

Constructive Analysis Of Agriculture/Land Policy Land Object Of Agrarian Reform On The Settlement Dimensions Land Tenure In Forest Area

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ABSTRACT

The central theme and, at the same time, the title of this journal is: "Constructive Analysis of Agrarian/Land Land Policy Objects of Agrarian Reform on the Dimensions of Settlement of Land Tenure in Forest Areas," with the construction of problems, namely: How is Agrarian Policy/Land Land Objects of Agrarian Reform on the Dimensions of Settlement of Tenure Land in the Forest Area?. This type of journal writing refers to normative law through library research by prioritizing secondary data, which consists of primary, secondary, and tertiary legal materials. To analyze the formulation of the problem, using Jeremy Bentham's legal theory, namely the legal theory of happiness (utilitarianism), as a grand theory, then using John Austin's legal theory, one of the pioneers of positive legal theory, as a middle theory, and used the legal theory of Talcott Parsons, famous for his structural functionalism legal theory, as an applied theory. The essence of the results of the analysis of this journal is that in the context of carrying out a whole series of processes regarding agrarian/land policies on Land Objects of Agrarian Reform, on the dimensions of Settlement, Land Tenure in Forest Friends, the main goal is to accelerate the realization of a sense of happiness and legal certainty over ownership of land rights. The land is mainly addressed to all community members who live in forest areas.

Keywords: Agrarian/Land Policy, Land Object of Agrarian Reform, Settlement of Land Tenure in Forest Areas.

I. PRELIMINARY

I) Background

Listening and paying attention to the construction (Hasan Alwi et al., 2014), the central theme, which is also the title of this journal, namely: "Constructive Analysis of Agrarian/Land Land Policy Objects of Agrarian Reform on the Dimensions of Land Tenure Settlement in Forest Areas," is significant, fundamental and strategic. It is intended that the implementation of the

agrarian and land policy (Idham, 2005) will provide a guarantee for the realization of a sense of happiness and legal certainty (Margono, 2014) over land ownership rights that have been controlled by community members who reside in the area. Forest. In line with this, In the meantime, with the implementation of the policy program, of course, at this time, our nation and country, Indonesia, is being hit by the Covid-19 pandemic; at the same time, it will make a good and positive contribution to the people who

live in forest areas. Because the units of land parcels controlled by the community members will receive (Idham, 2013) Proof of Rights (Certificate), the rights to land that has been owned and cultivated by the community members. Upon obtaining the certificate of land rights, of course, the residents in question can be collateralized to the Bank that will provide the loan to increase (Moeljadi, 2022) working capital for the people's economic efforts carried out by the community members. <https://theconversation.com/low/grassroots>.

Relevant to the above, mainly related to the fundamental aspects and dimensions of legal regulation, especially in the legal politics approach and ecosystem paradigm, which is very real paradigmatic (Idham, 2005); in fact, the legal arrangements are fundamentally and fundamentally regulated and stipulated in the Constitution of the Indonesian Nation and State, namely as held in Article 1 paragraph (1), Article 1 paragraph (2), Article 1 paragraph (3) and Article 33 of the 1945 Constitution of the Republic of Indonesia, namely to concretely realize the affirmation of the principle of the sovereignty of the Nation and the State, affirm the understanding of people's sovereignty, affirm the experience of Indonesia as a legal state and at the same time affirm the knowledge of the National Economy and Social Welfare. The embodiment of several principles as intended is accountability for the existence of the values of Pancasila as the basis of the state,

Regarding the substance as mentioned in the section above, in the context of implementing (Idham, 2012) the agrarian and/or land policy on the object of land for agrarian reform, actually in a paradigmatic dimension that is practical, has been mandated in Article 1 of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, which is usually referred to as an abbreviated as UUPA, which was signed by the first President of the

Republic of Indonesia Soekarno on 24 September 1960, which was recorded in the State Gazette (LN) of 1960, Number 104 and recorded in the Supplement to the State Gazette (TLN) Number 2043. Meanwhile, the day and date of the Logga's signing are celebrated nationally throughout the territory of the Republic of Indonesia and, at the same time, are designated as National Agrarian Day.

