

# Conflicts Of Land Confiscationis In Sogo Village: Community Versus PT. Bukit Bintang Sawit (WILMAR)

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## Abstract

Conflicts of land confiscation is one of the land tenure problems in urban and rural areas of Indonesia. Conflicts that occurred came from capitalism that has entered in various regions with the aim to gain benefits both individually and in groups. This study looks at the chronology of the conflict, the actors and the type of people's political movements of their lands that have been excluded from their daily livelihood resources. Partnership system built by PT. BBS (PT. Bukit Bintang Sawit) resulted in changes to the access of land or agrarian resources. Land that originally as a source of community life experienced a process of power transfer from community to company PT. Bukit Bintang Sawit. The research method is a comparative with ex post facto approach. The data analysis was done in the form of literature study, resume result from Antoni and field result of year 2016 in order to understand the theory related to phenomenon. Data analysis is the view of experts who are studying the conflict on access theory proposed by Jess C. Ribot and Nancy Lee Peluso, while the conflict theory was using Fisher et al. and theory of property rights from Schlager and Ostrom (1992). The results of the study indicate that the type of political movement performed the type of official politics and the conflict between local communities with PT BBS. Their movement is aimed to reclaim their natural resources. Then the type of everyday politics related to the opposition openly to reject the operation of oil palm plantation companies in the area of Sago Village and ask for compensation related to the land they have seized. In addition, the actor in the case consists of three people who have economic capital, holders and makers and recognize property rights and government policy makers.

## Keywords

land conflict, local community, government

## INTRODUCTION

The land confiscation conflicts occur almost everywhere both rural and urban in entire Indonesia. These conflicts happening to the communities absolutely resourced from inconvenience, interests, and others. A fundamental of land confiscation conflicts oc-

curing on the local communities is a lack of appreciation to the property rights on the communities itself. Further, the conflicts

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also arisen due to the word “compensation” which is not fulfilled by capitalists. The cases of land confiscation conflicts in the communities have been taken many methods to overcome these problems, however, they are still being talked nowadays. Even these conflicts caused by the capitalists are being experienced an impasse.

According to Borrás Jr *et al.*, (2012) state that a land confiscation is an effort in gaining control on land certainly at wide and large scales. This is related to other natural resources through various contexts and capital forms in a greater amount. In general, Borrás Jr *et al.*, (2012) stating “a land confiscation in a large amount is able to change a resource use orientation into an extractive-way either international or domestic purposes as responses on food divergence, energy, and financial crisis and climate mitigation, as well as resource demand of new capital”.

A conflict of land confiscation is an element of agrarian conflicts that are more intense being talking and even becomes a power in rights taking on private property. Assuming that a land confiscation has occurred through a fighting process among socio-political powers in competing built resources in the communities itself (Ananta, 2016). The social power was built by an ascendancy networking developing since a New Order in Indonesia. These land conflicts are getting more intense and open through the state machine delivering the full rights to landlords in land tenure.

Happening conflicts of land confiscation at least involves two playing actors in the context of snatching the powers in the communities' itself. These two actors are people who belong to rights on lands and government to rule the system of the lands. In searching the happened conflicts of land confiscation started from capital owners trying to take powers on the lands. Even, nowadays the conflicts of land confiscation occur due to a relationship between the state and government. Lands for farmers or local communities' function as a strength to live up their family economy (Adit, 1964).

The land confiscation that happened on the local communities in relation to the

state or capitalists offering in actualizing through various development programs. According to Levien (2012) states that the development is designed specially to accelerate economic growth possessing impacts on the land acquisition that eventually turns to be a land confiscation.

