



# Agrarian Conflicts Plantations in North Sumatera

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# Agrarian Conflicts Plantations in North Sumatera

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**Abstract.** Plantation agrarian conflict is an agrarian conflict that is quite prominent in the area which is the center of plantations in north Sumatera. Agrarian conflicts can analyze from Marxian and Weberian perspectives. The agrarian conflict in North Sumatera in the period 1970-2000 the quantity and quality was the biggest agrarian conflict outside of Java. The agrarian conflict in North Sumatera, is caused by the development and expansion of plantation businesses; development of conservation and protection forests; development of transmigration areas, and an increase in people who are "hungry for land" as a result of life difficulties, narrowing of employment opportunities in both the formal and informal sectors and the rise in layoffs. The agrarian conflicts of plantations in North Sumatera can be identified as follows: agrarian conflicts arise because of the government's denial of people's socio-economic rights; related to the effort of unilateral manipulation and interpretation of the government and capital owners regarding the State's Right to Control over land, use of instruments criminal law, intimidation and violence through the mobilization of the apparatus against the people who fight and claim their rights to land and in every agrarian conflict, the community is on the weak side and has no bargaining.

**Keywords:** agrarian conflict, plantations, hungry for land, government's denial

## 1 Introduction

Agrarian conflicts in Indonesia in the last three decades have tended to become more widespread and intensive in terms of both quantity and quality. The number, distribution and widespread involvement of the parties in agrarian conflicts indicate agrarian conflict is a crucial issue. Historically agrarian conflicts that occurred in Indonesia are difficult to separate from Dutch colonial agrarian politics, tend to be pro-business people and favor the owners of capital. The Agraria Act of 1870, the existence of *eigendom* rights, *opstal* rights, and *erfpacht* rights, was intended for, intended to protect the business interests of capital owners and facilitate the ownership of European land in the Dutch East Indies. (Mackie, 1987, van Niel, 1987). The Agrarian Law of 1870 was the legalization of the ownership and ownership of foreign land engaged in the business world and provided a comfortable area of land for retired colonial officials (Tauhid, 1952, 39-41).

After Indonesia's independence up to about twenty years of the reform era, agrarian conflicts in Indonesia continue to emerge due to the low political will and inconsistency of the government to overcome the imbalance of agrarian structures both in Java and outside Java. Agrarian Law No. 5 of 1960 was promulgated very late, fifteen years after independence. The 1960 Agrarian Law adheres to the principles of nationality, the right to control the state, land containing social functions, land reform and the principle of agrarian planning.

The basic principles contained in the 1960 Agraria Law have not yet been fully implemented, because the Old Order regime was replaced by the New Order, its existence became unclear. Regulation of the 1960 agrarian law provides space and places agrarian as the basis of development strategies, gives people access to agrarian resources and enables the creation of a balance between the agricultural sector and the industrial sector. But after President Soekarno fell in 1965, there was a political reposition to the Agrarian Law, because some of its rules were not in line with the paradigm of the development of the New Order. A downfall that is often brought up is the 1960 agrarian law which is populist and keeps capital owners from investing (Mas'ood, 1989). So that the New Order agrarian politics tends to continue the colonial agrarian policy (pro capitalists) and to sustain the achievement of economic growth solely.

After the New Order was overthrown by a wave of reform, the direction of agrarian politics in Indonesia did not substantial changes. When in the era of the agrarian political order appeared in the face of authoritarian and centralistic, the reform era was wrapped in the framework of regional autonomy and elitist democracy. The impact arising from the political Agraria of the two orders was almost the same, namely the low access of small people to agrarian resources, marginalization of narrow landowners, inequality of tenure and land ownership between the majority and a small portion of the population. The widening of agrarian inequality and the strengthening of pro-business agrarian politics and capital owners resulted in the spread of structural agrarian conflicts in various regions in Indonesia, in Java and outside Java.

In some Indonesian communities living outside Java whose livelihoods are based on the tradition of dryland agriculture farming (Geertz, 1980), having ties of kinship and customary rights, agrarian conflicts not only cause the loss of life bases of tens and hundreds of families against agrarian resources, but also followed by institutional decay of local community tenure, as experienced by various indigenous communities spread across Sumatra, Kalimantan, Sulawesi and Papua. This is due to government policies that issue various facilitation to capital owners to develop plantations while ignoring and negating customary rights and customary rights of local communities against agrarian resources. (Muray Li, 1999).