Regarding Article 1 of the UUPA, it is further emphasized that the entire territory of Indonesia is the unitary homeland of all Indonesian people who are united as the Indonesian nation. It is further stressed that the entire earth, water, and space, including the natural resources contained therein within the territory of the Republic of Indonesia, as a gift from God, the One and Only God are the earth, water, and space of the Indonesian nation and constitute national wealth. Meanwhile, in the next paragraph, it is emphasized that the relationship between the Indonesian people and the earth, water, and space referred to above is eternal. Especially in Article 1 paragraph (4), the construction of the legal, political ecosystem paradigm has been plugged in about postulates (Idham,

In line with the above, especially from the aspect (I Gede Surata, 2022), the legal arrangements are also fundamental, specifically regarding the implementation of policies in the agrarian/land sector, specifically related to the existence of Land Objects for Agrarian Reform on the Dimensions of Land Tenure Settlement in Forest Areas. It has been regulated and stipulated in various laws and regulations in the dimension of embodiment and affirming legal positivism/legal positivism. These steps and policies began to receive serious attention from the Government, namely after the Reformation wave occurred in 1998, namely by issuance and enactment of the Decree of the Consultative Assembly of the Republic of Indonesia-MPR RI, as set out in the Decree of the MPR RI Number

IX/MPR/2001, on Agrarian Reform and Natural Resources Management.

Related to the existence (Fifik Wiryani, 2018) and/or the existence of the TAP MPR RI Number IX/MPR/2001, the following will be considered several fundamental parts and, at the same time, constitute the construction of the ecosystem paradigm as contained in the consideration section which states that agricultural resources and Natural resources as the Grace of God Almighty to the Indonesian nation, are national wealth that must be grateful for. Therefore, it must be managed and utilized optimally for the current generation to create a just and prosperous society. Furthermore, in the preamble to the TAP MPR RI Number IX/MPR/2001, it is stated clearly and concretely,

Referring to and based on the things that have been presented in the section above, furthermore in this section will be explained matters related to legal arrangements, which will be used as a legal basis in operational practice in the field regarding the implementation of policies in the agrarian/land sector in the perspective of land. The object of Agrarian Reform is of course integrated with the settlement of land tenure in forest areas. In this regard, it can be explained that as a legal basis that is practically operational in the field, it refers to and is based on Presidential Regulation (Perpres) Number 88 of 2017, concerning Settlement of Land Tenure in Forest Areas, recorded in the State Gazette (LN) of 2017, Number 196, signed by the President of the Republic of Indonesia namely on 6 September 2017.

Based on Presidential Decree Number 88 of 2017, the Ministry of Environment and Forestry of the Republic of Indonesia (LHK-RI), as the basis for the implementation of the Agrarian Reform Object Land policy interest Areas, which are more technical, have been regulated and stipulated in the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number

P.42/MENLHK/SETJEN/KUM.1/8/2019, concerning Amendments to the Regulation of the Minister of Environment and Forestry Number P.17 /MENLHK/SETJEN/KUM.1/5/2018 concerning Procedures for Release of Forest Areas and Changes in Forest Areas for Land Resources for Agrarian Reform Objects. In one of the considerations, it is stated that to accelerate the release of forest areas and change the boundaries of forest areas for land sources for the object of Agrarian Reform, it is necessary to change the implementation of limits and procedures for releasing production of forest areas that can be converted unproductively for Agrarian Reform object land sources.

The matter referred to in the above section and substantially regarding the implementation of agrarian/land policies regarding (Gunawan Wiradi, 2005) Land Objects for Agrarian Reform in the dimension of the settlement of land tenure in the Forest Area are very closely related to the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia. Indonesia, which has been previously issued, namely Number P.17/MENLHK/SETJEN/KUM.1/5/2018 concerning Procedures for Release of Forest Areas and Changes in Forest Areas for Land Sources for Agrarian Reform Objects, which is one of the considerations considered philosophically paradigmatically emphasized that to reduce inequality in the control, ownership, use, and utilization of land which results in an imbalance in the economic structure of the community, the Government has established a National Agrarian Reform and Social Forestry Program.

