

Settling the Conflicts of Land Property between Cultivators and Non-Cultivators in Farm Ownership in North Sumatera

Tappil Rambe

Ida Liana Tanjung

Bakhrul Khair Amal

tappilrambe@unimed.ac.id

Abstract : This article aimed to elaborate the conflict of land property in North Sumatera by using Paige's theory in its adjudication, in which the two parties (the cultivator and non-cultivator) are separated. North Sumatera faces high land property conflict cases because it has such complicated land ownership historical records. Estate occupancy has occurred in several cases, from customary ownership to corporation possession in land concessions, in form of leadership-political model. The concessions led to capitalist economic development and resulted in the migration of people from many other regions to play a role in this development. This study used the sociological-historical method in reviewing the conflict and applied Paige's theory in resolving it. The current data are combined with the historical ones. Then, the data are classified into types and impacts of those conflicts. The results showed that the conflicts tend to be on agrarian revolt and reform commodity movement. Therefore, the settlement had to focus on the income of the cultivators and non-cultivators to illustrate the level of conflict happened. In that way, the policy makers can determine proper regulations and resolve the conflicts with the equitable solutions for both parties.

Keywords: Conflict, Cultivator, Non-cultivator, Land Ownership.

A. INTRODUCTION

In Research and Development Institution's recommendation about resolving conflicts in North Sumatera, there are four districts which have high land property conflicts, means Deli Serdang, Serdang Bedagai, Kota Binjai and Langkat (Balitbang: 2013). These issues are closely related to historical problems. Long before the independence of Indonesia and even before the colonialist ruled in North Sumatera, land ownership was undertaken by custom. Land property ownership was controlled communally and regulated customarily only for the sake of earning money for their family lives (Thee Kian Wie: 1979). When the colonialists came, the practice of land ownership was immediately changed because it was regulated in capitalistic way. Spacious areas were started to be used for plantation with a one-type crops. In

Archives Available @ www.solidstatetechnology.us

the colonial era, there was a well known Deli plantation which was later developed to be the agricultures with other typically tropical crops like palm tree, rubber, and sugar cane. However, it was not the natives who control the process but the Dutch and Europeans from other countries. The system used was the same, in which there was plantation concession with local authorities in terms of farm renting and profit sharing.

The natives did not notice that the real profit from the plantation was immensely high. Although the return that the native owners got from the concession made them wealthy, indeed the colonialists got even bigger than that. To compare, Deli Sultanate, which handed over its land to Deli Maatschappij Company could earn up to five million guilders, while the company itself could reap 100 million guilders. Both sides are satisfied although the amount of the profits is not equal. This phenomenon inflicted the native owners to inquire three rights of land ownership system in Dutch law which were previously not carried out, means *Erphactright*, *Eigendom* right, and *Opstalright*. The Dutch colonialist used customary lands for plantation by using *Eigendom* right, in which the owners officiated for up to 99 years. The other two rights are reserved for locals and indigeneous people who came from outside East Sumatera. This system has changed the local tradition in which the land was previously controlled communally and collectively. If those three rights were introduced to natives, even huge lands or farms could be controlled by one or few people.

In Japanese colonization era, land ownership was benefitted for the Japanese government to be utilized in war. Productive lands were used to plant the crops that had direct effects for the needs of Japanese war machines such as jatropha for lubricants and rice for rations and labors. Even though the need for farmland in this era was not as big as that of the Dutch in plantation, there were changes in terms of land ownership. The natives had an unimpeded right in controlling lands which were left by the Dutch. Moreover, they had responsibilities to plant for themselves and also obligations imposed by Japanese fascist government.

