



# Land Resource Conflict Resolution Model (Agrarian) Based on Local Wisdom of Indigenous Peoples of Jambi Province

Elita Rahmi<sup>1</sup>, Riri Oktari Ulma<sup>1</sup>, Cholillah Suci Pratiwi<sup>1</sup> and Fitria, Fitria<sup>1</sup>

<sup>1</sup>Universitas of Jambi, Jambi, Indonesia  
elita.rahmi66@unja.ac.id

**Abstract.** Land conflicts that occurred between PT. The blessing of Sawit Utama (PT. BSU) with the Suku Anak Dalam (SAD) community in Bajubang District, Batanghari Regency, to be precise in Bungku Village, has happened about twenty years ago. But until now, this conflict has not ended. On the basis of this problem, further research is carried out in the form of a research study. This research was conducted in Bungku Village, Bajubang District, Batanghari Regency. The research was carried out for six (6) months from May to October 2022. The research respondents were people who had disputes with the company, especially the SAD community. This study aims to analyze the model of land resource conflict resolution (agrarian) based on local wisdom in Bungku Village, Bajubang District, Batanghari Regency. The analytical method used is the Stock Taking Study (STS) with 5 components (process, best practice, success story, constraints, field learning), observation and focused interviews (field notes) with selected stakeholders, descriptive analysis methods and social institutions. . The determination of the sample area was carried out purposively on the basis of the consideration that there was a land conflict between the SAD community and the company for a period of twenty years. Determination of the number of samples using the Simple Random Sampling Method. The research output that will be produced is modeling of Land Resource Conflict Resolution (Agrarian) Based on Local Wisdom of Indigenous Peoples.

**Keywords:** Land Conflicts, Conflict Resolution Models, Local Wisdom, Indigenous Peoples

## 1 INTRODUCTION

The country of Indonesia, which is rich in various natural resources, is often faced with environmental problems. The growth of natural resources is one of the causes of the emergence of these problems and mainly leads to the exploitation of natural resources. The control of individual and group rights to resource assets is very large. Injustice in

resource control sometimes triggers the emergence of these conflicts, both vertically and horizontally, for reasons of economic pressure and fulfillment of needs.

Jambi Province is known as one of the areas for the development of oil palm plantations. Based on data from the Central Statistics Agency of Jambi Province, in 2020, the area of oil palm plantations in Jambi Province reached 1,033,354 hectares. Oil palm plantations are the largest agricultural area followed by rubber and deep coconuts. This also indicates that oil palm is currently a *prima donna* commodity and is commercial in nature.

The dominant plantation business actors are smallholder plantations and large plantations. Based on data from the Indonesian Oil Palm Statistics in 2020, Jambi Province has an area of smallholder oil palm plantations reaching 651,712 hectares or about 63.07% of the total area of oil palm plantations. This increase in plantation sector land has led to the development of plantation land use and of course this is an opportunity that must be seized by business actors in the future. Plus, since some time ago, the price of Fresh Fruit Bunches (FFB) has reached a price of Rp. 3,900/kg. This is of course part of the stimulus for business actors to expand or expand their land. One of the regencies that has oil palm plantation area is Batanghari Regency. Batanghari Regency occupies the third largest position after Muaro Jambi Regency and West Tanjung Jabung [1]. Along with the development of activities in the plantation sector, problems often arise, especially land conflicts in several areas. Bungku Subdistrict, Batanghari Regency is one of the areas where land conflicts have occurred since twenty years ago, where until now it is still felt that there is no middle point that is certainly fair for both parties. The land conflict occurred between the company (in this case PT Berkat Sawit Utama) and the local community, especially the Suku Anak Dalam (SAD) community regarding the acquisition of land use rights.