Based on the explanation as presented in the section above, it is, in fact, in the field that all the provisions that have been regulated and stipulated in various special regulations and laws relating to the implementation of the agrarian/land policy towards land as the object of Agrarian Reform, in the perspective of the

Settlement of Land Tenure in the Forest Area (Agus Jatmiko and Arso Widodo, 2017), is practically operational and empirically in the field has not been implemented by the Government as it should. In this case, strictly speaking, there is still a gap between *das sollen* and *das sein*. In other words, what should be ordered by the legislation (*das sollen*) the situation is different from what is called by the legislation as intended (*das Sein*). This means that in the field of land, community members who have been living in forest areas for generations, on their land used as the implementation of the TORA, become "unhappy and not prosperous."

Related to the things mentioned in the section above, such circumstances and situations encourage the writer's desires. They desire to analyze the central theme, as stated in the title of this journal. The author assumes and/or proposes a constructive hypothesis that the Government seriously implements the agrarian/land policy, focusing on consistently and responsibly implementing the mandates and orders based on all the provisions of the laws and regulations as mentioned in the section above. This will undoubtedly produce a sense of happiness and legal certainty for the community members who live in forest areas. In line with this, applying grand theory, middle theory, and used theory as mentioned in the abstract section above, and by prioritizing (IBWirawan, 2017) the basis of noble character behavior, and based on an approach to down-to-earth, populist, and humanist cultural values, the author strongly believes that through the implementation of agrarian/land policies on land for the object of agrarian reform, about the dimensions of land tenure settlement in forest areas, the results will be able to provide a sense of happiness, legal certainty to community members who live in the Forest Area. This, of course, will simultaneously be able to contribute to the acceleration of realizing a welfare state. Legal certainty to community members residing in the Forest Area. This, of course, will

simultaneously be able to contribute to the acceleration of realizing a welfare state. Legal certainty to community members residing in the Forest Area. This, of course, will simultaneously be able to contribute to the acceleration of realizing a welfare state.

2) Problem Formulation

In essence, this section will present the problem formulation's construction. As a basis and postulate in forming the formulation of the problem, it is aligned with the content and/or substance presented in the background section. According to (Avip Syaefullah, 2015), the methodology of all content shown in the background section is the entrance and, simultaneously, is embryonic to formulate problems. Based on several vital substances as stated in the background section, it is at this moment presented about the construction of the problem formulation in this journal, namely: What are the forms of legal arrangements, implementation,

About this matter, especially when analyzing the construction of the formulation of the problem, the dimensions of the methodology of writing scientific papers will be analyzed using an analytical knife from various legal theories as presented in the abstract content in this journal. The use and application of the existence/existence of the grand view, central idea, and applied approach is actually in the context of the nature of science (Jujun S. Suriasumantri, 1999), namely from the aspects of ontology, epistemology, and axiology is to account for the truth.

II. THEORETICAL BASIS

Relevant to the explanation as stated in the abstract content, this type of writing refers to and is based on the type of normative legal writing. Determining the kind of writing is related to the methodology and rules of writing scientific papers. This will also choose (Hery Hermawanto,

2021) the literature review that will be used as a reference and/or basis in analyzing the construction of the problem formulation in this journal.

In connection with the above, it is related to the literature sources used, essentially in the form of secondary data. In the methodological approach (Luh Putu Mahuni, 2021), that secondary data is data the author does not directly obtain from various related sources. To obtain secondary data, the authors got through library research. The secondary data sought and received by the authors consist of primary, secondary, and tertiary legal materials. The type of primary legal material consists of a sequence of laws and regulations as a hierarchy and simultaneously as a source of positive direction in Indonesia. The secondary legal materials generally consist of all books written by experts related to agrarian/land, environment, and forestry matters.

III. WRITING METHODOLOGY

Further, this section will explain the type and methodology of writing. Specifically, regarding the type and methods of writing this journal, it must be linear with the use of literary sources as described in the section above. Related to this, especially those associated with the writing in the field of legal science, it is divided into two groups and/or categories, namely normative legal paper, which is commonly referred to as doctrinal, and sociological/empirical legal writing, and usually referred to as legal writing—non-doctrinal terms.

Relevant to the explanation above, this type of journal writing refers to and is based on legal writing normative (Rianto Adi, 2016). In the context of conducting an analysis of the construction of the problem formulation in question and harmonizing it with the application of the methodology, in its implementation, it is more important to prioritize a legal research approach and/, or the analysis focuses more on a qualitative approach.

