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AND MULTIETHNIC UNDERSTANDING WITH TOLERANCE ATTITUDE
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AGRARIAN REFORM AS A NATIONALISM ISSUE FROM COLONIAL TO *REFORMASI* ERA

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ABSTRACT

Agrarian reform has always been regarded as a communism-related issue in Indonesia as it is often associated with the unilateral action of the BTI (Indonesian Farmers' Union)/ PKI (Indonesian Communist Party) in the first mid of 1960s. The stigma is still attached to this present time. Whereas, agrarian reform is actually a policy that relates with various ideologies to reach different objectives. The step to conduct agrarian reform has been started since 1926 when *Perhimpunan Indonesia* (PI) or Indonesian Association, an organization led by Mohammad Hatta in the Netherland created the land restructured program as a part of Indonesian independence plan. In 1948, Mohammad Hatta as the Prime Minister prepared a draft of National Agrarian Law. The target was only then achieved 12 years later through the legalization of the Principal Law of Agrarian of 1960. This study employed a historical comparative study to explore the agrarian reform in Indonesia postcolonial country as a nationalism-related issue used to strengthen the national sovereignty and to improve the life of the citizens.

Keyword: agrarian reform, nationalism, colonialism, post-colonial era.

ABSTRAK

Reformasi agraria selalu dianggap sebagai masalah yang berkaitan dengan komunisme di Indonesia karena sering dikaitkan dengan aksi sepihak BTI (Barisan Tani Indonesia) / PKI (Partai Komunis Indonesia) pada pertengahan 1960-an. Stigma masih melekat pada saat ini. Padahal, reforma agraria sebenarnya adalah kebijakan yang berkaitan dengan berbagai ideologi untuk mencapai tujuan yang berbeda. Langkah untuk melakukan reformasi agraria telah dimulai sejak 1926 ketika Perhimpunan Indonesia (PI), sebuah organisasi yang dipimpin oleh Mohammad Hatta di Belanda menciptakan program restrukturisasi tanah sebagai bagian dari rencana kemerdekaan Indonesia. Pada tahun 1948, Mohammad Hatta sebagai Perdana Menteri menyiapkan rancangan UU Agraria Nasional. Target tersebut baru tercapai 12 tahun kemudian melalui legalisasi Undang-Undang Pokok Agraria tahun 1960. Studi ini menggunakan studi perbandingan historis untuk mengeksplorasi reformasi agraria di Indonesia pascakolonial sebagai isu terkait nasionalisme yang digunakan untuk memperkuat kedaulatan nasional dan untuk meningkatkan kehidupan warga.

Kata kunci: reformasi agraria, nasionalisme, kolonialisme, era pasca-kolonial.



INTRODUCTION

Since the era of colonialism until the present time, it is often said that Indonesian people have been regarded fail to advance due to its spoiling fertile and rich land. Whereas at the same time, political and capital network have marginalized the community away from this fertile and rich land. Most of the natural resources have been enjoyed by a few foreign and domestic investors.

Before the presence of the Western colonialism, across-island trading and international trading in Archipelago had been run for centuries. In that era, the mid-class society used to consist of ship owners and merchant. However, the presence of *Vereenigde Oost Indische Compagnie (VOC)* which monopolized the crops trading had made local communities pressed and the contents of their economic life shrank. After taking over the trade route, the Dutch colonials distorted the land tenure system within the community and had the community worked as low-paid labors. Therefore, ever since the movement activity in 1920s, agrarian issues have become the major agenda of the nationalists to fight against economic inequality structure due to colonialism.

Muhammad Hatta was the pioneer of the agrarian reform (land reform). In 1926, under his leadership, *Perhimpunan Indonesia* in the Netherlands proclaimed the abolition of private-owned land in Dutch East Indies (Hatta, 1998: 152-3). After returned to homeland, Hatta started to focus on people's sovereignty and analyzed the land tenure system which results were published in some edition of *Daulat Ra'jat* newspaper in 1930s. Under *Panitia Adat* (the Custom Committee) in Japanese era, Hatta proposed a system to limit the land ownership rights up to 5 hectares (Noer, 1991: 200). In the early era of independence, after the Sjahrir and Amir Sjarifuddin eras rarely touched on the land issue, the Hatta Cabinet formed a committee investigating land conversion rights which resulted in the enactment of Act Number 13 of 1948 to deprive the rights in Yogyakarta and Surakarta. In that year,

the government also formed an Agrarian Committee in BP KNIP meeting in September 16th 1948. Prime Minister Hatta stated that the committee was formed to prepare the law to restructure the land tenure through the implementation of land division system and limited-right of land tenure (Hatta, 2015: 96-97). After going through a long process, the objective was finally achieved as the Act Number 5 of 1960 about the Basic Principles of Agrarian, or *Undang-Undang Pokok Agraria (UUPA)* was legalized.

Hatta is a drafter of Article 33 of the 1945 Constitution. If cooperative is seen as the manifestation of Article 33 paragraph (1), then agrarian reform is the concrete step of the article (3). The point of Hatta's ideals was the management of economic resources based on social justice. The UUPA of 1960 was intended to modify the imbalance land tenure system through the distribution and protection of rights upon farmers' land, limitation of the land ownership rights to a maximum of 5 hectares. However, various obstacles occurred in the implementation of the agrarian reform including protests from the major landowners and bureaucratic officials who supported the landlords. The unilateral action held by the *BTI (Barisan Tani Indonesia)* or Indonesian Farmers' Union / PKI (Indonesian Communist Party) in the first half of the 1960s was intended to "accelerate" the implementation of agrarian reform which then sparked social conflicts in some regions.