The emergence of the phenomenon and several cases of agrarian conflicts that result in the assertion of customary rights and community customary rights are the main reasons for the authors to raise agrarian conflicts in plantations. The choice of this theme was driven by attention and concern for the condition of the community and various marginalized communities due to agrarian politics which neglected the socio-economic rights of the people. The focus of this paper is directed to reconstruct the processes and impacts arising from the agrarian conflict in North Sumatra.

The perspective used to analyze agrarian conflicts in this paper is the Marxian and Weberian perspectives (Giddens and Held, 1987, Sanderson, 1995, Diet, 1998, Burrell and Morgan, 1982). The use of this perspective based on agrarian conflicts resulting in the decay of tenure rights and the marginalization of communities in North Sumatra is a combination of economic, political, social, religious and traditional aspects.

The Marxians, have the view that conflict comes from the unequal distribution of economic or production resources. Conflict arises because there is an attempt to gain access to the material conditions that sustain social life. Marxians view capitalism as a structure that creates a dividing line between an individual and the production process. This condition by Marx is called alienation. Alienation destroys the natural relationships between humans individually and between individual humans and what they produce. Alienation occurs because a small number of capitalists control the production processes, products and hours of

work of those who work for them. It is not uncommon for individuals to produce their own needs, but in a capitalist society, man produces for small groups of capitalists. This view shows Marxian assesses the factor of production or economic determinism as the sole cause of conflict in social life, ideas are only a reflection of material interests.

This is different from the opinion expressed by Max Weber. Weber distinguishes conflicts over two types. *First* is the conflict in the political arena, which is driven by a desire to gain power or economic gain. This type of conflict does not only occur in formal political organizations, but also in every group, religious organization, and education. *Second* conflicts in terms of ideas and ideals. Weber said that individuals or groups are often challenged to gain dominance in their world view, both concerning religious doctrines, cultural values, philosophy and lifestyle

At the micro-level, as stated by Diet, (1998) agrarian conflicts, rooted in conflicting claims against the same agrarian object based on different laws. The same thing was stated by Wiradi (2000), agrarian conflicts that occurred in Indonesia were caused by inequality related to agrarian resources, including the imbalance of land ownership and control structures, land use inequality and inequality of perception and conception regarding agrarian. Therefore the agrarian conflict in North Sumatra is caused by conflicting claims and inequality of perceptions and conceptions between people who use customary rights and customary rights with the government and business people who use formal or positive law.

Constitutionally the system of governance of natural and agrarian resources in Indonesia is based on the right to control the state for the maximum welfare of the people. The spirit and spirit of this article are in line with Weber's conception of the state as a modern organization that can act neutral towards various interests in society. (Weber, 1968). In the practice of governance, the provisions of the State's Right to Control are interpreted as the right of the authorities (officials) on behalf of the state to fully control and exploit agrarian resources. Countries that are supposed to be neutral and fair regulators, in practice appear as stakeholders, take advantage and preserve the interests of the authorities and capital owners (Joko Budianto, 2002).

## 2 Research methods

The method used in research uses a social research approach. Data on agrarian conflicts were collected through in-depth interviews and documentary studies. Interviews are used to collect data on the processes and impacts of agrarian conflicts and documentary studies are used to explore agrarian political data, processes, and dynamics of agrarian conflicts. Data collected regarding the background, conflict events and the parties involved in agrarian conflicts were analyzed socio-historically.

## 3 Result and discussion

Plantation agrarian conflict is an agrarian conflict that is quite prominent in the area which is the center of plantations in Sumatra, Kalimantan, Sulawesi, and Papua. Agrarian conflicts are conflicts over parcels of land along with what grows and are on it and what is contained therein between the people and ethnic communities who are dealing with plantation companies that are supported by the authorities. The agrarian conflict of plantations stems

from the issuance of the granting of new rights over a piece of land by the government to certain capital owners and projects by ignoring the community's relationship with the land that has lasted several generations. Juridically, agrarian conflicts in tenure have been triggered by the issuance of a number of laws and regulations that provide opportunities for holders of Forest Concessions (HPH), Industrial Concession Rights (HPHTI), Concession Rights (HGU) that negate the rights of the people and the rights of indigenous peoples to a piece of land (HPH) Agustono, 2002, Narihisa, 2001, Fahmi, 2002, Zakaria, 2002).

