



THE ROLE OF THE DISTRICT GOVERNMENT INTEGRATED TEAM IN RESOLVING LAND CONFLICTS BETWEEN CORPORATIONS VS SUKU ANAK DALAM

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Abstract: This study aimed to determine the role and mechanism of the integrated Team in Batang Hari Regency in resolving land conflicts between PT.Berkat Sawit Utama with the 113 Anak Dalam Tribe in Bungku Village, Batang Hari Regency. The role of the Batang Hari Regency Integrated Team is regulated in the Batang Hari Regency Regional Regulation Number 72 of 2022 concerning the establishment of an Integrated Team for Social Conflict Resolution at the Batang Hari Regency Level in 2022, which is regulated in Permendagri No. 42 of 2015 concerning Implementation of Coordination of Handling Social Conflicts. This research method is empirical juridical because it uses secondary data as supporting data and primary data collected through literature and field research. Based on the results of the study, it can be concluded that the Batang Hari District Integrated Team in resolving land conflicts between PT.Berkat Sawit Utama with the SAD 113 group, namely by facilitating, mediating, and maximizing the dispute resolution process through the establishment of the Batang Hari Regent's Decree Number 72 of 2022 concerning the establishment of an Integrated Team for handling social conflict at the Batang Hari Regency level in 2022. This integrated Team carried out the settlement, considered ineffective for both parties, where the conflict that should have been resolved became hampered and prevented both parties from obtaining legal certainty regarding this land dispute. Therefore, it is necessary for a party that has higher authority than the district government, which has limitations because of the regional autonomy system, to participate in settling land dispute cases

Keywords: Dispute Settlement; Land Disputes; Suku Anak Dalam

1. Introduction

Land conflicts are not a new problem in the field of public law, and almost every province in Indonesia has experienced land conflicts, including Jambi Province itself. One type of land conflict that is quite phenomenal is the land conflict between the Anak Dalam tribe (SAD 113 or commonly called the jungle people, but they are more accepting as the Suku Anak Dalam)¹ with PT. Asiatic Persada, which has changed its name to PT.Berkat Sawit Utama (PT. BSU). The land conflict occurred in Bungku Village, Bajubang, Batang Hari District, Jambi Province. Based on the Decree of the Head of the National Land Agency Number 34 of 2007 concerning Technical Guidelines for Handling and Settlement of Land Problems states that:

“Conflict is a difference in values, interests, opinions or perception between citizens or community groups and private and public legal entities. Residents know the tenure or

¹ Fournika Lailatul Jamia’ah dan Ferry Yanto. Suku Anak Dalam Di Desa Bungku Kecamatan Bajubang (1980-2014). *Jurnal Istorica*, Vol. 4 No. 2 (2020). Hlm. 55. DOI: <http://dx.doi.org/10.33087/istoria.v4i2.90>.

ownership status and the status of the use and utilization of specific land parcels by certain parties, which also contain political, economic, and socio-cultural aspects".²

This land conflict began when the company obtained a permit in the form of HGU (Hak Guna Usaha) in 1986. Based on evidence in the field at that time, it was known that PT. Berkas Sawit Utama cleared the land and planted an oil palm plantation. The company cleared land for two periods, namely from 1986 to 1995, then from 2000 to 2008.³ Since then, the conflict has occurred against companies that have cleared cultivated land and community gardens, both within the 3550 ha area and outside the 3550 ha area, without providing compensation to people who do not have rights or the compensation value is not following the rules what happened at that time. The community rights in the 3,550-ha land area that the company still needs to resolve must be completed before the second phase of the permit for the extension of the HGU (Hak Guna Usaha) takes effect on December 31, 2021.

