

Agricultural Land Redistribution for Sustainable Peacebuilding in Aceh, Indonesia

Akhyar Tarfi[✉], Ilyas Ismail, Zahratul Idami, Efendi Efendi

Faculty of Law, Universitas Syiah Kuala, Banda Aceh 23111, Indonesia

Corresponding Author Email: akhyar20@mhs.usk.ac.id



<https://doi.org/10.18280/ijstdp.180930>

ABSTRACT

Received: 18 April 2023

Revised: 28 July 2023

Accepted: 22 August 2023

Available online: 26 September 2023

Keywords:

land redistribution, land right, conflict, peacebuilding, agrarian reform, Aceh, Indonesia

The redistribution of agricultural land to former combatants, amnestied political prisoners, and victims of conflict is a key focus during the post-conflict peacebuilding process in Aceh. This strategy forms an essential component of peace agreements, facilitating social reconciliation and economic recovery. This paper sets out to investigate the progression of the provision of agricultural land rights from a legal perspective. Employing a normative approach, this study reviews various legal materials (laws and regulations) and other literature (research publications and government reports). Findings indicate that policy restrictions regarding the authority to distribute land, exercised by both central and regional governments, contribute to the sluggish pace of the land redistribution program. The identification of subjects and objects also poses challenges due to a multitude of complex factors, including inadequate databases, limited land availability, and ineffective collaboration among stakeholders. To expedite the process of land redistribution, the program should be implemented with a collaborative policy perspective, encompassing agrarian reform and a multisectoral approach.

1. INTRODUCTION

A significant threat to national unity stems from separatism. These movements often necessitate military campaigns for their quelling and result in various forms of violence, including terrorist attacks and civil wars. Vertical conflicts between community groups and the government can emerge not only due to socio-economic, cultural, and political factors [1], but they are frequently precipitated by discrimination in the allocation of natural resources [2]. Unequal control or exploitation of resource-rich regions by the central government or dominant groups can breed a sense of injustice and incite demands for secession to gain authority over these vital resources. Therefore, appropriate natural resource management is crucial for conflict de-escalation and peacebuilding.

The conflict between the separatist group Free Aceh Movement (GAM) and the Indonesian government constitutes a significant chapter in Aceh's history. This rebellion, which erupted in 1976, continued for 30 years through three main phases [3]. This ethno-nationalist movement sought to declare Aceh's independence due to dissatisfaction with the central government's perceived over-exploitative management of resources, which did not bring prosperity and justice to the local people [4]. This conflict led to at least 15,000 deaths and had prolonged adverse socio-economic impacts on Aceh [5].

The conflict in Aceh concluded with the signing of the peace agreement on August 15, 2005, in Helsinki, Finland. This Memorandum of Understanding (MoU) established a commitment to thorough conflict resolution between the Indonesian government and GAM. These peace negotiations afforded Aceh greater autonomy and a share of resource income [6, 7], facilitating post-disaster reconstruction in an economy paralyzed by the mega-tsunami disaster in late 2004

[8-10].

Among the many agreements in the Helsinki MoU, the redistribution of agricultural land was a key strategy in the Indonesian Government's efforts to restore various aspects of community life, especially for former combatants, amnestied political prisoners, and conflict victims. This allocation of natural resources was deemed a fundamental step towards initiating the improvement and restoration of other life dimensions. Experience with post-conflict peacebuilding through land sector restructuring has been garnered in various countries [11-13]. Land provision holds immense importance for reintegration purposes, given that most conflicts occur in areas reliant on natural resources and the agricultural sector for livelihoods [14].

Land tenure and agricultural reform are integral components of post-conflict development [11]. Access to land can present substantial obstacles to the processes of reconciliation, economic rehabilitation, and stability [14]. The peace agenda underscores the importance of identifying the root causes of conflict and supporting structures that will reinforce peace, preventing conflict recurrence. Agrarian issues not only overshadow the conflict cycle in Aceh, but also emerge as a key element in conflict resolution and peacekeeping.

The implementation of reintegration and peacekeeping programs is contextualized within the framework of sustainable peaceful development, considering elements of sensitivity and prevention of conflicts in regional economic development [15]. The dynamics of the conflict in Aceh were tightly interwoven with historical, cultural, and economic factors [16]. One of these economic factors related to the equitable use of agrarian resources, which also sparked the inception of a prolonged vertical conflict. Compensation for conflict victims has also been regulated in international

humanitarian law in the form of reparations.

Basically, reparations are actions to make amends or violations of the legal rights of others. Reparations, as defined in United Nations General Assembly Resolution 60/147, encompass five main forms: (1) *restitution*, aimed at restoring the victim to their pre-violation condition; (2) *compensation*, providing payment for quantifiable economic losses; (3) *rehabilitation*, covering medical, psychological, legal, and social support; (4) *satisfaction*, which may involve public apologies or commemorations; and (5) *guarantees of non-repetition*, involving measures to prevent future violations from occurring [17]. In the context of Aceh, the redistribution of agricultural land is centered on granting compensation to all parties involved in the past conflict, encompassing individuals who have endured prolonged livelihood losses in both the agricultural sector and other fields. It also includes providing rehabilitation support to help them recover and rebuild their lives after the conflict.

A number of studies have been conducted to discuss the development of peacebuilding and its impact in Aceh from various aspects. Transformation of conflict, from armed rebellion and peaceful referendum to social reconciliation, was supported by international, structural, actor-related, issues, and personal contexts [7, 18]. In the field of education and gender development, peacebuilding efforts involve improving access and quality in the affected regions, although they still encounter structural obstacles [19, 20]. Tunçer-Kılavuz [21] found that the roles of political actors play a crucial role in the success of the peace process in Aceh. However, research related to the reintegration process and post-conflict agricultural land rights has received insufficient attention and is not well documented.

