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CONTEMPORARY SOCIAL PROBLEM: AGRARIAN CONFLICT

Soni Akhmad Nulhaqim^{1*}, Muhammad⁵ Fedryansyah², Eva Nuriyah Hidayat³, Dwi Astuti Wahyu Nurhayati⁴
^{1,2,3}Department of Social Welfare of the Faculty of Social and Political Science of Padjadjaran University, Indonesia;

⁴State Islamic Institute of Tulungagung, Indonesia.

Email: ^{1*}soni.nulhaqim@unpad.ac.id, ²m.fedryansyah@unp¹⁴ac.id, ³en.uriyah@yahoo.co.id, ⁴dwiastuti@iain-tulungagung.ac.id

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Abstract

Purpose: Agrarian conflict is the outcome of the land policy that includes problems in land administration and land use. This research aims to analyse the agrarian conflict phenomenon as one of the contemporary social problems in Indonesia by referring to the aspects of agrarian conflict causes, agrarian conflict as a social problem, and impacts and resolutions of agrarian conflict.

Methodology: This research adopted a descriptive qualitative method. The data were collected by studying literature and previous research. Causes of agrarian conflict included agrarian reform policy that was still blocked by the disorganised land administration, corruption issue, and land control of some groups.

Main Findings: That condition shoved various moves to generate resistance, notably people who suffered from the poor agrarian reform policy that resulted in agrarian conflict. The agrarian conflict occurred in several sectors such as plantation, property, infrastructure, agriculture, forestry, marine, and mining. In each sector, agrarian conflict was caused by distinct factors. Agrarian conflict is classified as a social problem since it is undergone by many people; it is an unpleasant situation, and it is a condition demanding a resolution that must be done through collective social action. Impacts of agrarian conflict involved casualties, criminalisation, and job losses, which were suffered by people as the victims of the conflict. Efforts to resolve agrarian conflict generally adopt litigation and non-litigation approaches. The litigation approach is performed in court, while a non-litigation approach is carried out via negotiation, mediation, repressive approach, and community-based approach through the empowerment of local people.

Implications: In resolving agrarian conflicts, it is recommended to adopt a non-litigation approach to achieve conflict resolution as a win-win solution and prioritise the parties' concerns involved in the conflict. One of the non-litigation approaches is known as community-based conflict resolution.

Novelty/Originality of this study: The current study is unique as it contributes to the literature by highlighting the conflict and problems aroused in the agrarian society and reforms developed against them. It will also shed light on the agrarian conflict phenomenon as one of the contemporary social problems in Indonesia.

Keywords: Social Problem, Agrarian Conflict, Significant Values, Norms & Moral Standards.

INTRODUCTION

A social problem is a phenomenon that continuously develops either its quantity or quality. The development of social problems is in harmony with the development of society in which the problem appears. This is following Horton & Hunt in Wibhawa (2013) who states, "Social problem is a part of the consequences of social change." In its development, a social problem might be possibly resolved, while some other problems might disappear. However, some problems that had disappeared will be replaced by other social problems. Besides, in the development of the social problem, it is often found a social problem that is unable to be well resolved. This problem will progress to be a new social problem with distinct form and quality. This shows that every society is inseparable from the social problem.

Weinberg in Taftazani (2017) said that social problem is a situation that contradicts to the significant values followed by a group of people, and they have an agreement of actions to change the situation. Based on the definition, the social problem can be understood as a situation that is against values, norms, moral standards, or hopes felt by people, and the social problem needs a resolution since if it is not resolved, it will affect the existence of society.

One of the social problems existing in society is conflict. Conflict is a phenomenon that is always embedded in society's life as an unavoidable reality, and it will constantly occur (Nasikun in MohdSaman, Abdullah, Baba, Shaifuddin&Mokhtar, 2015; Nulhaqim, 2017). Conflict occurs in the field of individuals or groups in society (Collins, 2019; De Dreu,1997; Putra, 2014). According to Article 1 section 1 Law No. 7 of 2012 about Social Conflict Handling, it is explained that social conflict is hostility or physical collision between two groups of society or more occurring in a specific period, and resulting in social inconvenience and disintegration; therefore, it affects national stability and impedes national development.