Customary law and tenure systems in various communities in Indonesia have existed and developed long before the Indonesian state was established. The tenure system adopted by various communities regulates the rights of control and exploitation of agrarian resources based on the wisdom of the local community to be sustainable and sustainable. It is diametrically different from the pattern of exploitation of agrarian resources by HPH, HGU and HTI owners, which tends to be exploitative. From this aspect, agrarian conflicts in plantations are conflicts between agrarian resource management systems based on local wisdom and agrarian governance systems based on business and formal law.

Armed with formal legal tenure and concession rights, the authorities and entrepreneurs see the social and economic rights inherent in the community that has been raised and replaced as customary rights held by the state as the highest authority organization and local/customary community not subject to the law. Based on this idea, the company considers that people who "take charge of agrarian resources" when they develop a plantation company are sufficient to provide recommendations in the form of building public facilities or providing compensation. This view differs from the community, that land rights are the property of both individuals and associations and are not sourced and granted by the State, but are obtained through discovery, forest clearing, inheritance, and history.

As a result of differences in perceptions and conceptions between local communities and the authorities and businessmen, agrarian conflicts broke out in Papua (the case of the Hanok Hebe land, Rhee in Abepura, the Also land case (oil palm plantation), the Amungme land case in Tembagapura (Freeport mining), the Mooy case in Sorong (granting HPH). In Sulawesi agrarian conflicts arising opening of plantations, some cases of agrarian conflicts that stand out in Sulawesi are the Paguyuman case (North Sulawesi), the Wewangu case (South Sulawesi) Kasimbar case, Ombo Village case, and Lake Lindu case (Central Sulawesi). The prominent cases of conflict in Bali are Sumber Klampok, Serangan Island, Sendang Pasir, Taman Safari, Redis Jimbaran, Bedugul Geothermal Power Plant, and Bakrie Nirwana Resort. Similar cases arose in South Sumatra in the cases of Pangkalan Bayat, Simpang Babat, Ujan Mas, Lubuk Rukam, Pelawe, Araham, Keluang, Rambang Dangku, Pagar Dewa.

Based on data compiled by the Agrarian Reform Coalition (KPA), the number of agrarian conflicts reached 630 cases, the disputed area of 1,060,448.8 ha which claimed 74,846 lives consisted of 92,225 households. The data shows that the problem of agrarian conflict is serious and needs to be resolved by the government together with the community. Details of tenure agrarian conflicts are presented in Table 1.



**Table 1.** Number of Agrarian Conflicts 1970-2001

no	the region	number of disputes	the land area of dispute	soul-victim	victims of disputes
1	NAD	43	131.917,80	366	2.047
2	North Sumatra	121	33.041	10.059	18.237
3	West Sumatra	33	19.030	487	1.255
4	Riau	31	80.663	3.887	6.284
5	South Sumatra	93	139.345	3.205	32.124
6	Lampung	43	86.937	17.457	13.823
7	East Kalimantan	24	23.175	1.067	1.989
8	South Sulawesi	38	35.455	3.573	7.081
9	Central Sulawesi	12	718	350	1.075
10	NTT	32	15.108	450	403
11	Papua	16	148.177		151
12	Other provinces	144	346.882	33.945	7.785
	Total	630	1.060.448,8	74.846	92.225

Source: processed from Agrarian Conflict in Land Sector: <http://www.kpa.or.id>

Agrarian conflicts that are structural between the local community and the capital owners are mostly resolved through violence and even murder. Various forms of violence in the resolution of tenure agrarian conflicts in the period 1990-2000 are presented in Table 2.

**Table 2.** Violence in agrarian conflict resolution

number	violence	amount
1	Persecution	14
2	Murder	4
3	Shooting	7
4	Abduction	2
5	Arrest	13
6	Burning-Destroying Huts	10
7	Crop Clearing / Burning	5
8	Error	20
9	Intimidation	25

Source: Agrarian Conflict in Land Sector: <Http://www.kpa.or.id/data/kontan2.htm>.