More than a decade after the signing of the peace agreement between GAM and the Indonesian government, the land redistribution project for entitled subjects has not been completed. New conflicts can arise if development has not been able to bring peace dividends fairly and the root of the conflict is not resolved [22]. This paper aims to review the land redistribution policy to realize the Helsinki MoU in Aceh based on the regulatory framework. As a nation of laws, all policies in Indonesia must uphold the principle of legality (*wetmatigheid van het bestuur*). Although this principle may be difficult to apply in absolute terms, at least this legal review can provide an illustration of how strong the recognition of the MoU points relating to the allocation of agricultural land in applicable regulations as a source of positive law.

2. RESEARCH METHOD

The specification of this research is normative legal research that seeks to describe and analyze secondary and primary data on post-conflict land redistribution policies for communities in Aceh Province. Sources of data in this study were obtained from literature studies, both in the form of statutory provisions and related research results. The selection of legal materials was carried out purposefully, aiming to focus on the most relevant and valuable sources for the research. The data were sourced from publicly available databases, offering complete legislative regulations at both the central and regional levels (e.g., <https://peraturan.go.id/> and <https://peraturan.bpk.go.id/>). This research also involved a review strategy on publications indexed in well-known database (i.e., Google Scholar), encompassing several

keywords such as land rights, land title, land allocation, land redistribution, agrarian reform, and Aceh conflict. In relation to exclusion, conflicts that are not related to the Aceh Free Movement will be excluded from the chosen literature. After undergoing a careful consideration process, it was found that references addressing this topic are scarce. Hence, to enhance the analysis, internal government reports were also incorporated as research materials to gain a comprehensive understanding of the progress of post-conflict land redistribution, especially from the authorities responsible for the land sector.

The types of laws and regulations in Indonesia hierarchically refer to Article 7 of Law 12/2011 (Figure 1). This written regulation is binding and stipulated by the competent institution through certain procedures. The 1945 Constitution ranks highest hierarchically in the Indonesian legal system. The provisions contained in higher laws and regulations serve as guidelines for those under it. It should be noted that local government regulations in Aceh Province are better known as *qanun* rather than *peraturan daerah* as one of the post-autonomy features granted by the central government. However, Nurdin and Ridwansyah [23] argue that the authority of *qanun* is different from *peraturan daerah* even though the basic norms of the Indonesian constitution remain a reference in hierarchical development. On the other hand, Article 8 of Law 12/2011 also mentions several types of other laws and regulations that do not have a hierarchy, such as those stipulated by legislative, judiciary, ministries or similar institutions, or local governments.



Figure 1. Hierarchy of laws in Indonesia

Agrarian policy in Indonesia has experienced a long history since the colonialism era [24]. However, this paper focuses on existing policies with reference to the regulatory framework that is still in force. The analysis also emphasizes the post-conflict land regulations in Aceh, particularly under the regimes of President Susilo Bambang Yudhoyono (2004-2014) and President Joko Widodo (2014-present). The process of selecting legal materials is carried out systematically to find relevance to the problem topic. The data analysis technique was carried out qualitatively by using a legislative and conceptual approach. The legislative approach is carried out on the results that have been regulated in laws. Meanwhile, the conceptual approach is carried out on the results that have not

been regulated in laws.

3. RESULTS AND DISCUSSION

3.1 Foundation of land redistribution policy in Indonesia

The philosophical foundation of land policy in Indonesia is based on Article 28D Paragraph (1) of the 1945 Constitution which states that "Everyone has the right to recognition, guarantees, protection and legal certainty that is fair and the same recognition before the law". Further affirmation related to land sector regulation is emphasized in Article 33 Paragraph (3) of the 1945 Constitution which states that "Earth, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people". The implementation of the mandate of the 1945 Constitution later became the basis for the formulation of Indonesia's national land law in the form of Law 5/1960 concerning Basic Agrarian Principles (UUPA). UUPA as national land law is based on customary law that does not conflict with state interests and also respects elements based on religious law. In addition, the enactment of the UUPA was a turning point for ending colonial agrarian laws that tended to create imperialism and exploitation of peasants.

Article 2 Paragraph (2) UUPA has regulated the authority of the state in relation to the right to control land as an implementation of Article 33 Paragraph (3) of the 1945 Constitution. The term right to control does not mean that the government neglects the use of land by the people. Ownership of land by individuals or other parties is still recognized, as stated in the types of land rights in Article 16. However, the government has the authority to make arrangements, formulate policies, take action, manage, and supervise to improve the people welfare [25].

The UUPA is the parent of the agrarian reform program (often used interchangeably with land reform) in Indonesia [26]. Land law does not regulate land in all aspects. It only regulates one of its juridical aspects which are known as land tenure rights. Thus, land in a juridical sense is the surface of the earth, while land rights are the rights to a certain portion of the earth's surface with two dimensions and a certain length and width. In relation to agrarian reform, Article 17 of the UUPA states that there are provisions regarding the minimum and maximum area of land, each of which serves as a reference for obtaining decent income and preventing land accumulation by certain groups.

The land redistribution policy is one of the core parts of the agrarian reform that was promulgated by the UUPA. Initially, this policy was aimed at overhauling the feudal agrarian structure by targeting agricultural lands that exceed the maximum limit, *tanah absentee* (land located far from the owner), *tanah swapraja* (land belonging to the kingdom), and other "state lands" [27]. Furthermore, this program extends the target coverage of land to forests for distribution to landless farmers.