Putra (2013) stated that conflict is a process that begins when individuals or groups perceive the difference or opposition between themselves and other individuals or groups about interests and resources, beliefs, values, or other practices. One of the conflicts in society is agrarian conflict. Agrarian conflict is a conflict related to land. In general, the land is the most important asset in society's life since it is a primary life resource. In the agricultural country, land is the main resource in the production process; therefore, in Indonesia, right of ownership, right of cultivation, right of use, right of

rent, right of land clearing, and right of forest exploitation are ruled in the Basic Agrarian Law (Riyadi, 2017; Shin, 1998). Problems related to land can cause an endless conflict between people and people or between people and corporations.

According to Zakie (2016), the agrarian conflict appears due to the people's growing necessity of land along with the growth of people. Based on the Rules of Minister of Agrarian and Spatial Planning/National Land Agency (ATR/BPN-RI) No. 11/2016 about the Resolution of Land Cases, what is meant by Agrarian Conflict is a land dispute among individuals, groups, community, organisation, corporation, or department that has a tendency or has a great impact. Moreover, Agrarian Reform Consortium (KPA) provides a wider definition of agrarian conflict. According to KPA, structural agrarian conflict is an agrarian conflict that is caused by policies or decisions made by public functionaries (central and regional), involving numerous victims and resulting in tremendous impacts covering social, economic, and political dimensions (Lucas & Warren, 2013; KPA, 2017).

The word agrarian itself refers to the Basic Agrarian Law (UUPA 1960), which defines agrarian as land, water, and space. About this, lawsuits and cases of land such as an individual lawsuit, legacy right lawsuit, or lawsuit among private groups (company)/government institutions are not classified as the agrarian conflict that will be discussed in this paper. In understanding every conflict, Nulhaqim et al. (2017) mentioned several aspects of conflict that can be identified such as conflict causes, conflict issues, conflict impacts, and conflict resolutions. About the provided explanation, this paper analyses the agrarian conflict phenomenon as one of the contemporary social problems in Indonesia concerning the above-mentioned conflict aspects by Nulhaqim et al. (2017).

RESEARCH METHOD

This research adopted a descriptive qualitative method for analysing the agrarian conflict phenomenon as one of the contemporary social problems in Indonesia. The data were obtained by studying literature and previous researches. The data regarding land provisions and Agrarian Reform was collected. The research focused on the legal reforms of Indonesia against the agricultural, and how these reforms work in favour of agrarian society.

RESULT AND DISCUSSION

Causes of Agrarian Conflict

The current agrarian policy reform is legalized in the President Rule of the Republic of Indonesia Number 86 of 2018 concerning Agrarian Reform. Agrarian Reform is a rearrangement of the structure of land authority, ownership, use, and cultivation that are more reasonable through Asset Arrangement along with Access Arrangement for the sake of prosperity of Indonesian people. Asset arrangement in agrarian reform is a rearrangement of land authority, ownership, use, and cultivation to create justice in the field of land authority and land ownership (Lucas & Warren, 2013). Meanwhile, access arrangement is the administration of capitalization access opportunity and other assistance to the subjects of agrarian reform to increase welfare based on land cultivation, which is called society empowerment.

Agrarian Reform Subject is the recipient of Agrarian Reform Object Land (TORA), that is, the land governed by the state or the land owned by the people to be redistributed or legalized. Agrarian Reform aims to:

- Relegate the imbalance of land authority and ownership in the way of creating justice,
- Handle lawsuit and agrarian conflict,
- Create a source of society's prosperity and welfare based on agrarian through land adjustment, authority, ownership, use, and cultivation,
- Provide job opportunity to downgrade poverty,
- Reform society's access to the economy source,
- Advance food stability and sovereignty, and
- Fix and keep the quality of the environment.

