

Endless Agrarian Conflict in Malay Land

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ABSTRACT

Agrarian conflicts that occur in Malay lands in this paper are about land conflicts that occur on cultivated lands or lands that are ex-Business Use Rights (HGU) of PT. Perkebunan Nusantara II (PTPN) which occurs in several districts in Sumatra Province, Indonesia. The study in this writing focuses on the problem of resolving agrarian conflicts related to tenure rights over cultivated land by community groups faced by the North Sumatra provincial government. Writing analysis was performed using quantitative analysis methods based on normative juridical research patterns. Based on the research results, it can be understood that resolving agrarian conflicts that occur in Malay lands requires a very long time, cost and process. This is due to the complexity of tracing the history of ownership and control over previous land so that the existing conflicts have also hampered the implementation of agrarian reform in Malay lands.

Keywords: *conflict, agrarian, land, Malay*

INTRODUCTION

As it is understood that the existence of land is very closely related to human life, meanwhile the amount of land that can be controlled by humans is very limited, while the number of people who are respectful of the land is constantly increasing. Where the amount of land does not increase or remains, causing the productive land to decrease and unable to meet the increasing need for land. This actually greatly affects the difficulty of providing land for development needs in Indonesia today.

Such as housing development as a place to live, as well as economic, social, cultural and technological progress and development. In addition, it requires the provision of large areas of land for plantations, livestock, factories, offices, entertainment venues, roads for transportation and other public interests. Above the parcel of land, there are land rights that are owned either individually or as a legal entity. The right to land gives great authority to the right holder to plan the allocation and use of the land concerned for his purposes.

On the other hand, cultivated land as an object of agrarian conflict that occurs in Malay land is essentially an object of land plots of ex-HGU lands. PTPN II. Even though Law No.5 of 1960 on Basic Agrarian Regulations does not find any regulations regarding cultivated land, it seems that the term cultivated land has become a separate trend after the emergence of land disputes over land use rights for plantation companies in several regions in Indonesia, including in the Province. North Sumatra. Of course, the settlement of cultivated land disputes requires serious handling from the government, because many cultivating communities have hopes of their survival from the cultivated land.

The terms arable land and arable land disputes can be found in the Letter of the Head of the National Land Agency (BPN) Number 110-211 dated August 28, 2003 concerning Decree of the Head of BPN Number 2 of 2003 concerning Norms and Standards for Management Mechanisms of Government Authority in the Land Sector Implemented by District Governments / City, mentioning that; "Cultivated land is a plot of land that has or has not been attached with a right that has been worked on and utilized by another party either with the consent or without the consent of the right with or without a certain period of time" (vide; number (2) letter (c) point (1.)). While the definition of Cultivated Land Dispute is "Disputes or differences in interests of two or more parties over cultivated land" (vide; number (2) letter (c) point (1)).

The source of the problem that has led to agrarian conflicts in Malay lands is ex-HGU lands which were previously controlled and managed by PT.PN II. HGU is the right to exploit land that is directly controlled by the State, within the period referred to in Article 29, for agricultural, fishery or livestock companies. (Article 28 paragraph (1) UUPA). HGU can be granted to individuals (WNI) and legal entities. The term of the HGU is given for the first time a maximum of 25 years for individuals, while for legal entities 35 years, and can be extended for a maximum period of 25 years (Article 29 UUPA). HGU area for Individuals is a minimum of 5 hectares and a maximum of 25 hectares. For legal entities, the minimum area is 5 hectares and the maximum area is based on the stipulation of the Head of BPN. (Article 28 paragraph (2) UUPA in conjunction with Article 5 PP No. 40 Year 1996).