The agrarian reform effort then met a deadlock as the political power shifted from the Old Order to the New Order. The distribution of land tenure became way too unequal when the New Order government opened up large-scale farming, mining, industry and forestry that involved several domestic and foreign investors who were the main sources of land disputes. In the reform era, land tenure was increasingly unequal when the land tenure in the regions was lined up by investors who colluded with "small kings" who gained power through regional autonomy system. The onslaught of (neo)

liberalism in economy also affected the country's resilience to uphold the sovereignty of the nation and the lives of the community.

Under the leadership of Joko Widodo, the government of Indonesia has made the agrarian reform as a national priority program for National Medium-Term Development Plan (*Rencana Pembangunan Jangka Menengah Nasional/ RPJMN*) of 2015-2019. This concern is then put into the Presidential Regulation No. 45 of 2016 concerning the Government Work Plan (*Rencana Kerja Pemerintah/ RKP*) of 2017. 9 million hectares of land have been put into the plan of land redistribution and legalization of assets under the agrarian reform plan. Whereas in order to expand the community management in the forest area, the target of 12.9 million hectares of land is allocated for land management by the community. However, besides giving the appreciation toward a number of efforts to open dialogues about the proposed agrarian reform object from below, the National Committee on Agrarian Reform (*Komite Nasional Pembaruan Agraria/ KNPA*) stated on October 25, 2017 that the main orientation of agrarian reform is still sectoral in agricultural, forestry, and rural areas. Whereas the aim of agrarian reform must be multi-sector, so it is necessary to design the settlement of the structural inequality in the territories of mining, coastal, marine, small islands, and urban agrarian issues (KNPA, 2017).

Some postcolonial experts have analyzed the characteristics of colonialism that influenced political, economic, social and cultural aspects in ex-colonialized society. Ania Loomba (2015: 32) stated: "'Colonialism' is not just something that happens with the collusion of forces inside, but a version of it can be duplicated from within.". Adherents of the postcolonial approach regard this as "postcolonial conditions" which relate to lack of freedom, such as oppression and injustices that occur in ex-colonialized nation. In Indonesia, post-colonial conditions concern the preservation of the exploitation of economic resources for the interests of

large investors, both foreign and domestic who are close to power, and employed the local residents as low-paid labors in this vast and wealthy country. Being independent for more than seventy years, Indonesia still allows its natural wealth to be taken by dividing the profits which are more profitable for the large investors while at the same time put the society in a weak position. Cheap wage is a pull factor that attracts trans-national companies to make investment, without providing systematic efforts to improve the skills and productivity of workers and it is also leaps in industrialization strategies.

Therefore, the discussion of agrarian reform as a nationalism-related issue in Indonesia becomes an interesting topic in the field of conflict and compromise among various political forces, the power of capital, and the relationship between the government and its people. In terms of the political thinking of agrarian reform and nationality, the idea of Mohammad Hatta ranked first as he was the originator of Article 33 of the 1945 Constitution which became the legal basis of agrarian reform constitution and many of his thoughts since became a movement activist in the 1920s until to be a prime minister and vice president have a lot of influence in agrarian-related policy making in Indonesia.

RESEARCH METHOD

This study employed a qualitative approach in analyzing agrarian reform as a nationalism-related issue in Indonesia. In this study, agrarian reform idea and its relation to nationalism issue were reviewed using a historical-comparative research method. The method was regarded effective in exploring the issue from its socio-historical root before the Indonesia reached its independent and the its development until the 72th year of Indonesian Independence (1945-2017) by concerning the ideas and practices related to the matter.

Kreuger and Neuman (2006: 419) explained that some founders of sociology including Emile Durkheim, Karl Marx,

and Max Weber, had employed historical-comparative method in their studies. This method has been extensively used in some studies in the field of sociology, such as social change, political sociology, social movements, and social stratification. In the beginning of the First World War, historical-comparative research suffered a decline because positivism formed the thoughts of sociologists to prefer conducting field research. Between the First World War and the 1950s, several sociologists conducted historical-comparative studies, such as Marc Bloch, George Homans, Robert Merton, and Karl Polanyi. Interest in historical-comparative research started to increase in the 1970s and continued to develop in the following decades. After 1990, approximately 40 percent of research articles published in the most prestigious sociology journals in the United States used this technique. Validity of the data in this study used triangulation of measure, it means we take several measures of the same phenomenon (Neuman, 2014: 166). In this study, literature study, documentation, and in-depth interviews were also administered.