After the company evicted the 3550 ha of land, the Suku Anak Dalam (SAD) community could no longer access the area, so they went to various areas in search of a decent source of livelihood. Based on the initial information collected by the authors, the remaining 241 ha were not evicted by the company from an area of 3550 ha. Currently, the land is known to be a community garden area, housing, and the Johor Bungku Village market. Therefore, for community rights within the 3,550 ha area that the company has not completed since the first HGU took effect, namely 1986 to 2021, the company must complete this before the second phase of the permit for the extension of Cultivation Rights (HGU) takes effect. In addition, the Bungku village area has the following boundaries: a). Water Pump Village borders the north; b). to the south, it is bordered by (Meranti Biru Village); c). Jebak Village borders west; and d). East is bordered by Village Unit 5 Sungai Bahar.⁴

Based on data from the Central Statistics Agency in 2018, it can be seen that the population of Bungku Village is 11,423 people, with details of 6,273 male residents and 5,150 female residents.⁵ It should be known together that Bungku Village has formed a dispersed settlement pattern. The people of Bungku Village are divided into several small groups and managed by a minor scale of government, or Rukun Tetangga (RT). Based on the initial information obtained by the author, it is known that 31 RTs formed in Bungku Village. Batin XXIV sub-district, located in Batang Hari district, is the sub-district with the largest oil palm plantation area, with an area of 21,517.14 ha. Meanwhile, the location or object of the land

² Decree of the Head of the National Land Agency Number 34 of 2007 concerning Technical Guidelines for Handling and Settlement of Land Problems.

³D. W. Pujiriyani dan Puri, W. H. Suku Anak Dalam Batin 9 dan konflik Seribu Hektar Lahan Sawit Asiatic Persada. *BHUMI: Jurnal Agraria Dan Pertanahan*, Nomor 37 (2013) Hal. 122-141. DOI: <https://doi.org/10.31292/jb.v0i37.154>.

⁴ Septian-M Akbar. Dinamika Gerakan Perjuangan Agraria Suku Anak Dalam (SAD) Bathin Sembilan, Desa Bungku, Kabupaten Batang Hari Terhadap Industri Perkebunan Kelapa Sawit. *Journal of Politic and Government Studies*, Volume 11 Nomor 2 (2022): Hlm. 101-116. <https://ejournal3.undip.ac.id/index.php/jpgs/article/view/33323>.

⁵ BPS Batang Hari Regency. Batang Hari Regency in Figures Batang Hari Regency in Figures 2021. Batang Hari: BPS Batang Hari Regency.2021.

conflict between SAD 113 and the oil palm plantation industry is in the District of Bajubang and is ranked 2nd with the largest area of oil palm plantations, 16,771.45 hectares.⁶

The factors considered decisive in the background of this land conflict have yet to be. There is no certificate of Ulayat Land Rights on behalf of the Customary Law Community on the disputed land. Meanwhile, the customary law community or SAD 113 stated that the land was their customary land which they owned long before the existence of the company. In addition, it is known that until now, the disputed land/land is controlled by the company (PT. Berkah Sawit Utama), or it can be said that it is in the development of the economic investment.⁷ This is considered to be unfair by some parties. In terms of land ownership for the community, it will also provide a loophole for sure groups to take actions that are considered unrepresentative to obtain land/land from the indigenous peoples themselves.⁸

The Anak Dalam tribe is an ethnic group subject to customary law. As we all know, UUPA (Agricultural Law) regulates land and creates a unified national land law and is based on customary law.⁹ UUPA's legal concept (Agrarian Tree Law) stated that the National Land Law was drawn up based on customary law relating to land. The common law concept is communalistic, allowing individual ownership of land with private but coherent rights.¹⁰ However, with the enactment of the Job Creation Law Number 11 of 2020, the use of HGU land is extended for a maximum of 25 years and can be extended for a maximum of 35 years. With these changes, this dispute must be resolved immediately because this new law will make SAD's existence even less meaningful. The side of the government that is suspected by the SAD (Suku Anak Dalam) group is one of the reasons why they never want to go to court to resolve this dispute. Various parties are playing SAD who should be able to help resolve this conflict. Cost constraints are also one of the weaknesses of the SAD group. Thus, the expression "money talks" is unfair to SAD.

