

FARMLAND POLICY FOR YOUNG GENERATION IN INDONESIA

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Abstract

Indonesia constitutes an agricultural country; therefore, the government has issued a policy concerning land, which were fundamental and constructive. The idea of this policy was driven by agriculture as a very significant sector in Indonesian economy. Furthermore, it has solved an unemployment issue. Indeed, agriculture supports national economy in the future. Current study and information indicate that policy still support farmers. However, its implementation is less encouraging. Land holding for the farmers is decreasing; in fact, few of them do not have land. These reasons lead to inequality. On the other hand, attention to the young generation by forming a youth group of farmers has been taken into account in countryside areas. However, there are no specific policies have been issued to encourage young people entering farming. There is an issue for young farmers to have access to the land. Thus, the legal policies to enhance the youth entering farming is required.

Key words: farmland policy, agriculture, land distribution, young farmers

INTRODUCTION

Agricultural land always has been a concerned policy since Indonesia had independence in 1945. Various regulations that already exist should be able to provide a solid foundation to build a robust agrarian system. The main policy is the Constitution Republic of Indonesia 1945 and the Agrarian Law No. 5 of 1960. Both of these policies provide reassurance to the public and farmers to hold land for agricultural activities and ensure their welfare.

Agricultural land policy in Indonesia has not worked as it should be yet. Although regulations and policies adequately support, the implementation still weak. Throughout the period, farmers become far from their land. Agricultural census in 2013 showed a decrease of domestic farmers; on the other hand, agricultural companies has increased sharply. The number of agricultural households with land <0.5 ha has dropped 25 percent over the last ten years, from 19.0 million (2003) to 14.2 million (2013). However, agricultural companies have increased 36.8 percent, from 4.0 to 5.5 million (Central Bureau of Statistics, 2013). Agricultural land tenure inequality more pronounced. Many farmers eventually become landless.

However, there is always a hope. Recently, the president has promised a lot of improvements regarding access for farmers to the land. Whether the policies dedicated to the young generation? The answer is no. The aim of these policies is to improve the wealth of farmers. It is not specific to young farmers yet. Furthermore, the existing farmers have not ensured to get access to the land.

The following paper outlines the latest condition of Indonesian government policy towards agricultural land and opportunities for farmers access the land. This policy context intended on the perception of availability and existence of the next generation in agriculture. In the future, agriculture requires new productive age actors since it will be more open to new technologies; moreover, the agribusiness management requires more efficient and competitive.

RECENT POLICY OF AGRICULTURAL LAND IN INDONESIA

In the last decade, various agricultural development policies have given a great hope for the development of a more democratic and participatory. Various new laws that had been developed and launched pro belonging to the farmers. Great expectations anchored in the Law No. 19 of 2013 on the protection and empowerment of farmers. In Article 12, the chapter Protection of Farmers, stated that agricultural land will be given to: (a) Farmers crop cultivators maximum 2 ha land, (b) Farmers having a maximum of 2 ha land holding, and (c) horticulture farmers, planters, or small-scale farmers.

However, in term of the context of land, it is only mentioned consolidation and assurance of agricultural land. This act refuse to use the term "land reform". Therefore, it has led to dissatisfaction with the various peoples due to the fact that the basic issue of agricultural development and the welfare of farmers is landreform.

The Constitutional Court has revised several weaknesses in this Act granted the petition for Judicial Review of the Law No.19 of 2013 on November 5, 2014. The constitutional court's decision has strengthened the protection and empowerment of farmers. It also has avoided adverse relations of production and contrary to the constitution, such as the lease of land by the state And the restraint of democratic rights of farmers. The phrase "leasehold" in Article 59 was deleted because they were considered contrary to the Constitution of 1945. Relations lease of land by the state is a feudal practice in the colonial Dutch and it should be stopped. Thus, the revision of this law mean the farmer can control the land as private property.

Furthermore, in this Act mentioned the government is obliged to guarantee farmers' land area to provide facilities to obtain free land that is intended or designated as an area of Agriculture (Article 58). The government has intended to give 2 hectares area for the farmers who do not own land and have worked on the land for five years in a row.