Although the UUPA has set the main foundations related to agrarian reform, this activity had run without a clear direction during the New Order regime (1966–1998) [27]. The desire to revive agrarian reform began when the political climate changed in the Reformation era with the issuance of People's Consultative Assembly Decision IX/2001 (TAP MPR IX/2001) concerning Agrarian Reform and Natural Resource Management. This regulation explicitly recognized

the ineffective management of previous agrarian resources, including overlaps and contradictions between regulations. The direction of agrarian reform had been rearranged, including reviewing agrarian laws and regulations, restructuring assets, registering land data, resolving conflicts, strengthening institutions and authorities, and seeking serious financing. This decision further mandated the House of Representatives and the President to immediately regulate the implementation of agrarian reform. In the end, agrarian reform became part of Indonesia's long-term development plan (2005-2025) as a commitment to improving the land management system, as referred to in Law 17/2007.

The agrarian reform approach in Indonesia after the New Order regime adopts asset arrangement (asset reform) and access arrangement (access reform) [24]. Asset arrangement aims to restructure land ownership, possession, use, and utilization in a more equitable manner through land certification. On the other hand, access arrangement aims to empower communities by providing capital assistance and other support based on land utilization. Land redistribution is included as one of several forms of agrarian reform strategies that need to accommodate asset arrangement and access arrangement simultaneously. Additionally, both of these mentioned schemes must be supported by land use arrangement to align land utilization with the designated functions in spatial planning [28].

3.2 Justification of agricultural land redistribution in Aceh for reconciliation

The provision of agricultural land was one of the results of peace negotiations between the separatist group GAM and the Indonesian government, as stated in the Helsinki MoU paragraph 3.2.5 [29]. This was expected to facilitate the reintegration of separatist groups into society and at the same time restore economic conditions. The granting of land title certificates was intended to guarantee legal certainty and legal protection to recipients through the land redistribution program. As a first step, the President of Indonesia at that time (Susilo Bambang Yudhoyono) issued Presidential Instruction 15/2005, one of which was in the form of directions to the National Land Agency (*Badan Pertanahan Nasional/BPN*), the agency in charge of land affairs, to prepare a policy plan and mechanism for the realization of agricultural land redistribution from the MoU.

To follow up the Presidential Instruction, Law 11/2006 on the Government of Aceh has been issued. This regulation was actually born as a result of a mandate from the MoU. However, the MoU is not recognized in Indonesian constitutional law. Therefore, the Helsinki MoU was not used as a legal basis in Law 11/2006 because it is not an agreement, but an understanding that does not have a strong legal force [30].

The issuance of Law 11/2006 further emphasizes Aceh as an autonomous region that has specificity in governance and is expected to become a juridical basis for implementing the points of the Helsinki MoU. However, the arrangement for allocating agricultural land for former combatants, amnestied political prisoners, and conflict victims in Aceh have not been explicitly and implicitly stated in the regulation. The institutions and authorities in the land sector are only mentioned in general terms.

Articles 16 and 17 Paragraph (3) of Law 11/2006 respectively stated that land services are one of the mandatory functions which fall under the authority of the provincial and

regency/city governments in Aceh. This was different from the special obligatory functions as mentioned in the same article in paragraph (2). For example, the Aceh government was given the authority to administer Islamic law. Land services affairs in Aceh are basically no different from other provinces in Indonesia when referring to laws that discuss local government administration (UUPD) such as Law 32/2004 and the most recent (Law 23/2014). In other words, land affairs are still carried out by regional government officials based on the mandate of the central government or have not been fully decentralized [31]. This can be clearly seen by the persistence of BPN vertical agencies at the levels of provincial (i.e., *Kanwil BPN Aceh*) and regency/city (i.e., *Kantor Pertanahan Kabupaten/Kota*). The UUPD also regulates the division of land redistribution among governments, where local governments only play a role in determining subjects and objects.

Article 253 of Law 11/2006 has actually confirmed that there will be an implementation of the transfer of *Kanwil BPN Aceh* to become a local government apparatus. Decentralization provides a great opportunity for the Aceh government to resolve agrarian conflicts and is expected to accelerate post-conflict compensation without going through the authority of the central government. However, Fitri argued that the Aceh government's desire to make land affairs under regional apparatus has the opportunity to create inconsistencies with the UUPA [31].

The implementing regulations for Law 11/2006 began to be issued in 2015, namely Government Regulation 3/2015. The regulation discussed national government authorities in Aceh, including land as mentioned in Article 4. Land regulations described in the presidential regulation further serve as the basis for issuance of Presidential Regulation 23/2015 which regulates the transfer of land institutions in Aceh from *Kanwil BPN Aceh* to *Badan Pertanahan Aceh* (BPA/Aceh Land Agency) so that the agency authorized in land services in Aceh officially becomes a local government apparatus. However, these two regulations in general have not specifically and concretely stated and regulated the implementation of post-conflict allocation of agricultural land in Aceh. The formation of the BPA itself is still hampered by a lack of resources and there is no *qanun* that regulates it further.

Instead of giving authority to special agencies engaged in the land sector, the Aceh government assigned the provision of agricultural land for reintegration purposes to the Aceh Reintegration Agency (*Badan Reintegrasi Aceh*/BRA) through Qanun 6/2015. BRA has basically been established

since 2006 to manage the reintegration process in Aceh so that this *qanun* was formulated to further strengthen the strengthening of Aceh peace. However, the implementation of the promise to provide agricultural land seems difficult to be realized by BRA itself since its inception due to limited financial and resource capacity.

In 2016, Qanun 13/2016 was released to regulate the formation and arrangement of local apparatus in Aceh Province. This regulation states that the Aceh Land Office (*Dinas Pertanahan Aceh*) is one of the instruments that have special features. This implies that the BPA has switched to the Aceh Land Office [32]. Unfortunately, there is no detailed explanation regarding these privileges, especially for implementing the MoU paragraph 3.2.5.

