

Conflict of Land and Spatial Transfer Policy in Surabaya City:

Advocacy Study of Land Transfer Policy Sepat Reservoir

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Abstract—The environment has an important role in the success of the life of the people around it. Therefore, environmental problems can also trigger a conflict. This study discusses the advocacy of the refusal of land transfer conducted by the Surabaya City Government on the issuance of Surabaya Mayor Decree No. 188.45 / 366 / 436.1.2 / 2008 which is the reason for the conflict over the rejection of the policy. The purpose of this study is to find out about the advocacy policy for the refusal of land conversion carried out by the Selawase alliance (Save Waduk Sepat) which consists of several community organizations in the city of Surabaya, this research refers to several theories proposed by Roem Topatimasang where relating to policy advocacy strategies carried out by forming a core circle, choosing strategic issues, designing goals and strategies, processing data and processing information, mobilizing supporting allies, proposing design matches, influencing policymakers and implementers, forming public opinion, building a movement base, monitoring and assess the program. The method used in this study is a qualitative method with data collection techniques in the form of interviews and documentation. Sources of data are grouped into two parts, namely primary data and secondary data. Test the validity of the data by using source triangulation (data). While data analysis uses interactive data analysis. The results of advocacy show results that are not yet in line with the wishes of advocates.

Keywords—policy advocacy, land transfer, environment

I. INTRODUCTION

The environment is an important asset in social life. This occurs because every activity in the community will always be associated with the surrounding environment [1]. Apart from that the environment can also create a different identity in one region to another. So that people will always keep their environment safe and comfortable in each region. Therefore, environmental problems are crucial if it is discussed with the development of policy analysis at this time.

As the case in Surabaya City, Surabaya City is one of the major cities in Indonesia which also experienced agrarian conflicts. As one of the metropolises in Indonesia, Surabaya is

known as an area that has the potential of high economic power. Surabaya City is an easy target for developers who come from private companies. The most common thing is the private sector asks the community in order to free up the land for the sake of realizing development projects, it has been designed to get the interests of several parties by using government power as one of the actors who has the role of legitimizing the rights to the land. The Examples of the cases such as conflicts that occur in the West Surabaya region, namely conflicts in the Sepat Reservoir, Lidah Kulon Sub-District, Surabaya.

This case is a conflict between the developers of PT. Ciputra Surya Tbk or commonly called Citraland, with local people living in the area around the reservoir, namely residents of Sepat RW III RW and RW V, Lidah Kulon Village, Surabaya. In this case the local community claims that the 6,675-hectare reservoir in the area is theirs and cannot be contested by Citraland developers. However, according to the status of the land recorded at the National Land Agency (BPN) in Surabaya, the reservoir has been legally owned by the Citraland developer in GS no. 109 / S / 1991 in registration no. 0335754. This land status was obtained from the process of rolling swaps between the Surabaya City Government and the Citraland developer. Surabaya City Government has conducted a land ruislag in Sepat Reservoir in Lidah Kulon Sub district, Lakarsantri Sub district which is considered as state owned by land in Pakal Sub district, Pakal Sub district which is currently used as Surabaya Sport Center (SSC) or Gelora Bung Tomo Stadium (GBT). In the Right to Build (HGB) certificate that was issued after the swap exchange, the Sepat Reservoir area was declared a "homeland", even though until now, the area still functions as a reservoir causing conflicts between the government, the private sector and the community. From this issue, the researcher will analyze the policy advocacy strategy for the rejection of changes in land rights that occurred in the Sepat Lidah Kulon Reservoir in Surabaya between Citraland developers and the local community. The analysis was conducted by studying the flow of policy advocacy against the land acquisition policy.