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## **2 LITERATURE REVIEW**

### **2.1 Conflict Theory in Legal Perspective**

Conflict is an action of one party that results in blocking, inhibiting, or disturbing another party where this can occur between community groups or in interpersonal relationships [2]. Conflict or dispute is a form of competitive behavior between individuals or between groups of people. The potential for conflict will exist when two or more actors compete excessively or there is no congruence of goals in conditions of

limited resources [3]. Then conflict is also one of the essences of human life and development which has various characteristics. Humans have differences in gender, ethnicity, religion, belief, political flow, as well as culture and life goals. In the history of mankind, these differences have always led to conflict. As long as there are differences, conflict is unavoidable and will always occur. From this it is true that the history of mankind is a history of conflict. Conflicts always occur in the world, in social systems, which are called countries, organizations, companies, and even in the smallest social system called family and friendship, conflicts have occurred in the past and will definitely happen in the future [4].

Basically, the causes of conflict are simply divided into two, namely:

1. Horizontal pluralism, which means a culturally diverse community structure, such as ethnicity, religion, race and social diversity in terms of different occupations and professions such as farmers, laborers, traders, businessmen, civil servants, military, journalists, scholars, drivers and scholar. Horizontal, cultural pluralism causes conflict, where each of these cultural elements has its own characteristics and each of these cultural observers wants to maintain their cultural characteristics. In a society with a structure like this, if there is no consensus on shared values, conflicts that occur can lead to civil war.
2. Vertical pluralism, which means a polarized society structure based on wealth, education, and power. Vertical pluralism can cause social conflict because there is a small group of people who have wealth, well-established education, great power and authority, while most have no or less wealth, low education, and do not have power and authority. The division of society like this is a fertile seed for the emergence of social conflict.

## 2.2 Land Conflict Resolution Approach

In overcoming environmental and resource conflicts, conflict resolution is needed which is expressed by Baiquni and Rijanta (2007) [5], theoretically conflict resolution can use three approaches, namely:

1. Political Approach, which resolves conflicts by using the influence of certain figures, who are part of a political institution formed by the election of the community.
2. Administrative approach, which is aimed at resolving conflicts within the administrative ranks with a process based on certain applicable bureaucratic rules.
3. Judicial approach with conflict resolution in legal channels with the hope that the conflict will be resolved with a winner and a loser.

These conflict resolution approaches in their implementation have many shortcomings so that it also raises the existence of alternative conflict resolution approaches. Baiquni and Rijanta (2007) explain that there are alternative approaches that differ in emphasis from the three previous approaches, which are persuasive rather than coercive, flexible, not rigid and more effective. Santosa and Hutapea (1992) in Baquni and Rijanta (2009) call this alternative conflict resolution method MAPS (Alternative Dispute Resolution Mechanism) with negotiation, mediation, and arbitration mechanisms. Mitchell (2003)

suggests that alternative conflict resolution (APK) has main characteristics, namely: (1) emphasizing interests and needs, not positions and facts, (2) more persuasive than conflicting, (3) mutual agreement becomes a commitment in resolving disputes, (4) communication is prioritized in equating understanding of issues compared to war of arguments in strengthening the position of each party, (5) long-term agreements because they involve joint commitments, (6) constructive use and exchange of information and (7) flexibility. Alternative conflict resolution, as well as other conflict resolution approaches, has weaknesses. The weakness of the APK operation is that it can't always be done exactly based on its main characteristics. This means that this alternative approach cannot always be the answer to a substitute for legal remedies. The APK type consists of four approaches, namely Public Consultation, Negotiation, Mediation, and Arbitration (Mitchell, 2003).

### **2.3 Local culture**

Local wisdom is something that is part of a culture that exists in a society that cannot be separated from the community itself, this local wisdom can be said to be a value that has local wisdom in Indonesia which has been proven to play a role in determining or playing a role in the progress of the community. According to Sibarani (in Daniah) Local Wisdom is a form of understanding that exists in managing people's lives or what is commonly referred to as local wisdom. carried out by local communities, who are able to answer various problems in meeting their needs (Fajarini, 2014; Saputra, 2011; Cheng, 2002; Triyanto, 2017). Local wisdom becomes basic knowledge of life, obtained from experience or the truth of life, can be abstract or concrete, balanced with nature and the culture belonging to a particular community group (Mungmachon, 2012). Local wisdom can also be found, both in community groups and in individuals.

