

Main Issues Formulation of Agrarian Dispute in Land Resources Former Plantation Rights to Business (Case Study in District of Ngancar, Kediri Regency)

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Abstract This research is motivated by the presence of plantation land dispute of former leasehold in Ngancar District, Kediri Regency. This research is done to find the root causes of agrarian resource disputes on plantation former land leasehold in Ngancar District. This study is carried out by means of unstructured or in-depth interviews with guided questions to the Chairman of the Trisakti Society, three village's heads (Babadan, Sugihwaras, and Sempu), Director of PT. Sumber Sari Petung Kediri, Registry Office of the Civil and Criminal District Court of Kediri, and the Head Office of National Land in Kediri. The results showed that the root causes of agrarian resource disputes on plantation former land leasehold in Ngancar District are: overlapping permissions and difference of opinion between the civil and PT. Sumber Sari Petung; the distribution of land among citizens and companies; lawsuit winning of PT Sumber Sari Petung for 250 ha land area; and the criminalization of PT Sumber Sari Petung to farmers.

Keywords Agricultural Resources Disputes, Root Causes

1. Introduction

In national development, the ownership of land and agrarian reform becomes important to achieve certainty, legal protection, justice and prosperity for all Indonesian [1]. Stated in MPR Decree IX of 2001 article No. 2, that agrarian reform includes a continuous process regards to the realignment on the control, ownership, and utilization of Agricultural Resources (plantation, forestry, mining, and fisheries). One of the agrarian resources disputed that occur are former plantation leasehold in Ngancar District of Kediri since 1982. This dispute involved the villagers of Sempu (Ringinsari and Sumber Petung Sub-Village), Babadan Village (Sanding Sub-village), and Sugihwaras Village (Jambon Sub-village) with PT. Sumbersari Petung on the land area of 6,342.76 million m².

The dispute of agrarian resources in the former states leasehold began in 1982 in the New Order era, which was initiated by the community leaders and continued in 1998, initiated by the sub-villages community of Sumber Petung and Ringinsari in Sempu Village, Sanding in Babadan Village and Jambon in Sugihwaras Village. The movement to regain their land rights based with the evidence of letter of

land ownership belongs to the Village. In the spirit of relentless struggle, in 2000 it has started a bright way for their rights.

The last Right of Cultivation for PT. Sumber Sari Petung was on date of December 31, 1999. It resulting in claims of sub-villages community in Jambon, Sanding, Sumberpetung, and Ringinsari for entirely area of Sempu about 372 ha and against the claim of Kediri Regent of November 29, 1999 No. 890/2766/421.08/1999. This decision letter stated in principle no objection to the given of an extension Right of Cultivation to PT. Sumber Sari Petung over land covering approximately 404.92 ha, while the remaining area of 250 ha back to the state and will be redistributed to the farmers.

According to Decision No. 66/HGU/SOC/2000 on the Grant of Right to Cultivate issued by the Agency of National Land Affairs (BPN), the former plantation land area of 6,342,760 m² is managed or used by both parties. Land area of 3,842,760 m² is managed by PT. Sumbersari Petung and the remaining area of 2,500,000 m² used by residents for agricultural activities. However, in the practices, PT. Sumbersari Petung assumes that their company is entitled to this 250 ha land area. PT. Sumber Sari Petung becomes the favor because they claim was valid in the State Administrative of BPN and in Supreme Court level. However, until now the Supreme Court's decision has not been implemented by the BPN regarding to the cancellation of Decision No. 66/HGU/SOC/2000 on the Grant of Right to Cultivate. On the other side, residents of three villages

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Published online at <http://journal.sapub.org/ijas>

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working in the land area of 250 ha based on Decision No. 363 of 2001 and this decision has not been object or canceled in the dispute. These conditions give rise to disputes between the community and PT. Sumbarsari Petung.

Land is an important asset for improving the lives of farmers and communities with available resources than less company. It is highly influenced by land tenure arrangements. In terms of the company, they are unable to obtain an increase in profitability and economical production process if the land area that can be managed increases. The existence of these differences is the cause of conflict dispute over the plantation area [2]. In resolving conflicts against the general interest, we need to assess the main problem, thus the conflict can be resolved in an efficient and effective way [3]. It generated an effort to determine objective root causes of agrarian disputes on Right of Cultivation for land resources plantation in Kediri Regency, District of Ngancar. The main of the problem can be seen through the problems that occur in depth and comprehensive assessment [4].

