

Land Conflict Resolution Efforts of The Plampang Village Mentingal Forest Farmer Group with PT. Sumbawa Bangkit Sejahtera (PT. SBS) by LBH Olat Maras UTS

WIRA MARIZAL¹, JASARDI GUNAWAN²

^{1,2}Faculty of Law, Sumbawa University of Technology

Abstract—Land disputes and conflicts are a form of complex and multi-dimensional problems that always occur as is the case between KTH Mentingal Plampang Village and PT SBS. This research aims to see what efforts have been made by LBH Olat Maras UTS in resolving conflicts between KTH Mentingal residents of Plampang village and PT SBS. The method of this research is using empirical research method. While the results of the research are that LBH Olat Maras UTS has made various efforts in conflict resolution such as, Issuing a letter of protection from Komnas HAM RI against KTH Mentingal Abdul Gani Dahlan et al on 6 July 2023, Conducting mediation with BPN Sumbawa Regency on 30 October 2023 and issuing Minutes of the Implementation of Mediation Number 918.1/BA.MP.01..04/X/2023 Land Dispute Issues between Abdul Gani Dahlan et al with PT SBS Plampang Village, Plampang Sub-district, Sumbawa Regency by BPN Sumbawa, conducted mediation with the Sumbawa Regional Government on 21 November 2023, conducted mediation with the Sumbawa DPRD on 27 December 2023 and conducted mediation at the Sumbawa Police on 29 December 2023.

Indexed Terms— Land Conflict Resolution, KTH Mentingal, PT.SBS, Forest Farmer Group.

I. INTRODUCTION

Around October 2022, there was a lot of discussion between residents who were members of the mentingal forest farmer group (KTH) in the struggle for land rights that had been claimed by PT Sumbawa Bangkit Sejahtera (SBS) to be included in the PT SBS HGU certificate. This conflict began when residents began

to protest PT SBS's policy of ignoring what had become an agreement between the community and PT SBS itself. Where in the agreement provided 50 hectares of land through LPPD which was signed on 2 February 2023 at the Sumbawa Regency Land Office between PT. SBS and LPPD Sumbawa Regency.

Apparently from this agreement, PT. SBS did not carry it out, instead making various efforts to continue carrying out field activities as usual. Because according to PT SBS, it already has a HGU certificate so that the company's activities in the field are legal. Indeed, the basis for PT SBS to operate before the HGU first pocketed the location permit issued by the Regent of Sumbawa in 2013. PT SBS pocketed the sisal plantation location permit as outlined in the Sumbawa Regent Decree Number 1571 of 2013 concerning the granting of location permits for the construction of sisal plantation activities covering an area of 1,245.42 ha located in the area of Suka Mulya village, Labangka sub-district, Plampang village and Teluk Santong village, Plampang sub-district, Sumbawa Regency. So, this is the basis for PT SBS to continue expanding its business.

Conflict is an action of one party that results in blocking, inhibiting, or disturbing the other party where this can occur between community groups or in interpersonal relationships (Antonius, et al, 2002). Conflict or dispute is one form of competitive behaviour between individuals or between groups of people. The potential for conflict will exist when two or more actors compete excessively or there is no compatibility of goals in conditions of limited resources (Harmen Batubara, 2013).

The term "conflict" etymologically comes from the Latin "con" which means together and "fligere" which means clash or collision. In general, the term social conflict contains a series of phenomena of interpersonal conflicts and disputes through from class conflicts to international conflicts or wars. (Elly M. Setiadi and Usman Kolip, 2011). With continued turmoil in the field, where the company PT. SBS continues to spread its wings to achieve targets and based on the HGU that has been held. On the one hand, the community continues to survive in the field so that their land is not left uncultivated by PT. SBS. With a situation like this, conflicts continue to occur, the community continues to survive with the composition as a landowner while PT. SBS continues to move with the postulate of its HGU. Conflicts continue to occur even almost to the point of physical clashes in the field, even this event continues to repeat itself. So that there are mutual reports to the police, residents are reported on various accusations of both persecution, destruction, land grabbing. This situation continues to occur almost every day in the field. So that community members ask for protection from Komnas HAM RI.

