

***PUBLIC ENGAGEMENT IN AGRARIAN CONFLICT RESOLUTION*****Thetanaya<sup>1</sup> and Chanif Nurcholis<sup>2</sup>*****Abstract***

*Land conflicts have long been a never ending problem. Even during the pandemic, KPA noted an increase in agrarian conflicts triggered by land grabs, both for economic purposes and for public interest purposes. This study aims to study the policy models that have been implemented by local officials to be able to answer the question of why land conflicts have not been resolved. The land distribution policy is a legacy policy from the colonial era. This policy is used until the independence era until the reform era. Even though there has been a decentralization policy, the preparation of regional spatial plans has not been completed and has been exacerbated by overlapping land claims between ministries. Meanwhile, some people have settled on no man's land. This creates a legal vacuum when there is a conflict between citizens and the company. Based on the findings of several literatures, local governments always seek to resolve conflicts through a middle way which is often denied in the future by the corporations. Local governments need to implement conflict resolution by involving stakeholders collaboratively, even academics need to be involved in empowering village communities.*

***Keywords: agrarian conflict, policy model, communication, collaboration, deliberation, consensus***

**INTRODUCTION**

The unfinished land conflict has made researchers ask about the root causes of the conflict and how the government has always taken sides with the people. The Agrarian Land Consortium (Konsorsium Pertanahn Agraria/ KPA) noted that the problem of agrarian conflicts had doubled during the pandemic.

Throughout 2020 (KPA, 2020) recorded a total of 241 cases of agrarian conflicts. Agrarian conflicts occur in all sectors monitored by KPA. There were 122 cases of conflict due to plantations, 41 cases of forestry, 30 cases of infrastructure development, 20 cases of property, 12 cases of mining and 11 military facilities, 3 cases of coastal areas and small islands and 2 cases of agribusiness. In the plantation sector, the rise of conflicts is dominated by oil palm-based plantations with 101 conflict blast. Then followed by clove, nutmeg, sugar cane, tea coffee, rubber and other garden commodities.

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According to the KPA, there are problems in the government's program for agrarian reform, especially the messy land registration, starting from licensing for procurement, land transfer, until cases of land disputes. In many cases (KPA, 2019), the issue of agrarian conflicts is considered a security issue, as reported by the owners of capital. The investors' reports caused the conflict has been occurred apparently between the apparatus and the citizens. However, behind that, there is a dark case of land conflicts.

The blast of agrarian conflicts indicates that there is an injustice in the distribution of land which weakens the position of the people when ownership over land for generations is not recognized by the government. In 2019, KPA noted that there were three major agrarian conflicts, namely:

1. Agrarian conflicts in the plantation sector;
2. Forestry sector agrarian conflicts; and
3. Agrarian conflicts for infrastructure and public interest.

Agrarian conflicts have a broad impact on society, socially, economically, politically and legally. The impact that is felt the most by the local population is that due to the conflict, the security of the community has been disturbed.

Communities whose land has been evicted for public purposes should receive compensation according to their livelihoods, especially the fulfillment of their needs for clothing, food, and housing. KPA (2019) suspected that there was an attempt to seize land by the owners of capital and this increased the poverty gap on the part of the community. As a result of losing ownership of land, for the people who previously the land provided their livelihood, the community has lost their source of livelihood.

In 2020, cases of eviction of residents who live are increasingly rampant due to the increasing number of permits for concession lands on a large scale, especially after the opening of the moratorium on land permits and land conversion permits. The government has stipulated Government Regulation (PP) No. 20 of 2021 concerning Control of Abandoned Areas and Lands. This regulation is suspected to be the emergence of another conflict in which the villagers who have managed abandoned land are considered squatters by the land owners.

Agrarian conflicts have many dimensions, both horizontal and vertical dimensions, institutional and social aspects. The horizontal dimension is caused by the overlapping of internal institutional policies. The vertical dimension highlights the synchronization of

central and local policies. The social aspect highlights the background on land distribution in terms of historical and social aspects. The author discusses the background of the conflict, the role of actors in problem solving, and analysis of conflict resolution resolution. The purpose of writing is to examine the policy models that have been implemented to resolve conflicts in several regions. Writing articles has the benefit of studying the role of public involvement in handling land conflicts in the country and how this role should be developed by the government.