Based on the description above, the plan to provide agricultural land for former combatants, amnesty political prisoners, and conflict victims has not been seriously accommodated in the legislation (Figure 2), although the MoU has become a factor in its formulation. With the exception of Qanun 6/2015, this task is said to be the domain of BRA—an action that is almost impossible to implement individually and without a clear mechanism. The legal authority for land services in Aceh itself remains unclear as there are two agencies working in the same field (i.e., *Kanwil BPN Aceh* and *Dinas Pertanahan Aceh*). This problem has arisen since the Government of Aceh wants to regulate its own land through Law 11/2006, which on the other hand may create conflict with agrarian regulations (UUPA). This condition can affect the clarity of who the main stakeholders must be involved in resolving the issue of agricultural land provision as mandated in the 2005 Helsinki MoU.

3.3 Agrarian reform as a problem-solving momentum?

Land redistribution has four main objectives, starting from the social, economic, political, and environmental aspects [33]. There are differences in the main objectives of land redistribution in the post-conflict Aceh context with the agrarian reform paradigm in Indonesia. The first focuses on the political aspect, namely creating stability and reconciliation, while the latter focuses on the economic aspect, namely increasing agricultural productivity, reducing poverty, as well as preventing inequality in land tenure. Although agrarian reform does not specifically regulate the allocation of post-conflict agricultural land in Aceh, it substantially has the same goals to be achieved.

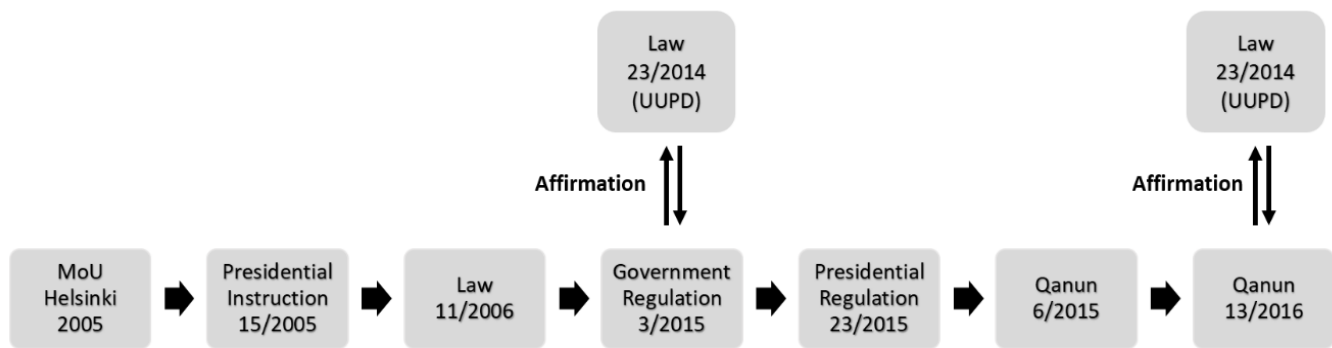


Figure 2. Timeline of regulations related to land sector in Aceh

As previously discussed, the Reformation era sparked a new spirit in implementing agrarian reform. President Susilo Bambang Yudhoyono launched the National Agrarian Reform Program (*Program Pembaruan Agraria Nasional*) for the first time. Agrarian reform during his leadership was also popularized by “Asset Reform + Access Reform”, which means that land redistribution must be accompanied by agricultural input assistance so that the land is productive, profitable, and managed sustainably [27]. Unfortunately, this program was not implemented as planned [34]. The concept of agrarian reform is technically not clearly described and is not included in any legislation. The ambiguity of the concept of agrarian reform at the central level as a guideline for implementation certainly affects the progress of land redistribution in Aceh.

The regulation of the legal policy for the provision of agricultural land in Indonesia has entered a new phase since the concept of agrarian reform was promulgated by Presidential Regulation 86/2018. This concept is part of the *Nawacita* (nine development priorities) promoted by President Joko Widodo and issued to follow up on the mandate of TAP MPR IX/2001 in restructuring the control, ownership, use, and utilization of land that is just by taking into account land ownership for the people, as well as resolving conflicts related to natural resources.

The target of implementing the national agrarian reform, particularly asset management, is up to 9 million hectares of land. The amount is then divided proportionally for asset legalization and land redistribution. The latter activity provides an opportunity for the government to allocate agricultural land to post-conflict communities in Aceh. Land redistribution in general aims to improve the economy and improve welfare, especially for people who do not own adequate land. This program is followed by the formalization of land ownership to ensure legal certainty and protection for the recipients. In addition, this activity is also followed by community empowerment to increase land productivity and avoid uncontrolled land use changes.

Determination of the subject and object of agrarian reform is fundamental in implementing land redistribution policies. To date, the number of three subject groups related to the Aceh conflict has not been finalized due to various causes. First, there are differences in the perception of the number of ex-combatants from various parties. Second, there is no real data on political prisoners who have received amnesty from authorities. Third, the key indicators that can be categorized as conflict victims are not yet clear. In addition, the national agrarian law (in Article 12 of Presidential Regulation 86/2018) does not directly mention the three groups as subject criteria. The criteria is based on citizenship status, age, marital status, residence, land ownership, and occupation.

The latter subject criterion can be a major challenge in justifying the implementation of agricultural land redistribution in Aceh. The employment status required in Presidential Regulation 86/2018 generally includes small-scale farmers, informal workers, and low-income employees who do not own land. People related to conflict are not accommodated in that article unless they comply with the existing criteria. In addition, the fulfillment of the promise of the Helsinki MoU for groups that already have better livelihoods is practically questionable because it is not in accordance with the provisions of the subject of agrarian reform, as well as violating the main objective of this agenda in order to reduce social inequality.