RESULTS AND DISCUSSION

Pre-Colonial Archipelago Society and Land Tenure

In his writing in 1963 entitled "*Persoalan Ekonomi Sosialis Indonesia*" Mohammad Hatta stated that:

Every socialism was started with agrarian reform. This is not surprising because in feudalism era land was not only a source of livelihood but also a source of power. Those who did not have any land were forced to depend on their landlords. Eventually, they became slaves for their landlords. The land became a tool of oppression and exploitation by the ruling feudal class. Therefore, the social revolution that came later overhauled the big property rights. Depending on the style of the revolution, the lands can be distributed to peasants who have no land or are used as state property as happened in USSR. In this case, Indonesia has the privilege because the land has been originally belonged to the community, be-

longed to the village. Only the individualization process that has been in effect for several decades has caused individual ownership to be small. Large property of land, up to hundreds of hectares almost none. Thus, if Indonesian socialism seeks its basis in an original society, the land reform system must be in line with that. Basically, the right to use is given to the person who cultivate the land himself with his family and to the cooperative. (Swasono & Rizal [Eds], 1992: 164)

Hatta's statement above stated, "*Indonesia has the privilege because the land has been originally belonged to the community, belonged to the village.*" Hatta saw the peculiarities of the historical-materialism conditions of the Archipelago compared to the development of society from feudalism in Europe which gave rise to the thoughts of modern capitalism and socialism. When in Europe, during the feudal era, the lands were plotted by barons as oppressors and exploiters, communal lands supported the small people here. According to Muljana (1967: 37-40), in the Majapahit era, there was a law on the land use rights called *Pratigundala* called the book of the agrarian law in this era. In several articles of the religious law, there are also arrangements regarding the land use. The Nagarakretagama book stated that land is basically the property of the king and the people who have the right to use it. It can be inferred that Majapahit rejected the large agricultural ownership by protecting the rights of farmers' land use.

Ongkhokham explained in the composition of feudal society that the king was a state manifestation. Therefore, the king did not consider himself to be the owner of the land in the broadest sense. The land tenure model of that era gave farmers the right to use the land to prevent the growth of landlords. In Java, the wealth and prosperity of the members of the elite were measured according to the number of people working on the land and not according to the size of the land (Tjondronegoro & Wiradi [Eds], 2008; 6). The lands in vari-

ous kingdoms and tribes in the Archipelago were also controlled by farmers and gave birth to customary rights to land (communal land). Village democracy developed under conditions of communal lands control.

Koentjaraningrat (2015: 72) noted that deliberation with a mutual cooperation culture developed and functioned in various regions, such as the Nagari community in Minangkabau, the principle of clan ties (*marga*) in Kuta community in the Toba Batak, the principles of *dadia* ties in the Banjar community in South Bali, and throughout Indonesia where the broad kinship groups (extended family, clans, etc.) are the basis of the composition of the village community. Mohammad Hatta added, "Social analysis shows that genuine Indonesian democracy is strong enough to survive under feudalism, because land as the most important production factor was the common property of village communities, not belonging to the king." (Hatta, 2014: 104)

Archipelago as a Country of Dutch Colonies

Colonialism damages the ownership of the community. After the VOC era monopolized the trade in agricultural products, the reign of Herman Willem Daendles (1800-1811) made a slight change in the structure of land tenure which gave rise to private land, the era of Thomas Stamford Raffles (1811-1816) imposed a land tax, and the forced cultivation system (*cultuurstelsel*) (1830-1870) exploited land resources in guided ways, then in 1870 became the beginning of a period of economic liberalization which overhauled the structure of land tenure massively. The economic liberalization policy was encouraged by the opening of the Suez Canal in the previous year and the development of the use of steamship resulting from the Industrial Revolution which made European-Asian trade traffic faster, so that the Dutch East Indies government felt the need to facilitate the arrival of many investors.

The difference in material base of the colonists influenced the way of colonialism. Near the end of the 18th century, there was the Industrial Revolution in Europe which was related to the invention of the steam engine by James Watt in 1776. Then, the 19th century was marked by important advances such as the discovery of diesel engines, the use of electricity, the development of chemistry, and new techniques of metal casting. During this period, many factories were growing with the use of machines. Economic development of society changes from commercial capitalism to industrial capitalism. Due to the exposure of the Industrial Revolution, industries in the UK developed to overproduction. British colonized to expand their market. Thus, at the beginning of their colonialism system, they opened schools and universities to encourage the increased purchasing power of the colonial population. The British colonized to expand the market so that from the beginning the colonial system opened schools and universities to encourage increased purchasing power of the colonial population.

However, the Dutch who was late in carrying out the industrial revolution experienced economic difficulties. In addition, Diponegoro War made the Dutch spending much money. Economic difficulties grew after the separation of Belgium (1830) which caused the Dutch to lose much of their industry. The Dutch colonized to look for raw material in order to massively develop through the forced cultivation policy (*cultuurstelsel*) and to massively overhaul the land tenure structure since the imposition of *Agrarische Wet* in 1870. Education is limited and is intended for certain strata only. Indonesia's natural wealth was exploited. Its people were made cheap laborers because colonialism seizes its livelihood through the control of land.

Unlike in Europe when the French Revolution demolished feudalism at the end of the 18th century, in the Archipelago modern capitalism entered through colonialism. Capitalism did not replace

feudalism but used it as a network and work culture. In the structure of feudal society, the position of kings and regents was very strong. This condition was used by the VOC who carried out a monopoly by giving them power as trade brokers. After the VOC's role was replaced by the Dutch East Indies government at the beginning of the 19th century, the process of utilizing the feudalism system by colonialism became increasingly hardened. When the forced cultivation system was put into effect in the period of 1830-1870, the colonial power network extended to the village level with the village head being foreman under the supervision of the regent. Meanwhile, the feudal people were generally willing to be a part of the colonial power because their power was not replaced. However, the burden of the peasants became multiplied because they had to bear the interest of the colonial rulers and feudalists at once. In addition, the monopolization of production had clogged the economic system and openness of the society.