### **Literature Review**

The distribution of land in Indonesia began during the Dutch colonial era, since around 1800. At that time, the Dutch recognized the land in their colonies as belonging to the colonial government. In the era of forced cultivation, the Dutch East Indies government carried out many inter-island migrations to work on plantations, especially sugar cane, rubber, tobacco, and spice plantations.

Agrarian reform according to Krishna Ghimire (Zein, 2019), agrarian reform as a major change in the structure of land ownership to improve the welfare of poor farmers, land cultivators. During the Dutch colonial period, the agrarian reform that took place was the seizure of private land rights belonging to the Dutch government. Based on the agrarian law of 1870, the private sector, the plantation owner, could lease vacant land in the colony from the Dutch East Indies Government to manage it.

During the Dutch governorate, since the time of Governor Raffles, the people were used as tax objects for economic benefits. The farmers and traders did not feel the benefits of the land, on the contrary they only know how to use the land. The term agrarian comes from the Greek (*agros*) and is interpreted by the Dutch as *akker* which means a plot of rice fields or agriculture. In English, agrarian means land for agriculture.

Historically, the pioneer of agrarian reform was Muhammad Hatta, the originator of Article 33 of the 1945 Constitution. Previously, Muh. Hatta, who is active in the Indonesian Association, immediately began to focus on land ownership for people's sovereignty when Japan surrendered. This was because the Dutch had abolished private land rights before leaving their colony. Mr. Moh. Hatta was the originator of the policy of a land restriction system of up to 5 hectares, which is included in the article of the Basic Agrarian Law (UU PA) Number 5 of 1960 (Utomo, 2021).

The application of agrarian reform through the PA Law is a legal unification of the concession land inherited from the Dutch colonial era. The land tenure system is carried out equalization (uniformity) for the greatest prosperity and justice and to return control to the state. The socialist practice of land tenure in the Old Order era, according to research by Utomo (2021) revived the “colonial heritage”, *domein venklaring*. Thus the state is free to exploit natural resources and exclude people from ownership.

Transmigration is one of the grants of land use rights belonging to the government which are managed by the people. The pattern of transmigration has been implemented in the Dutch era. In 1901, Queen Wihelmina emphasized the obligation of the Dutch Government to seek the welfare of the people of the Dutch East Indies.

During the New Order era, the era of President Soeharto, the widest possible movement of people who were willing to transmigrate to Sumatra was opened. In that era, it was known as the village bedol, moving villagers and village government officials to transmigration areas. Along with time, transmigration settlers feel they own the land because they have been in the neighborhood for generations. Therefore, they are free to pass it on to the next generation, or sell part of the land, causing the land use change to no longer be used for agriculture. Based on Law Number 15 of 1997 concerning Transmigration, land given to transmigrants is both business land as well as residential land with the status of property rights. The land may not be transferred unless it has been owned for more than 15 years since its placement.

The basis of land ownership based on agriculture (agrarian) and land division policies are colonial heritage policies. As a result of this policy, the people who had been placed in the area for forced cultivation, considered the land to be theirs and the paradigm was passed on to their next generation. The same thing happened with the land that was given as transmigration land. The assumption of inheritance land (*customary land*), causes the view that the land owned is a family asset. Letter Thurow (Sheradden, 2006) wealth or ownership of a person is a property that can be inherited. The sale of land assets in Indonesia, both ex-colonial land and ex-transmigration land, has led to changes in land use. These changes can be from agricultural land to plantation land, forest land to residential land, and so on.