We can see efforts to resolve this conflict in the Batang Hari District Head's Decree on the Integrated Social Conflict Management Team Composition at the Batang Hari Regency Level. This regulation allows the Integrated Team to fulfill their duties or duties in resolving all types of social conflicts, including the conflict between PT. Berkah Sawit Utama with SAD 113 Group, Bungku Village, Batang Hari Regency. The element of the integrated Team is under the derivatives of Permendagri Number 42 of 2015 concerning the Implementation

⁶ *Ibid.*

⁷ Fitria. Penyelesaian Sengketa Perkebunan Antara Perusahaan Perkebunan Sawit PT. Asiatic Persada dengan Suku Anak Dalam Batin IX di Desa Bungku Kecamatan Bajubang Kabupaten Batanghari. *Jurnal Sains Sosio Humaniora*, Vol. 3, No. 1 (2019). Hlm. 15. DOI: <https://doi.org/10.22437/jssh.v3i1.7083>.

⁸ Setyo Utomo. Penerapan Hukum Progresif dalam Penyelesaian Konflik Agraria. *Jurnal Volksgeist*, Vol 3, No. 2 (2020). Hlm. 34. DOI: <https://doi.org/10.24090/volksgeist.v3i2.3998>.

⁹ Boedi Harsono, *Hukum Agraria Indonesia : Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanaanya*. Jakarta: Perpustakaan Nasional, 2008. Hlm. 176.

¹⁰ Ali Achmad Chomzah. *Hukum Pertanahan : Seri III Penyelesaian Sengketa Atas Tanah dan Seri IV Pengadaan Tanah untuk Instansi Pemerintah*. Jakarta: Perpustakaan Nasional, 2003. Hlm. 5.

of Coordination of Handling Social Conflicts, which can be seen in Article 15 Paragraph (1), which is in the Regency/City government.

The dispute resolution process is believed to take a very long time. In addition, the company seemed unable to meet the demands of the SAD 113 group. Even more disappointing is that the government's role, which should be able to act decisively and guarantee justice for indigenous peoples, seems to be a mere formality. Until the end of December 2021, the settlement of this land conflict has yet to be completed. Of course, this raises questions for various parties on how to resolve disputes that have made land conflicts so far unresolved and how responsive government policies are in handling land conflict cases between SAD 113 and PT. Thanks to Palm Oil Main (PT. BSU). This conflict will be declared resolved if the desire of the Suku Anak Dalam (SAD) community is fulfilled, namely the return of customary land, where this can be achieved through government policy by not extending PT. Berkah Sawit Utama (PT. BSU).

2. Research Methods

This research uses the empirical legal method, namely studying the laws that apply in society. The place for data collection was carried out in Bungku Village, Batang Hari Regency, Jambi Province, which is the residence of the Anak Dalam 113 community, the National Unity and Politics Agency of Batang Hari Regency, The Batang Hari Regency National Land Agency, the Bungku Village Government, and PT. Thanks to Palm Oil Main (PT. BSU). The location of this research will be adjusted to the availability of informants in the study.

3. Discussion

In the discussion section, this article contains two sub-discussions so that each research result will be detailed based on the focus of the study and the problems one by one. The following is a sub-discussion of the research results described in this article:

3.1 The Role of the Batanghari District Integrated Team in Settlement of Land Disputes between PT. Main Palm Oil Berkah with Tribal Groups of Anak Dalam 113

Based on Article 16 of Permendagri Number 42 of 2015 concerning the Implementation of Social Conflict Coordination which contains the duties and authorities of the Integrated Team as follows:

1. Develop an integrated action plan for handling social conflict at the district level.
2. Coordinating, directing, controlling, and supervising conflict resolution at the district scale.
3. We are providing information to the public about the occurrence of conflicts and efforts to handle them.
4. Carry out prevention efforts through an early warning system.
5. Respond quickly and peacefully to resolve all issues that have the potential to cause conflict.

6. They are helping to handle refugees and post-conflict recovery, including reconciliation, rehabilitation, and reconstruction.

Based on the data obtained in the field, there is a fact that the role of the Batang Hari district government regarding the integrated Team has been perfect. It can be seen that on August 7, 2020, it was agreed to grant communal certificates after verifying the subject of indigenous peoples with the results of 744 families. However, resolving land conflicts like this is challenging, especially where the parties involved are the Suku Anak Dalam (SAD), with companies that have much support from several aspects. According to the opinion of the head of SAD 113, their party no longer trusts the government. SAD considers this case a long-standing one since 1986, but SAD feels like it has been sidelined. The government needed to be more responsive to the business they were doing, so the government issued an extension of the HGU permit to PT. Berkas Sawit Utama in 2019. They are granting of HGU extension to PT. The Main Palm Oil Blessing was justified by the Secretary to the Leader II of the DPRD of Batanghari Regency and Assistant I to the Regional Secretary of Batanghari Regency.