The relationship of colonialism-feudalism continued to be maintained after the enactment of the colonial agrarian rule, *Agrarische Wet* 1870. The enactment of the regulation was related to the change of political power in the Netherlands from conservatives to liberals who oppose the exploitation system by the state or government. However, later on, the Dutch and other European foreign capital owners had a wide opportunity to own businesses on Indonesian plantations. Since then, the huge profits from the export of plantation crops had been enjoyed by foreign capital while the great suffering had been felt by Indonesian people (Rachman, 2017: 32-34). The utilization of the structure and culture of feudal society by capital power influenced the further development of the society in the control of economic resources and distribution of power until the era of independence.

Hatta wrote that "Only the individualization process that has been in effect for several decades has caused individual ownership to be small. Large property of land, up to hundreds of hectares almost

none." Hatta wrote that statement in 1963. He said, "...for several decades..." This showed the starting point of the reshuffle was implementation of *Agrarische Wet* in 1870. In context political economy, the regulation created conditions for capital accumulation by undermining community control for production sources (Luthfi, 2011: 44). As a result of the implementation of *Agrarische Wet* 1870, the foreign landlords appeared in the Dutch East Indies. In 1939, land use in Java for large-scale agro-industrial capitalists reached 1.25 million ha or 9.47% of the overall land in Java while in East Sumatera, there were 888 thousand ha or 26.35% used (Rachman, 2017: 42). In 1932, communal land in Java and Madura remained 13% (Kahin, 2013: 20).

The results of the overhaul of land tenure were enjoyed by the Dutch colonial and large investors. Ricklefs (1993: 152-155) explained that in between 1900 and 1930, sugar production rose nearly four times, tea nearly eleven times. Pepper, copra, tin, coffee and other products expanded. About 70 percent of Dutch capital in 1929 was invested in Java, about half of it in sugar. As for outside Java, many non-Dutch companies operate in the agricultural and mining sectors. The investment obtained many cheap laborers precisely from the farmers who lost their land. In 1931, added Ricklefs, more than 306 thousand contract workers from Java were employed in plantations in East Sumatera and elsewhere. From the exposure of Ricklefs, it is not surprising that when the depression hit the world in the 1930s, the people of the Dutch East Indies who were the part of the structure of the global economy without independent and capability suffered the severe impact.

Staged Effort for Agrarian Reform (1945-1960 Period)

Agrarian reform was actually intended to overhaul the land tenure structure for equity because the unequal land tenure structure caused differences in power and ability to reach the access to capital and

means of production. However, as Hatta had mentioned in the quotation above, the reshuffle of land ownership depended on the style of revolution such as communism and non-communist socialism backgrounds. In fact, a number of Asian capitalist countries such as Japan, Taiwan, and South Korea also carried out agrarian reforms to begin development. In South Korea, landless peasants dropped dramatically from around 50% to only around 7% after the implementation of agrarian reform during the period 1945-1953. There were also countries which implemented the "mixed" economic system (with the socialist element) such as India and Pakistan and several countries which implemented Socialists such as China and Vietnam. Those countries had an amazing economic growth. (Tjondronegoro & Wiradi [Eds], 2008: 386-495).

From the beginning of the independence until the enactment of the UUPA (Basic Agrarian Law) in 1960, agrarian reform efforts had been gradually carried out in Indonesia. At the beginning of independence, agrarian reform efforts were carried out in a limited way. The government was careful enough to overhaul land tenure in the era of independence because they still needed national consolidation to deal with the physical threat from the Netherlands. In 1945, the Minister of Home Affairs abolished the privilege of the village called as *perdikan* in the Banyumas area, Central Java. A *perdikan* or free village generally had a special right which was free from land tax payments. The village founder was appointed as the village head and this position was declared hereditary for an unspecified time. Since *perdikan* village was deemed no longer suitable with the state of revolution, the Law No. 13 of 1946 which did not recognize the village head and his family power over all his traditional privileges was issued. (Tjondronegoro & Wiradi [Eds], 2008: 124). Another land reform effort was made in the time of Mohammad Hatta's Cabinet after noticing the demands of farmers in Surakarta and Yogyakarta who wanted the distribution of

land controlled by Dutch sugar companies. Law No. 13 of 1948 was issued to remove conversion rights in the Yogyakarta and Surakarta regions (Hatta, 2015: 48). Selo Soemardjan explained that with the Law No. 13 of 1948, all lands previously controlled by around 40 Dutch Sugar companies in the two regions were provided to the farmers. This action put an end to unequal competition regarding the exploitation of land and water between the large and strong sugar companies and unorganized farmers. After the departure of the Dutch colonial, these companies were managed by the Indonesian government. These lands of companies were obtained by leasing contracts with individual farmers. (Tjondronegoro & Wiradi [Eds], 2008: 124-5).

The Hatta Cabinet then prepared an agrarian law that overhauled the land tenure structure nationally. Agrarian Committee was formed through the Presidential Decree dated 21 May 1948. As government's response to BP KNIP (The Working Committee of Central Indonesian National Committee) on September 2, 1948, Prime Minister Hatta said that this committee prepared a law limiting the land tenure. In accordance with the old customary law in Indonesia, the land belonged to the people. The people were able to use the land as much as they needed with their families as long as they were able to make use of it. Therefore, the hereditary right to use which was equal to own property arose. Based on the spirit of the Constitution, land can be utilized by someone with their families as much as it could be done. Thus, the rights of wide land had to be abolished. The maximum width of land allowed had to be studied carefully. Instead it must also be endeavored so that the land owned is enough to guarantee the lives of farmers. (Hatta, 2015: 46-7).

