

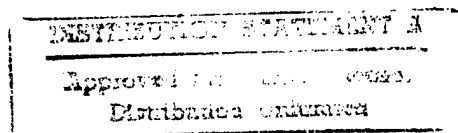
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THE PROBLEM OF LAND OWNERSHIP IN INDONESIA

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FOREWORD

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THE PROBLEM OF LAND OWNERSHIP IN INDONESIA

[Following are translations of articles on the above subject, selected from Indonesian sources. Source information accompanies each article.]

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ESTABLISH SOON A MAXIMUM LIMIT ON LAND OWNERSHIP

Following is the translation of an article by Asmu in Harian Rakyat (People's Daily) 26 September 1960, pages 2 and 4.

In name of the working classes I express my agreement with the RUU Pokok Agraria / Rentjana Undang Umum Pokok Agraria -- Draft of a General Act on Agrarian Principles / which only yesterday has been submitted by the government.

This draft of a new Agrarian Act contains almost all the elements of the proposals presented by the working classes during the recent united session of the Commissions and the discussions between group representatives and the government.

We, the people of the working class, are of the opinion that the presentation by the government of just this draft of an Agrarian Act of national character which replaces the colonial agrarian laws that ruined the people is already a historical and important event.

The land ownership rights of foreigners and the colonial concessions have been wiped out in this draft. It is now possible to prevent the spread of exploitation by new colonial capital and to limit the exploitation by old colonial capital. In this manner the road to economic independence in our country has been opened up. This proves that the draft possesses a national and patriotic character.

The following certainties prove that the draft for an Agrarian Act possesses within certain limits a democratic nature: The certainty that it wipes out the rights and despotism over land and air of the principalities or former principalities, that it limits ownership and control of land by what we call large landowners, prevents the existence of agrarian organizations and incorporated enterprises with monopolistic character, determines that every Indonesian citizen, man as well as woman, has the same opportunity to obtain ownership of land, and says that every person or corporation that owns land is in principle obligated to work and till the soil actively himself without pressure on others.

The draft strengthens the ownership rights of the Indonesian people to the soil while it explains that the right to own is a handed down right. It does not overlook stressing the social function of this ownership right, and explains that "only citizens of Indonesia have the right to own land".

This draft opens the opportunity for the people, especially the farmers, to obtain land, as stated in Chapter 17, Paragraph 3.

It states that "Land in excess of the maximum intended by Paragraph 2 of this Chapter will be taken over by the government with payment of damages, and will be distributed among the people that need it, according to the decisions of government regulations. When real execution of Chapter 17 of the draft together with limitation of the maximum land that can be owned by landowners, and the opportunity for the people, especially the farmers, to obtain land is combined with the execution of Act 2 of 1960 regarding "Agreement on the partition of the harvest", it will cut down the exploitation of the farmers by the feudal classes.

Distribution of land among farmers, especially farmers without land or enough land and lightening the burden of feudal exploitation will mean in the first place a rise in the standard of living of the farmer. This means an increase in the purchasing power of the largest part of the Indonesian population. It means strengthening the interior market. This all means support for our national enterprises, especially our national industry. In the second place, these measures will diminish unemployment which causes farmers to become a cheap labor reserve during famine when they overflow into the cities and other places where work can be gotten, as plantations and factories. In the third place, these measures will aid in the execution of the government program, especially by increasing production of basic foods. When the farmer gets his reapportioning of arable land and relief from feudal exploitation he will work more determinedly and creatively because he feels that he works on his own property and that he himself can command the whole harvest or a great part thereof. When more farmers own their land, there will be more opportunity to develop enterprises of mutual assistance and village cooperatives. In the fourth place, they will aid the program aimed at restoring peace. When the farmers get arable land they will be more interested in peace in their villages, and because they will become stabler citizens they will help the efforts to restore the peace.

We think that this document of a draft for an Agrarian Act has become the basis of the execution of the land reform, explained by His Excellency the president and Prime Minister Sukarno as "an integral part of the Indonesian revolution". In my opinion the essential elements of this draft fulfill also the president's mandate of 17 August 1960, which states that "Land reform means in one respect the elimination of all foreign land ownership rights and the colonial concessions and the termination of feudal exploitation -- in another respect it means reinforcing and increasing the land ownership rights for all the people of Indonesia, especially for the farmers.

We think that this draft accomodates also the interests of artists and sportsmen, of the cooperative movement and the national enterprises of agriculture, cattle breeding and fisheries as mentioned, among others, in Chapter 14, Paragraph 23.

These are the reasons that we, the working class, unanimously accept the new draft for an Agrarian Act which the government presented yesterday.

This draft has been awaited by the people for a long time. We hope

that after it has been approved by the DPR GR, the government will make it the law of the country soon. We also hope that the maximum limit on land ownership will be determined in as short a time as possible by government decision and that this will be followed soon by government measures and instructions on its execution.

The execution of the Agrarian Act is very important for the people, especially from an agrarian point of view. To stimulate a smooth execution and to prevent the disturbances that may come up through misunderstanding or lack of understanding, we, the working class, propose to the government to publicize and explain this act extensively while affording the various classes of society the opportunity to hold explanatory meetings.

The execution of this act is interrelated with the government's efforts to make the village governments more democratic, as explained above under "In the third place.."