Plantation agrarian conflicts that arose in North Sumatra are agrarian conflicts of a structural nature between the people (ethnic Malays, Mandailing Bataks, Toba Bataks) with businessmen and entrepreneurs. The agrarian conflict in North Sumatra in the period 1970-2000 the quantity and quality was the biggest agrarian conflict outside of Java. Table 2 below shows the number of conflicts that emerged in three decades reached 121 cases, with a disputed land area reaching 33,041 ha, the number of fatalities due to disputes 10,059 involving 18,237 households. The agrarian conflicts revealed in this paper are BRPI Conflict, Ujung Gading Jae, Bintuas people.

This agrarian conflict takes place between the Indonesian People's Resistance Struggle Agency (BPRPI) and PTPN II. As the name implies, BPRPI is a social organization of customary land rights holders, the majority of whom were ethnic Malays founded in 1953. BPRPI's conflict with PTPN II first erupted in 1968 triggered by the issuance of North Sumatra Governor Decree, Angry Halim No. 370 / III / GSU / 1968 dated July 16, 1968 and Korem 023 / Plateau Commander's letter number: K-5208/1968 dated June 22, 1968, which

contained the elimination of land cultivation by communities in the area of state plantation companies state II (PTPN II) in the area Deli Serdang Regency and Langkat Regency (Mahadi, 1978).

Land claimed to be the "ethnic privilege" of Malays in Mabar, Kelambir Lima, Percut, Tanjung Morawa, Batang Kuis, Bandar Klipa, and Patumbak. Because of this, the revocation of the Malay customary rights prompted simultaneous actions to descend to the land tracks in most PTPN areas such as Pasar III, Pasar IV, Simpang Marendal, Sei Semayang, Paya Bakung, Medan Estate, Kelambir Lima, Mabar and Sampali. As a result of the mass action and land occupation by the BRPI, two people died in captivity by the BRPI leader (Mimbar Umum, 16 June 1996). After the reformation, the action of the occupation of PTPN II land by the BRPI masses continued sporadically and expanded.

To reduce the loss and intensity of the conflict, PT PNII sold part of the land that became the arena of conflict to other parties, especially land that is located quite strategically for housing, industry, warehousing, and trade. (Daily Alert April 3, 2002). The BRPI versus PTPN agrarian conflict was resolved through a judicial process in the Medan District Court which was won by BRPI by obtaining Palu Kurau land compensation for settlement.

The Indigenous People of Ujung Gading Jae Village is located in the District of Central Barumun, South Tapanuli Regency, about 600 km from the city of Medan. Most of the land in the South Tapanuli Regency is customary land including land in Ujung Gading Jae village which is genealogically derived from Luhut Simangambat Julu and Luhut Simangambat Jae. Land tenure in this village is based on customary provisions and local people use it for oil palm, rubber and rice cultivation.

The agrarian conflict in Ujung Gading Jae village originated from the action of the local village head to sell the 8,000 ha of ulayat land that had been planted by the community and became an oil palm plantation to PT. Torganda PT. Torganda armed with a deed of sale and purchase tried to defend his land by evicting the population with violence and destruction of oil palm plantations that have been done by the people. Because their land status and customary rights were disturbed, the people of Ujung Gading Jae complained about the problem to the authorities from the sub-district level up to the Governor with continuous demonstrations. As a result, physical clashes between indigenous peoples and PT Torganda became inevitable and victims fell on both sides.

The struggle of the indigenous people of Ujung Jae Village who was tireless with the help and pressure of various parties including the use of social networking kinship, in May 1999 succeeded in convincing the Governor of North Sumatra to give a warning to PT. Torganda to leave the location of the customary land of the customary people of Ujung Jae, and if his warning is not heeded, he will instruct the Pang Bar II Bukit Barisan and North Sumatra Regional Police to carry out forced evictions.