This objective was achieved 12 years later on September 24, 1960, when President Soekarno ratified and promulgated the UUPA in 1960. The UUPA of 1960 was drafted by the Minister of Agriculture Sadjarwo, a member of the Agrarian

Table1. Information of Indonesian Agricultural Land Tenure Structure in 1957

Area	The Number of Rice Field Owners						
	Less from 0.5 ha	0.6- 1 ha	1.1- 2 ha	2.1- 5 ha	5.1- 10 ha	10.1- 20 ha	20- thou- sands of ha
West Java	1,395,307	359,424	156,216	56,283	8,153	1,449	363
Central Java	1,388,352	405,067	115,304	25,787	3,265	905	111
East Java	933,615	464,532	167,565	40,954	4,369	577	93
Sulawesi and Nusa Tenggara	468,151	197,286	105,704	42,277	5,770	1,468	433
Total	4,185,425	1,426,309	544,789	165,301	21,557	4,399	1,000

Source: Speech of the Minister of Agrarian Affairs of the Republic of Indonesia, Sadjarwo, at the Supreme Advisory Council Meeting on January 13, 1960, in Faryadi (2008).

Committee in 1948. Thus, the bill was known as the “Sadjarwo Plan”. “Sadjarwo Plan” was agreed by Core Cabinet through its assembly on 22 July 1960 and the Plenary Cabinet in its assembly on 1 August 1960. That plan was submitted to the DPR-GR (*Dewan Perwakilan Rakyat Gotong Royong* or People’s Representative Council of Mutual Cooperation) which was approved on September 14, 1960 (Harsono, 2016: 130). The UUPA of 1960 aimed to overhaul the imbalance in the land tenure structure which at that time can be seen in table 1.

Agrarian Reform as National Agenda and Its Implementation Problems (1960-1965)

Based on the UUPA of 1960, Indonesian Agrarian Reform included 5 programs (*Panca Program*) which were: (1) Agrarian Law Renewal through legal unification which concluded a national concept and guarantees legal certainty; (2) Elimination of foreign rights and colonial concessions on land; (3) Gradually putting an end on feudal exploitation; (4) Changing the land ownership and control as well as legal relations concerned with the exploitation of land in realizing equitable prosperity and justice; (5) Planning inventory and allotment of the earth, water, and natural resources contained therein and their planned use in accordance with the carrying capacity and capabilities (Harsono, 2016: 3-4).

The UUPA of 1960 has nationalism principle and pro-poor people. Article 1 paragraph (2) stated that "All earth, water and space, including the natural wealth contained within the territory of the Republic of Indonesia as the gift of God Almighty, are the earth, water and space of the Indonesian people and are national wealth."

In the explanation of the mentioned Law above, it can be inferred that the earth, water, and space in the territory of the Republic of Indonesia whose independence was fought for by the nation as whole becomes the rights of the nation as whole, is also the right of the Indonesian people, so it is not merely the rights of the owners. Thus, the earth, water, and space in the territory of the Republic of Indonesia not only become the rights of the owners but also become the right of the Indonesian nation. Likewise, the lands in the regions and islands are not merely become the rights of the indigenous people of the region. With this understanding, the relationship between Indonesian nation and the earth, water and space in Indonesia are a kind of customary right relationship raised at the highest level namely the level of all regions of the country.

Article 7 contains a principle that ownership and control of the land that exceeds the limit are not permitted because such matters are detrimental to the public interest. Article 10 paragraphs (1) and (2) are formed that “Every person and

legal entity that have a right to agricultural land on its principle must be obliged to work on or actively pursue it himself, by preventing extortion methods." The Article 11 paragraph (2) states, "Differences in the state of society and the legal needs of the people where it is necessary and not in conflict with national interests are considered by guaranteeing the protection of the interests of the economically weak group." The importance of people's efforts as a priority for agrarian reform is mentioned in Article 12 paragraph (1), "All joint efforts in the agrarian field are based on the mutual interests in the framework of national interests and in the form of cooperatives or other forms of mutual cooperation." For this reason, the government is obliged to prevent the existence of organizations and individual business in the agrarian field that are private monopolies (Article 13 paragraph [2]). The monopoly problem is not only from the private business but also from the government. Monopoly-government efforts have to be prevented from harming the majority people. Therefore, monopolistic government business can only be carried out by law (Article 13 paragraph [3]). Then, Article 17 regulates the effort of land tenure restructuring with the provisions of maximum and minimum land area. Land that exceeded the maximum limit was taken by the Government with compensation. Then, that land was distributed to the people in need according to the provisions in the Government Regulation. The maximum limit was regulated to prevent land monopoly. Meanwhile, the minimum limit was set to make farmers get proper income to make themselves and their family live properly.

In a state speech on 17 August 1960 or a month before the ratification of the UUPA of 1960, Sukarno asserted that land reform means strengthening and expanding land ownership for all Indonesians, especially the peasants. Land cannot be an instrument of exploitation, let alone exploitation of foreign capital to the people of Indonesia. He also reminded people not to think that the land reform that was

going on was "communist" way because land ownership rights were still recognized. People could still have land for generations, only the extent of the property is regulated, both maximum and minimum, and the land rights are declared to function socially, and the state and legal community units have higher power than individual property rights. (Sukarno, 1964: 122-3).

