

Agrarian Conflict in The North Sumatera: The Hopes and Progress

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Abstract. The case of agrarian conflict is one of the most frequent causes of conflict in the province of North Sumatera. Data from Commission for Disappeared and Victims of Violence (Kontras) of North Sumatera has described the increasing cases of this conflict. In 2015 there were 33 cases. While in 2016 has become 49 cases. What are the causes of the increased case of agrarian conflict? This study has found that there are three causes of increasing case of agrarian conflict in North Sumatera. First, many old conflicts have not been resolved to date. Secondly, there is not an practical way to prevent the occurrence of cases of agrarian conflict in the future. Third, national land management system still cannot accommodate agrarian conflict. The research technique used in this study is qualitative. The data used in this study are primary data (interview) and secondary data (literature study).

Keywords: agrarian conflict, conflict pattern, conflict management, conflict resolution

1 Introduction

The case of agrarian conflict is a common problem in many parts of Indonesia. The Agrarian Reform Consortium (KPA) noted "at least 450 agrarian conflicts occurred during 2016 with an area of 1,265,027 hectares and involving 86,745 households scattered throughout the province in Indonesia. The previous year recorded only 252 conflicts..." [1]. According to the press release of the National Farmers Day 2017 National Committee for Agrarian Reform (KNPA) this conflict is inseparable from the inequality of land ownership. The press release notes that "...from the entire land area in Indonesia, 71% is controlled by forest corporations, 16% by large scale plantation corporations, 7% dominated by conglomerates. While the little people, only control the rest alone. The impact of one percent of the richest people in Indonesia controls 50.3% of national wealth, and 10% of the richest people own 7% of the national wealth " [2].

Agrarian conflict is a conflict related to land affairs or land. According to data from the Agrarian Reform Consortium (KPA) there are six provinces with the highest conflict cases. Data of 2016 indicates that Riau Province is the province with the highest number of agrarian conflicts. The other five provinces are East Java, West Java, North Sumatera, Aceh, and South Sumatera. KPA also had noted that the agrarian conflict in 2016 is twice more than in 2015 [3].

KPA data shows that cases of agrarian conflict in 2016 in North Sumatera amounted to 36 cases [3]. The Commission for Disappeared and Victims of Violence (Kontras) of North Sumatera noted that in 2015 there were 33 cases of agrarian conflict. In 2016 there were 49 cases

of agrarian conflict [4]. Contrast also describes that the case of agrarian conflict in North Sumatra is a problem that can not be resolved yet.

This case becomes interesting because of some reason. First, agrarian conflict involves many parties, especially from the community. Second, cause material and casualties [5]. Third, confusing because the land conflict cases are increasing and growing. What is the causes of the increasing cases on agrarian conflict? This study attempts to answer this question.

2 Method

The research technique used in this study is qualitative. The data used in this study are primary data (in-depth interviews) and secondary data (literature study or document).

3 Two Versions Brief Story of the Case of Agrarian Conflict in North Sumatra

The history of agrarian conflict that occurred in North Sumatra Province has a long story. The story begins since the colonial era until the era of independence. It continues to the old order and the new order, until the order of reform. There is an early story where the land of sultan or king (ulayat land) is lent to a foreign plantation company. There was a story about the takeover of land by the invaders. There was a story about the nationalization of foreign plantation assets and their plantation lands. People demanded the rights over the land or land in their area. There was also a story about the expansion of the land of state plantation companies. The used of military power for land tenure. As well as ending Cultivation Rights on Land (HGU) plantation companies and abandoned land. The conflict between the farmer community and other conflict stories. All the stories about the agrarian conflict show that agrarian conflict is still ongoing.

In the case of conflict between the community and the PTPN plantation company has emerged a different story. There is a community version and there is also a story version of PTPN II. Both of these stories have been the basis of different views from land ownership. Both sides only believe in one historical story, precisely the historical version of their land ownership.

The first story of the community version, considers that since the colonial era the people's land has been used for the plantation of foreign companies. After a while, the public demanded their rights to the land. Cultivation on that land is a way for the community to show their claim. Especially on company land that is abandoned or not taken care of, and land that had been tried by his parents or ancestors. The problem is that the foreign plantation company has become own state plantation company. Moreover, the state does not recognize the claims of the people even in cases where people have won a lawsuit over the land conflict in court. Until now, people are still fighting for their rights. In the people's perspective, what they are doing is seeking justice. As a note, this community version will vary according to the location and the character of the land.