The policy of agrarian reform in President Rule Number 86 of 2018 concerning Agrarian Reform develops due to some propelling factors. The main factor is that Indonesia is an agricultural country as stated in the Constitution of the Republic of Indonesia of 1945 (UUD 1945) Article 33 section (3), "Land, water, and natural resources are controlled by the state and are used for the greatest prosperity of the people." Being an agricultural country, Indonesia needs a regulation that rules anything in the utilization of land and natural resources (KPA, 2017).

As one of the mandates of the Constitution of the Republic of Indonesia of 1945, historically, the adjustment of land including agrarian reform, Indonesia has already begun since the independence proclamation. It was then followed by the establishment of the Law Number 5 of 1960 concerning Basic Agrarian Rules (UUPA) that has two substances: excluding colonial agrarian law, and establishing national agrarian law. The establishment of UUPA remarked the beginning of agrarian reform in Indonesia. However, agrarian reform was impeded by the disorganised land

administration, corruption, and land authority by particular groups¹. That condition shoved various moves to make resistance, notably people who suffered from the poor agrarian reform policy that resulted in agrarian conflicts. It indicates that the prior policies have yet to handle problems concerning agrarian reform.

For years, numerous agrarian problems have constantly occurred. As a result, the agrarian conflict has appeared almost in all areas of Indonesia. According to the report by Agrarian Reform Consortium in 2017, there were 659 agrarian conflicts in different areas in Indonesia with 520.491,87 hectares in width. Those conflicts involved at least 652.738 heads of household (KK). Comparing to 2016, the number of conflicts this year has shown a significant increase of 50%. Agrarian Conflict has occurred in several sectors such as plantation, property, infrastructure, agriculture, forestry, marine, and mining.

The plantation was the sector with the highest number of conflicts. A total of 208 agrarian conflicts occurred during 2017, or equal to 32% of the entire agrarian conflicts. The property sector was ranked second with 199 (30%) conflicts. The third position was placed by the infrastructure sector with 94 conflicts (14%), followed by the agriculture sector with 78 (12%) conflicts. Subsequently, the forestry sector was ranked fifth with 30 (5%) conflicts; the marine sector was the sixth with 28 (4%) conflicts; and the last position was the mining sector with 22 (3%) conflicts during 2017 (KPA, 2017).

The agrarian conflict in Indonesia was caused by several factors. Agrarian conflict in each sector was caused by distinct factors. In the plantation sector, oil palm plantation generated the highest agrarian conflict. This agrarian conflict was initiated by the expansion of land for oil palm plantation. Referring to the data from Directorate General of Plantation of the Ministry of Agriculture, till 2016, the area of oil palm plantation in Indonesia reached 11,67 Hectares (Ha). The expansion of land was not complemented with the system of location license administration, business license, and a comprehensive impact study (Granovsky-Larsen, 2013; Wallenstein, 2000). It can be the cause of conflict agrarian in society. Another cause of agrarian conflict in the plantation sector was the imbalance of land ownership. Of the whole land of oil palm plantation, 31% of the cultivated area were owned by some large companies.²

Another agrarian conflict occurred in the property sector (housing). Principally, conflict in this sector not only concerned with land issues. In some places, property building such as hotel and apartment generated a conflict concerning the clash of water source that was monopolised by developers. In the last few years, conflict in this sector was in harmony with the development of infrastructure notably highway, airport, and train. Also, reclamation that was intended for the luxurious housing of other commercial areas was one of the causes of agrarian conflict in the property sector, too.

The infrastructure sector was also inseparable from agrarian conflict (Morton & Coleman, 2000; Van Leeuwen, 2010). Land provision for infrastructure needs such as airport, highway, and railway often generated agrarian conflict. This was mainly caused by several aspects including project plan that did not involve public participation, therefore it implicated the decision of project location; disadvantage price; corruption and extortion of land provision; involvement of gangsters, police, and soldiers inland provision; and the unpaid compensation that has been approved by both parties.