For the object of agrarian reform, Article 7 paragraph (1) of Presidential Regulation 86/2018 has mentioned 11 sources that can be used for land redistribution. Some of the possible sources to be provided extensively include forest areas, former cultivation rights, state land, and abandoned land. Thus, it is important to choose an indicative location by referring to spatial data and local spatial planning.

The need for agricultural land in each regency/city in Aceh varies according to the number of subjects. If referring to the existing agreement, each subject is entitled to receive a minimum of 2 hectares of land. Confusing data on the number of subjects has the consequence that it is difficult to ascertain the area of land resources that must be prepared. Regardless of the debate, the consensus on the number of recipients is at least more than 30,000 people, indicating that the minimum land requirement is more than 60,000 hectares [29]. With the wide range of objects required, the availability of land is the most crucial issue, especially for subjects who live in urban and coastal areas. Forest clearing does not necessarily solve this problem because it must consider the level of accessibility, in addition to adjusting the radius of residence as one of the requirements for land redistribution.

Coordination of the provision of objects is delegated to the Task Force for Agrarian Reform (*Gugus Tugas Reforma Agraria*), as stated in Presidential Regulation 86/2018. This team is not only at the central level, but also at the provincial and regency/city levels, and includes various stakeholders so that it is hoped that it can provide input and information in the implementation of providing agricultural land for post-conflict communities in Aceh. This scenario will also make it easier to propose the allocation of activities and budgets needed in its implementation.

The successful implementation of post-conflict agricultural land redistribution in Aceh must be carried out collaboratively and comprehensively by involving all relevant agencies in accordance with their respective authorities. Therefore, it is necessary to have regulations that clearly regulate the authority and duties of each agency. These regulations are indispensable as a basis for all agencies related to program planning.

3.4 Ideal policies to achieve welfare and maintain peace

Rebuilding post-conflict societies requires a specific peacebuilding approach and strategy, not only to prevent conflicts from re-emerging but also to consolidate peace towards achieving sustainable development and a peaceful environment [35]. In addition, a good understanding of the conflict and its characteristics in the past is needed so that all possible new conflicts in the future can be anticipated [36]. The foundation of peace in relation to development policies with peace and democracy, both in principle and in its mechanism, needs to be strengthened for the implementation of effective governance to encourage long-term conflict and the transformation of peace. The state has an obligation to protect all citizens according to the order of civilized society that upholds legal norms. This state obligation is carried out by the government in a broad sense (executive, legislative and judicial).

Based on empirical evidence, the involvement of agrarian reforms following a conflict has the potential to decrease the likelihood of renewed conflicts, particularly in countries where agriculture plays a significant role in the economy [37]. Certainly, such success can only be achieved if accompanied

by proper planning. For instance, in the aftermath of the 1994 genocide, the Rwandan government initiated an ambitious strategy called the land tenure regularization program. Rwanda's post-conflict experience illustrates that land reform is a comprehensive approach to address long-standing land governance challenges rooted in historical and cultural factors. As a deliberate policy instrument, it aims to manage conflicts and promote peacebuilding explicitly. The implementation of this policy not only fosters social stability but also creates improvements in food security and economic welfare [38].

The legal policy for the provision of allocation of agricultural land is cross-sectoral and is not easy to integrate. On the one hand, the UUPD authorizes local governments only to determine the subject and object of the land that is already available. The UUPA only regulates policies regarding the provision of legal certainty and protection in the form of a certificate of land rights for objects that have been previously determined by regent or mayor. Unavailable land originating from forest areas, abandoned rights, and other state assets need further processing in accordance with the provisions and authorities of each agency.

The agrarian reform approach (referring to Presidential Regulation 86/2018) can also be adopted in accelerating the implementation of post-conflict allocation of agricultural land in Aceh. This activity is carried out by integrating asset, land use, and access arrangement (Figure 3). Nonetheless, some of the articles cannot accommodate the specific conditions of the subject. This paper recommends revising the article to recognize land provision for former separatists and conflict-affected communities. Recently, a draft of *qanun* that addresses land in Aceh is being discussed. This is expected to have good implications in completing the allocation of agricultural land.

Synergic cooperation between key stakeholders is needed to mediate various existing obstacles in land distribution. Agrarian reform is not only burdened by agencies engaged in agriculture and land, but is also the responsibility of many parties [24]. This effort must also be supported by other stakeholders who are concerned about related issues and provide benefits in cooperation, such as academics, private companies, non-governmental organizations, and community leaders. Based on a case study in South Kalimantan province (Indonesia), active participation from all stakeholders has been proven to be a key factor in the successful implementation of

land redistribution [39]. Identification of the subject by name by address is a very important thing to do so that the program is right on target and becomes a consideration in planning the distribution of objects. The review should refer to objective and verified criteria. In addition, coordination with related agencies is also needed in releasing land which is used as the object of agrarian reform. Apart from the potential conflict over land affairs authority in Aceh, a clear division of roles will facilitate and support the completion of the agricultural land redistribution program.

The availability of state land as an object to be distributed to the community is very limited, so a legal policy is needed that involves the roles of all related agencies. Efforts to settle the provision of agricultural land must be carried out by taking into account sectoral, holistic, and sustainable policies, especially in formulating a legal policy as an operational basis for all relevant stakeholders in accordance with their respective authorities. Several agencies related to the allocation of agricultural land include: (1) the Ministry of Agrarian Affairs/National Land Agency has a role in granting land title certificates, (2) the Ministry of Forestry and Environment has the authority to determine the release of forest areas to meet the availability of state land which will be distributed, and (3) the Ministry of Villages, Development of Disadvantaged Areas, and Transmigration provides legalization for the use of state reserve land in the form of management rights.