The second story is the company's version of PTPN II. The state-owned company said that PTPN II never seized land owned by the people. On the contrary PTPN II explained that PTPN II land has been handed over to the community. PTPN II strengthens its argument by describing three statements of the origin of the company's land ownership. First, the origin of PTPN II land "Derived from an NV land concession. Van Deli Maatschappij which began in 1870 covering

250,000 ha stretching from Sungai Ular (Snake River) in Deli Serdang Regency to Sei Wampu in Langkat district, all of its area y in planting Tobacco plant known as Deli Tobacco" [6]. Second, the land NV. Van Deli Maatschappiy comes from primary forest (unoccupied land). Not from community land. Third, until 1991 there were 204,000 ha of land cleared, plus 5,873 ha of land not approved by the extension of Cultivation Rights [6]. In the perspective of the company, what they do is to maintain the company's assets.

4 Three Causes of Agrarian Conflict Tend to Strengthen

The case of agrarian conflict is an interesting case to observe. In 2016 the number has increased. What is the cause of the increasing cases of agrarian conflict? First, there are still many cases of pending conflict that have not been resolved yet. One of the cases that can be an example is a land dispute in the Village of Cinta Dapat sub-district Selesai, Langkat Regency. The case has taken place since 1960. This means the case has been more than 50 years according to information from the community that the court has won the public demands of the 1970s. However, this does not change the status of land conflicts. Conflict persists. PTPN IX causes this condition still consider the land is part of Cultivation Rights on Land (HGU). PTPN IX then appealed. So, in reality, the status of the conflict is still remain [7].

This case is more interesting because there is a change on the side of the conflict especially from the company side. In 1979 the conflicting company was PTPN II. In 2008, the conflicting companies were PT Langkat Nusantara Kepong (LNK). It happens because PTPN II -owning cultivation rights on the land- conducting joint venture with KLKPH Foreign Company. The realization of the joint venture is PT LNK [8]. So in this case, an incident occurred where the old company diverted the issue of agrarian conflict to a new company but remained in contact with PTPN II. So it can be said that this case is a long-standing case between the community with the same company and also with the new company.

Other cases have the same problem. It is because Cultivation Rights on Land (HGU) plantation company wide enough. It includes villages in those region. Thus, the same agrarian conflict also tends to occur in other villages. An example is Mekar Jaya Village, Wampu District, Langkat Regency [8]. The agrarian conflict also occurred in Mekar Jaya Village with the same company, PT LNK. The case in this village is also an old case. Since the 1960s the conflict is between the community and PTPN II [9].

Conflict exposed and became news in the mass media when there was an eviction of community assets in the area of conflict land, especially when the company forces people to move their assets from cultivation land. The community will fight because they feel they have the right to the land. However, companies also do not want to lose and usually immediately add resources to conduct evictions, including involving local government and security forces.

One example of a corporate attitude is depicted on the website of PT Perkebunan Nusantara II. It mentioned that land clearing effort in cultivation rights area is an effort to secure state asset. PTPN II called it by the term occupation (land clearing). PTPN II mentioned the evidence that there are people who have admitted their mistake for doing land plot in cultivation rights owned by PTPN II. According PTPN II "TS also said that formerly the land is contained palm plant PTPN II well ordered, and lately the number of people who worked on them also participate also to work on the land, which at this time the land will be treated by PTPN II we gave it because I know the land was not their rights and area, explains TS." [10].

According to PTPN II, the activities of the people who work on the cultivate rights land owned by PTPN II have received warning from the company management (in the form of warning plank, appeal, letter, print media). The company feels the right to clean up. This is based on the Circular Letter of the Minister of SOE No-09/MBU/2009 [10].

Second, the lack of effective efforts to prevent the occurrence of cases of agrarian conflict. Even for the case of agrarian conflict in the future. There are indeed several stages in conflict resolution, such as mediation efforts or deliberation, compensation, up to legal steps. However, these efforts have not fully succeeded in preventing conflict. In Kontras (The Commission for Disappeared and Victims of Violence) notes that agrarian conflicts are becoming more complicated. Especially for the case of PTPN II. First, prone to clash. Secondly, there is no settlement formulation. Moreover, third, there is a change in the form of conflict from vertical to horizontal.