Can people who migrated as a result of colonial policies and then continued by Indonesian government policies can be called indigenous peoples? The recognition of

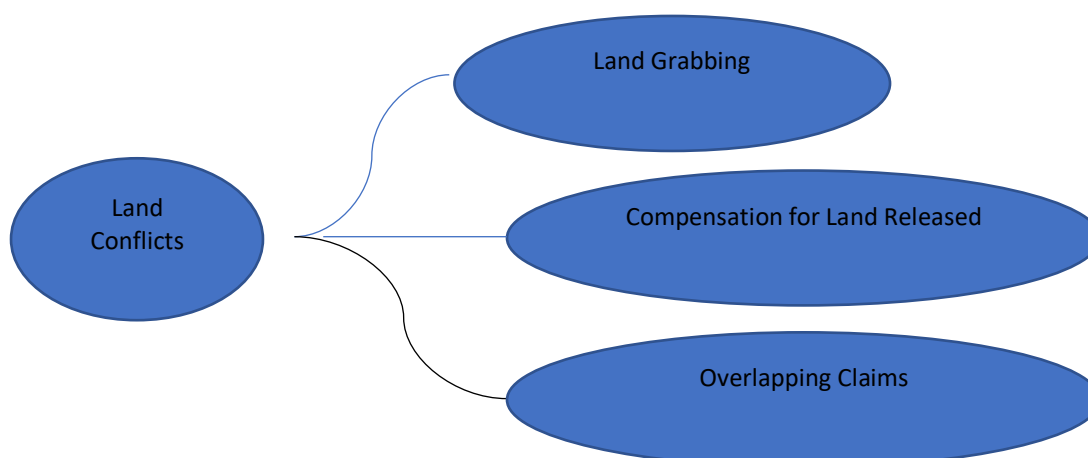
indigenous peoples was raised in the 1989 International Labor Organization (ILO) Convention 169 concerning Indigenous Nations and Indigenous Peoples in Independent Countries. On that occasion, it was agreed that what is meant by indigenous peoples are indigenous people who have lived for many years until their descendants form a population, inhabiting a country or geographical area where the country originates, either because of colonization policies or the determination of national boundaries.

The ILO definition that has been agreed upon by world leaders, including Indonesia, implies the recognition of communal property rights as a result of past policies. In Indonesia, there are two major policies that led to massive land division, namely the forced cultivation policy in the colonial era and the transmigration policy in the New Order era.

Limbong (2015) problems in land acquisition, among others, because 1) the land acquisition process is tough because residents are not willing to relinquish their land rights, generally because residents do not understand the appropriate price for their land, 2) Reluctance to sell the requested land for public interest or development, due to dogma in indigenous peoples, abstaining from selling ancestral land, 3) not implementing the deliberation method for consensus 4) land conflict solution with using violence and threats.

Basically, the direct causes of land conflicts include three things:

**Diagram 1. Causes of Land Conflicts**



1. Land grabbing, when the party with more power, by all means commits fraud, incitement, threats and intimidation to obtain land rights. Even though there is a principle of compensation, the party with a stronger modality suppresses and conspires with unscrupulous officials so that residents give up their land even though the price is low.
2. Dissatisfaction with compensation for land acquisition Sutedi (2020) the government is obliged to compensate residents' land that is used for public purposes. This is because based on the history of the colonial era, in the regulations for the establishment of the colonial government, there is recognition of land belonging to the people, and according to article 570 of the *Burgelijk Wetboek*, if a person's land ownership rights are revoked for the public interest, then he must be given compensation.
3. The overlapping of land claims between agriculture and housing, or agriculture and forestry stems from widespread land conversion and the government's reluctance to monitor these changes. Political interference is suspected to be the cause of this reluctance, apart from classic technical problems, limited budget and human resources.

Spatial planning and regional planning policies in Indonesia are full of political lobbies under the pretext of development. Based on KPA's investigation, there are big companies behind land conflicts.

### **Public Policy Model**

The development of public policy science since the Old Public Administration era, from research separating power and bureaucracy, to the adoption of institutional science and human behavior in government. Old Public Administration Supporter, Woodrow Wilson, Fr. Taylor, and Weber (Katsamunskaja, 2012) argue that in general the administration in government is under formal political control. Therefore, the Old Public Administration criticized the public policies created by the influence of politicians.

In the first generation of public policy, based on finding solutions to problems within the government. Wilson (Purwanto and Sulistyadi, 2012) the solution to these problems is carried out through several stages. This stage is still often used by top-down policy makers today, starting from agenda setting, policy formulation, and legitimacy or

policy ratification. In the journal Ekayani, et al (2016), they questioned whether the *agenda setting* implemented by the government came from a list of government initiatives.