To regulate the implementation of agrarian reform from the national level led by the president until the village level committee, Presidential Decree No. 131 of 1961 concerning the Organization for the Implementation of Agrarian Reform was issued. In that Decree, Sukarno asserted that agrarian reform was an absolute part of the Indonesian Revolution and at the same time the launching of the National Universe Development Plan (*Pembangunan Semesta Nasional Berencana*) on January 1, 1961, he also ordered to start the agrarian reform.

However, the implementation of agrarian reform was hampered by the bureaucrats who were corrupt and pro-landlord. The local agrarian reform committee was often controlled by the landlords and their supporters. The owner of wide land often separated their land ownership among their family members and hid the land by registering it as a land of mosque, religious school, or temple. In addition, the members of agrarian reform committee often distributed land to friends and relatives instead of the landless farmers. Committee's slow work, colluding with landlords, and corrupt encouraged the communists to take their initiative. *Barisan Tani Indonesia* (BTI or Indonesian Farmers' Union) encouraged and led farmers to take initiatives to occupy disputed land or to refuse to give crops to landlords or creditors (Rocamora, 1991: 409-11). The BTI/ PKI action which became known as the "PKI Unilateral Action" sparked horizontal and ideological conflict in the countryside.

Although agrarian reform was a national agenda in which PNI played an important role in producing the UUPA of

1960, the PNI itself failed to oversee the implementation of the UUPA of 1960. It was because many of the PNI activists became landlords, corrupt, and sided with landlords. In Central Java, East Java, and Bali, PNI had many members and supporters among groups of landowners. DPD PNI used its influence to help landlords evade the UUPA (Rocamora, 1991: 411).

Anti-PKI political forces also tended to slow down the implementation of agrarian reform. They also linked this populist national program with the communist movement. After the incident occurred on 30 September 1965, PKI refugees abroad issued an auto-critical article entitled "Building the PKI along the Marxist-Leninist Line to Lead the People's Democratic Revolution in Indonesia" in the Indonesian Tribune, Tirana (Albania), Year 1, Number 2, January 1967. They explained the reason for the PKI's support for the UUPA of 1960:

The agrarian revolution which is the essence of the Indonesian revolution's present stage is not an agrarian reform of the bourgeois type that will only pave the way the development of capitalism in the countryside. It will liberate the farm laborers, poor peasants, and middle peasants from the feudal oppression of foreign or native landlords, by confiscating the lands of landlords and freely distributing them to farm laborers and poor peasants individually to be their private property. (Feith & Castles [Eds], 1970: 273-4)

Termination of Agrarian Reform in New Order Era (1966-1998)

The emergence of New Order stopped the whole application of agrarian reform. A number of wide land owners (whose land is being an object of land reform) try to get back their 'ownership' formerly. Relatives of the new land owner who are killed or arrested are succeeded to prevented to cultivate the granted land of that land reform program. Even that support is frequently supported by the civil authority and military. New land owner, or their relative that is indicted to sympathize to the com-

munist, they are afraid to appear in their land and most of them move to the city. It enlarges the chance to get the lands back to the previous land owner and to eliminate some of hard-working result of the organizing committee of land reform (Rachman, 2017: 148).

Then New Order began the exploitative development policy. Basic Agrarian Law (UUPA) of 1960 that had been established to protect farmers' rights upon their land was considered inappropriate with the characters of the New Order development plan. Although UUPA of 1960 was not revoked but its existence was weakened. UUPA of 1960 was placed as a sectoral regulation that did not cover other fields, even though the sector involved agrarian matters, such as the forestry and mining sectors. Since the early New Order, laws and regulations that exploited natural resources were born, namely Foreign Direct Investment Law (PMA) Year 1967, Domestic Investment Law (PMDN) Year 1968, Law Number 5 Year 1967 on Principles of Forestry, and Law Number 11 Year 1967 on Basic Provisions of Mining. UUPA Year 1960 is not being a reference anymore.

Secretary General of The Agrarian Reform Consortium (KPA), Dewi Kartika, explained that the spirit of Basic Agrarian Law is the Umbrella act, all derivative laws related to the agrarian sources must refer to the basics. There should be no monopoly, no exploitation, mutual cooperation, and individual rights are fulfilled but they have social functions. "That should be the basics which then becomes the principles of derivative laws, either forestry, plantation, mining, coal and mineral mining. However, the sectoral Law becomes invulnerable, nothing refers to the UUPA," she said (Interview on November, 24 2017). Since New Order, foreign capital mostly flow to Indonesia through transnational corporations operated in Indonesia and since economic deregulation year 1988 Indonesia becomes increasingly opened to the transnational corporations. The large scale of the opening of plantation, mining, industry, and

forestry marginalizes the tenure of society's land and frequently causes agrarian conflict. Nationally, according to KPA, at least there are 10.89 million hectares of the land disputes by sacrificing at least 1.19 million of KK in 286 Regency/City during 1970-2001 (Tjondronegoro & Wiradi [Ed], 2008: 407).