Kontras describes "The lands in the ex-cultivation rights area of PTPN II became the most vulnerable zone clashed with 11 cases. Since 2002 until now the problem of land former cultivation rights PTPN II has not found the formulation of completion. From the other side, clashing in the former area of PTPN II is no longer only takes place vertically (between community vs. plantation). However, throughout 2017, conflicts are also dominated by land struggles between farmers, mafias, farmer groups and youth organizations claiming ownership of land in the area" [11].

The total area of cultivation rights of PTPN II in North Sumatera is 117,169.47 Ha. The area of the cultivation rights is the total area. So it has included the area of operation cooperation with PT Langkat Nusantara Kepong (LNK). The land area of cultivation rights managed by PT LNK is 23,402.92 Ha [12]. The question is whether there is already a map or map that explains the boundaries of cultivation rights, as well as conflict-prone zones and, are experiencing agrarian conflicts? Based on these maps and mappings, what precautions can be taken to avoid new agrarian conflicts. Who should make such anticipatory efforts?

One important issue in the case of agrarian conflict is anticipation of conflict. But it needs to be highlighted that the problem of land use and land ownership is not a simple problem. Moreover, the problem of Cultivation Rights land often creates a biased perception. From the past to the present, there is a perception that one-day Cultivation Rights on Land will be distributed to the people for free. This perception arises from the political statements of state leaders who wish to generate public sympathy. Thus, there are often new cases of agrarian conflict, with almost identical characteristics. For example, there is a case where the community is working on agrarian land in the area of land Cultivation Rights or ex Cultivation Rights on land. However, when asked to move from their place then people fight. So there was a case of conflict. Then the case is allowed to drag on. In this case, there must be a clear attitude. If the HGU or ex HGU land will be shared to the people, there must be transparency, mechanisms and detailed rules. So that the sense of justice is maintained. On the other hand, if only a political promise, then the statement must be withdrawn and clarified. The goal is to change people's perception.

The absence of a map of transparent cultivation rights land can also lead to many new agrarian conflicts in the future. It is inseparable from the biased perception in plantation companies about cultivation rights land. This biased perception can affect the company's subjectivity in determining the boundaries of land to be managed by the company. Kontras even noted that it has already happened. Kontras note "another issue is related to the land acquisition of community owned by Plantation Company. In general, land-grabbing end-of-conflict between communities versus plantations occurs in 3 zones. First, in the area of cultivating rights, i.e Right to Use Enterprises which is published as the basis of the plantation

company operates in fact within the area of living and living community. Second, the land Non cultivate rights. The condition where the company manages the land outside the cultivate rights are issued. Third, Conflict in the former lands of cultivating rights" [11].

Third, the national land management system is still not perfect. According to Kontras Operational Head Amin Multazam Lubis [13], the case of agrarian conflict in North Sumatra is like a tangled thread. There are many cases where there is a sale and purchase of land or lease when the status of the land is in dispute. In addition, there are cases where the development is done on the land that is still in dispute. There is a double license. Land settlements and plantation land are still not regular. There is a policy of adding cultivation rights on land without a clear map — execution of the outcome of a court decision that has not yet been made. The legal process takes years [14]. This causes the absence of legal certainty.

The issue of cases of agrarian conflict and shows that there are several dilemmas in conflict resolution. First, there is a burden of history that no case can serve as a reference to a conflict decision. Second, there is the impression that conflict is the only way to achieve the goal of land tenure. Third, there is the impression that the settlement of agrarian conflict has not been a priority. Likewise on prevention efforts.

5 Conclusion

The case of agrarian conflict is one of the most frequent causes of conflict in North Sumatera. This study analyzes some of the causes of increased cases of conflict. First, there are still many old conflicts that have not been resolved till today. It causes old cases to be counted as part of a case of conflict. Secondly, there has been no effective effort to prevent the occurrence of cases of agrarian conflict in the future. Thus, there are often new cases of agrarian conflict, with almost identical characteristics. Third, the national land management system is still not perfect. As a result, many cases of agrarian conflict are floating. Without a complete solution.

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