Control of land by the state creates responsibility for the achievement of justice and prosperity for the people. Post-conflict land redistribution is not only advocated for political purposes, but must be able to have a positive impact on improving the welfare of the beneficiaries. The experience of post-conflict land redistribution in El Salvador indicates that the government's failure to provide technical assistance and skills contributes to the failure in maintaining peace [12]. Increasing the capacity of knowledge and skills on an ongoing basis plays an important role in restoring peaceful livelihoods [40]. The land given is expected to be productive and not neglected or traded to other parties. The government must oversee and provide adequate assistance so that agricultural land can be productive. This is in line with the concept of access arrangement as stated in Paragraph 2 of Government Regulation 86/2018.

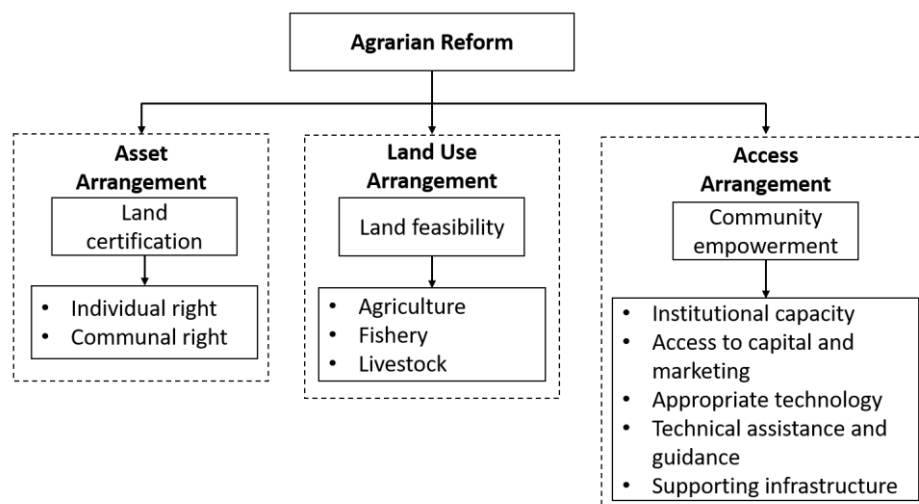


Figure 3. Agrarian reform policy framework

The government needs to prepare and make careful planning of land use. The grand design must be determined to be one of the strategic programs at both the central and regional levels so that its implementation becomes focused and integrated towards the same target. It is compiled and elaborated in the form of activities and budgets available in each related agency to support the successful allocation of agricultural land and its empowerment.

Agrarian reform activities should be carried out based on certain commodity clusters. The commodities developed must be on a large scale and in one area, so that their management is easier and more comprehensive. These types of commodities adjust to the characteristics of the local wisdom of each region, by first conducting a feasibility study with an approach to land use aspects as a way to achieve sustainable land management [41]. The improvement of the welfare of the people receiving the post-conflict land distribution in Aceh certainly has a positive correlation to the continuing improvement of the peaceful situation in Aceh. The economic conditions of the people regarding the productive use of agricultural land after the conflict in Aceh can certainly maintain long-term peace in Aceh and prevent the nation's disintegration.

In summary, the advancement of peace in Aceh province has yielded remarkable outcomes. Nevertheless, the allocation of agricultural land for ex-combatants, amnestied political prisoners, and conflict victims, as stipulated in the 2005 Helsinki MoU, was overlooked for an extended period. With the commitment to agrarian reform, this issue is now receiving serious attention. Yet, immediate corrective actions are necessary to resolve the outstanding compensation issue, encompassing legal recognition, effective multi-stakeholder coordination, and the formulation of tangible ideas to bolster economic empowerment.

4. CONCLUSION

The fulfillment of land rights in the form of agricultural land redistribution for former combatants, amnestied political prisoners, and conflict victims have not gone smoothly after the conflict throughout Aceh Province. The major obstacle to implementation is the unavailability of a legal basis for all related agencies (structures) to carry out these activities. The absence of clear and concrete regulations results in the unavailability of budgets and activities regarding the allocation of agricultural land for entitled communities. The regulation of legal policies implemented so far has not involved other related institutions or agencies so that the implementation of the redistribution of agricultural land has not been resolved precisely and thoroughly. In addition, identification of subjects and objects also still faces obstacles due to various complex reasons, such as the lack of adequate beneficiary databases, limited land availability, and the ineffectiveness of collaboration among stakeholders. However, in order for the provision of agricultural land to run smoothly, implementing regulations are needed to follow up on the Helsinki MoU paragraph 3.2.5.

Redistribution of agricultural land which is followed up with the provision of legal certainty guarantees for ownership, control, use, and utilization of land in a just and equitable manner can create prosperity in an effort to prevent potential disintegration of the nation. One of the legal policies that can accelerate the realization of the provision of allocation of

agricultural land is implemented collaboratively involving other agencies and regulations. Its implementation does not only refer to Law 23/2014, but adopts an agrarian reform policy in accordance with Presidential Decree 86 of 2018 and is integrated with other regulations in the forestry, plantation, agriculture, and fisheries sectors. The ideal policy model is implemented by compiling regulations that synergize the implementation of land provision and empowerment (access), as well as taking into account the feasibility of land use management based on commodity clusters in accordance with the conditions of each area so that the distributed land can create prosperity and maintain peace in Aceh.

Agrarian reform policy aims to address land governance challenges deeply rooted in Aceh's history. By providing land rights and effective multi-stakeholder coordination, this approach can facilitate the fair redistribution of land to those affected by the conflict. Involving various agencies, including government bodies and non-governmental organizations, is crucial for the successful execution of this initiative. Such collaboration ensures comprehensive and effective measures, fostering economic empowerment for the beneficiaries. Achieving prosperity and maintaining peace in Aceh largely depend on these solutions, as they not only promote social stability but also create opportunities for sustainable development and inclusive growth.