Research on the conflicts of land confiscation or seizing are also conducted by Wahyu (2015) states that the root of conflicts begun from overlapping certificates and implemented status between seals and certificates. This figures out a hidden interest between private interest and public interest. Further, Wahyu (2014) states that research on conflicts of land confiscation conducted in the wetlands at Banjar Regency indicating that

“the conflicts on land in regarding wetland, especially in Gambut Sub-district commonly is related to overlapping certificates. The underlying factors that arise conflicts on land and overlapping certificates is access of road which did not exist previously. The wetlands at Gambut Sub-district previously were un-used lands or well known locally as *galam* which possess a high economic value after the road access has been built. The lands were then completed with overlapping certificates which are located along the road of A. Yani (Km. 7 – Km. 18) and Lingkar Utara”

These two research results have been presented relating to uncertainty property rights on land conducting by capitalists in gaining income or interests. According to White *et al.* (2015) stating that a collection contribution utilizes the agrarian political economic tool to explore a vast growth and offering lands widely is called as confiscation of lands. The discussion related to the land acquisition in large scale and companies is highly correlated to the resources. Many lands of course in large scale which are offered concretely between agribusiness companies and the government conducted through land renting and purchasing. Therefore, establishing the land confiscation and new regimes of production and employment is potential to open access on new reformation globally in where the government

takes the lands of poor people and delivers them to rich people.

The mentioned phenomena above also happened in Sago Village where a conflict occurs between the local community and PT. Bukit Bintang Sawit (PT. BBS), an oil palm plantation company. This conflict began from an establishing process of plantation conducted through a partnership between the company and the local community was not harmonic. The current condition, the company has planted oil palm plants in 1000 ha and claiming the land of the plantation had been purchased from local communities where an actor of selling the lands was Abu Bakar Jidn in 2009. This condition makes the Sago Community and company are blaming each other. Furthermore, the government of Muaro Jambi Regency had issued double permits in the same location. The Sago community is still asking rights on their lands that had been seized by PT. BBS. Hence, the raised questions in this research are how did the conflict chronology of land confiscation happening between the Sago Village, Kumpeh District, Muaro Jambi Regency, and PT. Bukit Bintang Sawit (WILMAR)? and what is the political movement conducted by the Sago community in taking back their lands claiming by PT. Bukit Bintang Sawit (WILMAR)?

## THEORETICAL FRAMEWORK

A problem analysis of the conflict between the Sago villagers and PT. BBS used an access theory of Jess C. Ribot and Nancy Lee Peluso (2003), conflict theory of Fisher *et.al.* (2000) and theory of property rights of Schlager and Ostrom (1992). The access theory tends talking about how villagers or communities are able to access regions or areas belongs to them, what the capacity that should be owned in getting access, and what a power to access the phenomena. In tracking the villagers around Sago Village is a form of access carried out by conflicting actors. The happening condition on the policy of built partnership is to overcome problems or enable problems in the village community. The prior established agreement was in

the form of a partnership; however, this agreement does not run right eventually. The lands of villagers were sold indirectly to the company. Therefore, the access on the lands are getting less and the villagers undergo the conflicts on the land to the company. This raises an effort in order to take back access on the land that had been claimed by the company. For this step, a theory of access helps to explain the happening phenomena in the community. Furthermore, the theory of conflicts also describes the causes of the conflict which are able to be discussed through a conflict chronology in the community itself. Through this process, the context of conflict due to the land confiscation occurring in the community of Sago is deeply described and explained in detail.

Moreover, the theory of property right tends to explain and to describe the position of holders in this context are as owners, authorities, users and prosecutors or supporters. In understanding this theory, it is on the position of other parties in analyzing the happening conflict. For the context of this research, the position of Sago community is the owner of the lands which are being plundered by the PT BBS. While on the other side, PT. BBS holding power on lands which had been purchased from the community. In this situation, an emerging conflict between the community and PT. BBS, and also the community is regarded as the supporters in the conflict.