With the continued turmoil, residents of the mentingal forest farmer group (KTH) finally asked the Olat Maras UTS Legal Aid Institute to provide legal assistance. So LBH tried to provide legal assistance by starting to collect materials and documents owned by the community. For this reason, based on the above events, we are interested in looking further into the efforts made by LBH Olat Maras UTS in resolving the conflict between the mentingal forest farmer group (KTH) and PT SBS.

II. LITERATURE REVIEW

A. Definition of Land Dispute

Land disputes are land disputes between individuals, groups, groups, organisations, legal entities, or institutions that do not have a broad socio-political impact. Land disputes are disputes that arise due to conflicts of interest over land. Land disputes are inevitable in this day and age. It demands improvement in the field of land arrangement and use for the welfare of the community and especially legal certainty in it.

B. Mediation

Mediation A way of resolving a conflict by enlisting the help of a neutral third party. This third party only seeks an amicable settlement that is only advisory in nature. Therefore, this third party does not have the authority to provide formally binding settlement decisions. Mediation often results in an agreement between the two parties so that the benefits of mediation can be felt. The benefits of mediation can still be felt even though sometimes there are mediations that fail. This is because mediation clarifies the issues and then narrows the disputed issues. In resolving disputes, mediation has several advantages, including: a. Mediation is expected to resolve disputes more quickly and cheaply compared to arbitration and courts; b. Mediation can improve communication between the parties to the dispute and eliminate the conflict that almost always accompanies coercive decisions; c. Mediation will focus the parties on their real interests; d. Mediation increases awareness of the strengths and weaknesses of the parties. Mediation increases awareness of the strengths and weaknesses of each party's position; e. Through mediation, hidden matters or issues related to the dispute that were previously unrecognised can be identified; f. Mediation gives the parties control over the dispute. Mediation allows the parties to exercise control over the process and outcome of the mediation.

C. Negotiation

The term negotiation comes from English "negotiation", in general terms negotiation is a bargaining process by negotiating to reach an agreement between the two parties (Ulinuha, 2013). Meanwhile, Robbins (2003) defines negotiation as a process in which two or more parties exchange goods and services and try to agree on the level of cooperation for them. According to Jackman (2005) negotiation is a process that occurs between two or more parties who initially have different ideas, until finally reaching an agreement. Oliver (in Purwanto, 2006) added that negotiation is a transaction where both parties have rights to the final outcome. For this reason, agreement from both parties is needed so that there is a process of giving and receiving something to reach a mutual agreement.

D. Consultation

Kurpius states that consultation is a voluntary relationship between a professional helper and a person, group, or social unit in need of help in which the consultant provides assistance to the client in defining and solving work-related problems or potential problems with a client or client system.⁸ In general, the consultation approach has the following general characteristics according to Gallesich, Kurpius, and Fuqua, Newman: a. Consultation is content-based (supported by the introduction of knowledge stems) b. Consultation is goal-oriented, has a purpose that is often related to work. c. Consultation is governed by variable rules and rules in the relationship. d. Consultation is triadic (three parties) f. Consultation is process-oriented, including data collection recommending solutions, and offering support. e. Consultation is triadic (three parties) f. Consultation is process-oriented, including data collection recommending solutions, and offering support. Consultation is process-orientated, involving data collection recommending solutions, and offering support. e. Consultation is triadic (three parties) f. Consultation is based on ideologies, value systems, and values. Consultation is based on ideologies, value systems, and ethics.

III. RESEARCH METHODS

The research method used in this research is empirical legal research. Empirical Legal Research is a legal research method that uses empirical facts taken from human behaviour, both verbal behaviour obtained from interviews and real behaviour carried out through direct observation. Empirical research is also used to observe the results of human behaviour in the form of physical relics and archives. Data collection techniques in empirical legal research there are 3 (three) techniques used, either individually or separately or used together at once. The three techniques are interviews, questionnaires or questionnaires and observation.