Anthony Downs in Putra and Sanusi (2019) argues that in the institutional context of a government organization, policy makers use their rationality which is also called Rational Choice Institutionalism (RCI). A policy proceeds and takes place within the rational or logical framework of public policy actors. This model of public policy is more top-down.

Based on the opinion of several observers (P. de Leon and L de Leon, 2002; Goggin, 1990, and Purwanto and Saranyadi, 2012) a public policy that is prepared based on the rationality of public officials often fails rather than succeeds. Dunn (2018) that the issue of the rationality of selecting public officials influenced by political elites, although not consistently influencing, often becomes a conflict of interest between policy actors. Simmon in the theory of *bounded rationality*, public policy actors see a problem from their environment. The thinking of public policy individuals often results in biased public policies.

In resolving agrarian conflicts, often the government has made decisions on agrarian reform without first communicating with stakeholders, and only piling up problems and thinking of solutions based on rationality. March and Olsen (1989) in Kingdon (1984) stated that policies that are full of elements of interest from political actors can be rationalized by analyzing the impact of policies on aspects of social reality.

Kingdon (1995) developed a "*multiple stream*" model, both rationality theory and neo-rationality theory that uses a social aspect approach in policy making, the government needs to be aware of the limitations of human resources, time and energy. In *multiple streams*, Kingdon sees the need for the involvement of non-government actors. Kingdon (Wijaya et al, 2020) non-government policy actors cause policy formulation in *the setting agenda* to be two corridors or two windows, namely government and non-government actors.

In the third generation of public policy in governance, a more scientific or *scientific* approach is suggested by public policy researchers to analyze the suitability of policies with evidence-based problem solving. Newman (2016) in the policy formulation process, many bureaucrats and politicians ask for input from academics so that policies are

based on empirical evidence. However, many public policies are still being manipulated, adjusting political interests, cultural differences, and many other factors. In the end, the resulting policy becomes multiple interpretations.

Edward III in Tangkilisan (2003) that decisions are made based on orders, directives by policy makers, are not always transmitted properly at the level of policy implementers. Especially if the ability of policy implementers in one agency is limited to collect evidence and make decisions. Therefore, most agrarian conflicts in the country are in the realm of law.

The court system should be able to decide policies according to the law. The problem in Indonesia is that the *top-down* policies from the central government that should be immediately implemented by local governments, is not immediately translated into implementing regulation under it, for example laws and government regulations that were not immediately made by regional regulations. The lack of legal clarity in the regions creates a legal vacuum (Tangkilisan, 2003) for public officials in the regions to carry out their functions.

Edwards III thought is to ensure that there were no deviations in the execution of orders, the component that must be considered was the existence of work guidelines or *standard operating procedures* (SOP). In some cases of conflict, SOPs for resolving land conflicts are directive, through the legitimacy of land ownership recognized by the state. Land problems in Indonesia are very complex, especially regarding inherited land and land conversion. This is exacerbated by overlapping land claims, either internally by the ministry or between BUMN-public-private sectors. For example, the overlap between plantation and mining land as well as protected forest land with plantations. Based on the historical distribution of land, land conversion is used as much as possible for economic activities or public interests, such as the Dutch East Indies government which converted colonial lands for plantations and agriculture. Meanwhile, historically, the government, since colonial times, has only recognized land tenants or plantation companies and land owners, with a request for recognition, with the obligation to pay taxes.

Today the same is true. Land tenants are holders of land management rights owned by the government. Meanwhile, land owners are holders of land rights permits (similar to *eigendom*) who have the right to change land status. However, all such ownership, in state regulations, is accompanied by tax obligations to the state. Conflicts between SOEs,



public, and private sector in Indonesia revolve around the issue of tenants and cultivators or settlers. Owners of land management rights often violate the obligation to manage themselves, but are rented out by the community as residential land or growing planting land. People use the land to cultivate agricultural products for sale or as daily necessities. Meanwhile, the distribution of land in the colonial era still left homework to do with the status of former forced cultivation land which is now inhabited by indigenous groups in the interior.