After independency, the status of land ownership was complicated due to the fact that there were the large numbers of residents coming from several places, especially the kaleyard workers who deemed that they had right for possessing the former concession land after working there for a long time. Nonetheless, many problems developed because each party from various circles claimed that they are the rightful one to own the farmland. The Malay people considered that the former plantation land is their own land from the concession that should be returned to them. At the same time, there was a company nationalization carried out by the independent Indonesian government towards former Dutch companies. The farmlands in East Sumatera are included in this system, which means that the former concession lands must be controlled by the government. Meanwhile, there came a group of entrepreneurs who wanted to control the lands for themselves. It was the beginning of the complexity of land ownership in which all groups claimed that they owned the former farmlands of Dutch colonization. After all, the highbinders came in and made it more complicated and did such irresponsible action for the benefit of their own groups, no matter in which part they would stand. They could take sides in Malay communities, former farmland workers, government, or entrepreneur. As long as it benefitted them, they would do anything to achieve their goals.

Due to these sorts of claims, the ownership conflicts cannot be avoided. They have been occurred continuously throughout 75 years of Indonesia's independency. Several cases

Archives Available @ www.solidstatetechnology.us

have been resolved, while several others are still detained and even continued unceasingly to other aspects of life.

Indonesian government is in the effort of trying to solve this problem. However, as the authorized institution in settling farmland conflicts, the government and Indonesian Parliaments rather stipulate series of regulations of sectoralism in farmland. This decision leads to the overlapping of legislative regulations in this country. The manipulation of information and the presence of various policy determinations assist land expropriation furtively (Rachman, 2015).

The exclusion of local communities (*ulayatland*) and the inclination towards capitals (which is the motive of capitalistic economic system) are the common deplorable phenomena. The farmland policy is set to become the media for large capital multiplication processes of companies that will invest in this prosperous nation. Land expropriation is presented naturally as the necessity in the land procurement script for development. Therefore, through a number of academic studies, land conflict settlements can be presented clearly. Paige's theory proposes the potential accomplishment for the allotment which is suitable for the characteristics of farmland ownership in North Sumatera.

Generally, Paige's model is used to divide land ownership between cultivators and non-cultivators. These two models are not necessarily be the basis of the ownership of one of the two because both sides can possess the land or not at all. The cultivator is commonly named peasant and non-cultivator is a farmer. There is a difference between peasant and farmer particularly in terms of tools and capital possessions. However, both of them are actually farmers. Therefore, Paige classifies four types of land ownership based on their potential conflicts, namely agrarian revolt, reform commodity movement, agrarian revolution, and reform labor movement. Those four classifications can be found in a number of cases in North Sumatera, especially in the East Coastal regions of Sumatera which previously known as East Sumatera. These areas are the former colonial plantations which were nationalized by Indonesian government for *PTPN IX*, which are now *PTPN II* and *PTPN III*. Furthermore, the cultivated lands which have been controlled by several farmer groups like *BPRPI* (*Badan Penunggu Rakyat Perkebunan Indonesia*) and other non-governmental organizations also experience many conflicts, which can be the conflicts between countries, corporations, or communities. By using Paige's model, the problem will be analyzed as social cases which will be first elaborated to certain points: the types of the case, the aims of the case, the benefits, the targets, and the potential impacts of the case.

B. METHOD

This study is a qualitative research. The use of Paige's model in resolving land conflicts is influenced by unique social conditions that do not require the immensity of the material, but the profound one instead (Basrowi&Sudikin, 2002: 27). Thus, historical studies are always in line with Paige's analysis in figuring out farmland conflicts in North Sumatera. The framework of a historical study (heuristic process) analyzes prior data which affect the current situation so that it can bring up the root of problem resolutions. Consequently, the application of Paige's model can be a comprehensive system in resolving the problems. The system can be a socio-historical analysis, in which the reviews of the past become the current

social facts to get through problems in societies' social condition. Land ownership system in colonial era greatly influence the one in the present.