In this section, especially in applying the writing methodology, the author also uses several legal theories (Anthon F. Susanto, 2019), as explained in the abstract. The legal theory, whether it is a legal theory in the construction of a grand idea (Jeremy Bentham), John Austin's legal theory (middle theory), and Talcott Parsons' legal theory (applied theory), in principle functions as an analytical knife to dissect the construction of the problem formulation that is laid out in the journal. In this case, the methodological dimension of scientific work is in the context of accounting for the truth.

IV. DISCUSSION

In this section, it is time to carry out an analysis and discussion of the central theme and, at the same time, the title of this journal (Idham, 2017), namely "Constructive Analysis of Agrarian/Land Land Policy Objects of Agrarian Reform on the Dimensions of Land Tenure Settlement in Forest Areas." In conducting the analysis/discussion on the construction of the problem as described in the section above, in the following selection below, the flow and structure of the analysis are divided into three parts, as further explained below.

I. Legal Arrangements for the Implementation of Agrarian/Land Land Policies Objects of Agrarian Reform on the Dimensions of Land Tenure Settlement in Forest Areas

Regarding the construction of legal arrangements related to the implementation of agrarian/land policies, especially for Land Objects for Agrarian Reform which are integrated into the form (Idham, 2018) of resolving land tenure in forest areas, mainly analyzed in constructive and futuristic constructions, in principle the political ecosystem paradigm, Of course, to confirm that Indonesia is a state of the law is divided into three main anchors that must be guided by the Government (executive) and the People's

Representatives (legislature) who have the authority to form laws and regulations related to the content analyzed in this journal, it must realize the attitude of and actions as mentioned in the section below.

In connection with the preceding, three important, fundamental, and strategic parts are references and/or references in the paradigm of the legal and political ecosystem towards the formation of legal norms in various laws and regulations, especially in terms of implementing policies in the agrarian/land sector on object land. Rural affairs in the context of the settlement of land tenure in forest areas can be explained:

First, they must refer to and based on the mandate and provisions based on constitutionalism orders (Hamdan Zoelva, 2016). This means that when the Government is, of course, from the executive and legislative branches, which have the authority, main tasks, and functions in the field of legislation to carry out the law-making process, primarily related to the implementation of agricultural policies related to Land Objects of Agrarian Reform and synergized with efforts to settle land tenure in the forest area, in its embodiment, it is required to make and establish legal norms in the form of articles by the mandate of the Constitution, namely based on provisions and orders based on the 1945 Constitution of the Republic of Indonesia. Some of the construction articles that must be followed in the context of carrying out the establishment of the said Legislative Regulations, namely by referring to Article 1 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which affirms that the State of Indonesia is a Unitary State in the form of a Republic. In a paradigmatic philosophical approach, the meaning of the construction of legal norms in Article 1 paragraph (1) implies that the State of Indonesia does not consist of one region or several regions. This means that in the context of implementing the agrarian/land policy

on the object of the agrarian reform, its implementation must be realized in a unification (unifying or uniform) manner. In other words, the agricultural policy regarding the TORA must be able to provide guarantees to strengthen the principle of national and state sovereignty. This means, in short, that through the implementation of the Agrarian Reform Object Land, the Government must be committed to strengthening the understanding of the sovereignty of the nation and the Republic of Indonesia. (<http://lib.unnes.ac.id>).

Still, in the first part, the paradigm of the legal and political ecosystem (M. Solly Lubis, 2000) must be a fundamental basis in the context of forming legal arrangements related to the realization of agrarian/land policies on Land Objects for Agrarian Reform, which are integrated with efforts to settle, control land in forest areas, must refer to the mandate and orders as stipulated in Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which affirms that sovereignty is in the hands of the people and is implemented according to the Constitution. Meanwhile, the Government, in the context of implementing agrarian/land policies, especially those concerning aspects of legal arrangements, must refer to and based on the provisions of Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This is intended, namely, that all public officials who implement the policy must have a complete and sustainable commitment (Jatna Supriatna, 2021) to reinforce the understanding that Indonesia is the State of Law. Parallel to this. The Government must also affirm the mandate and provisions of Article 33 of the 1945 Constitution of the Republic of Indonesia to realize the affirmation of the understanding of the National Economy and Social Welfare.