In the case of agrarian conflict in agriculture, forestry, marine, and mining sectors, the causes of conflict were generally the same such as:

- Disadvantageous policies for locals that largely accommodated businesspersons and large corporations.
- Rules and policies that were easily controlled by investment.
- The lawsuit of forest area borders that were mainly claimed on the arable land, settlement, or village.
- Unilateral actions of persons who were irresponsible to some agrarian conflicts that often oppressed and asked for extortion to locals.
- Wrong decisions set by public functionaries that easily provided licenses of big concession for businessmen, yet it overlapped with the locals' claim.

In general, an agrarian conflict occurred when the decree of public functionaries was issued, including the Minister of Forestry (the Minister of Environment and Forestry), the Minister of Energy and Mineral Resources, the Head of National Land (the Ministry of Agrarian and Spatial Planning/National Land Agency), governors, and regents, who provided licenses or rights to corporations or government institutions to control a specific area of land of which there was a right of the land or the locals' access to particular nature resources (Adiansah, Raharjo, & Apsari, 2018; Sudarmoto, 2015). The agrarian conflict was marked by lasting claim dispute about who had the right to control/own a land area along with the access and natural resources. Agrarian conflict usually occurred between local communities and land corporations that run in the field of production, extraction, conservation, etc., and those who were in dispute tried to, either directly or indirectly, eliminate the others' claims.

¹<http://ma.faperta.ugm.ac.id/2015/09/23/sejarah-reforma-agraria-lahirnya-hari-tani-dan-matinya-petani/>

²<http://www.mongabay.co.id/2016/04/18/industri-kelapa-sawit-dan-perjalanan-politik-komoditas-ini-di-indonesia/>



Problems

Based on the causes of agrarian conflict in many sectors, it will be explained the agrarian conflict phenomenon as a social problem. For this analysis, this paper adopted a concept introduced by [Suharto \(1997\)](#) stating that a condition is determined as a social problem if it meets the following criteria:

1. A social problem is undergone by many people

Based on the Annual Note of KPA of 2017, there were 659 agrarian conflicts during 2017 in different regions and provinces in Indonesia with 520.491,87 hectares in width. Those conflicts involved a total of 652.738 Head of Households (KK). A great number of people involved in agrarian conflict showed that agrarian conflict is a condition underwent by many people.

2. A social problem is considered unpleasant

Agrarian conflict causes the loss of materials in the form of land, right of land, or right of access to natural resources. For instance, agrarian conflict in Genteng Village, Sumedang Regency obstructed the locals to do farming activities in the East Mangalayang forest as a result of land dispute conflict between the locals and the Forest Public Company (Perum Perhutani) ([Wibhawa, Raharjo&Apsari, 2018](#)). This agrarian conflict also brought about the loss of non-materials such as casualties either dead or injured. Another example of agrarian conflict is the dispute of ex-plantation land of Dutch between the locals and Air Force National Army soldiers (TNI AU) in Alas Togo, Pasuruan, East Java in May 2017. In this conflict, four people died after they were shot by the soldiers, and a lot of people were injured as a result of the conflict. In the same year, a resident of Pandeglang Banter died after he was shot by the ranger of Ujung Kulon National Park because he was accused of clearing the forest of the National Park. In that case, five people were arrested after being accused of damaging the office of Ujung Kulon National Park ([Pembaruan, 2007](#)). Varied conditions as a result of agrarian conflict were unpleasant for the actors, especially those who became the victims.

3. Conditions demanding resolutions

Conflict cannot be left alone and must be managed well since it will bring about the loss for society ([Adiansah, Raharjo&Apsari, 2018](#); [Sudamoto, 2015](#)). The loss caused by agrarian conflict cannot be left alone. This condition surely demands a resolution. Diverse efforts have been performed to resolve agrarian conflict. The effort of conflict resolution, according to [Fuad and Maskanah \(2000\)](#), is called conflict management, that is, the steps performed by the actors or the third parties in directing dispute to a particular outcome that possibly or impossibility results in the upshot. The upshot of the conflict resolution possibly or impossibility brings about calmness, positive things, creativity, consensus, or forcefulness.

