

The involvement of Bundo Kandung in Conflict Resolution Process of Padang – Sicincin Toll Road Construction Segment 4.2 – 36 KM

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Abstract. President Joko Widodo inaugurated the construction of Padang-Pekanbaru Toll Road on February 9, 2018. Overall, this toll road consists of 5 sections, namely section 1 Padang-Sicincin has a length of 28 km, after the change of section to 36 km, section 2 Sicincin-Payakumbuh has a length of 78 km, section 3 Payakumbuh-Pangkalan has a length of 45 km, section 4 Pangkalan-Bangkinang has a length 56 km, and section 5 Bangkinang-Pekanbaru has a length of 37 km, with a total distance of 244 km. Currently, the land acquisition and construction process are underway at 4.2 - 36 km. However, there are still many problems in the development process. One of the problems that slow the construction of the toll road is the rejection of various elements of indigenous peoples in several sub-districts in Padang Pariaman Regency related to land acquisition. Therefore, it is necessary to involve all parties in conflict resolution efforts, one of which has an interest in the issue of customary land in Minangkabau is Bundo Kandung . This research aims to explain the involvement of women, especially Bundo Kandung , in conflict resolution of Padang Sicincin toll road construction. The theory used is the concept of conflict resolution and the concept of Bundo Kandung . This research used Qualitative approach with case study method. The informant gets by used purposive sampling and collecting data through interview, observations and documentation. Based on the findings in this research, Bundo Kandung involvement in the settlement of the toll road construction conflict is not seen significantly, even in the process of negotiating land compensation and changes in toll road traffic Bundo Kandung contributions do not exist. The dominant role is played by Ninik Mamak, community leaders, and Nagari operatives. There are several forms of conflict resolution that occur in the construction of Padang-Sicincin toll road 4.2-36 km, including negotiation, facilitation of dialogue, mediation, and compensation.

Keywords: development, conflict resolution, customary land

1 Prelude

During the office of presidents Joko Widodo and Jusuf Kalla from 2014 to 2019, development has been intensively carried out, especially infrastructure development. In order to realize it, it needed more land as a basic to build many infrastructures. Therefore, the way out is to take the rights to the land. Land owned by civil and private communities will be sought to be purchased or reimbursed if the land is included in the area of development projects for the public benefit by the government. Activities to acquire land by providing

compensation in the framework of the implementation of development for the public benefit are called land procurement.

However, often in the process of land procurement for the public benefit invite pros and cons. For by accepting and following government directives or resisting with a stance of evading or disobeying government rules even when the policy is in the public interest. In resolving each conflict, it takes an appropriate and fair step to accommodate the conflicting parties to reach a point of mutual agreement that is fair to both parties. Such a step can be done by taking an approach by negotiating through a third party. The process of Land Procurement in development for the public interest, in general, will be fraught with problems or conflictual. It is because the public interest is always at the expense of personal interests, coupled with limited land availability .

There are some cases of conflicts caused by development, such as conflicts in the construction of Semen Indonesia factories in Gunem Subdistrict, Rembang Regency , construction of Sand Mining Company in Samak River Hamlet, Belitung Regency , and construction of Jombang-Mojokerto Toll Road in Jombang Regency . The problem also occurs in the construction of the Padang-Pekanbaru toll road, which is still in the process of land acquisition and construction phase. Even in West Sumatra, land acquisition for development often takes a winding road and is fraught with conflict, and this condition is due to the status of land in West Sumatra is customary land owned by the people.

The construction of toll roads is one of the essential elements to promote economic growth and facilitate connectivity between regions to improve the mobility of goods, services and people. Although the existence of toll roads will have a positive impact, the negative impacts brought about by the construction of toll roads are no exception. These impacts become problems, causing conflicts between communities and governments or between people and third parties. The negative impacts felt by the community, such as the loss of farmland, shelter and sources of income to meet their daily needs.

Padang-Pekanbaru toll road is part of the Trans Sumatra Toll Road and is one of the National Strategic Projects (PSN) listed in Presidential Regulation No. 58 of 2017 about the Acceleration of Implementation of National Strategic Projects. Overall, the Padang-Pekanbaru toll road consists of 5 sections. Section 1 Padang-Sicincin is 28 km long, Section 2 Sicincin-Payakumbuh is 78 km, Section 3 Payakumbuh-Pangkalan is 45 km, Section 4 Pangkalan-Bangkinang is 56 km, and Section 5 Bangkinang-Pekanbaru is about 37 km, for a total distance of about 244 km. Padang-Pekanbaru toll road development is targeted to operate in 2023 with a total investment of Rp. 78.09 trillion .