### **Communication (*Musyawarah*)**

The development of public policy in various countries has followed the design of involving public or community participation. In a *systematic review* of 900 articles conducted by Schaffer (2018), public involvement and participation in the literature on government and public administration is still a matter of debate today. However, based on evidence, the application of community involvement in the regions is very helpful in increasing the confidence of public administrators in implementing good practices in governance.

So far, based on empirical experience in various regions in Indonesia, the resolution of land conflicts is the responsibility of local governments. This is because Indonesia has implemented a decentralized system. As mandated by Law Number 23 of 2014, local governments have the authority to manage natural resources. The local government is authorized to regulate the distribution of land as outlined in the Draft Regional Regulation on Regional Spatial Planning (RTRW).

The rise of land conversion is the cause of confusion in the land use data recorded at the Ministry of Agrarian Affairs and at the regional land office. The governance of land permits, which are managed by many ministries, causes confusion in land claims. Meanwhile, Indonesia still has homework to distribute land in the colonial era, where many people still live on lands that have not been certified by the Government. In addition, with the increase in population, community claims to abandoned land cannot be avoided. In this case, the local government should consider winning one of the parties, while the losing party must surrender or cancel the permit for land ownership.

In resolving conflicts with the community, Katsonis' research (2019) found that public involvement provides a variety of views for the government in conflict

resolution. The phenomenon of the government asking for input from the community is a choice that must be taken when the conflict has not reached a consensus. Communication carried out by the government by inviting stakeholders is a transformation from *top-down* policy formulations to *bottom-up* formulations (Goggin et al, 1990; Purwanto and Sulistyadi, 2012).

The actors in terms of conflict resolution may be ambiguous, defending their respective opinions. When the community and stakeholders, as non-governmental actors are given their trust, the level of involvement of non-government actors runs linearly. If stakeholder trust is high, and there is a dominant involvement, consensus is reached by appointing the party with the most dominant role as the decision maker. If trust is low, then consensus or consensus will never be reached (Purwanto and Sulistyadi, 2012).

Torring and Ansell (2016) suggest a collaborative approach in policy innovation, because collaboration patterns can bridge the political interests of political elites in government and other parties who are non-government actors. Good collaborative governance (Emerson, Nabatchi, and Balogh; 2012) supports communication (*musyawarah*) and the involvement of all stakeholders, especially the community as a conflict resolution step characterized by deliberation to reach consensus. In collaboration, the main goal is the achievement of consensus.

Collaboration is the fourth generation of public policy development. Collaboration is carried out to overcome limited resources and knowledge based on individual rationality. Ansell and Gash (2007) two-way communication is carried out to solve problems, when each party realizes the need for pooling of resources to improve past policies.

In collaboration, if consensus is not also reached, then the role of mediation is very necessary. Kurniati (2016) a mediator helps the disputing parties outside the court (arbitration) and plays a role in providing advice in efforts to resolve disputes. The role of Mediation in the courts is regulated in Supreme Court Regulation No. 2 of 2003. Mediator is a party that is neutral and impartial and serves to assist the disputing parties to find a way to resolve the dispute.

In the observations of Ansell and Gash (2007), the condition for achieving consensus is the awareness of contingencies that need to be overcome. Contingencies are unpredictable things that can hinder the achievement of consensus. Stakeholders have

different interests and capacities. In resolving land conflicts, cultural and ethnographic understanding is sometimes needed by local governments when thinking about the right collaboration pattern, whether using a joint consultation forum, appointing a more dominant party, or using the services of an intermediary (mediator).

The concept of deliberation for consensus to resolve agrarian conflicts has been a hereditary tradition in indigenous peoples in Indonesia. Involving customs and customary institutions to reach consensus is the key to conflict resolution. However, this cannot be done if there is still reluctance in relinquishing land rights. In practice, the existence of Customary Institutions is influenced by the interests of the Regional Government so that conflicts can be quickly resolved. The social dimension in conflict resolution has not been applied by local governments in conflict resolution. Local governments often push their policies too much so that their performance looks good, but they forget the basic nature of social justice.