The data used in this study include 2 types of data, namely:

1. Primary Data

Primary data is data obtained directly from the field based on respondents and sources. Field data

collection conducted by researchers by means of interviews.

2. Secondary Data

Data collection in this literature study is carried out by studying and collecting data related to the object of research. These data are obtained from literature books, laws and regulations, internet browsing, and other documents. In this case the researcher looks for the books needed. Secondary data is grouped into 3 types of legal materials, namely:

a. Primary legal materials

Primary legal materials are binding legal materials or materials that are closely related to the problem under study.

b. Secondary Legal Materials

Secondary legal materials, which provide an explanation of primary legal materials, namely:

a) Books, b) Research results and scientific papers, c) Seminar papers related to the research, d) Legal journals and literature related to the writing.

c. Tertiary Legal Materials

materials that provide guidance or explanation of primary legal materials and secondary legal materials, namely: a) Legal Dictionary, b) Indonesian Dictionary, c) English Dictionary, d) Related Encyclopedia.

IV. RESULTS AND DISCUSSION

A. Chronology of the Conflict:

PT SBS has a sisal plantation location permit as outlined in the Sumbawa Regent Decree Number 1571 of 2013 concerning the granting of location permits for the development of sisal plantation activities covering an area of 1,245.42 ha located in the area of Suka Mulya village, Labangka sub-district, Plampang village and Teluk Santong village, Plampang sub-district, Sumbawa Regency. So that this is the basis for PT SBS to continue expanding its business, but before the location permit was issued, previously the Sumbawa Regent Decree, Number 699 of 2000, was issued, where in the Sumbawa Regent Decree, gave permission to open land for cultivation to the people of Plampang village in Plampang sub-district with the following boundaries, north of the mountain, south of the south sea coast, west of the Lepu River and east of Brang Mentingal. The number of people is 201

farmers with a land area of 402 Ha. And Sumbawa Regent Decree No. 833 of 2000 as many as 177 people and an area of 354 ha.

With the expansion plan of PT. SBS based on the location permit, it continues to reap cons in the community. Because residents long before the existence of PT. SBS at the location in 2013. From 2012-2018 residents worked on it without any disturbance at all. Then, the presence of the PT.SBS company in 2019 for sisal plantations expanded its wings on the sisal plantation location permit granted in 2013. So that the community's corn farming activities were stopped by the company in 2019. The community was prohibited from carrying out activities by the company's argument that the location already belonged to the PT.SBS company. With the argument that the location has been purchased / paid for by the company. But the community never felt that they had received any payment from the land acquisition. So that residents continue to work until 2023.

The conflict peaked in November 2022 when residents were clearing the land. The company reported the residents to the Sumbawa resort police on 27 October 2022, but the police stopped the report because it was considered that the company's report was not very clear about the documents owned by the company, both the ownership of the HGU. And the residents never felt that the land had been transferred to another party or purchased by the company PT SBS.

So the community continued to use the land to plant corn. While residents were active, the company came in December in 2022 and damaged approximately 12 hectares of residents' crops on behalf of the owners (Adi, Safiolah, Ali Sanafiah, etc.). So that residents feel material loss of Rp. 10,000,000-Rp. 15,000,000 each. In addition to material loss, psychologically there were also residents who were hospitalised as a result of fear, namely Mr Adi's wife, Ibu Murni. Even now, she is still traumatised as a result of being evicted by the company.

The community then sought justice from the company and the local government of Sumbawa Regency, starting from demonstrations to hearings so that the community's cultivated land could be returned to the landowner. One hearing with the Sumbawa regional

government in December 2022, one hearing with the Sumbawa DPRD in January 2023. However, there was no follow-up and the company became even more violent in the field. Other efforts have been made by residents, cooperating with the local Sumbawa NGO LPPD, submitting a letter of rejection to the BPN of Sumbawa district for the re-issuance of the company's HGU.