President Jokowi inaugurated the revolutionary Padang-Sicincin toll road project on February 9, 2018. The delivery of this project was carried out by PT Hutama Karya, divided into two phases, namely phase 1 Sta 0-4, 2 km and phase 2 Sta 4,2-36.6 km. Three years after the inauguration, the construction of this toll road has not been completed due to land clearance issues causing conflict between the community and the government and PT. Hutama Karya.

Initially the conflict in the construction of this toll road occurred at section of 0-4.2 km, where the conflict was caused by the results of an assessment from the appraisal team that did not meet the community's expectations because it was far below the value of NJOP. Community land is valued at Rp.32.00 – Rp.288.000 per meter . Subsequently, the Nagari Kasang community filed a lawsuit to the Pariaman District Court for the refusal of compensation that has been determined by the government but based on the decision of the court number 32Pdt.G/2018/PN, the court rejected the lawsuit. Although the court rejected the lawsuit, the Nagari Kasang community insisted on rejecting the compensation value and held

a demonstration at the West Sumatra Governor's office on January 23, 2019. However, the evaluation result has been determined by the evaluation team to remain unchanged, and the community, district, and provincial and local governments have made various efforts, so the community must accept it. With the resolution of the conflict through litigation in resolving the conflict at trase 0-4.2 km, the problem is considered completed, and construction has been completed.

The same problem also occurred in the continuation of construction on the trase 4.2-36.6 km. In this section will pass through 5 subdistricts and 15 Nagari in Padang Pariaman Regency. First, Batang Anai District with 5 Nagari namely Nagari Kasang, Sungai Buluh, Sungai Buluh Selatan, Sungai Buluh Barat, Sungai Buluh Utara, dan Buayan. Second, Lubuk Alung subdistrict with 5 Nagari namely nagari Singguling, Pasie Laweh, Balah Hilia, Lubuk Alung, dan Sikabu. Third, District Enam Lingkung namely Nagari Parik Malintang. Fourth, District 2x11 Enam Lingkung with 2 Nagari namely Nagari Lubuk Pandan dan Sicincin. And fifth, District 2x11 Kayu Tanam namely Nagari Kapalo Hilalang .

From several nagari that passed, Nagari Sungai Abang, Nagari Sicincin, and Nagari Lubuk Alung rejected the toll road construction trase , because it is considered detrimental to the local community because those land are productive and densely populated land, there are as many as 246 residential houses and some public facilities including one elementary school building, one community health center, and one mosque unit, as well as productive rice fields on the nagari customary land.

Nagari Sicincin community objections make all elements of the community involved to resolve the conflict such as the overseas people outside West Sumatera and Ninik Mamak by requesting the transfer of toll road traffic to the government and willing to give up vacant land for the construction of toll roads that will not harm the community. Nagari Lubuk Alung government also seeks to solve land acquisition problems by forming a team to accelerate the completion of toll road construction.

With the many rejections coming from various elements of the local community, the Governor of Sumbar took a policy by diverting the Padang Pekanbaru toll road traffic. Determination of location 2, Padang-Sicincin from the initially only 31 km after being transferred to 36.16 km. The relocation of the trase is chosen so that the development process can run in accordance with the set target. The transfer of the trase was also taken to consider the local community who stated that the development land is heirloom and productive land, so that the Provincial Government chose the relocation of the trase. The relocation of this trase is based on the Governor's Decree No. 62-02-56-2020 about the Determination of Land Procurement Location of Padang-Pekanbaru Toll Road.

Even with the relocation of the trase, the construction of Padang-Pekanbaru toll road trase 4.2-36.16 km still gets rejection from the community in the nagari that will be passed by the trase. For example, Korong Pincuran Tujuh refused, so the land has not been measured until now. There is also Nagari Kapalo Hilalang, where the community initially also refused, because the land to be passed is a Pusako Tinggi customary land that cannot be traded. Nagari Parit Malintang initially also refused, but in line with Hutama Karya's agreement, they finally accepted and agreed to the resolution model offered by PT. Hutama Karya in the form of a public land lease before the compensation agreed from the ministry of construction and public work as a strategy acceleration of the construction of Padang-Sicincin toll road, as happened in the bridge's construction in Nagari Parit Malintang .