## **RESULT AND DISCUSSION**

In some cases of agrarian conflict resolution, there are structural and non-structural resolutions. The resolution of agrarian conflicts is structural in nature, occurring in several areas which are handled by the Regional Government through a meeting mechanism to seek agreement or consensus (*mufakat*). Meanwhile, agrarian conflicts that are resolved non-structurally are initiated by residents or from the land owner, both State-Owned Enterprises (BUMN) and private companies. The following land conflicts have different resolution patterns.

### **Agrarian Conflict Structurally Resolved: Local Government as Mediator**

Agrarian conflicts between residents of Cot Mee Village, Nagan Raya Regency and PT. The dawn of Baizury & Brothers has been around for a long time. This conflict was initiated by the use of land by a palm oil plantation company covering an area of 314 ha which the community claimed as customary land. The resolution efforts are based on resolving cases at the regional level, while the regions have not been able to find common ground between the two warring parties.

The failure of the local government as a mediator is due to the weak position of the local government to fill the legal vacuum. In addition, there are economic factors to

consider. Palm oil companies will make a bigger contribution to local revenue. In Fahrimal and Safpuriyadi's research (2018), communication strategies are a way of resolving disputes in mediating with conflicting parties, namely the establishment of Customary Institutions. The existence of customary institutions, for local people, is considered not to have a conflict resolution resolution. Land conflicts are still ongoing, up to allegations of land grabbing by private parties.

The spirit of agrarian reform to restore the rights of the people to the greatest extent possible, namely the welfare of the people, did not occur. Discretion policy has to be taken by regional officials when mediating. This happened because the Qanun on Agrarian and Spatial Planning had not yet been formed, pending a Presidential Regulation and a Regulation of the Ministry of Agrarian Affairs. The agreement that was finally reached was the provision of compensation that must be met by the company.

As a middle ground for conflict resolution, the company is required to empower local communities so that they can become economically independent. Based on the report of Bagio, et al (2021) more agricultural extension workers are needed to assist the farmers of Cot Mee Village because the geographical condition of the peat is a challenge for extension workers to apply their knowledge to empower farmers. The problem of community empowerment is ignored by the company. Academic initiatives in Aceh feel compelled to provide assistance to the local community. It is better if the company fulfills the promise of empowering the Cot Mee villagers in collaboration with Academics. The land conflict is still unresolved due to the lack of social awareness on the part of the company.

### **Agrarian Conflicts Resolved Non-Structurally**

Conflict between the people of Sumedang Regency and Perum Perhutani. Genteng Village, Sukasari District, Sumedang Regency is registered that there are still many residents who live below the poverty line. In 1999, Adiansah, et al (2019) Perum Perhutani obtained a forest conservation control permit.

Since obtaining the permit, Perum Perhutani has left the land abandoned and used by villagers for farming. The conflict between the village community and Perum Perhutani reached a consensus when Perum Perhutani wanted to take over forest land for conservation purposes. Village communities are based on the Basic Agrarian Law Number

5 of 1960. The Agrarian Basic Law regulates the freedom of customary rights to manage land for livelihood purposes. However, the land policy of Law no. 36 of 2005 concerning Land Acquisition for Development and Public Interest requires Perum Perhutani to manage forests as environmental conservation.

The agrarian conflicts from 2000 to 2010, caused local communities to intervene to help resolve conflicts. The solutions offered by the local community are accepted as innovations in resolving conflicts. The solution is a new consensus granting special planting land for the residents of the village of Genteng.

Residents agreed as a solution. In the case of conservation lands, there is harmonization of policies initiated by local communities. The residents of Genteng village share land with Perum Perhutani to plant agricultural commodities, coffee which has a selling value, so that they can be economically independent. Support from the West Java Provincial Government for Java coffee which has been planted by residents for a long time has accelerated the resolution of the conflict with Perhutani. The community began to register land in 2017. The pattern of conflict resolution between the residents of Genteng Sukasari Village and Perum Perhutani came from the farming community (*bottom up*).