In addition, the government is also obliged to facilitate the financing and the loans to own and expand land holdings of Agriculture (Article 66 paragraph 2). In this context, the Government will also be seeking various credit schemes more accessible and agricultural insurance.

Indeed, this law gives great hope for the younger generation of farmers to obtain sufficient farmland. If this legislation will be able to improve the welfare of farmers, then sufficient land, a minimum of 2 ha per household, is a basic requirement to meet the needs of farm households.

FOOD SOVEREIGNTY APPROACH WOULD ENLARGE ACCESS AND CONTROL FARMERS TO FARMLAND

Over the past 10 years, the issue of food sovereignty has become a discourse and discussion on the issue of various forums. Starting in 2012, the government officially adopted

food sovereignty as one of the goals and strategies of agricultural development, namely in the Law No. 18 of 2012 on Food. Food legislation contains three basic approaches in the development namely food security, food sufficiency, and food sovereignty.

Currently, the concept of food sovereignty was formulated in Indonesia. There are two references that can be referred to the principal about what is the meaning of food sovereignty. The first reference is the Law No. 18 of 2012 on Food, and the second reference is the document "Nawacita" which is delivered by President and Vice-President when delivering the vision and mission in the campaign in the mid of 2014. The document Nawa Cita then formalized in the Medium-Term Development Plan 2015-2019.

The basic idea of food sovereignty was raised for the welfare of small farmers who are still marginalized. Food sovereignty is a tool for development more social justice. However, food sovereignty is linked to political struggle (Windfuhr and Jonsen, 2005; Lee, 2007). Food sovereignty would be realized if farmers as food producers have, master and control the means of food production, especially land.

According to Article 1 of the Law on Food, Food Sovereignty is "*the right of nations and peoples to independently determine the policy which guarantees the right of Food to Food for the people and which entitles people to determine Food systems in accordance with the potential of local resources*". Thus, food sovereignty can be achieved at the level of the state, the community, and also at the household level.

If the traced point by point of the entire chapter in the Food Act, the word "food sovereignty" appears eight times in the body, and three times in the description section. In Article 2 stated: "*Implementation of the Food done based on the principle: sovereignty, independence, robustness, security, benefits, equity, sustainability, justice.*"

Food sovereignty into the spirit, as well as a method, and also a goal. No specific explanation of how to achieve food sovereignty, and what is the difference between efforts to achieve food security and food sovereignty. Thus, we can conclude, this law has not provided a clear understanding of "food sovereignty". We do not know and can not measure food sovereignty, so that the community can not be said of its food sovereignty low or high. However, it can also be interpreted that "food sovereignty" is a concept that is still open to be formulated and filled by all parties.

One drawback is the law of food does not considerate the Law No. 5 of 1960 and Act No. 11 of 2005 on the Rights of the Socio Culture and Economy (Ecosoc). So it can be said that this law is rather confined themselves to purely technical matters. The use of the concept and understanding of food sovereignty is not parsed clearly.

The second document is "Nawacita" expressed by President Joko Widodo in the vision, mission and action program entitled "Road Changes To Indonesia Sovereign, Independent And Personality" in the period from May 2014 when the presidential election campaign. "Nawacita" meaningful as nine agenda for change. Food sovereignty are listed clearly on the agenda of the number 7 ("Creating Economic Independence With Moving the Strategic Economic Sectors Domestic"). In goal number 7 this spelled out a program to build food sovereignty.

Special to build food sovereignty is mentioned to be used the following five approaches, namely:

1. Build a populist agriculture-based food sovereignty, which consists of four types: control over policy making imported food, agriculture and poverty alleviation regeneration support farmers, implementation of agrarian reform, and the

development of democracy through the development of agricultural bank, small scale enterprises and cooperatives.

2. Stop imports for rice, corn and beef. For corn, government will develop a seed bank belongs to the farmer for the seed of good fortune, as well as the development of organic manure for fertilizer fortune.
3. Stop imports for soybean, onion and red pepper. Government will encourage the development of soybean seed banks in each farmer group.
4. The agrarian reform where the solution to the agrarian reform consists of three programs, namely an increase of 1.1 million ha of land redistribution to 1 million households of small farmers and farm workers each year, the distribution of 9 million hectares of land to farmers and farm workers, and increasing the access of farmers landless against the ownership of agricultural land
5. Combating poverty and regeneration agricultural farmers, in the form of four solutions: (a) 1,000 seed sovereign country until 2019, (b) increase the ability of farmers' organizations and the active involvement of women farmers as the backbone of food sovereignty, (c) rehabilitation of irrigation broken at 3 million ha of agriculture, and (d) support the regeneration of young farmers Indonesia.