The conflict that occurred on trase 4.2-36.6 km was caused by the rejection by the community because it did not agree with the trase compensation money that has been set. Various efforts are made so that the conflict can be resolved, and the construction can be

resumed. There is one interesting thing in the resolution of the conflict in this 4.2-36.16 km trase. There is a policy agreed by the parties in the form of land leases conducted by PT. Hutama Karya to the landowner community, this lease is done as long as there is no agreement on the release of land rights to the government. This rent is paid once every 6 months to the landowner community with varying amounts and can then be extended again. The amount of this lease also depends on the agreement between interested parties, and each landowner gets a compensation amount in different forms of rent. This is interesting considering that the people of West Sumatra are a homogeneous society in a traditional and cultural manner but have a way of resolving conflicts that are different from each other.

In business magazine records so far on trase 0 to 4.2 kilometers legally already controlled by the state. However, in the continuation on trase 4.2 to 36 kilometers, some landowners still object to the value of compensation. The polemic about land acquisition is still the main obstacle in continuing the construction of Padang Pekanbaru toll road; until now, session 1 Padang Sicincin on trase 4.2-36 kilometers has not been carried out to the maximum efforts . To this day the development of toll road construction is still 18% of the construction process and 11% of land procurement (including access roads) .

Various conflict resolutions have been implemented in several nagari passed by Padang-Sicincin toll road traffic, but there is still a rejection of trase from the nagari community. One of the nagari that still refuses trase toll road construction is Nagari Kapalo Hilalang. The conflict in Nagari Kapalo Hilalang was caused by the community claiming that the land was their customary land, and they were worried about the loss of access to the land if it is used for the construction of toll roads. Efforts to resolve the conflict have been conducted through mediation between the two parties, namely the community from the party that refuses with the toll road operator. The mediator in the conflict is the police, in this case the West Sumatra Police.

However, some Nagari involved in the construction of toll roads have agreed to lease their land to PT. Hutama Karya. The rent will be paid for 6 (six) months, and then it can be extended again before the land is released and a solution is found. From the initial data, the rent between one Nagari and another Nagari or between the landlord and another landlord does not seem to be the same. It can also be seen from the initial data that Nagari has different conflict resolutions through Padang-Sicincin toll road.

There is an interesting question that requires further evaluation, that is, how do women participate in efforts to resolve land disputes in highway construction, because in the customs of Minangkabau, women are in a very noble position (high / honor). In customs, the status and role of women are highly influential and highly anticipated. The women of Minangkabau are called Bundo Kanduang . Bundo Kanduang literally means that Bundo is mother and Kanduang is true. Therefore, Bundo Kanduang means royal mother. However, some indigenous experts mentioned that Bundo Kanduang is derived from the word Bundo Kanduang . Bundo means a mother loved by her offspring and anduang is a mother loved by her children, grandchildren, and great-grandchildren.

Minangkabau Customary Law which is compiled and or formed based on philosophy; "Adat basandi syarak, syarak basandi kitabullah, alam takambang manjadi guru". It given the importance of the existence of Bundo Kanduang , Minangkabau culture has placed its position in a very high and noble position, making it has a very strategic role and function in instilling minangkabau customary and cultural values, especially in shaping the morality of the younger generation, and is also expected to be able to solve other social problems. Whether it is in the family environment, relatives, or in the neighborhood, both as leaders in the community and as

community leaders in the jorong and Nagari , as well as in efforts to resolve the conflict of customary land for development.

In Minangkabau custom, Bundo Kanduang is likened to "*Limpapeh rumah nan gadang, umbun puruak pegangan kunci, pusek jalo kumpulan tali, hiasan dalam nagari, nan gadang basah batuah, kok hiduik tampek banasa, kok mati tampek baniyaik, kaunduangunduang ka Madinah, ka payuang panji ka sarugo*". This gurindam (adage) means that minangkabau custom gives some virtues and exceptions to women, as evidence of the glory and honor given to Bundo Kanduang and to keep the glory of all possibilities that will bring down its dignity. This means that Bundo Kanduang has a distinctive position in minangkabau custom .

Minangkabau customary law places women as heirs and rightful owners of inheritance. The wealth that becomes women's rights according to custom are rice fields, cemeteries, cliffs, vilages, and other customary inheritance. This inheritance must be maintained so as not to run out or move to others unless it is used for the public benefit by means of consensus. Bundo Kanduang not only thinks about and manages wealth and inheritance but also understands and mastered the problem of "harato ganggaman baruntuak" (existing inheritance), shared people's property, customary land or that has not been allocated to a person. She must know and be able to maintain, supervise and utilize the property and inheritance. She must know how to control and command the descendants and relatives in terms of inheritance .