The research findings have far-reaching implications beyond the specific case of Aceh. Agrarian policies are integral to post-conflict development agendas. The identification of challenges and potential solutions offers valuable insights for academics and practitioners seeking effective approaches to tackle land-related issues and foster long-term stability in conflict-affected regions. Agrarian issues are not merely about the fulfillment of compensation and land provision, yet they demand a broader perspective. Hence, there is a need to strongly advocate for development founded on a conflict-sensitive approach to achieve peace consolidation and avert the re-emergence of new conflicts.

Since this study adopts a normative approach, future research should delve deeper into agrarian reform mechanisms that facilitate sustainable peacebuilding in Aceh, employing alternative approaches. For instance, given the significant importance of collaboration among stakeholders from different sectors, further investigation could explore the elements that lead to successful collaboration and the challenges hindering it. Additionally, evaluating the progress of ongoing agricultural land redistribution and its effects on beneficiaries would contribute to the continued promotion of peace and socioeconomic development.

ACKNOWLEDGMENT

The authors would like to thank *Dinas Pertanahan Aceh* and Individual Consultants from *Kanwil BPN Aceh* for their assistance during the research.

REFERENCES

- [1] Ryabinin, Y. (2017). The basic causes of the contemporary separatism. *Journal of Geography, Politics and Society*, 7(1): 5-9. <https://doi.org/10.4467/24512249JG.17.001.6200>
- [2] Tadjoeddin, M.Z. (2007). A future resource curse in

- Indonesia: The political economy of natural resources, conflict, and development. CRISE Working Paper, No. 35.
- [3] Putranto, J.P. (2009). Aceh conflict resolution: Lesson learned and the future of Aceh. Thesis. Naval Postgraduate School, Monterey, California, USA.
- [4] Damanik, A.T. (2010). Hasan Tiro: From the imagination of an Islamic state to the imagination of ethnonationalism. Friedrich Ebert Stiftung and Acheh Future Institute, Jakarta.
- [5] Barron, P., Rahman, E., Nugroho, K. (2013). The contested corners of Asia: Subnational conflict and international development assistance. The case of Aceh, Indonesia. The Asia Foundation, San Francisco, USA.
- [6] Hyndman, J. (2009). Siting conflict and peace in post-tsunami Sri Lanka and Aceh, Indonesia. *Norsk Geografisk Tidsskrift-Norwegian Journal of Geography*, 63(1): 89-96. <https://doi.org/10.1080/00291950802712178>
- [7] Sujatmiko, I.G. (2012). Conflict transformation and social reconciliation: The case of Aceh, Indonesia. *Asian Social Science*, 8(2): 104-111. <https://doi.org/10.5539/ass.v8n2p104>
- [8] Amri, I., Giyarsih, S.R. (2022). Monitoring urban physical growth in tsunami-affected areas: A case study of Banda Aceh City, Indonesia. *Geo Journal*, 87(3): 1929-1944. <https://doi.org/10.1007/s10708-020-10362-6>
- [9] Amri, I., Giyarsih, S.R. (2020). Quantifying urban physical growth types in Banda Aceh City after the 2004 Indian Ocean Tsunami. *E3S Web of Conferences*, 200: 08003. <https://doi.org/10.1051/e3sconf/202020007003>
- [10] Amri, I., Alami, R.R., Serlia, A. (2023). Population distribution analysis in Banda Aceh City for tsunami disaster risk reduction. *IOP Conference Series: Earth and Environmental Science*, 1173(1): 012052. <https://doi.org/10.1088/1755-1315/1173/1/012052>
- [11] Pritchard, M.F. (2013). Land, power and peace: Tenure formalization, agricultural reform, and livelihood insecurity in rural Rwanda. *Land Use Policy*, 30(1): 186-96. <https://doi.org/10.1016/j.landusepol.2012.03.012>
- [12] Unruh, J., Williams, R.C. (2013). Lesson learned in land tenure and natural resource management in post-conflict societies. In: Unruh, J. Williams, R.C. (eds) *Land and Post-Conflict Peacebuilding*. Earthscan, London.
- [13] Betge, D. (2019). Land governance in post-conflict settings: Interrogating decision-making by international actors. *Land*, 8(2): 31. <https://doi.org/10.3390/land8020031>
- [14] Unruh, J.D. (2003). Land tenure and legal pluralism in the peace process. *Peace & Change*, 28(3): 352-377. <https://doi.org/10.1111/1468-0130.00267>
- [15] Murni, Amni, Juli, M., Nurmalia, Keumala, H. (2018). *Sejarah Terwujudnya Damai Aceh dan Proses Reintegrasi Aceh (Aceh dan Jalan Panjang Menuju Damai)*. Badan Reintegrasi Aceh, Banda Aceh.
- [16] Brown, G.K. (2005). *Horizontal Inequalities, Ethnic Separatism And Violent Conflict: The Case Of Aceh, Indonesia*, Human Development Report. Oxford University, Oxford.
- [17] United Nations. (2008). *General Assembly Resolution 60/147 (Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law)*. United Nations, New York.
- [18] Akmal, M., Muchsin, M.A., Jamil, T.M., Yusuf, R. (2018). The transformation of Free Aceh Movement (GAM) from armed movement into political movement: Strategy and challenges of Aceh Party (PA). *Indian Journal of Public Health Research and Development*, 9(12): 1875-1879. <https://doi.org/10.5958/0976-5506.2018.02263.5>
- [19] Lee-Ko, K. (2012). Gender at the crossroad of conflict: Tsunami and peace in post-2005 Aceh. *Feminist Review*, 101(1): 59-77. <https://doi.org/10.1057/fr.2011.54>
- [20] Shah, R., Cardozo, M.L. (2014). Education and social change in post-conflict and post-disaster Aceh, Indonesia. *International Journal of Educational Development*, 38: 2-12. <https://doi.org/10.1016/j.ijedudev.2014.06.005>
- [21] Tunçer-Kılavuz, I. (2019). Success or failure in the peace process of Aceh and Sri Lanka: A comparative study. *Terrorism and Political Violence*, 31(4): 712-732. <https://doi.org/10.1080/09546553.2017.1282860>
- [22] Zainal, S. (2016). Transformasi dan relasi konflik Aceh dan relasi sosial politik di era desentralisasi. *Masyarakat: Jurnal Sosiologi*, 21(1): 81-108. <https://doi.org/10.7454/mjs.v21i1.4757>
- [23] Nurdin, R., Ridwansyah, M. (2020). Aceh, qanun and national law: Study on legal development orientation. *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 4(1): 107-131. <http://dx.doi.org/10.22373/sjhk.v4i1.6416>
- [24] Widodo, S. (2017). A critical review of Indonesia's agrarian reform policy. *Journal of Regional and City Planning*, 28(3): 204-218. <https://doi.org/10.5614/jrcp.2017.28.3.4>
- [25] Doly, D. (2017). The authority of the state in land tenure: Redistribution of land to the people. *Negara Hukum*, 8(2): 195-214. <https://doi.org/10.22212/jnh.v8i2.1053>
- [26] Nurjannah. (2014). Undang-undang pokok agraria (UUPA) sebagai induk landreform. *Al-Daulah: Jurnal Hukum Pidana dan Ketatanegaraan*, 3(2): 193-205. <https://doi.org/10.24252/ad.v3i2.1436>
- [27] Rachman, N.F. (2012). *Land Reform dari Masa ke Masa*. STPN & Sajogyo Institute, Yogyakarta.
- [28] Mahasari, J., Simarmata, H., Suganda, A., Hasibuan, F.Y. (2023). Role model of agrarian reform in spatial planning at North Jakarta. *Russian Law Journal*, 11(4): 468-482.
- [29] Tarfi, A., Amri, I. (2021). Reforma agraria sebagai jalan menuju perdamaian yang berkelanjutan di Aceh. *BHUMI: Jurnal Agraria dan Pertanahan*, 7(2): 210-225. <https://doi.org/10.31292/bhumi.v7i2.509>
- [30] Hamdi, M.F., Rasyid, M.N., Gaussyah, M. (2014). Pengaturan materi muatan Memorandum of Understanding Helsinki antara Pemerintah Republik Indonesia dan Gerakan Aceh Merdeka dalam Undang-Undang Pemerintahan Aceh. *Jurnal Ilmu Hukum*, 2(2): 58-66.
- [31] Fitri, R. (2015). Potential conflict between Aceh governance and the government of Indonesia in land field. *Kanun Jurnal Ilmu Hukum*, 66(17): 247-275.
- [32] Nofrizal, R., Jalil, H., Saleh, M. (2019). The position of the Aceh Land Agency in land dispute settlement after the ratification of Presidential Regulation Number 23 of 2015. *Syiah Kuala Law Journal*, 3(3): 395-416. <https://doi.org/10.24815/sklj.v3i3.12524>
- [33] Moyo, S. (2009). Designing and implementing redistributive land reform: The Southern African