From various rejections and actions, the company finally issued a commitment but the commitment was not carried out by PT. SBS itself by returning the 50 hectares of warag land. The commitment was signed by PT SBS represented by Jacky Layani while the residents were represented by NGO LPPD Jahuddin, S.Pd. This commitment was signed by both parties on 2 February 2023 at the Sumbawa Regency National Land Agency office. After the residents got their victory, on 25 July 2023 a new HGU was issued by the company covering an area of 2,264,300 M2. This HGU indicated that the 50 hectares of land was included again. So that the conflict began to peak again when the residents used the land, but the company's argument was that it still held the view that the residents' statement letter withdrew the agreement of the LPPD NGO to accept the 50 hectares of land. But NGO LPPD and the head of the Mentingal Forest farmer group never felt that the agreement was cancelled by the company to NGO LPPD or from NGO LPPD to the residents of the Mentingal Forest farmer group.

So that the anger of the community continues to peak, again protesting and rejecting the presence of PT SBS in Sumbawa because it is considered a betrayal of its commitment. On 13 March 2023, the Mentingal Forest Farmers Group sent a letter to the KANWIL BPN/ATR of NTB Province to reject the issuance of the HGU of PT SBS, but it was still carried out by the BPN for the issuance of HGU by the BPN of Sumbawa district. Residents became increasingly angry because the agreement was not heeded, and instead residents were reported on charges of vandalism and threats reported to the Sumbawa resort police. It was not enough that the community continued to seek protection by cooperating with LBH Olat Maras UTS to assist and provide legal assistance for the problems they faced.

B. Efforts made by LBH Olat Maras UTS in resolving the conflict between KTH Menting and PT SBS.

1) LBH sent a letter to Komnas HAM RI

LBH sent a letter to Komnas HAM RI as a form of community protection efforts to prevent criminalisation of the existence of residents who are members of the Menting Forest Farmers group, because residents feel afraid of the consequences that occur continuously in the field. As the letter of Komnas HAM RI to the NTB Police Chief with letter number 051/PL.01.00/VII/2023 regarding the request for human rights protection for Abdul Gani, et al in the land conflict with PT Sumbawa Bangkit Sejahtera (PT SBS) on 6 July 2023.

These efforts were made by LBH as an effort to quickly handle conflicts in the field. And at the same time asked Komnas HAM RI to immediately mediate between residents and PT SBS. and currently Komnas HAM RI has summoned the company and is currently in the preparation stage for mediation.

2) LBH sent a letter to BPN Sumbawa

As a form of the first effort made by LBH Olat Maras UTS was to send a letter to BPN Sumbawa on 24 August 2023 regarding clarification of the HGU of PT SBS with letter number 014/A/LBH-OM/VIII/2023. This letter was submitted as a form of effort to cross-check the composition of the HGU issued. The letter was received by BPN Sumbawa with register number 136/IX/2023 on 4 September 2023. Is it true that the HGU of PT SBS has been issued or not? So that the Sumbawa BPN continues to make efforts to respond to community complaints. So that the Sumbawa BPN through LBH's request made efforts to check the coordinate points of the PT. SBS HGU where there were claims by residents who were members of the Menting Forest Farmers group, this was carried out by the BPN measurement section on 6 October 2023 at the Menting Block location.

From these results, BPN Sumbawa provided time to conduct a mediation process between residents and PT SBS and invited various related parties to crosscheck the results of field verification of coordinate point taking by BPN Sumbawa.

Given the slow pace of the results issued by BPN Sumbawa, LBH finally sent a letter requesting a

hearing on 16 October 2023 to expedite the process of meeting the parties, finally agreeing that the meeting of the parties would be held on 30 October 2023.

3) BPN Sumbawa for mediation between residents of KTH Menting and PT.SBS.