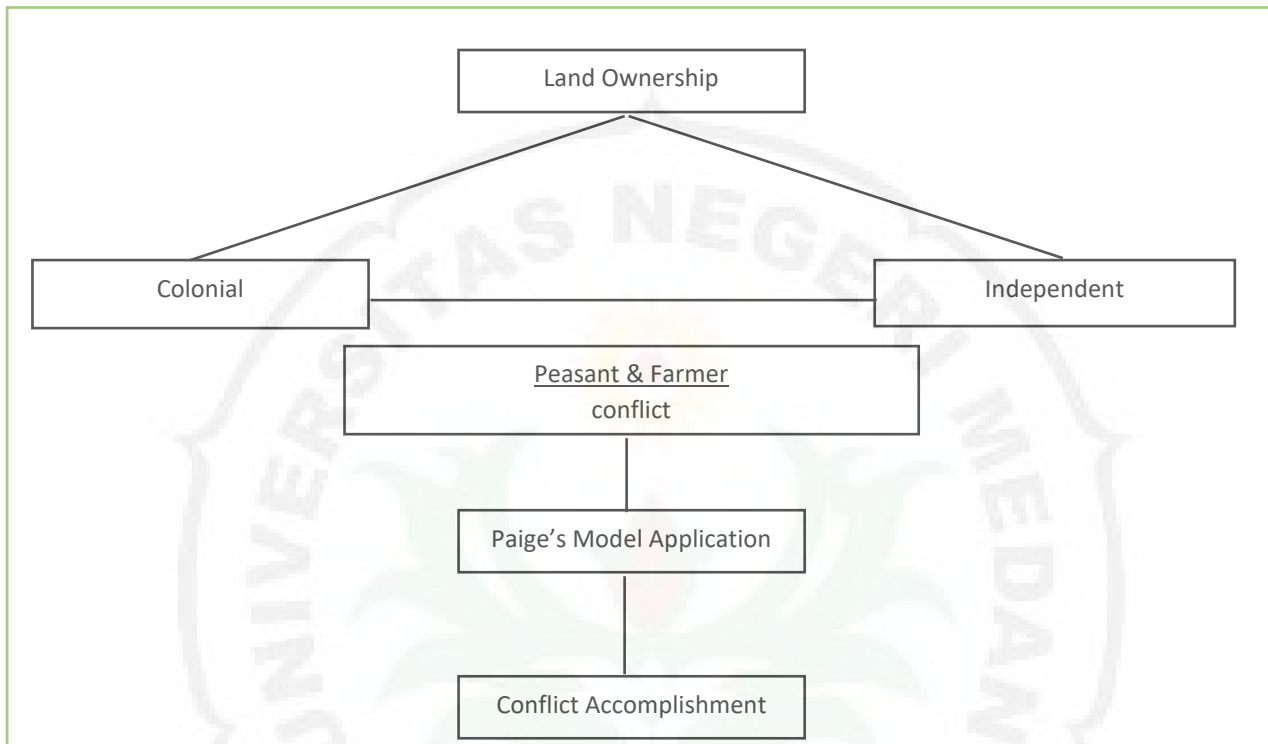


Chart I: The Concept Map of Applying Paige's Model in Accomplishing Land Property Conflict in North Sumatera