The characteristics of local wisdom, namely (1) must combine knowledge of virtues that teach people about ethics and moral values; (2) local wisdom must teach people to love nature, not destroy it; and (3) local wisdom must come from older community members (Mungmachon, 2012). Local wisdom can be in the form of values, norms, ethics, beliefs, customs, laws, customs, special rules. Furthermore, values that are relevant to local wisdom include the values of honesty, responsibility, discipline, creativity, and hard work (Haryanto, 2014). In works of art, especially traditional art, local wisdom will be reflected in language, both orally and in writing: proverbs, rhymes, songs, or advice. Historically, traditional performing arts began with traditional religious ceremonies and rituals that were magical in nature, delivered in the form of repeated incantations (Sastrowardoyo, 1995; Hasanuddin, 1996).

## **3 METHODOLOGY/MATERIALS**

This research is classified as descriptive, namely the author describes in detail about the settlement of plantation disputes between oil palm plantation companies and the Anak Dalam tribe in Bungku Village, Bajubang District, Batanghari Regency. The approach used is empirical juridical, juridically looking at the laws and regulations

governing the Settlement of Plantation disputes between Oil Palm Plantation Companies and the Anak Dalam Tribe in Bungku Village, Bajubang District, Batanghari Regency. Qualitative analysis means that the existing data are grouped according to the problems studied, then described in the form of sentences so that later it can answer the problems posed, then conclusions that are relevant to this research can be drawn.

The form of the research studied is normative juridical, namely research that examines primary legal materials, secondary legal materials and tertiary legal materials. Normative legal research has long been used by legal scientists to study legal issues. In normative legal research, basically the expected results from the study are legal arguments that will be directed at the formulation of theories. The approach in this study uses a conceptual approach, a statute approach, and a historical approach. In research or study of normative legal science, activities to explain the law do not need the support of data or social facts, because normative legal science does not recognize social data or facts which are only known as legal materials. Legal research sources can be divided into research sources in the form of primary legal materials and secondary legal materials. Primary legal materials are legal materials that are authoritative, meaning they have authority. Primary legal materials consist of legislation, official records or minutes in the making of legislation and judges' decisions.

The secondary materials are all publications on law which are not official documents. Publications on law include textbooks, legal dictionaries, legal journals, and commentaries on court decisions. The legal materials used in the research are as follows: Primary legal materials which are not primarily judicial decisions or jurisprudence, but legislation. The primary legal material used to examine the *beschikking*/decree is the statutory regulations that are used as the basis for the occurrence of the decision.

## 4 RESULTS AND FINDINGS

The conflict between the Suku Anak Dalam community and PT. BSU has been going on for a long time. For a long time, mediation has been carried out by the government of both the Batang Hari Regency Government, the Jambi Provincial Government and even the Central Government. However, the meeting encountered obstacles that never found a balanced solution for the Anak Dalam Tribe and PT. BSU.

Based on the results of the study, it was found that the problem in Bungku Village was that many of the community's lands did not have land titles. However, the community still claims that the land they own is hereditary, but they cannot prove the location and position, land maps and land use is not carried out properly or the land is left abandoned.

In Dispute Resolution Arrangements in Indonesian Sustainable Palm Oil / ISPO Plantation development, especially oil palm, is a cross-sectoral development, so it must be subject to and comply with all applicable provisions/laws of all relevant agencies, not only in the field of agriculture/plantation. With the intention that it is fully binding for the development of oil palm plantations in a sustainable manner, the related provisions are bound in one provision. For this reason, the ISPO has been prepared and has

been issued through the Minister of Agriculture No.19/Permentan/OT.140/3/2011 concerning Guidelines for Indonesian Sustainable Palm Oil (ISPO).