2. Research Methodology

2.1. Data Collection

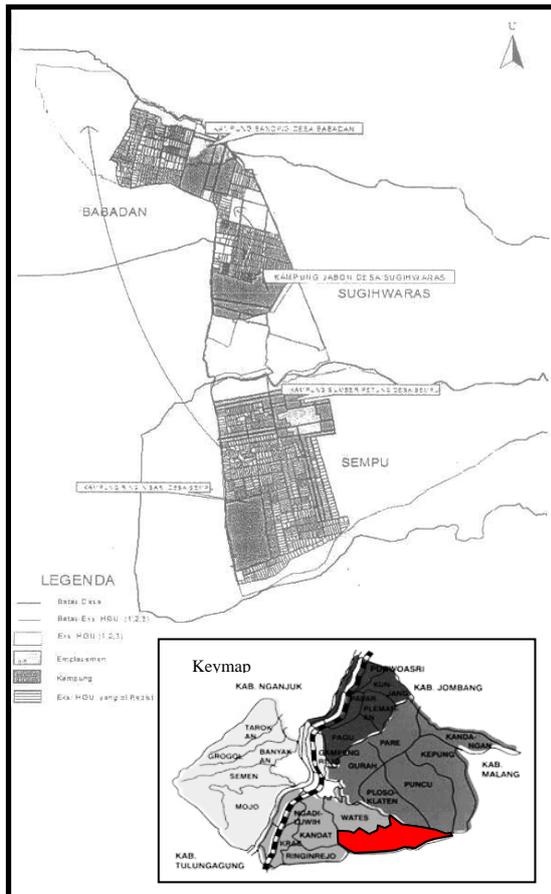


Figure 1. Location of plantation land dispute in Ngancar

We used primary and secondary type of data. Primary data collected by using an unstructured interview questions using the guidelines (the guidelines of the interview). The research

located in the village of Babadan, Sugihwaras, and Sempu in District of Ngancar, Kediri Regency, East Java (Fig. 1). The obtained data is about the details of the source and the chronological issues derived from several sources. In addition to primary data, secondary data obtained from various government agencies and civil society organizations in District of Ngancar, Kediri Regency.

Informants were in-depth interviewed. The informants comprise as follows:

1. The Chairman of the *Trisakti Society* in three villages, i.e. Babadan, Sugihwaras and Sempu
2. The Head of each three village
3. Director of PT. Sumber Sari Petung Kediri
4. The Registry Office of Civil and Criminal Courts of Kediri Regency
5. Agency Head of National Land in Kediri Regency.

2.2. Data Analysis

This research is qualitative descriptive study. Qualitative analysis needs to describe in detail and depth through the sentences [5]. Methods of qualitative descriptive analysis were carried out with exposure data, both primary and secondary data. We conducted a comparison with theory and previous studies. In the description, depiction of the problem is done through the translation of the main causes. With the translation of the main causes, we could answer the objective in-depth and comprehensive study.

3. Result and Discussion

3.1. Conflict Timeline

According to Samsianto (Chairman of Trisakti Society and also a villager of Sempu), the conflict began with the mutual believed of the origin land right to cultivate with PT. Sumber Sari Petung. Initially, the local communities have mastered the land before the right to cultivate goes to PT. Sumber Sari Petung. However, in 1966, the local community evicted and because the New Order government era, thus they afraid to fight. They started the dare to struggle due to the resumed Reformation government era.

At the time of reformation, the community proposed to the Regents for the Right of Cultivation in 327 ha land of PT. Sumber Sari Petung which is located in their two villages. They expect to return the land area management by the community with previous basic *Petok D* and *Letter C* (letter of land ownership). The Regent approved for 100 ha, but eventually Regents approved the 250 ha for the proposal from the Agency of National Land. Furthermore, Regent told them to create land reform committee, arrange the rules and set the recipient criteria for the land distribution. Land reform as a policy was taken by the government to improve the productivity of farmers, thus creating an increase in farmers' welfare [6].

In 2000, the BPN issued a decree No.66 to follow up the agreement. After the issue, the land reform committee

coordinates the follow-up decree to be released in 2000. The Regent of Kediri produced Decision No. 363 of 2001, which was used as permission to work on as follow-up decision of BPN No. 66 in 2000. Thus local community can work on the land that had been divided. However, between the years of 2001-2004, BPN Kediri has yet to issue certificates for the land ownership, although BPN Level I (Centra BPN) have given orders to the district BPN.

The conflict started in 2004 when PT Sumber Sari Petung sued BPN Central to the State Administrative Court against the issuance of BPN Decree No.66 in 2000, which resulted in this prolonged conflicts. Until 2008, the Supreme Court ruled in favor for PT Sumber Sari Petung. Supreme Court's decision made the conflict rise between community and PT Sumber Sari Petung.

3.2. The Root Causes

From the problem's explanation, the main causes of the conflict are:

3.2.1. Overlapping Permissions and Ownership, and Differences Assumptions

Historically, residents in the three villages believe the disputed land is ancestral property which rightfully belongs to them and not to the PT. Sumber Sari Petung. This was proved by the presence of ownership evidence in the form of documents, i.e. Petok D, Letter C (letter of land ownership) of villages.

However, PT. Sumber Petung Sari also has a basic land use defense. This was evidenced from the presence of Erpacht Rights (Right of Cultivation) before 1960 and eventually transferred to the PT. Sumber Sari Petung.

3.2.2. Land Distribution to the Community and Company

Residents propose to the Regent (Suparyadi) on 1999 for the right to use the disputed land to be returned to them. Then the Regent of Kediri approved 250 ha of land to be managed by the community and the issuance of land reform policies. The Regent of Kediri issued Decree No. 363 of 2001 which is used as works permit Decree on the land use rights for former plantation by the community. Regent of Kediri also proposed the land rights on 250 ha land area to the BPN to set the ownership to the residents and granted.