## RESEARCH METHOD

The research method used in this paper is a comparative method. In order to explain an approach of this research, an *expost facto* is considered. According to Lord, (1973) the purpose of this research is able to define control and create a situation that will be studied. On the method and approach can figure a causal relationship on the happening phenomena. Data were analyzed resourcing from books, journal, documents, observational data, and research results in 2016 at Jambi. The acquired data were related to the happening conflict in the village of Sago. The data analysis also was in form

of expert views in studying conflicts related to the theory of access proposed by Jess C. Ribot and Nancy Lee Peluso (2003), the theory of conflict by Fisher *et.al.* (2000) and property rights theory of Schlager and Ostrom (1992).

The analysis of happening cases was in forms of research results in 2016 at Jambi and resuming from Antoni, interviewing the Non-Governmental Organizations (NGOs) during conducting this research. The theoretical data were analyzed about the conflict were only three actors that are related to the theories of access, conflicts and property rights. The conducted analysis in this research was a literature review, resuming results from Antoni and field observation in 2016 to interview and to understanding the theories regarding the happening phenomena. The available data then were recognized as preverb of a land confiscation conducted by PT. BBS where the rights of lands belong to the local community. The arguments from experts used in analyzing the happening phenomena and as a framework in carrying out the analysis.

## RESULTS AND DISCUSSION

### The Conflict Chronology between PT. BBS and Community of Sago Village

The Sago village is located in Jambi Province concisely at Muaro Jambi Regency, Kumpehllir District. On December 10, 2016, the head of Sago Village had handed over the lands in wide of 200 ha to the leader company of PT. BBS. Handing over the lands was intended to carry out a partnership process of oil palm plantation between PT. BBS and Sago Villagers. After this process, three months later concurred on March 26, 2006, the company held socialization about a partnership to the community of Sago Village locating in the house of Sago Village head. After conducting the socialization, issuing the permit to the Regent of Muaro Jambi, Bapak Burhanudin Mahir, coincided on July 14, 2007, with partnership requirements that had been agreed together.

The partnership process conducted by PT. BBS and the Sago Villagers is not run-

ning well. This proves that there is a misuse of agreement and cooperation that are going to be built. There was an agreement carried out by the company and an actor, Abu Bakar Jidin, from Tanjung Village. The agreement was taken by Abu Bakar Jidin and PT. BBS without any engaging the local communities and handed over the lands and invalid villagers' documents of Sago village on October 11, 2010. At the same year (2010) on December, PT. BBS carried out land clearing unbeknown by local villagers. The process conducted by these two parties (Sago villagers and the company) was without any agreement in forms of either selling-buying or renting on the lands.

Furthermore, on December 25, 2010, the local community ambushed or forestalled activities of PT. BBS on the lands belonging to the local communities. Evidently, on January 31, 2011 The Muaro Jambi Regent rapidly released double permits for the same location by issuing a decree in order to be conducted establishing the oil palm plantation. Moreover, through the Body of Village Council (Badan Permusyawaratan Desa, BPD), PT. BBS clarified on the lands are being utilized and claimed that the company had purchased the lands from Abu Bakar Jidin which was based on by:

1. Letter of sale on March 27, 2009, which was signed by Abu Bakar Jidin and Basri Yusup for ±400 Ha lands of Farmer Groups.
2. Certified of Origin Lands that was signed by all heads of RT (neighborhood) in Lingkungan 1, Kumpeh Sub-district, Muaro Jambi Regency. But this certificate was not signed by the head of Lingkungan 1. This letter actually enlightened that the lands were sold originating from lands of Custom Society which were occupied to be lands of Farmer Groups since 2005.
3. Appendixes of Muaro Jambi Regent Decree Number 22 of 2011, on January 31, 2011, about Maps of Permitted Locations for PT. Bukit Bintang Sawit.

According to the mentioned information above, Abu Bakar Jidin and PT. BBS are suspected to have defied the article 385 of

Criminal Code due to benefit his/her self or other persons by against the law, selling, changing the rights of lands which are not being certified, planting or seeding, and seizure of others' land rights. Therefore, due to the explanation above, a conflict between PT. BBS and Sago Villagers on ownership rights on lands is going to be emerge.

