

# Power in the Utilization Tanah Ulayat in Kampar Regency

Wan Asrida<sup>1</sup>, Raja Muhammad Amin<sup>2</sup>, Auradian Marta<sup>3</sup>  
[wan.asrida01@gmail.com](mailto:wan.asrida01@gmail.com)<sup>1</sup>  
Universitas Riau<sup>1,2,3</sup>

**Abstract:** This paper attempts to analyze the forms of power in the utilization of communal land in Kampar District. This study departs from an empirical phenomenon namely the number of conflicts in the utilization of tanah ulayat that occur so that it has implications for the social and economic life of the community. Analyzing these forms of power, in this study using the theory of Power Cube that was presented by Gaventa. Based on the results of the research conducted, it was found that there were two forms of power that influenced the implementation of tanah ulayat utilization in Kampar District. The first is visible power, which is the practice of power occurring in the formal sphere in the process of making policies for the recognition and protection of customary communities in Kampar District. In addition, the practice of visible power is also seen from the interaction between actors in resolving tanah ulayat conflicts that occurred in Kampar District. While the second form of power in the utilization of tanah ulayat is hidden power or power. The practice of hidden power is carried out by company actors who are suspected of encroaching on tanah ulayat by playing their power in permits issued by the Government.

**Keywords:** power, power cube, tanah ulayat

## 1 Introduction

International This study discusses about political power by analyzing forms of power in the utilization of customary land or tanah ulayat in Kampar District. Research on tanah ulayat has been done well in Latin American countries, in Africa, even in Asia as Malaysia and Indonesia. A study in Latin America was conducted by Bauer [1] in Chile, and Neves & Machado [2] which covered the tanah ulayat in Brazil. In the meantime, tanah ulayat research in the African region has also been made by Place & Otsuka [3] in Malawi, and Yeboah & Shaw [4] in Ghana. Then in Malaysia, research on tanah ulayat was done by Majid [5], and Cramb [6]. Lastly in Indonesia, ulayat soil studies are conducted in several areas such as West Sumatra conducted by Tegnan [7], as well as in East Kalimantan conducted by Bakker [8], Timmer [9], and Urano [10].

There is still no research conducted in these countries discussing the form of power of each actor so that research is very relevant to do, especially in contemporary political studies. Discussing the forms of power between relevant actors carried out in the utilization of communal land. Furthermore, this study will take the case in Kampar Regency, Riau Province. Utilization of tanah ulayat in Kampar Regency is very interesting to discuss because this district is one of the regencies that already have policies governing tanah ulayat use, namely the Kampar District Regulation No. 12 of 1999 concerning Customary Land Rights. However, the policy that has existed since the beginning of the reformation has not been able to solve the problem of the use of communal land so that there is a prolonged conflict.

Conflicts relating to the utilization of communal land in Kampar District have occurred in several regions, such as in Sinama Nenek, Gunung Sahilan, Kampung Pertemuan Siabu Village, and Lipat Kain Village. According to Sumardjono [11]. Tanah ulayat for the community not only functions economically but is also socially and culturally valuable for the Sumardjono indigenous people. The struggle for limited resources with high source values causes disputes and conflicts between indigenous peoples and between indigenous and corporate communities. The fact is that tanah ulayat conflicts in Kampar Regency are dominated by conflicts between indigenous peoples and companies. Therefore, it is interesting to analyze the forms of power in the utilization of tanah ulayat in Kampar Regency, Riau Province.

## 2 Result and Discussion

### 2.1 Concept of Power and Power Cube Theory

In politics, it cannot be separated from the concept of power. According to Weber in Knoke [12] "power is the probability that one actor within a social relationship will be in position to carry out his own will despite resistance, regardless of the basis on which this probability rests." Based on this definition, there is a relationship between actors in the term of power which can ultimately influence policy decisions. To explain the concept of power, there is a relatively long theoretical debate with various thoughts from political scientists. There are four camps of thought about power, namely, the first pluralist camp known as the one-dimensional view of power or the one face of power approach represented by the work of Robert Dahl. Secondly, the pluralist criticizing camp is known as the two-dimensional view of power (two faces of power approach) represented by the work of Bachrach and Baratz. Third, a radical camp was known as the three-dimensional view of power (three faces of power approach) represented by the work of Steven Lukes. Finally, is the Realist camp known as the four-dimensional view of power or beyond the three faces of power approach represented by the work of Benton and Isaac in DafriAgussalim [13]?

Based on the concept of power above, there is one thought that tends to follow Steven Lukes's thought expressed by Gaventa [14] with a theory called power cube. For Gaventa, his view of power was influenced by his own history of involvement with power relations in certain contexts. Gaventa in Luttrell, Bird, Byrne, Carter, &Chakravarti's[15] power cube theory presents a dynamic understanding of how power operates, how different interests can be marginalized from decision making, and the strategies needed to improve inclusion. The power cube theory This illustrates how power is used by those in power three continuum from:

1. Space: how the arena of power is created;
2. Power: the level of visibility of power;
3. Place: level and place of involvement.

Furthermore the Power Cube theory in general, power is understood as the control of a person or group against other people or groups. The Power Cube theory itself by Gaventa is defined as a framework for analyzing three dimensions of power: level, space and form.