Second, it must refer to and be guided by the mandate and provisions as confirmed in the Decree of the People's Consultative Assembly

IX/MPR/2001. In this section, all Institutions authorized to carry out the process (Ricca Anggraeni, 2021) the formation of laws and regulations relating to agricultural/land policies, on Land Objects of Agrarian Reform, and integrated into efforts to settle land tenure in the forest area, must refer to the provisions of Article 2 of the Decree of the People's Consultative Assembly IX/MPR /2001, which confirms that agrarian reform includes a continuous process regarding the realignment of control, ownership, use, and utilization of agricultural resources, carried out to achieve legal certainty and protection as well as justice and prosperity for all Indonesian people. This means that through the agrarian/land policy as intended, there should be no erosion of the constitutional rights of Indonesian citizens.

Third, legal arrangements in the context of implementing agrarian/land policies as referred to in an operational paradigm must refer to and are based on the provisions of Article 1, Article 2, and Article 19 Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, which is usually referred to and abbreviated as UUPA, which was signed by the first President of the Republic of Indonesia Soekarno on 24 September 1960, which was recorded in the State Gazette (LN) of 1960, Number 104 and recorded in the Supplement to the State Gazette (TLN) Number 2043. The point is that all construction of legal norms must realize legal certainty and justice to improve the welfare of community members who have lived for generations in forest areas.

Fourth (2022) with the completion of land tenure in forest areas. In this regard, it can be explained that as a legal basis that is practically operational in the field, it refers to and is based on Presidential Regulation (Perpres) Number 88 of 2017, concerning Settlement of Land Tenure in Forest Areas, recorded in the State Gazette (LN) of 2017, Number 196, which was signed by the

President of the Republic of Indonesia on 6 September 2017.

Relevant to the preceding, the existence and existence of Presidential Regulation Number 88 of 2017, the Ministry of Environment and Forestry of the Republic of Indonesia (LHK-RI), as the basis for implementing the policy of Land Objects for Agrarian Reform in Forest Areas, which is more technical, has been regulated and stipulated in the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number P.42/MENLHK/SETJEN/KUM.1/8/2019, concerning Amendments to the Regulation of the Minister of Environment and Forestry Number P.17/MENLHK/SETJEN/KUM. 1/5/2018 concerning Procedures for Release of Forest Areas and Changes to Forest Areas for Land Resources for Agrarian Reform Objects. In one of the considerations, it is stated that to accelerate the release of forest areas and change the boundaries of forest areas for land resources for the object of Agrarian Reform,

In connection with the above explanation, primarily related to legal arrangements that the Government must carry out in the context of implementing agrarian/land policies on Land Objects of Agrarian Reform which are integrated into efforts to settle, and control land in forest areas, in this context, the author provides construction of thoughts and opinions which constitute the conclusion of the content in question. The Government and all relevant Institutions and Ministries who are responsible for carrying out the process of forming laws and regulations are required to implement it comprehensively, namely based on the construction of thoughts and opinions, namely through the application of Jeremy Bentham's legal theory, which is famous for the legal theory of happiness. (utilitarianism). One of the essential meanings of Bentham's theory of happiness, the author, gives his opinion that all products of legal regulation as a positive source

of law in implementing the agrarian/land policy must be ensured (Dona Octavia et al., 2020) the final results (goals) to be obtained must provide guarantees for the realization of a sense of happiness, especially for indigenous peoples who for generations have lived in the forest area in question.2020) the final results (goals) to be obtained must provide a guarantee for the realization of a sense of happiness, especially for indigenous peoples who for generations have lived in the forest area in question.2020) the final results (goals) to be obtained must provide a guarantee for the realization of a sense of happiness, especially for indigenous peoples who for generations have lived in the forest area in question.

2. Implementation/Implementation of Agrarian/Land Land Policy Objects of Agrarian Reform on the Dimensions of Land Tenure Settlement in Forest Areas

This second part, which relates to the construction of the formulation of the core problem as mentioned above, will be further explained specifically regarding the implementation of the agrarian/land policy on the Land of the Agrarian Reform Object about seeking the settlement of land tenure in the forest area, for the explanation as further presented in the section below.

a. Respecting, Maintaining, and Protecting the Sustainability of Indigenous Peoples in Forest Areas

The substance, as mentioned in the section above, confirms that as the primary reference that must be guided by the Government and all (Yanto Suharto, 2022) public service officials in the context of implementing agrarian/land policies on land for Agrarian Reform Objects and integrated with settlement efforts, control over land in forest areas, according to the author, is a fundamental basis that must be realized

concretely in the field. This implies that the implementation of the agrarian/land policy can run smoothly by the expected goals and objectives, in an axiological context (benefit), as the primary requirement that it must be actively supported by all levels of customary law community members who have been housed for generations. Live in the forest area (<https://jdih.go.id>).