The rights of reservoirs conflict in the Sepat Lidah Kulon Reservoir in Surabaya, which began in 2008 to 2018. Effective advocacy is carried out in accordance with a strategic plan and within a reasonable time frame. In carrying out a series of policy advocacy to change a public policy, Topatimasang [2] explains that there are several stages of strategy that must be carried out in a series of policy advocacy namely: building and forming a coalition, determining strategic issues in advocacy, making targets and strategies used, processing data and information obtained for advocacy, soliciting supporters in advocacy, filing lawsuits, influencing policy makers, conducting demonstrations, forming a movement base and finally monitoring and assessing advocacy programs.

II. RELATED WORKED

Some research on policy advocacy has been carried out by several researchers, for example an article from Rahardian and Haryanti [3] that discusses labor advocacy in the city of Surakarta which rejects Government Regulations on wages, still under the same researcher Rahardian and Audina [4] also examines how advocacy is carried out by the Jebres Demangan alliance which rejects evictions by the city of Surakarta in the context of the expansion of Solo Techno Park. Research on environmental conflict was also carried out by Farida [5] who discussed how to long settle the Lapindo mudflow case in Sidoarjo, the fourth article was a research article from Suharko [6] that discussed social conflict due to the planned construction of a cement factory in pati regency Central Java. The existing research helps researchers how to look at the existing policy advocacy and conflict so that this research can be used to complement existing research.

III. RESEARCH METHODS

This study seeks to illustrate the advocacy process for the rejection of the land acquisition policy of the Sepat Reservoir. By using descriptive qualitative research methods, researchers can obtain credible and meaningful data. Neuwman [7] explains that descriptive research types provide detailed and very accurate descriptions, find new data that against with old data, create a series of categories or classify types, explain a series of stages or steps, document a process or mechanism of cause and effect, report background back or the situation context. Researchers collected data through in-depth interviews and collected detailed documentation of advocacy strategies in the Land and Spatial Transition Policy Conflict in Surabaya Specifically on the rejection of land acquisition of the Sepat Reservoir in the Lidah Kulon based on guidelines from Miles et al [8].

IV. RESULTS AND DISCUSSION

As the series to reject the Sepat Reservoir land acquisition policy, residents and several community organizations formed a joint alliance with the intent and purpose of aligning the visions and views of citizens to reject the Sepat Reservoir land acquisition policy by the Surabaya City Government, residents who are members of this alliance call themselves the Selawase

alliance (Save Sepat Reservoir) which consists of local residents, Walhi Jatim, LBH Surabaya and Surabaya Contrast. With the alliance that has been formed, it is hoped that this will be a joint force to reject the injustice that is obtained by the people around the reservoir. Besides that, in this alliance there were also coordinators, Dian Purnomo and Darno, who were entrusted to lead the alliance to refuse the Sepat Reservoir land acquisition policy which is currently being considered criminalized.

When an alliance has been formed, then the next step for citizens and community elements who have joined the Selawase alliance consolidate together to determine which issues will actually be chosen to be advocated, in this case the alliance that has been formed focuses on advocating for several things such as stopping criminalization of Sepat residents, freeing Dian Purnomo and Darno from all lawsuits for justice and maintaining the function of the Sepat Reservoir Protected Area by returning the Sepat Reservoir to the residents.

The Alliance of Saving the Sepat Reservoir which has determined the issues to be advocated and then regularly consolidate in the consolidation of the residents and some elements of CSO (Community Social Organization) and the institutions involved in designing the goals and strategies for how this series of advocacy will be carried out, in the consolidation it is known that the alliance will continue to take several steps such as wanting to meet the Mayor of Surabaya and the Surabaya Regional House of Representatives (DPRD) to immediately resolve land acquisition issues, and always pressuring the court to file their objections and rejection of the arrest of the Sepat Citizens. The next step of the Selawase Alliance will carry out a series of solidarity to mobilize and attract the attention of the people of Surabaya with an intense action in Surabaya. The final step agreed by the alliance will always carry out demonstrations and lawsuits to the government in an effort to restore the function of the Sepat Reservoir as a Conservation land and release the Sepat Residents who are deemed criminalized.