### Politics of Sago Villagers on Land Ownership

The land confiscation conducted by PT. BBS causes a conflict between this company and the local community. The local community dues back the first agreement that had been taken by PT. BBS together with the local community regarding partnership cooperation. An arising problem is the local community belonging the lands and made the partnership cooperation. The villagers of Sago possess insight categorizing good in responding to the being happened problems.

According to Borras (2009), the typology of politics is divided into threetypes, namely Official Politic of ruralrelated to involve the authorities in all elements of organization that implement, change, fight for, and avoid policies regarding resource allocation and the government is a main actor in the organization (state). The DailyFarmer Politicis related to a person who works, lives and lets in other people securely to obey, adapt, and fight norms on rules of authority, production, resource allocation taken quietly, worldly-minded, finely, and rarely organized actions or directly. This kind of politics also discusses decision making and agrarian activity establishes the national policies that have been proposed by Kerkvliet that policy cases of farmers in Vietnam and Bangladesh (Adnan, 2007) and Le Mons Walker (2008) analyze the daily counterwork openly. A legitimated counterwork happening in the contempered Chinese rural communities state that the rude action takingby the local government surely officials on the decision for land use and confrontative measures between farmers and villagers. The Advocacy Policyinvolves directly to support, cri-

ticize, opposite the authorities,policies, and programs or all ways in where the produced and distributed resources in a certain organization or an organizational system. This also includes measures openly to encourage alternative programs, procedures, and political systems. The typology of politics is able to be figured out as follows.

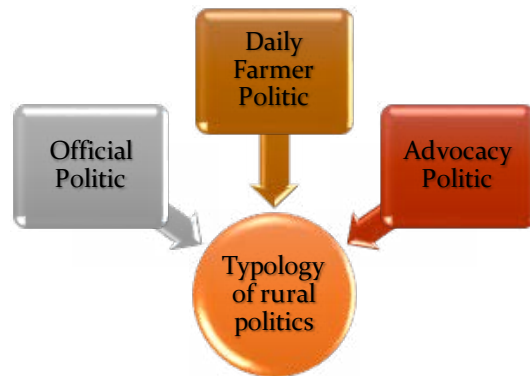


Figure 1. Typology of Rural Politics

The villagers of Sango take movement against capitalism (PT. BBS). The conflict between the company and the villagers cannot be resolved yet. Hence, some means carried out by the villagers of Sango on their land rights which had been snatched by capitalist are listed as follows.

1. The villagers of Sango through their head village wrote a letter to the BPN Province of Jambi. This letter contained the Villagers of Sango asking to the BPN in order to revoke a business use rights (HakGuna Usaha, HGU) belongs to PT. BBS;
2. The community of Sago through their head of village inscribed PT. BBS to indemnify the community lands which had been exploited by the company.

From the situation and means that had been taken by the villagers of Sago, up to date there is not any clear point and respond yet neither PT. BBS nor the local government of Muaro Jambi. The assertion of Sago villagers to the oil palm company should turn back at least 1,000 Ha of oil palm plantation lands which are being planted currently by PT. BBS. The politics contained in the case is categorized as an official politic which conduct fighting between

local community and capitalism (PT. BBS) aiming to fight back for resources they have. Furthermore, the next politic applies an everyday politic regarding openly fight against to reject the operation of oil palm plantation in the village of Sago and request compensation on the lands which had been seized. Therefore, the case in Sago Village has two political positions namely official rural politic and every day rural politic. This is different with cases researched by James Scoot and Kerkvliet about the official politic and advocacy politics, and Borras at three types of politics namely official politic, advocacy politic, and everyday politic.