Perhaps, Nawa Cita is the only one policy document that mentions "next generation of farmers" in it. It is clearly seen that the important points in the document outlining the concepts and strategies Nawacita food sovereignty as the thought that developed at the international level (Via Campesina, 2006). The key point is the provision of access and great control to farmers, especially in agricultural land, water, seeds, and markets.

The attitude of the president is clear, namely: *"Food security is different from food sovereignty. Food security is simply the availability of foodstuffs (logistically) in warehouses and the markets Regardless of the origin Whether from import or from locally produced. Food sovereignty means we produce and market our foodstuffs ourselves while the surplus of agricultural crops is exported"* (Lassa and Shrestha, 2014). Here, we can see that the food sovereignty significantly deeper than food security

Furthermore, the spirit of Nawa Cita was formalized in Presidential Decree No. 2 of 2015 on the National Medium Term Development Plan 2015-2019 issued on January 8, 2015. In the appendix of the book "National Medium Term Development Plan 2015-2019 Book I of the National Development Agenda", writing that the attention given to the group of households who are at 40 percent of the population segments, namely the lower-income labor force that works not full (underutilized) consists of part-time workers, including the fishermen household, household small farmers and poor people who do not have assets, including job.

One issue of concern to the government is inequality of ownership, possession, use, and use of farm land. Efforts to improve the inequality through land reform and land ownership program covering nine million hectares. Through the distribution of land rights, it is expected smallholders to access agricultural land ownership can be increased from an average of 0.3 hectares to 2.0 hectares per farmer household.

Agrarian Reform program for years 2015-2019 include the identification and inventory of land 18 million field or at least reach 9 million ha, identify forest areas that will be released at least 4.1 million ha, and the identification of land owned by the community as the recipient of agrarian reform to legalization assets of at least 3.9 million ha. Beside, government will be giving ownership rights over land covering a land redistribution and asset

legalization as many as 9 million ha. More details, the program will redistribution of 4.5 million ha of forest land, the right to cultivate land that will expire, and wastelands; legalization asset of 4.5 million ha (land resettlement and certification). Farmers preferred recipient for small farmers (<0.5 ha) and farm workers.

This land distribution program in accordance with the mandate of the Constitution of 1945 Article 33, paragraph 3 and the agrarian law No. 5 tahun 1960 on Rules Basic Agrarian that the utilization of earth, water, and space, including the wealth contained therein to the overall prosperity of the people. This is already spelled out in national planning as stipulated in the Law No. 17 of 2007 about the National Long Term Development Plan of 2005-2025.

AGRICULTURAL LABOUR FORCE AND YOUNG FARMERS IN INDONESIA

Research results and references about young farmers in Indonesia are very limited. This topic has not attracted for researchers, and also is not considered important by the government. We are still seeking empowerment for existing farmers.

In general, the agricultural sector is currently burdened with excess labor that labor productivity is low. A decrease in the role of the agricultural sector due to the transformation of the structure of the national economy was not followed by a decline in the number of people working in the agricultural sector. This situation is due to the agricultural sector to be a place to accommodate the overflow of labor, the slow creation of new jobs, and undeveloped agricultural industry, processing and downstream activities in the countryside.

The average total of workers of agricultural sector to the national labor force during the period 2007-2013 amounted to 33.84%, or 1 of 3 national labor (Ministry of Agriculture, 2014). Agricultural laborers in 2007 reached 38.13 million people, in 2008 rose to 38.36 million, in 2009 rose again to 38.61 million people, in 2010 to 38.70 million people, but in 2011 dropped to 36.54. The agricultural sector is very open, so that fluctuations in the agricultural labor force is influenced by external factors directly.