This issued in BPN Decree No. 66 of 2000 as a form of legalization on the use of 250 ha land area by the community, thus the right on remaining 397 ha land area went to the company.

3.2.3. Claim of PT Sumber Sari Petung on 250 ha Land Area

Claim of PT Sumber Sari Petung to BPN was submitted in 2004 to the State Administrative Court upon the BPN Decree No. 66 of 2000. The claim also strengthened by the delayed certificate from BPN Kediri for the public lands rights. The claim sued a refund for the purchase of 250 ha land area that belonged to the company by residents, for Rp. 200,000,000.

3.2.4. Criminalization of PT Sumber Sari Petung to Farmers

The deployment of thousands of police officers to escort the clove harvest by PT Sumber Sari Petung while the clove is already purchased by the residents. PT Sumber Sari Petung assumed that they have 250 ha of land rights because they won the lawsuit at Supreme Court on 2008.

3.3. Framework of Main Cause

The concept of main cause analysis is effective to detect the main cause of the problem, thus the solution can be implemented in time [7]. There are four causes of conflict and six basic causes (Fig. 2).

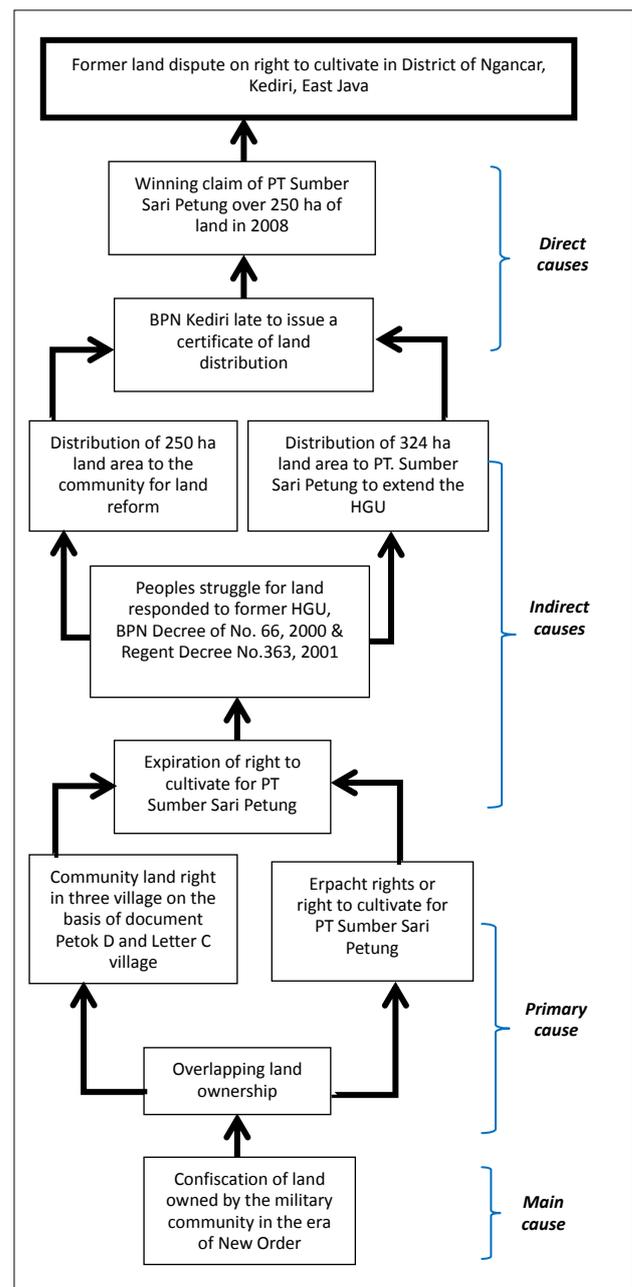


Figure 2. Framework of Main Cause

Main cause of the land disputes is the existence of community-owned land confiscation by the military in the era of the New Order Era. The other **primary cause** of this issue is the existence of overlapping land ownership, namely: Erpacht Right or Right of Cultivation to PT Sumber Sari Petung; and land rights in three village communities on the basis of Petok D documents and Letter C Village.

Indirect causes of this issue are the existence of past Right of Endless Cultivation belongs to PT Sumber Sari Petung. Other indirect cause is the division of 250 ha land area to the public for Land Reform and the Distribution of the 324 ha land area to PT Sumber Sari Petung.

Direct cause of this issue is the delayed certification of land distribution from BPN Kediri and winning claim of PT Sumber Sari Petung over 250 ha of land on 2008.

4. Conclusions

We concluded that the main causes of agrarian resources disputes that occur between residents and PT. Sumber Sari Petung in Ngancar, Kediri, East Java are: overlapping permissions and difference of opinion between the civil and PT. Sumber Sari Petung; the distribution of land among citizens and companies; lawsuit winning of PT Sumber Sari Petung for 250 ha land area; and the criminalization of PT Sumber Sari Petung to farmers.

The framework of Main Cause can be used to recognize the issues depth to the initial core and the overall problem, either the community, PT Sumber Sari Petung, and government.

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