Stakeholder initiatives to seek joint solutions greatly affect the acceleration of conflict resolution. In the two cases above, there were conflict resolutions, one had to be mediated by the local government and one was initiated by the villagers. At the beginning before the conflict occurred, as the Genteng and Cot Mee people knew that the land they lived was ancestral land and no man's land. When there is a unilateral claim from the owner of the land management permit, the anxiety arises.

When the conflict began to blast, this momentum should have been used by the local government to approach and socialize, but this was missed because there was no local regulation on the RTRW (spatial plans), so legal loopholes arose which caused conflict.

When viewed from the actors in conflict resolution, their respective interests and roles are:

**Regional government**

Is a party that is often trusted by the community to provide justice in agrarian conflicts. The local government should also determine the RTRW (spatial plans) through a regional regulation. The regulatory vacuum causes land claims and overlaps between the

rights issued by the central government and the existing “mukim” residents (villagers). The Regional Government is also the party trusted by the Central Government to resolve conflicts that occur in the regions. In terms of resolving agrarian conflicts, local governments decide through empirical evidence and citizen input. Local governments have the principle that conflicting parties reach consensus through deliberation. Communication is the key to reaching consensus. The preparation of conflict resolution procedures (standard operating procedures / SOPs) often does not work because the conflict conditions in each case are not the same, based on land history, land acquisition, and land conversion. In cases where the Regional Government is fully trusted to be the mediator, although at first there is no agreement, but in the end the Regional Government decides what must be fulfilled by which party based on its discretion. *Top-down* conflict resolution often results in compensation without good intentions to build a collaborative system that can empower the villagers, the example of villagers in Cot Mee.

**Villagers**

Villagers who have settled using abandoned land are parties who have minimal knowledge of land. These parties are often suddenly evicted under the pretext of the economy or the public interest. Although the regulation on compensation has been regulated by law, the community is often neglected when their legal position, especially licensing is weak. Community initiatives, as exemplified by non-structural conflict resolution, are needed to accelerate consensus. The main thing is actually the economic sustainability of the mukim community in conflict. People think about their business and housing needs when land conflicts occur. The Regional Government as a mediator needs to think about the legal certainty of the village community having a place to live and empowering the community for economic sustainability.

**Company Party (BUMN or Corporation)**

Companies, whether state-owned companies, state-owned enterprises (Badan Usaha Milik Negara/ BUMN) or private companies, have an interest in complying with government regulations, empowering their land so that they are not neglected and subject to sanctions. Conflict resolution with village communities needs to be done carefully without causing acts of violence, threats or land grabbing. The company needs to have social awareness in addition to legal awareness of its management rights. The social awareness is to seek *win-win solutions* in conflict resolution. The company needs to

understand the community's desire to be assisted in terms of economic empowerment. Collaboration with other parties is the main key for companies to empower. These parties are those who have knowledge about agriculture, cattle breeding, or others so that they can encourage rural communities to become economically independent. The company can act as community partners in one. If the company does not have the capacity to empower, cooperation with academics or other parties is needed to fulfill the promise of community empowerment.

### **Customary Institution**

Customary institutions are a hereditary habit of local residents to choose the most influential traditional leaders in solving community problems. Customary institutions are approved by the Regional Government to mediate unresolved conflicts. The existence of customary institutions does not absolutely exist as an official organization in resolving land conflicts, but if they are formed by local governments, they strengthen their influence as mediators. The existence of Customary Institutions by the government, for local residents is often considered not neutral, pro-local government. In structural conflict resolution, local governments often use customary institutions for mediation. However, often the institutions established by directives by local governments do not *debottleneck* communication with the company.

### **Academics**

Academics are components outside of collaborative structural conflict resolution. The role of academics in land conflicts as initiators of ideas to stakeholders for sustainable community empowerment assistance. The role of academics in resolving conflicts in the past was never included. This is because the government is trying to resolve conflicts based on its rationality. When the government realized the social rejection from the community because the conflict was not over, the local government collaborated with traditional leaders and formed a Customary Institution. However, the solution has not been completed. The deliberation did not reach consensus. The important thing that is concern for the villagers is the sustainability of the economy and the certainty of a place to live, without being evicted again. Some conflict resolutions take shortcut way, the company must pay compensation to villagers. Compensation often does not give satisfaction to the community, and only to meet daily needs temporarily. The certainty of the place of residence has not been fulfilled. In addition to a place to live, the community

must be given business certainty, whether it is consistent in the development of agriculture, cattle breeding, or Small and Micro Enterprises (SMEs). Academics have good analytical skills in solving problems and can be asked for their contributions to help local governments resolve land conflicts. In the case of Genteng Village, educated people are consistent in cultivating land into coffee plantations. Meanwhile, in the case of Cot Mee Village, academic support is needed in providing counseling solutions for secondary crops (*palawija*) on peatlands.