Meanwhile, conflict is defined as conflict is a conflict between two or more parties that originates from different perceptions of interest or property that can make an impact for both. Conflict is also defined as the perception of a difference of interest (perceived divergence of interest) or a belief that the aspirations of the conflicting parties are not achieved simultaneously". (Pruit &Rubin, 2004:10). Conflicts are also defined as conflict processes expressed between two or more interdependent parties regarding conflict objects, using patterns of behavior and conflict interactions that result in conflict output .

Conflict resolution is the process of achieving conflict output by using conflict resolution methods. The conflict resolution method is a conflict management process used to generate conflict output. Conflict resolution methods can be grouped into their own arrangements by parties involved in conflict (self-regulation) or through third party intervention. Conflict resolution through its own arrangement occurs if the parties involved in the conflict attempt to resolve their own conflicts. While third-party intervention consists of first, resolution through the courts, second, the administrative process. Third, alternative dispute resolution. Of course, the context of conflict resolution in this study is an effort made by various parties either by parties involved in the conflict or using third-party interventions, for example through Ninik Mamak, nagari government and Bundo Kanduang .

Therefore, the problem formulation in this study is how Bundo Kanduang involvement in conflict resolution of Padang-Pekanbaru toll road construction section 1 Padang Sicincin Trase 4.2 to 36 kilo meters. The purpose of the research is to explain and analyze the form of conflict resolution in the construction of the 4.2-36 km toll road by explaining the form of involvement of Bundo Kanduang in the resolution of the conflict.

2 Research Methods

This research was conducted in Padang Pariaman Regency. This study uses a descriptive qualitative approach, using the technique of selecting informants in a purposive sampling. The

data collection techniques are conducted by interviews, observations, and documentation with emic and ethical interpretation as data analysis techniques.

Conflict Resolution of The Toll Road Construction

There are several models of conflict resolution that occur in the resolution of conflicts Padang-Pekanbaru Trase toll road construction 4.2-36 km, including:

The first is Negotiation. This first step is usually taken by the conflicting parties with the intention of reaching an agreement between the two sides so that the conflict can be resolved with a win-win solution. People in several nagari in Padang Pariaman district have done with this model, for example, Nagari Kasang, Nagari Sicincin has been negotiating with the government over the low value of community land compensation, in addition, the community also negotiated by requesting the change of trase from the original trase along 26 km then changed to 36 km. The resolution of the conflict with the negotiations through the approach of consensus deliberations in Nagari Sicincin was considered quite successful with the transfer of toll road traffic even though not fully the community's wishes were fulfilled.

The second is Facilitation of Dialogue. With the rejection of the community, the government of West Sumatra Province facilitates the community to have a dialogue in finding solutions to the problems that people face. The Provincial Government established an objection review team in accordance with the Governor's Decree Number: 600-332-2019 dated April 12, 2019. This team will provide recommendations to the Governor what the objections of the community.

The study team objected to inviting landowners to have a dialogue, but the community still rejected the old trase because it passed through productive land and densely populated settlements. The team leader recommended to the Governor of West Sumatera based on the work of the objection review team to accept objections from the community and adjust the toll road traffic by paying attention to the reasons that the community objected to, so that the trase changed to 36 km from the original 26 km.

Third. Mediation. Third parties conduct mediation, in the conflict of toll road construction. The initial stage of mediation is carried out by land procurement teams and nagari government, for example in Nagari Sicincin Nagari Government mediates between landowners and PT. Hutama Karya, and the results of the community agreed on changes to the trase and there is also an agreement to provide compensation for the community's land. Then in Nagari Parik Malintang, mediation was also conducted by the nagari government together with community leaders, and the community accepted the land change agreement passed by the toll road.

However, in Nagari Lubuk Alung, the nagari government formed its own team called the acceleration team for the completion of land acquisition of Padang Sicincin toll road based on the warrant number: 27/SPT/WN-LA/X-2020 dated October 2, 2020. This team consists of 5 influential community leaders in nagari, then they approach the community of Nagari Lubuk Alung so that an agreement is obtained with the community who are willing to give up their land as a toll road. Meanwhile, in Nagari Kapalo Hilalang, mediation was conducted by involving the security and military as mediators, for example by involving Babinsa (NCO who stationed in village), Koramil (territorial army) and other government officials, but mediation could not get an agreement, because the community did refuse to build toll roads through their customary land.