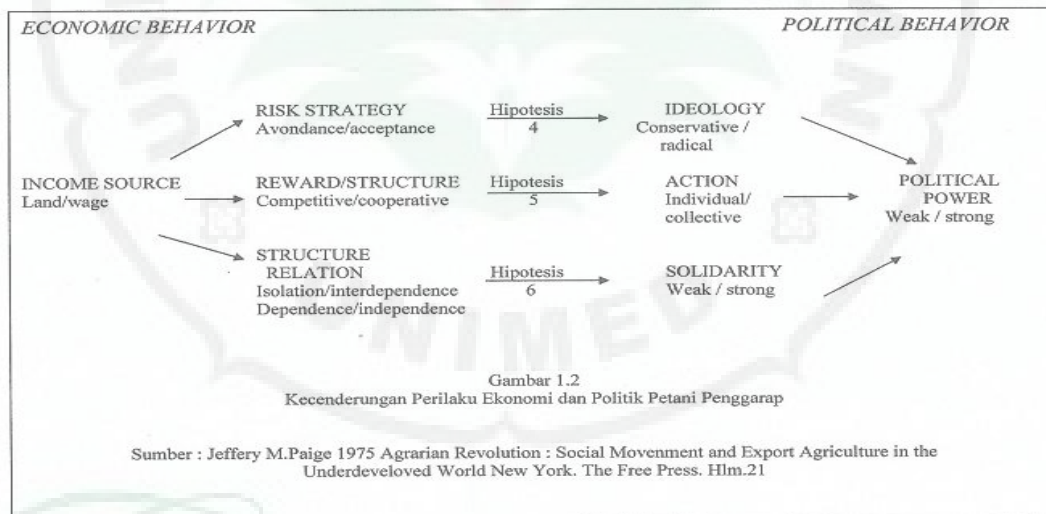
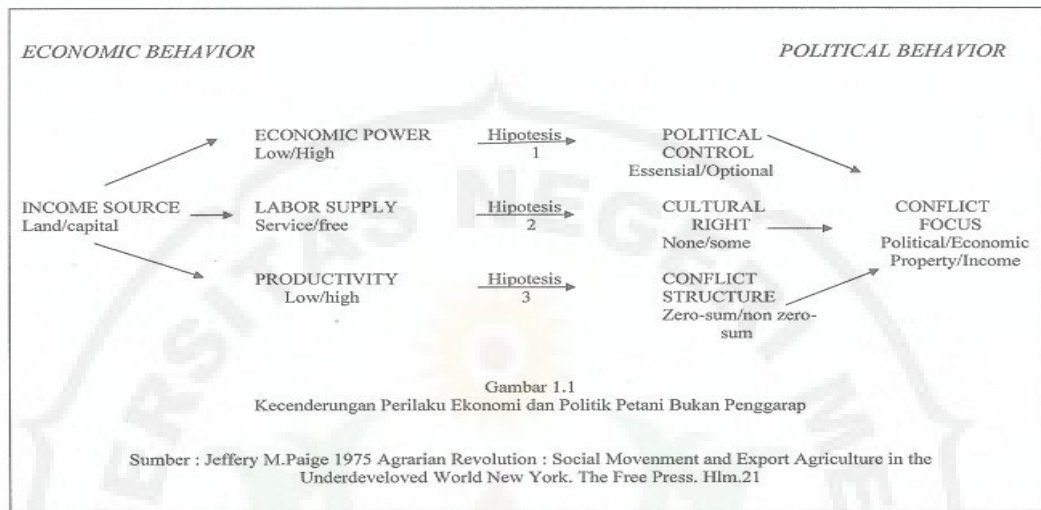
After carrying out the historical analysis, the socio-historical concept was formulated to analyze the land ownership by using depth interview for land owners, peasants and farmers. This analysis was undergone by focusing on each ownership claim. Therefore, the point of the conflict could be highlighted and become the recommendation for the government in the accomplishment. Meanwhile, the sample was chosen randomly from various regions in North Sumatera with their own different characteristics and conflict backgrounds. In choosing the sample, there was one thing to bear in mind that Paige's model principle is that land ownership can never be separated with the conflict of peasants and farmers.

C. RESULT AND DISCUSSION

1. The Circles of Conflict in Paige's Thesis

According to Paige, reviewing the conflict circle is basically based on of Karl Marx's group contention. In Marx's opinion, the conflict occurs as a result of the struggle between the owners of production tools and workers, and then Paige simplifies it between peasants and farmers. However, Paige's thesis is not as simple as it seems because the analysis of income sources becomes the basis of the conflict. He says that the tendency of economic behavior comes from commercial capital for farmers and wage for peasants. This tendency is the

condition for creating the conflict. However, the conflict can lead to many different social problems.