- experience. In: Biswanger-Mkhize, H.P., et al. (eds) *Agricultural Land Redistribution: Toward Greater Consensus*. The World Bank, Washington, DC, USA.
- [34] Hardiyanto, B. (2021). Politics of land policies in Indonesia in the era of President Susilo Bambang Yudhoyono. *Land Use Policy*, 101: 105134. <https://doi.org/10.1016/j.landusepol.2020.105134>
- [35] Swain, A., Krampe, F. (2010). Stability and sustainability in peace building: Priority area for warfare ecology. In: Machlis, G.E., et al. (eds) *Warfare Ecology: A New Synthesis for Peace and Security*. Springer, Dordrecht. https://doi.org/10.1007/978-94-007-1214-0_14
- [36] McCully, A. (2012). History teaching, conflict and the legacy of the past. *Education, Citizenship and Social Justice*, 7(2): 145-159. <https://doi.org/10.1177/1746197912440854>
- [37] Keels, A., Mason, T.D. (2019). Seeds of peace? Land reform and civil war recurrence following negotiated settlements. *Cooperation and Conflict*, 54(1): 44-63. <https://doi.org/10.1177/0010836717750201>
- [38] Jossam, P., Gloria, O. (2021). The political economy of land reform in post conflict Rwanda (1994/2020). *African Journal on Land Policy and Geospatial Sciences*, 5(3): 542-552. <https://doi.org/10.48346/IMIST.PRSM/ajlp-gs.v5i3.32574>
- [39] Triandaru, L., Amberi, M., Oktavianoor, T., Hidayat, M.F. (2021). Kolaborasi stakeholder dalam reforma agraria dengan pola redistribusi tanah di Kabupaten Hulu Sungai Selatan. *Kolaborasi: Jurnal Administrasi Publik*, 7(2): 201-216. <https://doi.org/10.26618/kjap.v7i2.5655>
- [40] Subedi, D.B. (2014). Ex-combatants, security and post-conflict violence: Unpacking the experience from Nepal. *Millennial Asia*, 5(1): 41-65. <https://doi.org/10.1177/0976399613518857>
- [41] Ningrum, E.R., Laili, A., Yasiroh, I.I., Wardani, W.T.K., Al Tumus, M.G.R., Amri, I., Aditya, B., Putri, R.F. (2021). Stakeholder analysis for controlling land utilization in Parangtritis sand dunes. *IOP Conference Series: Earth and Environmental Sciences*, 686(1): 012019. <https://doi.org/10.1088/1755-1315/686/1/012019>