The fourth is Compensation. Compensation is done in the form of community land leases conducted by PT. Hutama Karya Infrastruktur (HKI) to the landowner community. The community gets compensation from the government and also from the company because the

community land has been rented first before the compensation agreed by both parties. Community land was rented by the company for six months at a price of 12 thousand per meter, so that the company can work on the community land that has been rented as in the construction of bridges carried out to 8 landowners with eight plots of land.

As in the letter of land lease agreement Number: 019/HKI/Pacin/Sewa.Lahan/V/2020. If the rented community has not received compensation from the government, then the lease of the land can be extended again with the agreement of both parties. The amount of land lease received by the community varies, for example there are landowners who receive compensation for land leases of eleven million for six months, some are less, this depends on the area of community land used for the construction of the toll road.

Bundo Kanduang Involvement in Conflict Resolution Padang-Pekanbaru Trase Toll Road Construction 4.2-36 Km

Bundo Kanduang is an honorary nickname for women in Minangkabau whose position is higher than that of other women. In the sense that Bundo Kanduang was an elder in his people. Bundo Kanduang has an important role in the traditional system in Minangkabau, one of which is to maintain heirlooms (mamaliharo harato and pusako) which means that according to Minangkabau custom are rice fields, cemeteries, cliff, jorong nagari, and other customary inheritance. About the inheritance, a Bundo Kanduang has an obligation to maintain it and maintain the integrity of the property so that it can be passed on to the next generation and do not let the inheritance change hands to others unless it is used for the public benefit through consensus.

Respect for women in the Minangkabau matrilineal kinship system not only ends with the nickname as Bundo Kanduang, but there are other strategic implications for women, among them women as owners of Rumah Gadang (traditional houses where a people live), where all room spaces are reserved for women, not men. A very important implication of the matrilineal system for Minangkabau women is the inheritance of customary land or also called pusako tinggi to women, not to men.

Customary land, one of the high heirlooms (pusako tinggi) in Minangkabau, can only be inherited and used to benefit women together. This makes that in terms of maintenance and protection of customary land, with a Bundo Kanduang is expected to play a role as a leader who can control or solve a problem in his people. However, the reality at this time the role of Bundo Kanduang is still weak, as happened in the settlement of land acquisition conflicts for the construction of padang-pekanbaru toll road Padang-Sicincin section.

In the construction of Padang-Sicincin toll road which mostly passes through the customary land, Bundo Kanduang is also indispensable. However, based on the data of findings in the field related to the involvement of Bundo Kanduang in resolving conflicts Padang-Sicincin toll road construction is not visible, but what is seen is the involvement of Ninik Mamak. Sta 4.2-36 conflict resolution is done through face-to-face mediation with the role of direct mamak ninik with the community.

Although West Sumatra Regional Regulation No. 7 of 2018 on Nagari has given women the opportunity to be involved in the public domain in Nagari, it turns out that patriarchy culture is still quite powerfully influential in Minangkabau society. Culturally Minangkabau people adhere to the matrilineal system that is based on maternal lineage which indicates that women have a very important role.

However, this matrilineal system is only as a determinant of lineage only and Minangkabau women do not have power. In this case, although Bundo Kanduang in Minangkabau as the holder of the rights to the property, they did not have the power to make

decisions related to it. The right to maintain, develop, and manage heirlooms is handed over to men or mamak. External power is all held by men, because the tribe in its interaction with the tribe / nagari or out represented by mamak kaum or penghulu.

This means that interactions related to the public are held by mamak / penghulu and women are only entitled to organize a rumah gadang / family. Thus, the matrilineal system in Minangkabau does not give women the right to be directly involved in the public domain .

3 Conclusion

Bundo Kandung has a strategic position in resolving customary land conflicts in West Sumatra, considering Bundo Kandung has a personality role as an individual who has a demand for a real contribution to the community of his community. In addition, Bundo Kandung also has a role as an institution that is aligned with other institutions that have the same strength and access in the government structure in West Sumatra. In the customary land conflict for the construction of Padang-Sicincin trase toll road 4.2-36 Km, which mostly passes through the land of customary kaum, of course the role of Bundo Kandung is also indispensable.

Based on the findings in the reality Bundo Kandung involvement in the settlement of the toll road construction conflict is not seen significantly, even in the process of negotiating land compensation and changes in toll road traffic does not appear Bundo Kandung contributed to the settlement efforts. Bundo Kandung is very rarely involved in the process of making agreements that both parties can accept. The dominant role is played by Ninik Mamak, community leaders and nagari government. Several forms of conflict resolution occur in the construction of Padang-Sicincin trase toll road 4.2-36 km, namely negotiation, facilitation of dialogue, mediation, and compensation.

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