Non-cultivators, whose sources of income are from lands, are commonly weak in economic status so that they have to rely on restrictions of land ownership by cultivators. As a result, conflicts between non-cultivators and cultivators focus on the issue of managing the ownership and land distribution. Meanwhile, non-cultivators whose sources of income are from commercial or industrial capitals are economically strong so that they want the restriction of land ownership to be minimized. Conflicts that may arise between non-cultivators and cultivators steadily focus on the distribution of income over the land and capital, instead of land ownership or the capital itself.

The peasants are usually dependent on low-level or semi low-level workers so that they do not allow the expansion of economic and political rights of the farmer groups. As a consequence, the conflicts occurred tend to have economic and political dimensions. On the other hand, the non-cultivators are dependent on freelance workers so that they can tolerate

the economic and political rights from cultivator groups. Thus, the conflicts arised tend to have economic dimension rather than the political one.

The non-cultivators whose source of income is from lands are commonly associated to have static agricultural products. It sometimes evokes zero-sum conflicts among cultivator groups. Therefore, it will be difficult to compromise in economic conflicts. Contrarily, the non-cultivators who rely on the income from commercial or industrial capitals can increase their income through capital investment in order to multiply the agricultural products to share with cultivator groups. By this reason, the conflicts occurred are non zero-sum so that it is possible to offer compromises in economic conflicts between non-cultivators and cultivators.

The greater the importance of lands as a source of income for cultivator groups, the higher their disclaimer towards risks and revolutionary ideas. The greater the meaning of wages in the form of money or goods as cultivators' income, the higher their acceptance of revolutionary risks and offers.

When the importance of lands as the source of income for cultivator groups is greater, their encouragement towards economic competition is stronger but the motivation towards political organizations is getting weaker. Conversely, when the importance of wages as the source of income for cultivator groups is greater, their encouragement towards economic competition is weaker but the motivation towards political organization is stronger.

The greater the importance of the land as the source of income for cultivators, the bigger the structural isolation that makes them dependent on non-cultivators groups but the weaker their motivation towards political solidarity. The greater their interdependence with non-cultivators groups, the stronger their eagerness to build political solidarity.

To sum up, the combination of movement behaviour and the consequences arising from the movement made by cultivator groups are illustrated below:

PETANI PENGGARAP			
TANAH		UPAH	
PETANI BUKAN PENGGARAP	TANAH COMMERCIAL HACIENDA REVOLT (Agrarian) (1)	SHARECROPPING MIGRATORY LABOR REVOLUTION (Socialist) (Nationalist) (3)	
	SMALL HOLDING REFORM (Commodity) (2)	PLANTATION MODAL REFORM (Labor) (4)	

Gambar 1.3

Kombinasi antara sumber penghasilan petani penggarap dan bukan penggarap.

Bentuk-bentuk organisasi pertanian, dan bentuk-bentuk gerakan sosial petani

(Sumber : Paige, 1975 ; 11)

1. Conflicts between non-cultivator and cultivator groups in which their both sources of income are from the land result the agrarian revolt.

2. Conflicts between non-cultivator groups whose sources of income are from capitals and cultivator groups whose sources of income are from lands inflict the reform commodity movement.
3. Conflicts between non-cultivator groups whose sources of income are from land and cultivator groups whose sources of income are from wages effect the agrarian revolution.
4. Conflicts between non-cultivator groups whose sources of income are from capitals and low-level peasants whose sources of income are from wages cause the reform labor movement.

2. The Tendency of Orientation of Conflicts in North Sumatera

Using Paige's formula to understand land conflicts in North Sumatera is a novelty technique. Apart from historical problems, land conflicts in North Sumatera have developed to social, political, and economic cases. These orientations create the difficulty in resolving land conflicts. Indonesian People Alliance (IPA) of North Sumatera reported that in the last two years the conflicts have precisely increased. The conflict forms vary, ranging from mining issues, seizure of lands in State Companies (PTPN III) and highbinders in conflict locations, including encroachment of protected forests. In general, the conflicts occur in mining, plantation, forestry, and infrastructure sectors. The types of the conflicts also vary. Research and Development Council (*Balitbang*) defines conflict variations into several categories:

Table 1. Conflict/Dispute Classifications

No	Factor	Types
1.	In terms of aspect/field/basis of the conflicts	<ul style="list-style-type: none"> - Conflicts in infrastructure policy - Conflicts in management of natural resources and environment - Conflicts in business - Jurisdical conflicts/disputes
2.	In terms of the basis of disputes (Chris Moore2 version)	<ul style="list-style-type: none"> - Disputes about values - Structural disputes - Relationship disputes - Disputes about data/information - Dispute of interests
3.	In terms of the parties involved	<ul style="list-style-type: none"> - Conflicts among governmental institutions - Conflicts among villages - Conflicts among NGOs - Conflicts among community groups
4.	In terms of the number of parties involved	<ul style="list-style-type: none"> - Conflicts between two parties - Conflicts among several stakeholders
5.	In terms of power balance of the parties involved	<ul style="list-style-type: none"> - Vertical conflicts - Horizontal conflicts
6.	In terms of level of difficulty	<ul style="list-style-type: none"> - Regular conflicts - Complicated and interrelated conflicts

Source: Research and Development Institution 2014.

Regarding the variations of the conflict, indeed they are occurred between peasants and farmers, even though it is not explicitly mentioned in the case. The involvement of other parties in the conflict is the impact of various problems of the main parties. With the six classes in the table above, then the process of classification of the conflict types is always oriented with the problems between cultivators and non-cultivators. The first factor in the table shows that infrastructure policy, natural resource management, and business conflicts basically occur between citizens and government or capitalistic entrepreneurs. Although the presence of the conflicts as if representing different parties involved, but what actually happen is a battle between cultivators and non-cultivators. The same case also goes for the other five factors in the table. The fundamental question of this phenomenon is to which orientation the conflicts are directed with the result dimming out the real conflict between peasants and farmers.

In Paige's theory, there are four tendencies the conflict orientations may happen between cultivators and non-cultivators (agrarian revolt, reform commodity movement, agrarian revolution, dan reform labor movement). Those four propensities come up in a number of cases in North Sumatera. For example, the conflict between PTPN II and common people under the cope of *BPRPI (Badan Penunggu Rakyat Perkebunan Indonesia)* tends to be in the type of reform commodity movement. The location is in the outskirt of Medan city, the former colonial plantations of Deli Maatschappij and Sanembah Maatschappij. This conflict occurred due to the state's nationalization of colonial plantations, while the people who had long been worked there or occupied the area for so long also tried to claim their right of possessing the land. It means that the main causes of the conflict are the income from capital of non-cultivators and that from land of cultivators. Based on Paige's theory, this conflict is categorized as commodity movement, in which it represents many variations cultivated on the ground. The variations do not only mean the crops, but also the infrastructure. Capitals become the determinant of policies arisen from the commodity movement.

Another case is the conflict occurred in Leuser National Park (*TNGL*) area in Langkat which involved multi-stakeholders (in this case the communities, countries, non-governmental organizations, businessmen, and highbinders). However, those who played a role on the surface are the communities together with non-governmental organizations and businessmen who were backed-up by land mafias. This conflict is oriented in agrarian revolt and reform commodity movement. There were difficulties in handling the conflict because of the change of the unstable incomes between cultivators and non-cultivators. Moreover, there was the custom requirement to respect noble values and ecosystem sustainability rather than the income. Both parties neglected this customary situation, but at the same time the communities always brought up the issue to support their movement. Basically, the country could easily handle this conflict because the area like *TNGL* is in its absolute power. Nonetheless, the simple problem between peasants and farmers was profounded by the mafia who intervened the conflict as if it was a very complicated one.