Related to this, W. Friedmann, who is famous for his legal theory with the jargon of legal theory that focuses on the legal system, stated that one of the parameters that must be met in the context of realizing all forms of legislation from all aspects of public services must receive support. And active participation of all citizens in the legal culture dimension. It is intended that the implementation of the agricultural policy referred to, in essence, the Government must include active participation, especially from all levels of customary law community members who have lived for generations and sustainably in the forest area referred to.

In an operational approach, I am returning to all forms of actions that are implemented in the field to realize the implementation of agrarian/land policies regarding Land Objects for Agrarian Reform and, at the same time, to carry out settlement actions, land tenure in the forest area must also be carried out with an attitude of careful action. This is intended when the Government within the ranks of a Regency/City has a plan to implement the agrarian/land policy (Widodo Sigit Pudjianto, 2020) from the start doing planning, such as conducting empirical technical data collection, namely wherever the location will be applied to the policy, the Government must notify it in advance using the customary law approach that applies to the social life of the indigenous people who reside in the forest area. Likewise, at the implementation stage, as well as monitoring the active involvement and participation of all

indigenous peoples must remain actively involved.

Relevant to the explanation above, and based on the Decree of the People's Consultative Assembly of the Republic of Indonesia Number IX/MPR/2001 concerning Agrarian Reform and Natural Resource Management, in one of the considerations, it is emphasized that the management of agricultural resources and natural resources is fair, sustainable and environmentally friendly. Must be carried out in a coordinated, integrated manner and accommodate the dynamics, aspirations, and participation of the community, as well as resolve conflicts.

b. Based on Regency/City Spatial Planning

Then further explained the essential attitude and behavior of all public service officials in the context of implementing agrarian/land policies on Land Objects of Agrarian Reform, as well as in efforts to take action to resolve land tenure in the forest area, must be carried out based on the provisions and mandates as stated in the previous section. Stipulated in Law Number 26 of 2007 concerning Spatial Planning, which was recorded in the State Gazette (LN) of 2007, Number 68, and recorded in the Supplement to the State Gazette (TLN), Number 4725. one mandate contained in the consideration, states that the territorial space of the Unitary State of the Republic of Indonesia has the characteristics of an archipelago, both as a unitary container which includes land space, sea space and air space, including the area within the earth, as well as as a resource, it is necessary to improve their management efforts in a wise, efficient, and effective manner by referring to the rules of spatial planning so that the quality of national territorial space can be maintained in its sustainability for the realization of general welfare and social justice. By the constitutional basis of the 1945 Constitution of the Republic of Indonesia. And effective by referring to the rules

of spatial planning so that the quality of the national territory space can be maintained for the sake of the realization of general welfare and social justice by the constitutional basis of the 1945 Constitution of the Republic of Indonesia. And effective by referring to the rules of spatial planning so that the quality of the national territory space can be maintained in its sustainability for the realization of general welfare and social justice by the constitutional basis of the 1945 Constitution of the Republic of Indonesia.

In this regard, further in consideration of Law Number 26 of 2007 concerning Spatial Planning, it is emphasized that the development of national and international situations and conditions requires the enforcement of the principles of integration, sustainability, democracy, legal certainty, and justice in the framework of organizing the arrangement. Good space by the ideal basis of Pancasila. Meanwhile, it is stated that to strengthen (Kresno Buntoro, 2019) National Resilience based on the Archipelago Insight and in line with the policy with Regional Autonomy which gives greater authority to Regional Governments in carrying out spatial planning. This authority needs to be regulated to maintain harmony and integration between regions and between the center and areas so as not to cause gaps between parts. In essence, the author thinks that in the context of implementing agrarian/land policy on Land Objects of Agrarian Reform and to find a form of settlement, land tenure in forest areas, in its implementation must refer to and be based on the provisions of Regional Regulations (Perda) on Regional Spatial Planning (RTRW), determined by each Regency/City Regional Government with the Regency/City Regional People's Representative Council.

c. Based on a Grounded Systems Approach

In this section, it is explained that as one of the primary references in the context of implementing the entire series of agrarian/land policies on Land Objects of Agrarian Reform and to find a form of settlement, land tenure in forest areas, one of the conditions must be guided by a down-to-earth systems approach.