HGU can be deleted for reasons, namely; The term expires, is terminated before the period ends because a condition is not fulfilled, is released by the right holder before the term ends, is revoked for the public interest, is abandoned, the land is destroyed, or is abolished because of the provisions in article 30 paragraph (2) of Law no. 5 of 1960 (vide; Article 34 UUPA). Not a few of the existence of HGU (especially) in North Sumatra province which has ended its validity period, which resulted in land disputes. Furthermore, arable land disputes over HGU areas are generally motivated by two things, namely;

First, the basis for granting HGU, namely; history of land acquisition and control as a source of HGU granting, where there is still compensation for land tenure for the original cultivator (both to the subject of the right concerned and to his heirs) which has not been completed, even if there is a wrong person in the payment of compensation for the land in question, leaving prolonged 'grudge' during the HGU period. Second, abandonment of HGU, namely; Not a few HGUs were granted to plantations that were deemed ineffective and not on target and were even wasted leaving 'idle land' and this condition opened up opportunities for other parties to cultivate the non-productive land.

These two problems then triggered the proliferation of cultivators on the HGU area which led to the emergence of land disputes. Agrarian conflicts that occur in Malay lands as stated in the title of this paper are intended to describe land conflicts that occur over cultivated lands or land formerly used for business use rights (HGU) of PT. Perkebunan Nusantara II (PTPN) which occurs in several districts in Sumatra Province, Indonesia. The study in this paper focuses on the problem of resolving agrarian conflicts related to tenure rights over cultivated land by community groups faced by the North Sumatra provincial government.

METHOD

This study uses a normative juridical research method. This means that the research is carried out by conducting a literature study. The data used are secondary data using primary legal materials, secondary legal materials, and tertiary legal materials (Ramadhani, 2019), in the form of; books, documents and regulations and regulations and references related to the handling and resolution of agrarian conflicts that occur in Malay lands. Cohen quoted by Marzuki as saying "in legal research there are several approaches used, namely: statutory approach, conceptual approach,

analytical approach, comparative approach" hysterical approach, philosophical approach, inner case approach "(Ramadhani, 2017). The approach taken in this research is a statutory approach.

RESULT AND DISCUSSION

Basically, agrarian conflicts are part of the land case. Article 1 number 1 Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 11 of 2016 concerning Settlement of Land Cases confirms that land cases are disputes, conflicts or cause land to be resolved in accordance with the provisions of land regulations and / or policies. In addition, item 2 states that land disputes, hereinafter referred to as disputes, are land disputes between individuals, legal entities, or institutions that have no major impact. Whereas Article 3 defines land conflicts as land disputes between people, groups, groups, organizations, legal entities, or institutions that have a tendency or have had a major impact.

The difference in understanding of the meaning between conflicts, disputes and land cases is one of the causes of the deadlock in finding the root cause of the land problem. Conflicts in land affairs, as in conflicts in other fields, do not always end up being disputed. A conflict can usually be seen in 3 stages, namely: pre-conflict, conflict and dispute (Sapromo, 2010: 99).

The issue of agrarian conflicts that occurred on cultivated land in several areas of North Sumatra Province seems to have been a long history that has not been resolved. This is because for more than 18 years the tenant community has been waiting for legal certainty over the dispute over the former land use rights (HGU) previously held by PTPN II. The history of the ex-HGU land issue began when in 1997 PTPN II and PTPN III were merged, until now it is named PTPN II. In 1999-2000, PTPN II applied for an extension of the HGU which would expire in an area of 62,161 hectares. The land consists of, former PTPN II covering 18,996 hectares and former PTPN IX covering 43,164 hectares. The process of extension was proposed in 1997 to coincide with the reform era, so the current atmosphere is that there are many demands and occupations by the community and parties on the HGU land being requested. Then for this matter, the Governor of North Sumatra at that time formed a B Plus committee to deal with the demands of the work in question (medan.tribunnews.com).

The resolution of agrarian conflicts in the province of North Sumatra has never seemed finished. Basically, the cause of land disputes is the result of human relations with the land, and this is not only limited to the quality and quantity aspects of the land, but the existence of unequal land tenure, namely; one party does not control the land while on the other hand there is control over large amounts of land (Ismaya, 2013: 36). Of course, agrarian conflicts related to former HGU lands, as happened in several areas in North Sumatra Province, have also hampered the implementation of Indonesia's agrarian reform. Landreform as a concrete form of agrarian reform implementation means an overhaul of land ownership and control as well as legal relationships related to land exploitation (Harsono 2008).