Several studies that have been conducted by scholars on the conflicts in North Sumatera found that many of these cases caused death and property loss. Those conflicts occurred due to the presence of non-cultivators whose income is from capitals, means Business Use Rights '*HGU (Hak Guna Usaha)*'. The same case goes to the controllers of *HPH, HTI*, mining permits involving several firms ranging from private companies and state

ones. Mongabay (2013) reported that several incidents that caused death and property loss were due to the reason of trying to preserve the environmental sustainability, such as the cases of Sei Mencirim Medan Farmer Group, Padang Halaban Labuhan Batu Farmer Group, and Padang Lawas Farmer Group against PT. Sumatera Riang Lestari. There was also the conflict in forestry sector between PT. Toba Pulp Lestari (TPL) and indigenous people in Tapanuli and Simalungun.

D. CONCLUSION

The conflicts occurred in North Sumatera are classified based on factors and types. They can be categorized in terms of aspects, levels of complexity, subjects of the disputes, and number of parties involved in the conflict. Based on the types, conflicts may be varied into horizontal and vertical conflicts that involve the communities, countries, corporations, or one another. There is also highbinder who interfere the case to get benefit for themselves. Although there are classifications of types based on the object of disputes, the conflicts can never be separated from the case of the cultivators and non-cultivators. The types are proposed by Jeffry M. Paige to simplify the farmland conflicts. Paige names them into four: agrarian revolt, reform commodity movement, agrarian revolution, and reform labor movement. Apart from factors and types based on its aspect or basis, the four Paige's categories are the tendencies of every land conflict.

Because the number of conflicts occurred in North Sumatera are mostly between corporations and communities, so the possible tendencies are towards agrarian revolt and reform commodity movement. This situation is always correlated with the incomes of non-cultivators (as a corporation) in the form of capitals, and that of cultivators (citizens) in the form of wages from land cultivation. The peasants are relied on the commodity developed in the projection of farmers in controlling their land. For example, palm tree cultivation that affects communities' plantations because it is changed to follow a corporate commodity system. The change is the case of reform commodity movement. By focusing on the tendency, conflicts can be illustrated more specifically because the process is not only to find the legality of the land but also to offer solutions for both parties in order to draw an equitable law and serve the benefits for them.

E. BIBLIOGRAPHY

1. Basrowidan Sukidin. 2002. *Metode Penelitian Kualitatif Perspektif Mikro*. Surabaya: Insan Cendekia.
2. Eddy Ikhsan, *Tanah Ulayat Orang Melayu di Sumatera Utara: Diantara Pengakuan dan Pemasungan*. Seminar Internasional Pemikiran Tengku Luckman Sinartentang Kemelayuan dan Keindonesiaan. Fakultas Sastra Universitas Sumatera Utara, Medan, February 23, 2011.
3. Hadari Nawawi. 2003. *Metode Penelitian Bidang Sosial*. Yogyakarta: Gadjah Mada University.
4. Mc. Milan dan Schumacher. 2001. *Research in Education*. New York: Longman.
5. Paige, Jeffery M., 1975. *Agrarian Revolution, Social Movements and Export Agriculture in the Underdeveloped World*, New York: McMillan.

6. *Rekomendasi Hasil Penelitian dan Pengembangan Tahun 2013.2014.* Medan: Bidang Pemerintahan dan Kemasyarakatan Balitbang Provinsi Sumatera Utara.
7. Straus dan Corbin. 2003. *Basics of Qualitative Research*. California: Sage Publication.
8. Tappil Rambe. 2017. *Dinamika Perbanditan Pertanahan dari Era Kolonial Sampai Reformasi: Studi Tentang Metamorfosis Sosial Politik Bandit di Sumatera Utara*. Surabaya: FISIPOL Universitas Airlangga.
9. Thomas Khun. 2003. *The Structure of Scientific Revolutions*. London: Cambridge University Press.
10. Wibowo, I. 2011. *Negara dan Bandit Demokrasi*. Jakarta: Penerbit Buku Kompas.

Internet Sources

11. <https://ombudsman.go.id/news/r/ombudsman-penyelesaian-konflik-tanah-di-sumut-harus-dengan-pendekatan-politik>.
12. <https://www.mongabay.co.id/2013/09/30/konflik-lahan-di-sumut-meningkat/>.