The Bintuas is located on the west coast of the Natal District, Mandailing Natal district, which has been identified as having customary rights to customary coastal rights. Most of the livelihoods of the indigenous people of Bintuas are farmers and fishermen. Culturally the Bintuas indigenous people are influenced by the Minangkabau culture because of its location bordering the province of West Sumatra and have a historical relationship with Rao. The status and management of the land are subject to customary provisions.

The agrarian conflict between the indigenous people of Bintuas and PT Rimba Mujur Mahkota was caused by the company seizing the land of customary rights to be used as oil palm plantations. The seizure of the customary land rights of the Bintuas Indigenous people comes from the Forest Area Boundary News that will be released by the Ministry of Forestry on April 21, 1997, for plantations to PT. Jungle Lucky Luck Crown.

This agrarian conflict does not take lives because of good intentions to resolve the problem peacefully from both parties. After marathon negotiations facilitated by regional government officials and community leaders, the tenure agrarian conflict between the indigenous people of Bintuas and PT Rimba Muntung Mahkota ended with the heavy ending. Following negotiations, the following matters were agreed: (a) The rice fields of the Bintuas indigenous people located within the plantation area remain the property of the community; (b) PT. Rimba Muntung Mahkota is required to open a 2 ha / KK plasma area for the Bintuas community plus 10 ha for the village treasury; (c) All indigenous community plantations that have already been cut down are compensated. (d) The recruitment system of PT Rimba Muntung Mahkota employment is obliged to prioritize local communities.

Based on cases of agrarian conflicts that arise, the agrarian conflict that took place in North Sumatra, is caused by: (a) the development and expansion of plantation businesses; (b) development of conservation and protection forests; (c) development of transmigration areas; (d) development of coastal and aquatic areas. The five types of agrarian conflict, expansion of plantation business is the most prominent cause in the North Sumatra region. The agrarian conflict in this region arises in the form of occupation and seizure of plantation lands by local communities. Occupation and seizure of land by the community come from: (1) the narrowing of agricultural areas and customary forest areas due to seizure by the authorities and capitalists (2) the historical claim from local communities, that they have land rights. As a result of government inconsistency, people who have been working for years of land being evicted from their agricultural land without adequate compensation (3) strengthened awareness of people's social and political rights and the winds of reform that fostered courage for the people to "fight" the government and (4) the attitude of the security forces who acted restraint did not prevent land occupation; (4) an increase in people who are "hungry for land" as a result of life difficulties, narrowing of employment opportunities in both the formal and informal sectors and the rise in layoffs and economic crises.

From some of the agrarian conflicts that have been revealed above, the agrarian conflicts of plantations in North Sumatra can be identified as follows: (1) Agrarian conflicts arise because of the government's denial of people's socio-economic rights. The way carried out by government officials and businessmen are by demanding that the people prove ownership in Dutch colonial rule called Domein Verklaring agrarian politics. (2) Agrarian conflicts in this region related to the effort of unilateral manipulation and interpretation of the government and capital owners regarding the State's Right to Control overland (3) Misuse of principle licenses and permits for land reserves to carry out evictions of community land for the benefit of capital owners (4) Use of instruments criminal law, intimidation and violence through the mobilization of the apparatus against the people who fight and claim their rights to land. (5) In every agrarian conflict, the community is on the weak side and has no bargaining.

The agrarian conflict pattern of plantations in North Sumatra can be categorized as Marxian and Weberian agrarian conflicts. The Marxian agrarian conflict in the Sei Kepayang agrarian conflict case, the trigger, and the cause of the conflict island as a source of production. The Weberian agrarian conflict occurred in the case of the Ujung Gading Jae Village Indigenous People and the BRPI conflict, a source of conflict from community tenure claims that led to the loss of community access to land.



#### 4 Conclusions

In agrarian societies agrarian resources are a strategic and vital aspect, the land is not only a factor of production but also has socio-cultural significance. Everyone and social groups and institutions with an interest in agrarian resources strive to defend it from various outside intervention efforts. Plantation agrarian conflicts that occur in Sumatra are caused by the intervention and seizure of employers and the government towards the socio-economic rights of the community through the establishment of various management and exploitation of agrarian resources such as HGU, HPH, HPRI, and Mining Authorities. Agrarian conflicts in plantations have caused casualties and devastated the structure of the community's cultural structure.

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