In the series of consolidation of the Saving the Sepat Reservoir alliance, all the elements in Alliance always seek information and disseminate information about the Sepat Reservoir land acquisition policy, the alliance routinely conducts studies led by environmental activist figures believed by all citizens as leaders of the movement to refuse eviction policy, in the study action explained that the land acquisition policy carried out by the Surabaya City government was an act against the law, they believed that the government should pay attention to Presidential Decree Number 32 of 1990 concerning Management of Protected Areas, Law Number 26 of 2007 concerning Spatial Planning and Surabaya City Regulation Number 12 of 2014 concerning Surabaya City's Spatial Planning (RTRW) for 2014-2034 states that the Reservoir/Telaga/ Boezem is a protected area and it is clearly stated that "In protected areas there is no activity "except those that do not interfere with the protection function." (Article 37 paragraph 1 of Presidential Decree 32/1990).

The Alliance of Saving the Sepat Reservoir formed to reject the Sepat Reservoir land acquisition policy by the Surabaya City Government which was exchanged with PT. Ciputra Surya Tbk received allies and supporters from several elements of community organizations who care about the environment, such elements of community organizations include Wahana Lingkungan Hidup Jawa Timur (Walhi Jatim), Legal Aid Institute Surabaya (LBH Surabaya), Commission of Missing Persons and Violence (Kontras) Surabaya and elements of Students and Communities active in Kamisan Action in Surabaya. For them to assist the community in carrying out a series of actions against rejection of land acquisition policies and criminalization of environmental fighters is a social responsibility as humans who try to humanize humans. In addition, there are also elements of student organizations consisting of various types of organizations routinely conducting studies and participating in assisting residents when meeting with the Government. The Alliance of Saving the Sepat Reservoir and several elements of the organization have agreed to collaborate to equalize the view to reject the land acquisition policy carried out by the Surabaya City Government.

Starting from 2016, the Salawase alliance has filed a CLS lawsuit or citizen suing stakeholders for negligence or not fulfilling citizens' rights. The lawsuit is directed to the Surabaya City Government which has taken the wrong action, by changing the function of the protected area. They conducted a ruislag (swap area) of the Sepat Reservoir with the area owned by Ciputra Surya in West Surabaya, for the sake of the development of the property area and the construction of the Surabaya Sports Center. The functional shift was carried out improperly, because it mentioned the Sepat Reservoir area as a yard. Of course, the administrative fraud has occurred, especially with the Certificate of Building Use Rights (SHGB) by the Surabaya City BPN. Even though the area of 6, 67 hectares has never been in the form of a yard but it is in the form of a reservoir. But in a rash manner the panel of judges rejected the CLS lawsuit, under the pretext of being irrational and in favor of the interests of environmental preservation and citizens. Now they are carrying out a similar lawsuit, in order to uphold justice over the area which is the identity of Sepat residents.

As the range of policy advocacy carried out by the Alliance of Saving the Sepat Reservoir to reject the policy of land acquisition, the struggle of sepat reservoir residents actually entered a new phase, after previously two of their fighters were investigated by the Surabaya District Prosecutor's Office and had to languish in iron bars during the investigation process. Previously, on July 27, 2018, four Sepat residents namely Rokhim, Darno, Suhera, and Dian Purnomo reported to the East Java Regional Police on reports entering Ciputra Surya's yard without permission, as well as accusations of vandalism. They were charged under articles 167 and 170 of the Indonesian Criminal Code. After a long process, finally around November 7, 2018, two residents named Dian Purnomo and Darno were named suspects. Until now Selawase Alliance has always been active in undergoing a series of lawsuits

demanding the release of environmental activists who are considered criminalized by going through justice and going down the road to request the reservoir be returned to the Sepat Residents. In the demonstration, the people who joined the alliance demanded a rejection of the Sepat Reservoir land acquisition policy and asked the Surabaya city government to reopen documents on the land acquisition and always demand that the arrested activists be released immediately.