Conflict management can adopt a conflict resolution approach. According to Weitzman & Weitzman (in [Morton& Coleman, 2000](#); [Van Leeuwen, 2010](#)), a conflict resolution is an act of resolving a problem together. Differently, Fisher et al. (2001, p. 7) explained that conflict resolution is an effort to handle the causes of conflict and to build a new lasting relationship among the groups in dispute. Eventually, each conflict resolution must push the parties involved in the conflict to terminate the entire dispute and to accept each other ([Granovsky-Larsen, 2013](#); [Wallenstein, 2000](#)).

4. Conflict resolution must be performed by performing a collective social action

Agrarian conflict resolution is unable to be performed by individuals or by society involved in the conflict. However, the conflict resolution must be performed collectively and collaboratively among diverse parties including society, private agency, Non-Government Organisation (NGO), government, and other parties involved in the agrarian conflict. As stated in the National Strategy of Agrarian Reform of 2017, the government invites several parties to resolve any agrarian conflicts including the ministries, provincial, municipal, and village governments, private enterprises, NGOs, and society.

Impacts

The agrarian conflict has brought about diverse negative impacts on society's life involved in the conflict. The foremost impact is that agrarian conflict caused violence to the victims. Almost every year, many people died in defending their land. According to KPA, during 2017, 13 people died and 6 people were shot in agrarian conflicts. In 2017, 612 people became the casualties of the conflicts, of which 369 casualties were arrested (criminalization) consisting of 351 men and 18 women. In the same year, it was reported that 224 people were persecuted comprising 170 men and 54 women. Also, the agrarian conflict caused the loss of jobs of the people involved in the conflict.

Agrarian Conflict Resolution

Efforts to resolve agrarian conflict generally use litigation and non-litigation approaches. Litigation approach is performed in court. In the litigation approach, an agreement is obtained based on the court's decision. One of the examples was an agrarian conflict concerning land clearing of Lombok International Airport. People who were the inheritors of the land demanded Angkasa Pura I to compensate for their land that was used as the location of the airport.

Based on the court's decision, the State Court of Praya rejected the people's accusation since based on the upshot of the identification and explanation of the witnesses, the compensation was given in 1994-1995 (Media Digital, 2019).

Efforts to resolve agrarian conflict through the non-litigation approach are carried out via negotiation, mediation, repressive approach, and community-based agrarian conflict resolution. The negotiation approach is performed by the parties involved in the conflict to figure out the conflict resolution based on mutual agreement. In agrarian conflict, negotiation is performed by the local communities in the conflict area of the corporation either the government or company. Usually, the local communities will strive for their rights of land or access to natural resources. Through negotiation, the corporations will meet those demands under particular terms based on mutual agreement. An example of an agrarian conflict that adopted the negotiation approach occurred in Genteng Village. Based on the upshot of the negotiation, it was finally agreed that farmers in Genteng Village were permitted to cultivate the East Manglayang forest. However, Forest Public Company, that is, coffee plant, determined the kind of plant.

Different from the negotiation approach, an agreement in the mediation approach is obtained based on the facilities provided by the third party as the mediator. The example of agrarian conflicts that were successfully resolved by adopting mediation approach were the conflicts among the locals, oil palm plantation and mining companies in 12 au, Jambi, South Sumatera, Bangka Belitung, West Borneo, and East Borneo. Those agrarian conflicts were mediated by the Ministry of Environment and Forestry with the final agreement stating that 13 companies in those areas diminished the cultivated land by returning the land to the government, and the land was then given to the people. The total number of land returned was 60.00 Ha (Edi, 1997; Nirmala, 2019).