Agricultural labor (in the narrow sense) is the largest labor force with the total reached 37.18 million in February 2013. This amount represents 32.61% of the number of Indonesian workers entirely. While the number of workers in August in the year 2013 decreased to 35.59 million people, or approximately 32.12% of the number of Indonesian workers entirely.

Agricultural labor force is spread into four sub-sectors. In February 2013, the biggest employment is in the food crop sub-sector (51.36%), plantations (29.65%), livestock (11.29%) and followed by the horticultural sub-sector (8.81%). While in August 2013 the percentage of the labor force each subsector as follows: food crops sub-sector (45.69%), plantations (33.09%), livestock (12.81%), followed by sub-sector of horticulture (7.70%). In February is the time of increasing agricultural activities, while in August decreased. However, total employment in food crops has decreased, while the other sub-sectors of labor, namely horticulture, livestock and plantations experiencing positive growth.

In general, the amount of absorption of the agricultural labor force is only 32% of total employment throughout the entire sector. However, agricultural has too large workforce, it appeared the agricultural sector is only able to contribute national GDP amounted to 14.43%. This condition indicates that agricultural labor productivity is still low. Low productivity is due to the low level of education and ability of technology adoption.

The amount of people working in the agricultural sector continued to decline. The Central Bureau of Statistics noted that employment in the agricultural sector on February 2013 is 39.96 million people. That number has decreased compared to the amount in

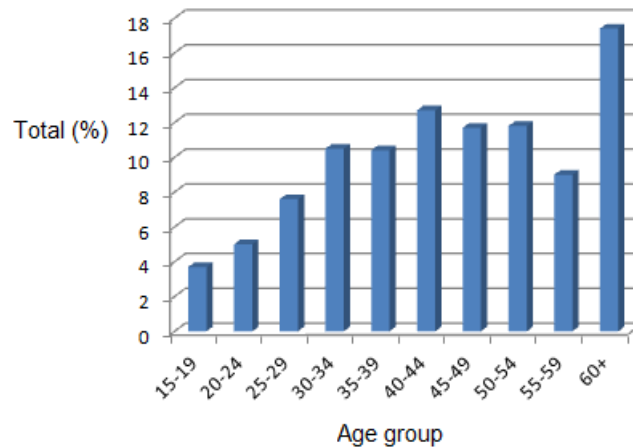
February 2012 amounted to 41.2 million people. The cause is conversion of land, as well as large wages more attractive in other sectors such as construction or trade. The amount of agricultural labor 2007-2011 by age group in general has decreased for each age group except in age group of 30-34, 35-39 and 50-54 (Ministry of Agriculture, 2012).

Table 1. Tthe Agricultural Sector Workers by Age Group, 2007-2011.

Age group (year)	2007	2008	2009	2010	2011	change in average (% / year)
15 – 19	2.370.225	2.221.909	2.343.007	1.969.978	1.945.164	-4,82
20 – 24	3.324.937	3.105.038	3.062.673	2.659.967	2.775.229	-4,42
25 – 29	3.882.471	3.985.705	3.867.448	3.791.868	3.696.502	-1,22
30 – 34	4.203.425	4.357.044	4.326.707	4.354.144	4.205.982	0,02
35 – 39	4.233.721	4.489.565	4.427.287	4.490.445	4.286.376	0,31
40 – 44	4.304.480	4.253.027	4.308.575	4.508.596	4.289.778	-0,09
45 – 49	4.092.417	4.175.941	4.153.080	4.250.894	3.997.870	-0,58
50 – 54	3.537.360	3.717.904	3.796.501	3.984.394	3.737.020	1,38
55 – 59	2.909.114	2.812.689	2.922.197	3.146.343	2.749.852	-1,40
60+	5.275.738	5.246.159	5.402.522	5.542.414	4.858.199	-2,04
Total	38.133.888	38.364.981	38.609.997	38.699.043	36.541.972	-1,06

Sore: Central Bureau of Statistics, National Labor Survey 2007-2011

Especially for food crops, which absorb most of the agricultural labor force, total employment in 2011 is 22.48 million people, then declined in 2012 to 22.34 million people, and in 2013 fall to 22.19 million people. A decrease in the labor force at most 4.82% occurred in the age group 15-19 years, followed by the 20-24 age group (4.42%), as well as in age greater than 60 years.