### Actors and Access of Sago Villagers in Land Confiscation

One of the land confiscation conflicts occurred due to the oil palm plantation (PT. BBS) did not carry out partnership cooperation or disavow an agreement which had been agreed on between the villagers of Sago and PT. BBS. In the access theory proposed by Ribot and Peluso stating that access is an ability to gain advantages or a right in acquiring profits. Ribot and Peluso analyzed three access types namely (1) identifying and mapping the benefit flow in a certain interest, (2) identifying mechanism in numbers of actors' activity to participate in obtaining, keeping, and controlling the benefit flow, and (3) analyzing the power relations

in order to mechanize controlling the benefit. The proposition in the access theory more tends to the ownership expansion. According to Ribot and Peluso also makes the main problem in the property right is the resource in relation to the land and natural resources. Consequently, the theoretical analysis of Ribot and Peluso regarding this research is the checking on power in the frame of measures from actors in getting power and benefits.

The community of Sago Village acts based on the shifting of interests between the landowners and authority to acquire lands. Both parties undergo a different interest which rises up a conflict in gaining profits. The actors carrying out conflict affect highly on the public order. Accordingly, a power holder is an actor who is assumed to be a strength to execute land seizing. The conflicting actors are figured out in the following Figure 2.

Those three actors who play an active role to take collaboration in the process of land tenure on belonging to the local community. In this case, the holder and maker of power play a role actively in picking up benefits. Knocking out the local community on their land resources as the impact of access change and loss of jobs due to the oil palm plantation. The lands previously belonged to the local community are handed over and occupied by the company. Further,

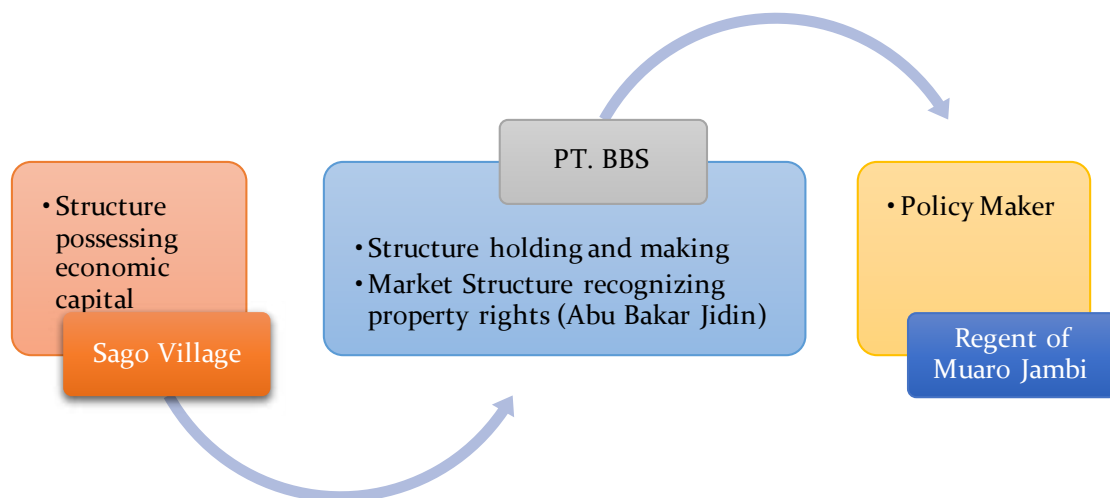


Figure 2. The Access of Conflicting Actors

the company in order to get more benefits pursued a number of approach activities and mechanisms to the local villager naming as Abu Bakar Jidin.

## CONCLUSION

The community of Sago Village keeps to sue on the land confiscation that was conducted by actors possessing an interest in gaining profits. There are not any alternative solution in resolving the conflict of land confiscation, the villagers only want to get their lands back as their income source. There are ways which should be taken namely either PT. BBS should give back the villagers' lands or taking cooperation with the local villagers in forms of partnership. Therefore, the measure acting by Abu Bakar Jidin and PT. BBS are presumed have been infringed Article 385 of Criminal Code due to benefit either his self or other people by action against the law, sell, change the right of lands that are not certificated yet, either planting or seeding and seizing other land property.

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