From the two examples of conflict cases above, land conflict will not reach a consensus without a resolution. The mediation process with an institutional structural pattern in the two cases created pressure for the community. The agreement did not reach a consensus, because it was only a temporary middle ground. Solutions are not long term.

The loss received by the people who inhabit the abandoned land of Cultivation Rights (HGU) is the repetition of conflicts every time there is a new policy. The policy can come from the central government related to land control or from local governments related to the RTRW (spatial plans).

The absence of implementing regulations due to changes in land mapping that continues to become the subject of politicization of the political elite in the policy-making environment. Government officials are reluctant to examine the problem from a historical point of view and from a social point of view. This has an impact that every time there is a transfer of land, it is the settlers or villagers who are pressured to follow the latest regulations. In this case, the local residents feel betrayed, which causes them to be reluctant to cooperate. This trauma will leave an imprint and cause distrust of the government, because the unfair discretion received by local residents comes from public officials.

Putri (2014) causes the majority of conflicts is ended up by dissatisfaction of the compensation for those who feel forced to sell their inherited land to corporations. Corporations with sweet promises of community empowerment betray the trust of the community.

On the other hand, there are communities that take the initiative to find solutions and can be trusted by both parties, the local government and state-owned companies, in the case of the Genteng Village Residents, are able to improve communication towards achieving consensus. Kim (2015) stated that collaboration with the community is more



beneficial because it filters more input from the various interests of the conflicting parties and the policies issued are constructions produced collectively.

## **CONCLUSION**

The source of the problem of land conflicts is the existence of gaps in policies that cause local officials to bear the burden of resolving conflicts by means of discretion. A powerful weapon of discretion used by public officials is usually communication or musyawarah. However, consensus will be difficult to achieve if the community is already hurt.

Communication or dialogue in reaching consensus need to be viewed from various points of view other than the legal aspect, in this case the historical cultural aspect and the social aspect. One-way communication conflict resolution based on observations of conflict resolution in several areas, often creates dissatisfaction due to unfair practices. This is because local governments authorized by the central government have limited resources.

In addition, there is an empty gap in the absence of law as a form of embodiment of the regulations drawn up by the Central Government. This legal vacuum is often used by certain parties to pressure others who are weaker. Regional administrators tend to win over legally entitled parties because they ignore historical and social aspects. According to the researcher, ignoring social justice is a form of impoverishing the people who rely on cultural and historical aspects. As Naim in Sembiring (2018), land acquisition efforts have become a new loophole for impoverishment efforts.

The government's efforts to resolve conflicts need to be put back into the nature of agrarian reform and the understanding of the ideals of the state contained in Article 33 of the 1945 Constitution and the 4<sup>th</sup> and the 5<sup>th</sup> principles of Pancasila, namely democracy led by wisdom and justice for all Indonesian people. Conflict resolution needs to be seen as a policy that prioritizes historical cultural aspects and social aspects. The application of directive regulations is often a bottleneck to be implemented. Even when the central regulations have been formulated, there is still a lack of clarity on the authority of the central and regional governments, causing regional functions to become tasteless in the midst of a vacuum regional regulations that have not adjusted to the central regulations.

Compensation for economic or public facilities needs to take into account the needs of the evicted people, because the need for housing and community empowerment. Due to the limitations of individual rationality and limitations of other resources, such as the number of human resources, budget and time, no local government is able to resolve conflict problems independently without causing disappointment in one of the conflict parties. Local governments need to collaborate with conflicting parties, ask for input from all stakeholders, and even need to invite other parties to empower citizens in the midst of other parties' impoverishment efforts.

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