The present forms of village government based on IGO and IGOB [abbreviations of governmental regulations, unexplained in source] do not guarantee good execution of the Agrarian Act that can be of some benefit to the people. We propose that the government formulate soon, in accordance with the duties imposed by Act 1 of 1957, and as replacement of the present form of village government, a law on the establishment of governments for self-governing regions of the third degree that are autonomous and democratic.

We agree with the government that the execution of the Agrarian Act as basis of land reform has to be accompanied by a credit system, especially directed towards the farmers. If this is not to be the case, land reform will only have a very temporary usefulness for the farmers. The reason is that farmers who receive new land will soon become a prey of userers in connection with their shortage of implements, manure, seed and cash reserves and will lose their land. We hope that the government will strengthen and expand the Bank for Farmers and Fishermen, which has become the channel through which credit reaches the farmers and has improved their work methods.

We also agree with the explanation of the government that "Simultaneously with the execution of land reform, the government has to open up more land and synchronize that with the development of industry and transmigration".

We propose finally that the government really puts into action all government decisions firmly connected with land reform, such as Act 1 of 1958 on the elimination of private estates, and Act 2 of 1960 on the agreement regarding the partition of the harvest. Disagreements on land between farmers and the government and government enterprises must be solved on the basis of discussion, and measures that do damage to the farmers must be avoided. Disagreements between farmers and foreign enterprises must be solved on the basis of discussion and on conditions that are advantageous to the farmer.

BASIC AGRARIAN LAW MUST GUARANTEE
LAND FOR THE PEASANTS

[Following is the translation of an article by Nungtjik
A. R. in Harian Rakjat (People's Daily) pages 2 and 4,
Djakarta, 14 September 1960.]

I have reason to show first my heartfelt appreciation and gratitude towards His Excellency the minister of Agriculture and his energetic staff. They were ready during many hours, even during scores of hours, day as well as night, to serve us and other groups during informal meetings with great patience, tolerance and broad mindedness. Whether the results of these informal discussions were satisfactory or unsatisfactory is not the point, but we are sure that if the cooperation of DPR GR [abbreviation unexplained in source] remains as with His Excellency the minister of Agriculture, many results will be reached. There will be no discussions that cannot be brought to a satisfying conclusion.

As I have stressed during the session of the combined commissions, in studying this agrarian law we Communists will strive to the best of our ability in unison with the other groups that support Manipol Usdek to conceive the progressive formulations for the perfection of the above mentioned RUU [Rentjana Undang Umum — Draft of a General Law] until, we hope, an agrarian law is conceived that guarantees the execution of the policies of Manipol Usdek in the agrarian sector in the manner explained by His Excellency the president on 17 August 1960. Therefore, when His Excellency the president says that "on the field of battle our people must smash and annihilate all revolutionary forces" we, on the subject of conceiving a general agrarian act, strive with all our energy for revolutionary formulations from all those whom His Excellency has called "the best sons of our country", gather in this DPR GR.

If we find later also some definitions in the agrarian law that are not as revolutionary as we originally intended them to be, it ought to make us work even better in the future.

To prevent misconception and misunderstanding by the people as well as by circles of the DPR GR itself regarding the purpose of the agrarian law which will soon be made legal, I must first stress that it is not a law on land reform. To be more specific, it should not be misunderstood as a general law on land reform or implementation of the land reform we have in mind.

The agrarian law may become the foundation of a law on land reform,

or its implementation as an integral part of the Indonesian Revolution, as explained by His Excellency the President. The essence of land reform, as can be learned from the president's speech of 17 August 1960, is "Land for the Peasants". This means that the soil should be in the possession of the people who really work it.

The agrarian law must determine the principles that will smooth the way towards that destination. Several of the most important principles should be in it. I mention in the first place the principle that every right to agricultural land must automatically be tied to the duty to work and till it actively. The major element of this principle is the ability and willingness of the peasant to actively till the soil with his own hands. He obtains his right to the land on the basis of this ability and willingness.

The agrarian law tries to formulate this principle in Paragraph 10, but it is a pity that its formulation is weakened by the words "in principle". Strictly speaking, this contradicts, or at least weakens, the idea which makes it a duty to work and till one's own land actively. This principle is further weakened by Paragraphs two and three that permit exceptions still to be specified in another form of law, of which the contents as usual depend upon subjective factors and on where and when it will be enacted. It is already clear from the material of Paragraph 10 as well as from its explanations and from the general elucidations on this law that the possibility of exceptions on an extensive scale has not been prevented; this weakens the basic principle badly.

We feel, especially regarding the ownership of land, that there is the same weakness in the exceptions made possible by Paragraph 24, similar in nature to those allowed by Paragraph 10, Section three. In addition to the principle "it is a duty to work and till one's own land actively", another basic principle we cannot do without is prevention and prohibition against accumulating as much land as possible or control of land. It must be combined with a limitation on the acreage owned.

Paragraph 7 of the agrarian law determines: To prevent damage to the public interest, excessive ownership of and control over land cannot be recognized. This formula is certainly meant to establish the above mentioned principle. The words "To prevent damage to the public interest" make it still possible however, to contest its meaning. When people declare that land owned by them or under their control is not considered to be of damage to the public interest, it is, of course, very difficult to prove the opposite. To prevent such subjective interpretations, the most effective step is to introduce the complete basic principle in the law by deciding upon the maximum acreage that may be owned.

This principle of maximum acreage that may be owned as something we cannot do without is introduced in Paragraph 17, but only as evidence and not yet with concrete figures of permissible acreage.