Indeed, New Order government intensely conducted a transmigration program, but it aimed more to move inhabitants from the crowded regions to the region who have small inhabitant (resettlement). The purpose of agrarian reform as referred to UUPA Year 1960 is the correction of land inequality tenure. Usep Setiawan explained, based on note of Forestry and plantations Minister, there were 500 Forest Tenure Rights (*Hak Pengusahaan Hutan/ HPH*) which operated to cultivate around 55 million hectares of productive forest in Indonesia until 1998. In mining sector, PT Freeport Indonesia that dig gold in Papua had concessions through contract of work covering 2.9 million hectares (1991). Then plantation sector through the Cultivation Right (*Hak Guna Usaha/ HGU*) was in the highest rank in concentration of land tenure in Indonesia. Based on the Large Plantation Census (1990-1993), there were around 3.80 million hectares of plantation controlled by 1,206 companies and 21 cooperatives, with the average 3,096,985 hectares controlled by each company. (Tjondronegoro & Wiradi [Eds], 2008: 406). Finally, the distribution of land tenure was more unequal in New Order era and many citizens were separated from the life sources, namely wide and rich natural resource.

Dynamics of Agrarian Reform in Reformasi Era (1998-2017)

The fall of Soeharto's power 1998 indeed ended the centralistic power of New Order. However, political democratization had not overhauled tenure structure of unequal economic sources, included land as a vital economic source. Many agrarian conflicts also appeared. KPA noted, during ten years of the government era of

Susilo Bambang Yudhoyono (2004-2014), there are at least 1,520 agrarian conflicts happened in the entire regions of Republic of Indonesia, with the conflict areas covering 6.5 million hectares and more than 977,103 of Head of Household should face the protracted conflict (Rachman & Setiawan, 2016: 13).

The modern barons keep growing luxuriantly in the reform era, a conglomerate company can own hundreds of thousand hectares of land. Areas of Industrial Forest Plantation (*Hutan Tanaman Industri/ HTI*) reach 9.39 million hectares and managed by 262 companies with the license until 100 years. Moreover, the areas of production forest concessions in Indonesia reach 21.49 million hectares managed by 303 companies of Forest Tenure Rights only. Compared to the license of Community Plantation Forests (*Hutan Tanaman Rakyat/ HTR*) which only has 631,628 hectares. In the field of plantation, there are at least 9.4 million hectares given to the 600 companies of oil palm plantation only. Government of SBY also establish license of 2 million hectares of land in Merauke to the only 41 companies through project of Merauke Integrated Food and Energy Estate (MIFEE). (Rachman & Setiawan, 2016: 12). On the other hand, many rice fields are moved to the hands of investor group. Number of farmers that change into the farm laborers are increasingly larger because they do not have their own rice fields. The Indonesian Ministry of National Development Planning (2014: 94-95) noted that the number of agricultural business households in Indonesia kept on decreasing. Based on the results of the last Agriculture Census in 2013, there had been of 26.14 million households, a decrease of 5.10 million households or 16.32 percent compared to the 2003 Agricultural Census with 31.23 million agricultural households. In fact, most people work in the agricultural sector so that the impoverishment of the peasants has a broad impact on the people's economy.

In other people's sectors, the ability of fishermen is still limited, most of them

are still workers who work for boat owners. There is also small seller who is insisted by the modern sector and rejected by the state through the apparatus of security and order (*Tramtib*) without giving solution. The separation of citizen from the life sources pushed the massive proletarianization. With the workforce of low educated, the flow of urbanization always adds urban poor societies. Since the New Order, manufacture industry developed tends to be *footloose industry* by considering more on the availability of primary material, low production cost, and location of the factory is easy to move to another country, such as textile and shoes.

To improve destiny, many people compete to become a worker in abroad. The higher salary in abroad becomes the pull factor and situation of domestic market of workers that is full of supply in the formal employment becomes the push factor. Jobs in informal sector is generally characterized by the productivity and low income. (Supriana & Nasution, 2010: 43). In fact, majority of around 7 million citizens of Indonesia who work in abroad become unskilled labor and worker of households without a sufficient skill (unskilled) (Kaligis, 2010). In Malaysia, the social-economic position of Indonesian worker creates epithet "*indon*" which has connotative meaning similar with the term "*inlander*" in colonial period.

In the era of President Jokowi, the government programmed a land area of 9 million hectares as a plan for land redistribution and legalization of assets under the umbrella of the agrarian reform. However, in addition to questioning the land objects and recipient subjects who have not revise the land tenure structure, Secretary General of KPA, Dewi Kartika noted the importance of access reform, namely the post-land certification support program for sustainable land ownership programs. According to her, do not let the newly granted land in the short term pawned to the bank. Even though that is the right, but the agrarian reform actually wants to guarantee that welfare is sustainable, and the land does not fall into the capital own-

er. Therefore, a system that builds individual ownership in order not to move quickly is required, one of which is to ensure that there are collective economic institutions, such as cooperatives, farm banks, credit union, or if combined with the Village Law there are Village Owned Enterprises (BUMDes). "The cooperative is also a safety net, so that the farmer does not easily pawn the certificate to the bank, but it is guaranteed to the cooperative owned by the farmers themselves," she explained. (Interview on November 24, 2017).

Dewi Kartika also highlighted the system of inheritance rights that made the land can be divided. He gave an example in France that there are agricultural areas that do not allow the conversion of land to non-agriculture. France has a system that farmers who want to work on land will be given the land, then when he is no longer a farmer, the land is returned to the country and reopened for other renters. Thus, its designation is not changed. She explained:

In Indonesia, there is no system that ensures that the land of agrarian reform's result is not converted. Agrarian reform is attached to the agricultural sector, so what kind of system that ensures the results of agrarian reform can be sustainable, not quickly lost due to the inheritance rights system, in order not to be broken into smaller. If it's getting smaller, it is easy to sell because it is not profitable to farm. (Interview on November 24, 2017).