Picture 1. The number of workers in the sub-sector Plant Food By age group in 2013 (%)

In a survey of national labor, agricultural laborers by age to distinguish between agricultural youths (15-29 years) and adult (30-60 years). The percentage ratio between the age groups are shown in Table 2. Based on the table, we can see the interest the younger generation in the agricultural sector until the year 2007 to 2011 continued to decline. Decrease per year on average 3.18%, while the decline in labor force not only the younger generation just 0.38%. The percentage between the younger generation and not the younger generation, Table 2 shows that the percentage of the workforce that includes the younger generation has decreased. In terms of education, there are exciting developments, which occurred during the period 2007-2011 high growth at the level of university education, vocational and high school respectively 19.87%, 6.98% and 5.25% per year.

Table 2. Total Labor in Agriculture Sector, 2007-2011.

Age group	2007	2008	2009	2010	2011	change in average (% / year)
Young (old 15-29 years)	9.577.633	9.312.652	9.273.128	8.421.813	8.416.895	-3,18
%	25,12	24,27	24,02	21,76	23,03	
Adult (old more than 30 years)	28.556.255	29.052.329	29.336.869	30.277.230	28.125.077	-0,38
%	74,88	75,73	75,98	78,24	76,97	
Total	38.133.888	38.364.981	38.609.997	38.699.043	36.541.972	-1,06
%	100.0	100.0	100.0	100.0	100.0	

Source: National labor force survey from 2007 to 2011.

From some parties turned up the pressure on the government to pay attention to young farmers. On 29 October 2014, for example, the People's Coalition for Food Sovereignty hopes the Minister of Agriculture made special policies for young farmers, which is a policy that could attract young people into farming. This came during a discussion "Last Farmer: Loss of Young Farmers of Agriculture". In this activity, set of 8 young farmers named as an "Ambassador For Young Farmers of Indonesia in 2014".

Apparently, talks about the young farmers in Indonesia less attractive. Discussions on the role of youth in agriculture growing niche to be oversimplified into agriculture being unattractive. From of the youth, as research conducted by AKATIGA (2014) found that the possibility for upward social mobility is crucial to entice youth into agriculture. They are not simply attracted or not attracted to the sector, it depends on the social context they come from and what kind of involvement they are being offered. Is it farm-labor? Semi-labor with other sources of income? Or would they be the owner of the farm?

Can be added, along with my research team at Regency of Hulu Sungai Tengah province of South Kalimantan (Indraningsih *et al.*, 2013), youth are increasingly coming back to agriculture. The main reason has been the overwhelmingly high yields of chilli and tomato and the subsequent high income farmer.

LAND DISTRIBUTION OPPORTUNITIES IN THE FUTURE WITH THE EASTERN CULTURE

Land holding farmers increasingly narrow and do not achieve economies of scale. Data from agricultural census in 2013 showed that 26.14 million farm households only control the land on average 0.89 hectares (ha) and 14.25 million farm households only less than 0.5 hectares of land per household. Land tenure on all agricultural households declined, contrary to the agricultural companies increased (Table 3).

Table 3. Distribution farmer household based on landholding, 2003 and 2013 (million household)

Land Holding (ha/household)	2003	2013	change in average (% / year)
<0,1	9.4	4.3	-53.8
1-1,9	3.6	3.6	-1.5
2-4,9	6.8	6.7	-1.2
5-9,9	4.8	4.6	-4.8
10,19,9	3.7	3.7	1.0
20-19,9	1.7	1.6	-3.3
>30	1.3	1.6	22.8
Total	31.2	26.1	-16.3

Government policies that focus on large investments led to land controlled by corporate plantation, so landless farmer increases. Although Indonesia has had the Basic Agrarian Law which has been more than 40 years, which gives recognition of the importance of the agrarian sector in this country, but poverty in the rural and agrarian issues still large, though the government regime changes (Tjondronegoro, 2008).

As the policy line set by the government, the direction of the policy is carried out agrarian reform through redistribution of land, legalization of assets (land titling), equipped with the help of community empowerment for low-income people who need especially farmers, fishermen, small and medium enterprises (SME), and low-income communities. These efforts will be achieved with the land redistribution strategy, legalization of land assets, and community empowerment.