Data from SAD 113 regarding releasing and extending the HGU permit for an area of 3,700 hectares to PT. Main Palm Oil Blessing by BPN and Batanghari District Government without involving conflicting communities (SAD 113).

Table 1.1 shows the process of releasing and extending the HGU of 3,700 hectares of land to PT. Main Oil Palm Blessings

| DESCRIPTION | TIME | PLACE | INFORMATION |
|--|-------------------|---|--|
| PT | January 16, 2019 | | Application for release of land covering an area of 3,700 HA |
| The company held a meeting with the Ministry of ATR/BPN RI, KANWIL BPN Jambi, Kanta BPN Batanghari, and Pemkab Batanghari | February 20, 2019 | Ministry of ATR/BPN RI office | Expose regarding the release of 3,700 ha of land |
| The Team from the Ministry of Agrarian Affairs/BPN RI, KANWIL BPN Jambi, BPN Batanghari, the company, the Bungku village head, and the Bungku Village LPM together came down to the field. | April 2019 | The HGU land area is 20,000 ha, and the land area is 3,700 ha | HGU boundary measurements and a land area of 3,700 ha. This activity did not involve representatives of the SAD community and farmers who were in conflict. |

| | | | |
|---|--------------------|------------------------|--|
| The Minister of ATR/BPN RI issued a decree number HT.01.04/1384/VIII/2019 | August 9, 2019 | | Granted land release permit for 3,700 ha |
| The management of PT. Berkat Kelapa Utama made a statement in front of notary Anestia Chrisanti. | August 16, 2019 | | Concerning the voluntary release of 3,700 ha of land from the company's HGU of 20,000 ha |
| Jambi BPN Regional Office with letter number NP.02/1577-15/VIII/2019 to the Governor of Jambi | August 23, 2019 | | Concerning the proposed Land Object for Agrarian Reform on land released by PT. BSU covers an area of 3,700 ha |
| Governor of Jambi with letter number S.2647/SETDA.PSDA-33/IX/2019 to the Ministry of ATR/BPN RI | September 10, 2019 | | Regarding PT. Berkat Sawit Utama's TORA proposal |
| KANWIL BPN Jambi made letter NO NP.01.02/1829-15/X/2019 | October 2, 2019 | | Meeting invitation |
| Based on the invitation, KANWIL BPN Jambi held a meeting with all parties, including company management from Jakarta. | October 10, 2019 | Hotel Swiss Bell Jambi | <ul style="list-style-type: none">a. Expose land release of 3,700 ha.b. TORA structuring planc. Identification results, PT.BSU/PT. Asiatic persada are still in conflict with the SAD 113 group, group 258 (land lease), and the Alib bin Bujang daud groupd. Conflict resolution is integrated with determining the boundaries of Batang Hari Regency and Muaro Jambi Regency. <p>At this meeting, representatives of the SAD community and farmers in</p> |

| | | | |
|--|------------------|--|---|
| | | | conflict and assistants were not invited. |
| The Ministry of ATR/BPN RI issued Decree No.109/HGU/KEM-ATR/BPN/X/2019 | October 18, 2019 | | Regarding the extension of PT.Berkat Sawit Utama HGU permit for a land area of 15,693.7004 ha |

Source: Data from the Internal Child Tribal Group (SAD) 113

Based on these data, the government needs to be more responsive in carrying out its duties to resolve disputes between customary parties and corporations. Even though normatively, the Batanghari district government has performed its duties and functions. Based on information from the Batanghari Regency DPRD, it was concluded that:

“DPRD parties have carried out their duties optimally, from accepting the SAD, peaceful demonstration to the march to Jakarta to ask the Central Government to provide a solutive role in this land dispute. However, this problem did not find a bright spot due to the limited authority of the Batanghari district government in providing support to resolve this dispute. With the limitation of authority, this problem is delegated to the Regional Government of Jambi Province. After the delegation of authority has taken place, the Regional Government of Jambi Province can only carry out any matters that are decided in nature. However, the task of the Batanghari Regency government continues, and his party will continue to supervise and communicate with both parties”.

