahardjo S, Ilmu Hukum. Bandung : Citra Aditya Bakti ; 2006.159 p.
8. Lawrence M. Friedmann, American Law: an Introduction, second edition: diterjemahkan Wishnu Basuki, Hukum Amerika: Sebuah Pengantar. Jakarta: Tata Nusa, ;2001. 10-11 p.
9. Rawls J, Theory of Justice, terjemahan Uzair Fauzan dan Hern Prasetyo, Teori Keadilan: Dasar-dasar Filsafat Politik untuk Mewujudkan Kesejahteraan Sosial dalam Negara. Yogyakarta : Pustaka Pelajar; 2006.
10. Maria S.W. Sumardjono, Transitional Justice atas Hak Sumber Daya Alam, dalam Komnas HAM, Keadilan dalam masa Transisi, Jakarta: 2006. 3 p.
11. Rahardjo S, Membedah Hukum Progresif. Jakarta: Kompas; 2010. 13 p.