The Agrarian Law No. 5 of 1960 is a fundamental law which is a best product of the law ever produced, but implementation was less successful because of the attitude of the government agrarian policy. Nice landreform program only runs from 1960 to 1965. After that, land reform is still running but the speed is very slow and wide.

The Law No. 56 of 1960 on the establishment of agricultural land area, has set the minimum and maximum area of land which may be controlled by individuals, specifically for agriculture. This legislation is a guideline in the implementation of the reform. As a limited form of agrarian reform, the government running the program PRONA (National Agricultural Operations Project) began in 1981 to speed up land registration.

Until the year 2000, at least 840,227 hectares of land reform object has been distributed to 1.3 million family farmers in Indonesia. Implementation of land reform in Indonesia has stagnated, halting and incomplete. The main barriers to the implementation of the reform is weak political willingness of government further pursue high economic growth (Fauzi, 1999).

Distribution of farm land next to the need to look at MPR Decree No. IX of 2001 on Agrarian Reform And Natural Resource Management. This regulation is an assignment to the government for the implementation of agrarian reform agenda.

Previous president, namely SB Yudhoyono (2004-2014) three times delivered an important speech on the agrarian, namely in 2007; January 15, 2010; and a speech at the Bogor Palace October 21, 2010. In 2007, the government is launching "National Agrarian Reform Program" with a target 8-9 million hectares of land distributed by the government to public land. Then, in 2010, the government tried to curb wastelands which amounts to more than 7 million ha, based on Government Regulation No. 11 of 2010 on the Control and Utilization of Abandoned Land. In 2010 also, National Land Agency has said it will distribute 6 million hectares of land to the public. It is expected that distributed land area ranged from 2.8 to 3.5 million hectares and is targeted for completion in 2025.

The Ministry of Agriculture and the National Land Agency agreed to redistribute land to peasants displaced by the nucleus. Farmers as cultivators, while the owner of the concession as the core. Farmers as cultivators of land, while the owner of the rights to cultivate as the core. There are abandoned land approximately 7.2 million hectares. Of that amount, which could be used for farming 2.1 million hectares. There are 13,000 hectares of abandoned land could be redistributed status and complete. National Land Agency not take legal action but persuasive manner to the land owner.

So much promise and hope, yet so many obstacles. The successful implementation of agrarian reform need to study the pattern of Indonesian farmers acquire land over the years. There are four ways farmers to get land. *First*, the land of the King or the government granting the Dutch to citizens who have the male workforce with an obligation to implement certain work obligations. *Second*, the result of clearing land by ancestors, or by a community and family. *Third*, land "*titisara*" (*bondo desa*), which is land into wealth or village treasury usually cultivated by members of the community who are less capable and partially income entered as the village treasury. Finally, *Fourth*, land bent or "*lungguh*" for incumbent officials and village government for operating costs. In essence, all the land belongs to the ruling, the farmers are the ones who were given land by the authorities.

How the opportunities and future patterns of agrarian reform in Indonesia? Design of agrarian reform Indonesia in the future should be based on the land tenure system according to oriental culture. Before known formal law, tenure in the community using customary law and Islam. Some people still defend it at present. In 1999, the Regulation of the Minister of Agrarian exit No. 5 1999 on Guidelines For The Settlement Of The Problem Customary Rights Of Indigenous Peoples. This Law is given the opportunity to the public to register the land is customary land or communal land in communal ownership format.

Indeed there are parallels between the nature of tenure under customary law in Indonesia by Islamic law. Both of these laws contrary to the form of control by the capitalist economic system. The Agrarian Law No. 5 of 1960 actually seeks to bridge between capitalist domination concepts with customary law. However, because it is not implemented, then finally prevailing land tenure in Indonesia today is stronger adopting capitalist law. The government is more pro capitalist law of the land.

Forms of land tenure law on indigenous peoples known as "customary rights". In the Minangkabau ethnic, for example, means the land as the communal property across the Minangkabau community. Communal land is a heritage passed down from generation to generation, and should not be sold. Management of communal land is intended to preserve the life and existence of society (cultural existence), creating a system of life, including the production and distribution of agrarian resources with social justice. In addition, communal land also contains elements of religious, historical and even magical elements and aims prosperity of the people in it.