**Table 1.**

Source: Attachment II to Regulation of the Minister of Agriculture Number 19/Permentan/OT.140/3/2011

No	Prinsip dan Kriteria	Indikator	Panduan
1	<p>Land Dispute.</p> <p>Plantation companies are required to resolve land disputes within their area by involving the relevant agencies.</p>	<p>1. Plantation companies are required to report existing land disputes to be resolved, including making maps of the disputed lands.</p> <p>2. Plantation companies must be able to prove that the settlement of land disputes in their area has been agreed upon</p> <p>3. Documents for dispute resolution and/or documents for dispute issues that are being processed.</p>	<p>a. Land disputes are disputes between individuals, legal entities, or institutions.</p> <p>b. The disputed land is the status quo during the settlement process.</p> <p>c. Land settlement can be done through mediation/negotiation or deliberation, if it cannot be resolved then it is taken through legal channels.</p>

<p>2</p>	<p>Land and Compensation Disputes and other disputes.                  Plasma managers, cooperatives and farmer groups must ensure that plasma plantation lands are free from status disputes with surrounding communities or other disputes.</p>	<p>If there has been a land dispute and other disputes:                  1. There is a status record or agreement on dispute resolution on plasma plantations and a map of the location of land disputes is available at the plasma manager or cooperative or farmer group                  2. Availability of a copy of the agreed agreement.                  3. Documents of the progress of deliberation for dispute resolution are kept by plasma managers or cooperatives or farmer groups.</p>	<p>a. Disputes can be in the form of land disputes and other disputes including illegal mining (PETI) and illegal mining, both with companies, communities around plantations and with other parties.                  b. If there is a dispute, it must be resolved by deliberation to get an agreement, but if there is no agreement, the settlement of land disputes must take legal action in accordance with applicable regulations.                  c. Deliberations are held by the disputing parties or facilitated by the government/Integrated Dispute Resolution Team.                  d. The determination of the amount of compensation and the duration of the use of community land for plantation business is carried out by deliberation.                  e. If the settlement of land disputes through deliberation does not meet an agreement, then the disputed land must be resolved through legal channels / district courts.                  f. Disputes with illegal mining without a permit (PETI) are resolved through deliberation between the disputing parties or facilitated by the government according to Presidential Instruction No. 3 of 2000 concerning Coordination of Overcoming Problems in Unlicensed Mining.                  g. Documents on resolution and progress of problem solving are available at the plasma manager's office; or</p>
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			cooperatives or farmer groups or Integrated Teams.
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In the provisions of the Regulation of the Minister of Agriculture Number 19/Permentan/OT.140/3/2011, Plantation Companies that carry out integrated plantation cultivation business with mandatory processing businesses implement a sustainable palm oil certification system. From the research results, it is known that oil palm plantation companies operating in the Bungku Village area are plantation companies that carry out plantation cultivation business integrated with oil palm processing factories.

Based on these data, we might assume that the dispute case between SAD and PT. The BSU has found a solution. However, the reality on the ground is not the case, in its development the 1000 ha partnership pattern was rejected by other SAD community groups, for several reasons, among others, the location of the partners was unclear, the partnership pattern was unclear, and there were SAD groups that were not accommodated in the partnership pattern.

Along with its development, PT. BSU invites Tribe community groups to mediate with the Joint Mediation Team consisting of the Jambi Provincial Government, Batang



Hari Regency Government, and CAO (Compliance Advisor / Ombudsman). By drawing up a memorandum of understanding (MoU) through mediation. Agree on several preconditions that must be agreed before continuing the discussion of the MoU. Initiating mediation, among others: Compensation for evicted communities.

Based on the decision of the Batanghari Integrated Team to provide a solution to the dispute, it was to hand over an oil palm plantation of 2000 ha which was located on State Land which was controlled without rights by PT. Jamer Tulen and PT. Maju Perkasa Sawit for the temporary livelihood of the Anak Dalam Batin Sembilan Tribe. However, the 2,000 hectares of land is outside the plantation company's Cultivation Rights. The land area of 2,000 hectares is outside of the previous agreement, namely the agreement to re-measure the company's HGU covering an area of 3,550 hectares. The 2,000 hectare land, it is known from this research, is used for a plasma core partnership between the company and the Suku Anak Dalam residents. At the time the research was conducted, there had not been any measurement of 3,550 hectares of land for the Suku Anak Dalam residents based on the results of the previous agreement.