In a mediation meeting conducted by BPN Sumbawa on 30 October 2023 at the BPN office in Sumbawa Regency. The parties present were the head of Plampang village, the former head of Plampang village, LBH Olat Maras UTS and PT SBS itself accompanied by its legal counsel. In the mediation meeting there was no agreement between the two parties and even accused the residents by the company that they were occupying the company's land. On the other hand, the residents who were accompanied by LBH accused that PT SBS's HGU was unclear and the commitment made by PT SBS through LPPD was considered that it was no longer valid and had been revoked by the residents. In fact, according to the residents, they never felt that they had revoked or cancelled the issue.

In the end, the meeting was fruitless, so there is still no bright spot for both of them. The company remains in the position of owning the HGU which was issued in July 2023. Meanwhile, the residents still maintain that the 50 hectares of land is owned by the residents.

4) LBH asks Sumbawa regional government to mediate between residents and PT SBS.

As a form of follow-up in resolving the land conflict between residents of KTH Menting and PT SBS, LBH asked the Sumbawa regional government to facilitate PT SBS and residents again on overlapping land claims. On 21 November 2023, a meeting facilitated by Assistant 1 of the Sumbawa Regional Government did not bring results and was attended by various elements from KODIM Sumbawa, Sumbawa Police, PT SBS, KTH Menting residents, the Land Section of the Sumbawa Regional Government, the Head of Plampang Village, and the former head of Plampang Village. At the meeting, because PT.SBS still has the same argument that it already has a HGU certificate while the community still says that we as landowners have never been paid by PT.SBS and we did not sell the land to anyone. And also the commitment of PT. SBS meneger of 50 hectares was given to us residents through the Sumbawa LPPD said

Mr. Gani Dahlan in the meeting. So the meeting did not produce any results and until now there has been no effort made by the Sumbawa regional government.

5) Sumbawa DPRD mediates between residents and PT SBS.

Not only that, LBH Olat Maras conveyed it back to the Sumbawa DPRD. And at the same time asked the Sumbawa DPRD to facilitate the case so that everything has the best solution. The meeting was facilitated by the Sumbawa DPRD by inviting all parties on 27 December 2023. The parties invited by the Sumbawa DPRD were KTH Mentingal residents, LBH OM UTS, LPPD, Kodim, Sumbawa Police Chief, Plampang Sub-District Head, Sumbawa Local Government, Sepakat village head, Plampang village head, Sepayung village head, Labangka 3 village head, Selante village head and PT SBS itself.

The meeting did not produce results because the BPN Sumbawa was not present, so the meeting was postponed. So it is difficult for the Sumbawa DPRD to cross-check the composition of PT SBS's HGU and the Sumbawa DPRD will invite back, especially presenting the Sumbawa BPN.

6) Mediation efforts by Sumbawa Police

The residents of KTH Mentingal, chaired by Abdul Gani Dahlan, had their mediation process not only conducted by BPN, the local government and the Sumbawa DPRD, but also by the Sumbawa police. The good efforts made by the Sumbawa police uphold good values. The Sumbawa Resort Police put forward the principle of dialogue in resolving problems. The meeting facilitated by the Criminal Investigation Department on 29 December 2023, was really to find a solution so that all parties refrain in the field, both PT SBS and Plasma farmers as well as residents who are members of KTH Mentingal so that there are no more clashes in the field.

But apparently there is no meeting point, still both parties continue to hold on to their positions, but LBH OM UTS continues to build communication with all parties so that everything has the best solution. And messages from the police to avoid physical clashes in the field.

CONCLUSION

The efforts made by LBH Olat Maras UTS in resolving the conflict between the Mentingal Forest Farmers Group and PT. SBS is by conducting various forms of facilitation with BPN Sumbawa, Sumbawa Regional Government, Sumbawa DPRD and Sumbawa Police as well as asking for citizen protection with Komnas HAM RI. The facilitation or mediation process carried out by LBH Olat Maras UTS is a form of alternative dispute resolution efforts that arise between PT SBS and the Mentingal Forest Farmers Group.

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