Communal land is the land of communal property that should not be and can not be registered on behalf of one or more of the parties alone. "Communal land" has the principle of communal ownership, where the use and distribution of their use are subject to adjustment in accordance with customary law (Jamal *et al.*, 2001).

At least four characteristic forms of land ownership under customary law, namely: (1) the absence of absolute ownership, (2) acquisition is inclusive, (3) prohibition to peddle copies of land even privately owned land, and (4) more respect for human and the results of its work compared to the land. The four properties relates to each other. Paradigm essence is that the land is in fact not as a typical resource where other economic resources. Due to the limited amount, then the land must be used equitably, and should be able to provide welfare for all people on earth. Land is not a free market commodity.

Land in Minangkabau (West Sumatra) following the customary arrangements that are under the authority of the "ninik Mamak" or leader community (Nurullah, 1999). If the soil is abandoned, then the soil back into the communal property (Kaban, 2004). In essence, the owner of the land is on indigenous peoples (Umar, 1978). This is parallel to the land "kompokng" on Dayak ethnic (Kalimantan) (Djuweng, 1996; Bushar, 1988).

Although the land controlled by the community, but people from outside the tribe can have it. It is found in the Karo ethnic (North Sumatra) (Kaban, 2004), also in Minangkabau ethnic (Jacob, 1995; Thalib, 1985). In the Dayak and Melayu in West Kalimantan, Chinese migrants since 1745 can access the Dayak and Malay land by asking permission to work on the ground, for example by borrowing "saradangan" and "binua" land (Jamal *et al.*, 2001).

Land can not be purchased. The Karo ethnic (Kaban, 2004), "kesain" land should not be traded unless the building located on it. Similarly in Minangkabau (Pakpahan *et al.*, 1998; Jakub, 1995). Also in the Dayak ethnic in Kalimantan (Jamal *et al.*, 2001), and Kaili ethnic in Central Sulawesi province (Syahyuti, 2002).

The system of customary law is in line with the concept of land ownership under the terms of Islam. In Islam, all things were created by God to humans and there is no one who can monopolize it (Afzalurrahman, 2000). "Anything that is in the heaven and in the earth belongs to Allah" (Al-Quran, Surah al-Najm: 31).

Under the terms of Islam, neither the state nor society can not claim a plot of land when both overlook the land beyond the deadline of 3 years. Utilization of land in Islam is not on one's ability to master it but on the basis of utilization. So that the function of land in Islam is as a right rather than on mastering management. There is no absolute ownership in Islam.

Islam recognizes personal property within certain limits. Islam wants to give an incentive to everyone to work and push themselves according best ability, and hopes to get something out of power that have been issued. Although everyone can to support others, but do not allow to dominate the workforce. All the natural resources on land, at sea and in the air is public property. None of those who personally have it.

Is the agrarian reform Indonesia in the future will follow or go back to the customary law and Islamic law? Not entirely so. However, why not both of spirit is considerate, as both have strong roots in Indonesian society. Historical studies have shown that economic crises caused by land used as an economic commodity (Wiradi, 1996).

CONCLUSION

Farmers and prospective farmers access to farm land is weak, because historically since ancient land is the property of the ruler. Land in Indonesia is always regarded as belonging to the ruler, i.e the king, the Dutch government, the local government, and the state. Outside Java, the region where is less influence of colonial rule, land as belonging to God. However, when the state presence began to be felt, the land automatically becomes state property.

Land reform as the core of agrarian reform still requires serious attention. Upholding and strengthening the rights of farmers to land tenure is the result of laws and policies of the ruling government. From a legal standpoint, but its implementation is limited. Since rolled out at the beginning of the 1950s until today, land reform and the granting of land to farmers was never successfully implemented adequately.

Land reform by providing sufficient land to farmers agreed to all parties as things to be done by the government. However, when the land reform program is not effective, some form of another attempt can still be executed. Three of them are land consolidation, transmigration, and improved sharing system. Repair system for the results, which are on the side of the non-reform, as long as this is very rarely noticed and almost never discussed, because it is considered as a personal thing between land owners and sharecroppers.

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