The dimensions of forms of power according to Gaventa consist of visible power, hidden power, and invisible power. Visible forms of power are manifestations of interests that are seen in public spaces or policy-making institutions. Institutions, actors and interests are the units that make up the visible form of power. This form of power includes aspects of political power that are seen and can be defined by formal rules, structures, authorities, institutions, and decision-making procedures. Strategies that target this level usually try to change "who, how and what" of policymaking so that the policy process is more democratic and responsible,

serving the needs and rights of people and for survival. Hidden power is defined as a number of powerful people or institutions who try to maintain their influence by controlling who gets to the stage of decision making and what is on the agenda. The method used by this influential party is by weakening the other party and by building strength to influence leadership. Meanwhile, invisible power is forming meaning and what is acceptable. People or institutions try to influence the way others think, this level of power shapes confidence, reason, and acceptance of the status quo, even their own superiority or inferiority. The process of socialization, culture and ideology perpetuates exclusion and inequality by defining what is normal, acceptable and safe. Furthermore, the change in strategy carried out is targeting social and political culture as well as individual awareness to change the way people perceive themselves and the people around them, and how they imagine the possibilities and alternatives of the future.

### *2.2 Forms of Power in Utilizing Tanah Ulayat*

The utilization of tanah ulayat in Kampar Regency has been regulated in the Kampar Regency Local Regulation Number 12 of 1999 concerning Customary Land Rights. The customary land rights function in accordance with the regional regulation is used to improve the welfare of members of the alliance and indigenous peoples who are social and economic. Therefore, in the utilization of the tanah ulayat, a partnership pattern with a third party can be carried out that previously had to carry out the meeting of local customary stakeholders and members of the indigenous community in accordance with the provisions of local customary law.

The position of tanah ulayat in Kampar Regency is actually very strong because one of the plaintiffs of Law 41 of 1999 concerning Forestry as amended by Act 19 of 2004 is the KenegerianKuntu indigenous people represented by Alm. H. Bustamir. The Judicial Review of the Forestry Law against the 1945 Constitution resulted in the Constitutional Court Decision Number 35 / PUU-X / 2012 with a decision acknowledging the existence of customary forests by adding article 1 point 6 of Law Number 41 of 1999 concerning Forestry to be "customary forest is a forest in the territory of customary law communities". Customary forests here are not state forests so they have strong legal force.

But the struggle carried out by the Kuntu indigenous people does not necessarily result in recognition of their tanah ulayat from the state. Based on the Forestry Law after the Decision of the Constitutional Court 35/2012 and its operationalization through the Circular of the Minister of Forestry of the Republic of Indonesia Number: SE.1 / Menhut-II / 2013, the recognition of customary land as long as it still exists and its existence must be declared as customary forest by the Minister Forestry is first determined through a Regional Regulation (Perda) based on the results of research from the Team as referred to in article 67 of Law 41 of 1999 concerning Forestry, which has been amended by Law Number 19 of 2004.

This provision is reinforced by the Regulation of the Minister of Home Affairs of the Republic of Indonesia No. 52 of 2014 concerning Guidelines for the Recognition and Protection of Customary Law Communities which states that in recognizing and protecting indigenous peoples, the Regent / Mayor forms a District / City Customary Law Community Committee. The recognition and protection of the MHA become very important considering that if the MHA is recognized, the customary territory will automatically be recognized because the recognition of the MHA must first be identified.

This conflict in the utilization of tanah ulayat in Kampar Regency cannot be separated from the attractiveness of the interests of the actors, especially actors who sit in government institutions, indigenous community leaders, and corporate actors. The Kampar District Government has only been able to meditate as a form of conflict resolution. As well as

mediation between the Kenegerian indigenous community SenamaNenek and PTPN V. The form of power played by the Regional Government of Kampar Regency is in a visible power form. This means that the Kampar District Government is trying to take the formal path in dealing with the issue of the use of communal land.

One of the roles of the local government was to hold meetings with all Forkopimda elements such as the Kampar Police Chief, Kejari Kampar, DPRD, Kampar, National Land Agency (BPN), and elements of the Regional Government such as the Plantation Office, and involving Lembaga Adat Kampar (LAK) and media. Cooperation from various parties will make efforts to address communal land conflicts more quickly resolved.

Interaction between actors is only seen in the process of resolving tanah ulayat issues, but in licensing to companies on tanah ulayat the interactions that occur are more hidden (hidden power). Reflection of this hidden form of power is seen in the licensing of PTPN V in conflict with the KenegerianSenamaNenek indigenous people. The land in conflict is an area of 2800 hectares which is the customary land of KenegerianSenamaNenek. The 2800-hectare land is a development area of PTPN V's Right to Cultivate (HGU) which had received principle permission in 1979.

### 3 Conclusion

Utilization of tanah ulayat in Kampar Regency has been regulated through the Kampar Regency Local Regulation Number 12 of 1999 concerning Rights to Customary Land. Although there have been policies that regulate the use of communal land in Kampar District, there are still conflicts that are dominated by corporations with indigenous peoples. This conflict between the company and indigenous peoples is caused by unclear customary territories that are determined through Regional Head Decrees or Regional Regulations in Kampar District.

There are two forms of power that affect the implementation of tanah ulayat utilization in Kampar District. The first is visible power, which is the practice of power occurring in the formal sphere in the process of making policies for the recognition and protection of customary communities in Kampar District. In addition, the practice of visible power is also seen from the interaction between actors in resolving tanah ulayat conflicts that occurred in Kampar District. While the second form of power in the utilization of tanah ulayat is hidden power or power. The practice of hidden power is carried out by company actors who are suspected of encroaching on tanah ulayat by playing their power in permits issued by the Government.

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