As we all know, the Batang Hari District Integrated Team was the arbiter of this conflict. The dissolution of this conflict is not necessarily entirely due to the Integrated Team. However, many other factors cause this conflict to take a very long time. The role of the Integrated Team as a mediator of conflict is vital. In addition, almost every month, there are meetings to resolve this conflict—land Conflict Between PT. The Blessing of Main Palm Oil and the Tribal Group of the Anak Dalam 113 In Bungku Village, Batang Hari Regency, is considered a severe conflict, especially since neither side wants to give in. This conflict has reached the center and is very regrettable to this day, the land conflict between PT. The Blessing of Main Oil Palm with the Tribal Group of Children in 113 in Bungku Village, Batang Hari Regency, has not yet been completed.

Therefore, the Batang Hari Regency Government Integrated Team resolved the conflict between the Suku Anak Dalam (SAD) 113 and PT. Main Palm Oil Blessings play a role: 1). Facilitating the dispute resolution process between PT. Thanks to Palm Oil Main (BSU) with the SAD 113 group; 2). Become a mediator in the dispute resolution process, namely mediation. Following Article 16 of Permendagri Number 2 of 2015 concerning the implementation of social conflict coordination which includes the duties and powers of an integrated team, must be carried out clearly and in detail. However, in reality, there are still factors that hinder the application of this article. So far, there has been some progress in handling the conflict through a unified group of local governments. It is expected to signal

the government's commitment to ending other land conflicts, including the land conflict between PT. Thanks to Sawit Utama and the SAD 113 group. In addition, the government must be able to inform the public about developments in the conflict and how to handle it through the Integrated Team, including extensions from PT. Thanks to Palm Oil.

3. 2 Land Dispute Settlement Mechanism between PT. Main Palm Oil Berkah with Tribal Groups of Anak Dalam 113

Throughout this case, since the publication of the company's HGU in 1986, there have been many processes or mechanisms for resolving land conflicts. However, as previously explained, it takes work to resolve this land conflict. Conflict Between PT. Berkah Sawit Utama and the Suku Anak Dalam 113 Group in Bungku Village have involved many parties, such as the Batang Hari Regency Working Group Team per the Batang Hari Regent's Decree Number 72 of 2022. The path used in resolving this conflict is mediation/non-litigation. The reason for choosing this path is based on the choice of both parties, especially the Anak Dalam tribe, which lacks an advocacy team.

The conflict handling guidelines were carried out by the Working Group on Handling Tribal Child Conflict in 113 with PT. Berkah Sawit Utama in Batang Hari Regency with the following principles and steps:

1. Process Accountable
Handling this conflict is carried out responsibly, monitored, and evaluated together and can be accepted by all parties.
2. Process Transparency
Procedures for handling conflicts are carried out openly involving governmental and independent parties and stakeholders.
3. Comprehensive
An analysis of conflict resolution was carried out thoroughly by involving the Sub-Pokja on Legality Analysis of HGU (Hak Guna Usaha), Subject Verification. And Legal Handling.
4. participatory
The parties, namely the Suku Anak Dalam 113 community and PT. Berkah Sawit Utama was involved in every information audit process, with the results and decisions implemented by the Pokja Team.

Based on the above, there are stages in handling land conflicts between PT. Blessings of Main Oil Palm with the 113 Children's Tribe Group in Bungku Village, namely:

1. Legalization of the POKJA team and formulation of conflict resolution work;
2. Verification of the subject of the Suku Anak Dalam 113 community and determination of the Governor's Decree;
3. Identification of Objects, Schemes, and Determination of Objects for Conflict Resolution of the Internal Child Tribe 113 ;