In particular cases, conflict resolution also adopted a safety approach and a repressive approach that resulted in the boiling conflict between the two conflicting parties. This case occurred in an agrarian conflict between the people of Sambirejo Village, Sragen Regency, and the Private Company of National Plantation (PTPN) IX. This conflict emerged when PTPN IX tried to expand their land by renting the people's land since the middle of 1960, yet they never managed it. The people who owned the land of 446 Ha based on the Decree No.2971X/1172/DC/64 and 3891z/173/3/DC164 issued by the Head of Agrarian Inspectorate of Central Java (KINAD) on January 4, 1964, never granted the land to be rented by PTPN IX. However, the outburst of 30 September Movement (Gestok) of 1965 was benefited by PTPN IX to spread an issue that the people who defended their land were the parts of the Communist Party of Indonesia (PKI). The lands owned by the people were easily snatched by PTPN IX and they replaced all the people's plants with rubber plants. Refusing that action, the people performed resistance. However, a resolution adopted by PTPN by using a safety approach involved police and gangster. Besides, the repressive approach was adopted that finally generated the increasingly serious conflict after some people were criminalized with the accusation of damaging PTPN's facilities (KPA, 2014).

Non-litigation approach as an effort to resolve conflict is increasingly developing. One of the growing approaches in community-based conflict resolution. According to Haider (2009), a community-based conflict resolution is an approach that attempts to empower groups and organisations in the local community upon the decision making, action planning, implementation, and monitoring, through a process that stresses participation and inclusive management from local people. An example of community-based conflict resolution was an agrarian conflict-related concerning the land dispute over the cultivation of forest area at Genteng Village, Sumedang Regency, between the Forest Public Company (PerumPerhutani) and local farmers. As a conflict resolution, the Forest Public Company permitted local farmers to plant coffee in the forest area. Moreover, the farmers were also empowered through several pieces of training such as planting coffee, processing coffee, until marketing coffee products. In addition to training, the farmers were also given capital and tools to process coffee. This effort was successful in resolving the conflict. Up till now, the Forest Public Company and local farmers live peacefully.

CONCLUSION, SUGGESTIONS, AND RECOMMENDATIONS

Conclusion

As has been explained, it can be concluded that:

- The causes of agrarian conflict included agrarian reform policy that was still blocked by the disorganised land administration, corruption issue, and land control of some groups. That situation pushed various resistance movements, particularly people who suffered as a result of the bad agrarian reform policy that led to agrarian conflict. Several sectors such as plantation, property, infrastructure, agriculture, forestry, marine, and mining have been involved in the agrarian conflict. Different variables triggered agrarian conflict in each sector.
- Agrarian conflict is categorised as a social problem as it is experienced by many individuals; it is an unpleasant situation, and it is a condition that requires a resolution that must be carried out through collective social action.
- Agrarian conflict's effects engaged deaths, criminalization, and job losses that individuals experienced as the victims of the conflict.
- Efforts of agrarian conflict resolution mostly used litigation and non-litigation approaches. The litigation approach is done in court. Meanwhile, the non-litigation approach is carried out via negotiation and mediation. In particular



cases, the non-litigation approach also uses a repressive approach. To date, there is an increasingly developing approach known as community-based conflict resolution. It is done by empowering local people involved in conflicts.

RECOMMENDATION

To resolve agrarian conflicts, one must consider diverse aspects and concerns of some parties involved in the conflicts. Agrarian conflict resolution must be attempted to create a win-win solution so that any related parties to avoid them from suffering the loss. To achieve that, a conflict resolution approach must be attempted by initially using a non-litigation approach. One of the non-litigation approaches is community-based resolution through the empowerment of local people. This approach not only creates a win-win solution but also gives a positive effect, that is, the empowerment of local people involved in the conflicts. In reality, community-based conflict resolution must be done through a correct assessment to map the problems, the needs of related parties in the conflict, and the potencies that can be utilised in empowering the local people.

LIMITATION AND STUDY FORWARD

This research is a literature-based study in the future the researcher(s) can collect data from the local people regarding the reforms, implementations, and issues faced regarding conflicts to make the presented concept more valuable.

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AUTHORS CONTRIBUTION

Author 1: Conceptualization, Methodology,

Author 2: Writing, Editing Draft,

Author 3: Assisting in analysis and methodology.

Author 4: Formal analysis, and finalizing draft.

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