In connection with the above, what is meant by a down-to-earth systems approach is that all the implemented agrarian/land policies, primarily aimed at the Government and all levels of public service apparatus, must maintain an attitude that is not arrogant. This means that when the policy is implemented, the approach prioritizes the realization based on kinship by prioritizing deliberation to reach consensus, which is based on living law in the daily lives of community members who live in the forest area.

d. Based on a Populist and Humanist Human and Humanist Approach

In this regard, the Government and all state civil servants who are given the authority to carry out all dimensions of public services in Indonesia, especially in the context of implementing agrarian/land policies on Land Objects of Agrarian Reform and finding a form of settlement, control over land in forest areas, must prioritize the human and humanitarian approach which is supported by the realization of populist and humanist attitudes and actions.

Relevant to the explanation above, it contains the most profound meaning that attitude (Hayat, 2019) and the attitude of all State Civil Apparatuses (ASN) in the context of implementing the said policy must show attitudes and behaviors as well as body language that does not injure and injure the hearts and feelings of indigenous peoples who have lived for generations in the forest area. In line with this, it is essential to note that all agrarian/land policies are implemented for the sake of and for humans and humanity sustainably in the context of realizing a sense of happiness and justice as well

as improving welfare, especially for indigenous people who live in the forest area.

Based on the explanation above, in this section, the author provides conclusions, especially in the context of carrying out the entire series of agrarian/land policy processes on Land Objects of Agrarian Reform and to find a form of settlement, land tenure in forest areas, in its implementation must be followed by the embodiment of John Austin's legal theory. Who is famous as one of the pioneers of positive legal theory. The essence of John Austin's legal theory. The statement confirms that the law is an order from an authority with sovereignty. Meanwhile, Austin said that the power is not subject to anyone except subject to the provisions of the law. Therefore, Austin said, that's where the law plays a coercive, not optional nature that the community cannot offer. In this context, the author expresses his opinion that the application of positive legal theory by John Austin's legal theory must be harmonized with the attitude, behavior, and attitude of Law Enforcement Officials (APH) by prioritizing a populist and humanist approach.

3. Constraints/Barriers Factors in the Context of Implementing Agrarian/Land Land Policy Objects of Agrarian Reform on the Dimensions of Land Tenure Settlement in Forest Areas

In the final section of the discussion/analysis of the construction of the problem formulation as mentioned in the section above, further particular explanations will be given regarding the constraints/obstacles and, at the same time, their solutions relating to the implementation of agrarian/land policies on Land Objects for Agrarian Reform (TOR), which is integrated with the settlement of land tenure within the forest area. Regarding the constraints/obstacles as referred to, they can be categorized/grouped into two parts, namely:

a. Internal Constraints/Barriers

Constraints are internal, one of which is from an interior partisan office or institution with the primary duties and functions and the authority in implementing the agrarian/land policy in question. There are usually several internal factors, such as the lack of optimally integrated coordination between one task force and another in the inner office and institution. Likewise, integrated coordination has not been realized between one office/institution with the main tasks, functions, and authorities to carry out the work in question and other third parties who are related to the implementation of the work in question (<https://ejournal2.undip.ac.id>).

This includes internal constraints, as there has not been realization (Jimmy Oentoro, 2013) an integrated data, specifically related to the factual existence of Land Objects for Agrarian Reform (TOR) which is related to efforts to find solutions to land tenure in forest areas. As a result of situations and circumstances like this, regarding the making of work plans, as well as in terms of its implementation and supervision/control and monitoring, it isn't easy to implement to accelerate the achievement of the essential goals and objectives of the implementation of the agrarian/land policy.

b. External Constraints/Barriers

In the following, the external constraints/obstacles will be explained. One of the external constraints/barriers is that an integrated and comprehensive synchronization has not been realized between maps/registers issued by the Ministry of Environment and Forestry of the Republic of Indonesia on the existence and existence and status of forest areas in the Regency/City with the Regional Regulation (Perda) on the Regency/City Spatial Planning (RTRW). In this regard, the actual existence of the Perda on the RTRW in question, in the dimensions of the legal and constitutionalism

political ecosystem paradigm (Freaddy Busroh, 2020), is a reference, legal basis, and at the same time, a normative juridical fundamental basis, in the context of carrying out all development activities. And district/city public services in Indonesia.