4. Finalization of conflict resolution through collective certification and cooperative management.

Conflict settlement between PT. Berkas Sawit Utama (BSU) with the SAD 113 group, several attempts have been made to solve it. The dispute resolution process used is through non-litigation channels, namely mediation. Mediation was carried out several times from 2002 to 2020. From mid-2020 to 2021, this conflict was stopped due to the Covid-19 virus. Then in 2022, based on the results of the author's interview with the Head of Social Conflict Management at the Jambi Province Kesbangpol Service, said that currently, the resolution of this land conflict is in the stage of identifying objects, schemes, and determining objects for conflict resolution SAD 113. In connection with the final results of subject factual verification activities, indigenous peoples of Suku Anak Dalam 113, which has been carried out by the Working Group Team (Working Group) for Handling Conflicts Between Suku Anak Dalam and PT. Blessing of Main Oil Palm (BSU) in Batang Hari Regency, namely:

1. The factual verification activity on the subject of the Suku Anak Dalam 113 community is a follow-up to the results of a joint agreement with the ATR/BPN ministry on August 7, 2020, at the Swiss Bell Hotel, by forming a team that has the task of verifying the Suku Anak Dalam 113 who have not received a change in their rights related with the issuance of HGU Certificate Number 1 of 1987 in the name of PT. Thanks to Sawit Utama and the Team's verification results were reported to the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency and the Governor of Jambi, to be determined as the location to be given to Suku Anak Dalam 113.
2. Factual verification comes from data from the indigenous people of the Suku Anak Dalam 113 which is determined by the legality criteria of population administration, genealogical history (descendants) of the Suku Anak Dalam, as well as the original hamlet group, with a total of 1513 people.
3. Based on the results of the review/correction of the Working Group, which submitted precise data based on completeness of population administration, genealogical history, the hamlet of origin, and screening criteria for husband and wife is the same, minimum elements, registered in Batang Hari Regent Decree Number: 180 of 2014 and non-Suku Anak Dalam, with final data as below: a). Subjects accommodated as many as 744 people; b). As disqualified as many as 239 souls; and c). The total recorded is 983 people.

Since 2016, the results of verification of the determination of the new subject will be completed in 2021. Until now, the determination of the object has yet to be completed. The Suku Anak Dalam 113 community is increasingly doubting the commitment from the Ministry of ATR/BPN RI. However, the other Integrated Team continues to say to be patient because the issue of land conflict is not a small matter. It also made the Anak Dalam 113 Tribe walk to the State Palace to ask the President of the Republic of Indonesia for help. Until now, the resolution of this conflict is just waiting for the verification of the land object

that will be given to the 113 Anak Dalam Tribe Group. If it has been verified, a Decree will be issued by the Governor of Jambi Province. In addition, the author hopes that a Decision Letter on a verified subject can be issued. It is intended so that there is legal clarity on paper in black and white.

As we all know, dealing with conflicts like this takes work. The government's role has also contributed to conflict resolution so far. Even though the resolution mechanism that is carried out is only mediation, in 2022, at least the Suku Anak Dalam 113 will get a small quantity of fresh air because the stages of settlement so far determine the object. The government and all related Batang Hari District Integrated Teams have worked hard so far. The BPN of Batang Hari Regency is also not spared, which assists the company in determining the location or location of land objects to be distributed to SAD 113

4. Conclusion

The role of the Batang Hari District Integrated Team in resolving land conflicts between PT. Berkat Sawit Utama and the 113 Anak Dalam Tribe Group in Bungku Village, by carrying out mediation efforts and forming an Integrated Team for conflict resolution. This Integrated Team was formed and helped facilitate the dispute resolution process between PT. Thanks to Sawit Utama (BSU) with the SAD 113 group and to become a mediator in the dispute resolution process, namely mediation. Meetings hold it with conflict parties and relevant government agencies at the central and regional levels. The land conflict resolution mechanism between PT. Blessing of Sawit Utama and the Suku Anak Dalam 113 Group in Bungku Village, Batang Hari Regency, which the Batang Hari Regency government carried out through a non-litigation route, namely mediation. This mediation has been carried out for a long time, from 2001 to 2022. Even so, there still needs to be a middle point between the two parties. Finally, at a joint meeting with the Ministry of ATR/BPN RI on February 16, 2022, the company was willing to give land to the 113 Anak Dalam Tribe Group. Until now, the progress of resolving this conflict is verifying the number of 113 Anak Dalam Suku Anak Dalam who will receive the land, namely as many as 744 families/person. Until now, BPN Batang Hari Regency, together with PT. BSU is looking for land locations to be given to SAD 113.

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