Along with its development, PT. BSU invited SAD community groups to mediate with the Joint Mediation Team consisting of the Jambi Provincial Government, Batang Hari Regency Government, and CAO (Compliance Advisor / Ombudsman). By compiling a memorandum of understanding (MoU) through mediation. Agree on several preconditions that must be agreed upon before continuing the discussion of the MoU. Initiating mediation, among others: 1. Compensation for the evicted people. A meeting has been held between PT. BSU and the evicted group with the agenda of negotiating the amount of compensation. This meeting was attended by the Joint Mediation Team as Observers. And compensation for eviction has been carried out between PT. BSU and the evicted group. This process was witnessed by the Joint Mediation Team. The Tuo Pinang Tinggi hamlet group asked for the right to manage the plantation in the location they claimed as their ulayat land. The group of 113 consisting of 3 hamlets (Tanah Menang, Pinang Tinggi, and Padang Salak) two of them, namely the hamlet of Pinang Tinggi and Dusun of Padang Salak joined the Tuo Pinang Tinggi group willing to mediate by the Joint Mediation Team. Meanwhile, Tanah Menang hamlet was not willing to be mediated. Because the hamlet of Tanah Menang asked the Batang Hari District Government to mediate. Furthermore, negotiations were held between PT. BSU and the Tuo Pinang Tinggi hamlet group mediated by the Joint Mediation Team and it was agreed that the Tuo Pinang Tinggi hamlet group could manage 400 ha of oil palm plantations which included harvesting, pruning, weeding and land clearing, all of which were paid for by PT. BSU, with a note that the right of management ends when the negotiation process has been completed.

In the settlement of plantation disputes, PT. BSU invites Tribe community groups to mediate with the Joint Mediation Team consisting of the Jambi Provincial Government, Batang Hari Regency Government, and CAO (Compliance Advisor/Ombudsman). By compiling a memorandum of understanding (MoU) through mediation. Agree on several preconditions that must be agreed upon before continuing the discussion of the MoU. Initiating mediation, among others: Compensation for evicted communities and mediation with evicted groups. This process was witnessed by the Joint Mediation Team. meeting between the Integrated Team.

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Handling of Security Disturbances in Batang Hari Regency and Representatives of the Anak Dalam Tribe where the minutes of the meeting are as follows: A. Tribal Anak Dalam residents of 2,049 people consisting of 14 groups have been validated for placement. B. The Batang Hari Customary Institution asked SAD to return to the Batin area (location around Bungku Village), to validate. C. The temporary plantation company has released 2,000 hectares of the 3,550 hectares claimed, and has given the released area for temporary livelihoods prior to full release. D. The integrated team gave 3 X 24 hours for SAD residents who carried out demonstrations and occupations to leave the location of the demonstration and occupation. As a result of the mediation of the integrated team, a recommendation was issued which resulted in the Decree of the Regent of Batang Hari No. 180 of 2014 concerning the Determination of Names and Location Maps of Tribal Children in Recipients of 2,000 Hectares of Compensation Land from a Plantation Company in Bungku Village, Bajubang District, Kabupaten Rod Day.

## 5 CONCLUSION

The mechanism for resolving land conflicts between PT. Berkat Sawit Utama with the Anak Dalam Tribe Group in Bungku Village, Batang Hari Regency, carried out by the Batang Hari Regency government through non-litigation channels, namely mediation. But even so, the implementation of mediation has been carried out for a long time. However, there is no middle point between the two sides. Until finally, at a meeting with the Ministry of ATR/BPN RI, the company was willing to give land to the Anak Dalam Tribe Group and so far, the progress of resolving this conflict is the verification of the number of Suku Anak Dalam who will receive the land, which is 744 families/souls and currently Batang Hari Regency BPN together with PT. BSU is looking for the location of the land to be given to the Suku Anak Dalam.

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