The results of the application for HGU extension were set forth in BPN Decree Number 51, 52, 53, 57 and 58 of 2000. This was further refined with the issuance of Decree Number 42.43 and 44 of 2002 and SK BPN Number 10 of 2004. Subsequently, an extension of the HGU area was granted 56,341 hectares, while the extension that was not granted was 5,873 hectares. The 5,873 hectares of land where the HGU is not extended is spread across three districts and one city, namely Langkat, Deli Serdang, Serdang Bedagai and Binjai. This land has led to community demands covering an area of 1,377 hectares, cultivated by the people of 546 hectares, for applications for retired employees of PTPN II 558 hectares, plans for urban spatial planning for 2,641 hectares, awards for the Malay community 450 hectares and the development of USU 300 hectares. Further (medan.tribunnews.com).

In the Decree of the Head of BPN Number 42,43,44 of 2002 and SK BPN Nomo 10 of 2004, the third and fourth sounds of the SK BPN dictum state, handing over the regulation / control / ownership / utilization of the land to the Governor which will then be processed according to the provisions. which applies to obtain a license to release the assets of the Minister of BUMN. On August 24 2018, an area of 2,216 hectares was approved by the Minister of BUMN as a shareholder on August 24, 2018. Meanwhile, the 3,657 hectare land will be managed by a team that will be re-established by the governor (medan.tribunnews.com).

In this regard, of course, the resolution of the remaining arable land disputes as referred to above is a parameter for the North Sumatra Provincial Government and related parties to be able to resolve it. Another thing that is important to be of common concern is that currently on the physical parcel of land that is the object of the problem, there are many community groups, both those who are suing and groups who are requesting, even if there is also a possibility that there are private companies controlling the former PTPN II HGU land. the.

Settlement of cultivated land disputes is the authority of the regional government in the land sector as stipulated in Presidential Decree Number 34 of 2003 concerning National Policy in the Land Sector which is then followed up by Decree of the Head of the National Land Agency Number 2 of 2003 concerning Norms and Standards for the Mechanism of Administration of Government Authority in the Land Sector Implemented by District / City Governments (vide; Article 2 paragraph (2) letter (c) Perpres 34/2003). In addition, the regional government also has the authority to distribute the land objects of arable land disputes through land redistribution activities, because local governments have the authority to determine the objects and subjects of land redistribution (vide; Article 2 paragraph (2) letter (c) of Presidential Decree 34 / 2003) and this is also agreed by SK Ka. BPN Number 2 of 2003.

In addition to these regulations, the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 11 of 2016 concerning Settlement of Land Cases can also be used as a basis for the North Sumatra Provincial government to resolve and resolve agrarian conflicts in Malay lands that seem endless. Normatively, this regulation requires that land cases be resolved by knowing the history and root causes of disputes, conflicts or cases by formulating strategic policies for the resolution of any disputes, conflicts or disputes, resolving every dispute, conflict or business so that land can be controlled, owned, used. and is operated by the owner. Land Affairs Settlement aims to provide legal certainty and justice related to control, ownership, use and use of land.

CONCLUSION

Based on the description above, it can be seen that the heavy burden borne by the North Sumatra Provincial Government in resolving and resolving agrarian conflicts that occur in Malay lands related to former land disputes. HGU PTPN II. This is due to the complexity of tracing the history of ownership and control over previous land so that the existing conflicts have also hampered the implementation of agrarian reform in Malay lands. Therefore, carrying out data collection, verification and validation of data on subjects and objects is considered to be one of the concrete steps for the North Sumatra Provincial Government in order to obtain valid data before redistribution of the ex-HGU lands.

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