After a series of influencing policy implementers by bringing complaints against stakeholders related to the acquisition of the Sepat land and conducting demonstrations in front of the Surabaya City Hall and the Surabaya District Court, did not stop there they built a The Alliance of Saving the Sepat Reservoir doesn't stop there. They make movement base in Surabaya with the aim to exert pressure politics towards the Surabaya City Government to immediately resolve the Conflict Land acquisition policy, in building the basis of this movement residents who are members of The Alliance of Saving the Sepat Reservoir together with various elements of community organizations often use the East Java Walhi secretariat and Command Post beside the Sepat Reservoir wall as a gathering place for the basis of their movement, besides that in a series of activities in building this movement base, The Alliance of Saving the Sepat Reservoir always monitors the extent of the success of the series they are doing by looking at progress every week to week .

Based on the entire set of integrated advocacy strategies undertaken by The Alliance of Saving the Sepat Reservoir in order to reject the reservoir land acquisition policy carried out by the Surabaya City Government, the results obtained by the alliance are still in the judicial process and the ongoing lawsuit of the alliance against citizens, but the makers and implementers policy in this case, the Surabaya City Government, continue to implement the policy land acquisition by giving the Reservation Ownership right to be developed by PT Ciputra Surya Tbk. This can also be seen by the existence of a guardrail that currently closes the residents' access to use the reservoir.

V. CONCLUSION

In writing this article, the author tries to explore the model approach of integrated advocacy in the rejection of land acquisition of the Sepat Lidah Kulon Reservoir in Surabaya by reviewing the theory of Roem Topatimasang in its integrated advocacy, the series of policy advocacy, such as making the Salawase community association, choosing the issue of rejecting eviction, processing data and information about eviction plans, attracting supporters from various elements, influencing policy makers by meeting various stakeholders, demonstrating in front of the Surabaya Mayor's office, and building a base of movement by creating posts and monitoring ongoing advocacy programs. From the whole series that has been run by the Alliance of Saving the Sepat Reservoir, the policy advocacy still expects positive results for residents around the Sepat Reservoir, because the Surabaya City

Government remains in its principle to give the land rights to the private sector.

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REFERENCES

- [1] R.B. Stake, "A Framework for Evaluating Commonality," *Des. Config.*, vol. 38, no. 20, pp. 169–184, 2011.
- [2] R. Topatimasang, "Merubah Kebijakan Publik : Panduan Pelatihan Advokasi Untuk Organisasi Non Pemerintah," Yogyakarta: Pustaka Pelajar, 2016.
- [3] R. Rahardian and R.H. Haryanti, "Evaluating The Use of Paralegal Approach in Policy Advocacy," vol. 22, no. 1, pp. 14–19, 2018.
- [4] R. Rahardian and N. Audina, "Integrated Advocacy Approaches In Refusing The Eviction Policy," 2018.
- [5] A. Farida, "Jalan Panjang Penyelesaian Konflik Kasus Lumpur Lapindo," *J. Ilmu Sos. dan Ilmu Polit.*, vol. 17, no. November, pp. 144–162, 2013.
- [6] Suharko, "Karst: Ditambang atau Dilestarikan Konflik Sosial Rencana Pembangunan Pabrik Semen di Kabupaten Pati Jawa Tengah," *J. Ilmu Sos. dan Ilmu Polit.*, vol. 17, no. 2, pp. 163–179, 2013, doi: 10.22146/jsp.24776.
- [7] Lawrence Neuwman, *Metodologi Penelitian Sosial: Pendekatan Kualitatif dan Kuantitatif*, Edisi 7. Jakarta: PT. Indeks, 2017.
- [8] J. Miles, M. B., Huberman, A. M. and Saldaña, *Qualitative Data Analysis: A Methods Sourcebook*. 2014.