Dewi requested that the Government of Jokowi immediately legalized the Presidential Regulation on Agrarian Reform as a legal basis to ensure that agrarian reform can work in areas where there are inequality and agrarian conflicts. According to him, the draft of the Presidential Regulation already exists in the State Secretariat, although it is not too positive, but there are rules, objects and priorities of the subjects (recipients), and also the agrarian reform institutions from the center to the regions. "The Presidential regulation must make legal breakthroughs, for example,

how to solve with PTPN and *Perhutani*. “If we only use the existing legal basis, this agrarian reform will get stuck, they probably choose the easiest one,” Dewi explained (Interview on November 24, 2017). Finally, the draft of Presidential Regulation was ratified as Presidential Regulation Number 86 of 2018 concerning the Agrarian Reform on September 24, 2018. This regulation regulates the aspects of asset management and land access by conducting land redistribution, land legalization, and community empowerment.

At the beginning of the section above, Hatta concluded, “If Indonesian socialism seeks its basis in an original society, the land reform system must be in line with that. Basically, the right to use is given to the person who cultivate the land himself with his family and to the cooperative.” Here, Hatta wants the people to become a national economic power. The division of land through agrarian reform is not only given to smallholders and farm laborers individually, but also to cooperatives as the people’s collective economic organization. Hatta is a drafter of Article 33 of the 1945 Constitution. If the cooperative is a manifestation of Article 33 paragraph (1), agrarian reform is a concrete step of Article 33 paragraph (3). The meeting point of Hatta’s ideals was the arrangement of economic resources with social justice. As mandated by the constitution, the state must prioritize granting the Cultivation Right and Right to Use to village cooperatives rather than large investors, so that cooperatives can regulate management and profit sharing for the farmers.

However, in society, especially since the New Order, the image of cooperatives has been still inherent as Village Unit Cooperative (KUD) which is bureaucratic and controlled by the government, so that it does not become a major economic power of the community. This is far from the aspirations of Hatta who wants that cooperatives to be a collective economic forum that grows from the bottom. In fact, the idea of Hatta also had a role model in the reform era. Secretary general of KPA,

Dewi Kartika, gave an example in Mangonwati, Tasikmalaya, the Cultivation Right was managed by a community cooperative that managed rubber. The cooperative immediately cut its value chain, the processed products moved directly to Goodyear's tire factory, without going through the middlemen chain. With the Cultivation Right owned by cooperatives, the people enjoyed the benefits. Dewi explained, it is not impossible for the community to become the main producer if they have been linked to the main market by cutting the longer production chain. Thus, the people are not exploited in price, but they directly negotiate with buyers. “It is a cooperative spirit that the cultivation of land, and the management of agricultural production finally requires a system that is carried out collectively or mutual cooperation. In the UUPA, the forum is a cooperative,” she said. (Interview on November 24, 2017).

Ideally, the state fights for agrarian reform because the state is present as the duty holder and it has a power. But from time to time, various political and capital interests often influence the policy makers and its implementation. Therefore, while fighting for the state to prioritize agrarian reform to improve the welfare of the people, agrarian reform needs to be encouraged from the bottom, from the community, for example by building collective economic power such as cooperatives that involve the community’s participation. As a post-colonial country, the efforts to build collective economic power through cooperatives are felt important to improve the bargaining position of the people in facing economic life controlled by large investors, both foreign and domestic conglomerates, who exploit natural resources and place the people as a cheap source of labor.

Thus, if later the state policy prioritizes the granting of Right to Use or the Cultivation Right to the people’s cooperatives rather than large-scale entrepreneurs, local communities are better prepared. Mastery of the material basis of trade by cooperatives can be the basis for empow-

ering farmers - supported by the improvements in management, market access, credit, and so on. If for example, each village cooperative manages 50-100 hectares of the agricultural perennial land, then with 74,754 villages in Indonesia (*Permendagri/Domestic Affairs Ministerial Regulation Number 56 of 2015*), economic progress which is in favor of lower-class people and national food sovereignty can be encouraged.

CONCLUSION

Agrarian reform as a matter of nationalism fights for the sovereignty of the nation and people's life in it based on social justice, which has been initiated since the 1920s movement era by the nationalists with Mohammad Hatta as the figure. For hundreds of years, colonialism monopolized trade traffic and damaged land tenure in the community. As a post-colonial country, this wide and rich country still preserves the exploitation of economic resources by the large investors and places its population as a cheap source of labor. The transformation of social justice requires agrarian reform to overhaul the inequality in the structure of land tenure which causes differences in power and ability to get the access to capital and facilities of production. Agrarian reform on the basis of nationalism requires the presence of the state as the duty holder and the authority that has the power to correct inequality. The aim is not to erase the ownership rights, such as the ideals of communism, but the distribution of fair and equitable control of production assets, as well as fighting for national food sovereignty. Agrarian reform does not only restore land tenure to the people but also requires access reform to ensure the sustainable welfare of the people. It requires organizing system, object, subject priority, and also adequate agrarian reform institutions from the center to the regions. To improve the bargaining position of the people, agrarian reform also needs to be pushed from bottom, by building collective economic power through cooperatives. Agrarian reform with cooperatives

as a forum for people's collective economy is a constitutional mandate for the regulation of economic resources based on social justice.

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