With the emergence of external obstacles like this, of course, in the context of implementing programs and policies in the agrarian/land sector, especially on Land Objects for Agrarian Reform (TOR) which is integrated with all efforts to resolve land tenure in the forest area, the nature of its implementation will hinder the acceleration in realizing the goals and objectives that have been set, namely to realize happiness, welfare, legal certainty, justice for community members who have lived for generations in the forest area in question.

Based on the explanation as mentioned in the section above, mainly related to the existence of internal and external constraint factors, the construction and/or form of solution/solution is to apply comprehensively the legal theory of Talcott Parsons, famous for the legal theory of structural functionalism. . One of the cores of Talcott Parsons' legal theory is that in the context of carrying out all dimensions of public services, of course, including implementing the agrarian/land policy, between Ministries/Institutions must realize (<https://ppid.atrbpn.go.id>) comprehensive and sustainable integrated coordination (sustainability).

V. CLOSING

1. In the context of forming legal norms, it must prioritize the application of Jeremy Bentham's legal theory, which is famous for his theory of the law of happiness (utilitarianism). At the same time, it is recommended that the process of establishing legal arrangements regarding the implementation of the agrarian/land policy must be total, with integrity in a sustainable manner to implement noble character

behaviors, attitudes, and attitudes sincerely and internally and grounded based on the cultural values of the Indonesian nation and state.

2. In terms of implementing the entire series and process of agrarian/land policies, namely the Land Objects for Agrarian Reform (TOR) and at the same time in an effort to find a form of settlement over land tenure in forest areas as intended, in its implementation it must refer to and be based on the mandate and orders in a paradigmatic constitutionalism, namely the 1945 Constitution of the Republic of Indonesia, and at the same time referring to and based on: - MPR Decree Number IX/MPR/2001, concerning Agrarian Reform and Natural Resources Management; - Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, which is usually referred to and abbreviated as UUPA, which was signed by the first President of the Republic of Indonesia Soekarno on 24 September, 1960, recorded in the State Gazette (LN) of 1960, Number 104 and recorded in the Supplement to the State Gazette (TLN) Number 2043; - Regulations of the President of the Republic of Indonesia whose material and content are related to the content analyzed in this journal, as well as several Regulations of the Minister of Environment and Forestry of the Republic of Indonesia as mentioned above. Especially in its implementation, it must consistently apply the legal theory of John Austin, one of the pioneers of positive legal theory, by prioritizing the realization of principles for the sake of humanity and humanity, by prioritizing a populist and humanist approach. as well as several Regulations of the Minister of Environment and Forestry of the Republic of Indonesia as mentioned above. Especially in its implementation, it must consistently apply the legal theory of John Austin, one of the pioneers of positive legal theory, by

prioritizing the realization of principles for the sake of humanity and humanity, by prioritizing a populist and humanist approach. as well as several Regulations of the Minister of Environment and Forestry of the Republic of Indonesia as mentioned above. Especially in its implementation, it must consistently apply the legal theory of John Austin, one of the pioneers of positive legal theory, by prioritizing the realization of principles for the sake of humanity and humanity, by prioritizing a populist and humanist approach.

3. About the factors of obstacles/obstacles and solutions in terms of implementing agrarian/land policies on Land Objects for Agrarian Reform (TOR), and at the same time to find a form of settlement over land tenure in forest areas, specifically regarding the constraints in the field, both internal and external as stated As explained in the discussion section, some of the constraint factors referred to are essentially critical things that can affect the targets and completion timeframes set, and at the same time can hinder the achievement of the aims and objectives for the implementation of the rural/land policy. In line with this, the author provides suggestions for solutions and solutions, mainly addressed to all State Civil Apparatuses (ASN) as public servants who have the authority to implement the said policy; in its implementation, it must prioritize the application of Talcott Parsons' legal theory, famous for the legal theory of structural functionalism. At the same time, it is also recommended to apply khaffah attitudes that prioritize noble character behavior in a comprehensive, grounded, sincere, and spiritual manner and sustainable (sustainability).

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