



RESEARCH PAPER

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Study of the conflict potential and the parties in the utilization of forest areas in the consession of iuphkh-ht pt. Inhutani ii tanah grogot regency

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Abstract

Forest and land conflicts have emerged in Indonesia in recent years. More than 20% of the forest area is affected in large part due to disputes over permits for mining, industrial plantations or oil palm plantations. Methods in identifying conflicts using the rapid land tenure assessment (RaTA) method. This research was conducted with the aim to examine the potential for conflict in the utilization of forest areas in the PT IUPHHK-HT concession. Inhutani II, Tanah Grogot. The results of this study obtained 4 potential conflicts such as Conflict between PT. Inhutani II with PT. Sinabangun Agro Pertiwi and PT. Saraswanti uses a pattern of arbitration conflict resolution, namely legal settlement but outside the general court process, a conflict between PT. Inhutani II with PT. Kencana Inti Agro with conflict resolution negotiation patterns, conflicts between companies and community cultivators with facilitation resolution patterns of resolving conflicts, conflicts between companies and capitalists with litigation conflict resolution patterns. Litigation Settlement needs to be taken to emphasize those who violate the law. The owners of capital play behind the scenes as intellectual actors who control forest encroachment activities, so law enforcement needs to be done so as not to become more violent.

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Introduction

The high activity of forest area use by the community, especially in the PT IUPHHK-HT concession. Inhutani II Tanah Grogot, will be very very experienced in sustainable forest management. The new paradigm builds the family toward the giver of meaning and society as the main subject or actor. The main actors of the main actors managing managing managing managing managing managing managing managing more in a collaborative forest management system between PT. Inhutani II with the community. So far the company has made various efforts, but not optimal for optimal results. The occupation of land by the community is even more prevalent and almost reaches 30% of the extent of existing concessions.

The non-completion of good boundary activities by the Boundary Committee (PTB) for the forest area and concession boundaries by the company (participatory boundary arrangement), further exacerbates the problem of land tenure in forest areas in the region. This makes it easier for people to claim forest areas because of unclear forest boundaries in the field, even though there are already unilateral signs made by the company.

Land conflicts in the HTI concession of PT. Inhutani II Tanah Grogot has been underway since 1997 and is increasingly rife with reforms until now. Complete and mutually beneficial handling between the community and the company has never been achieved. For this reason, researchers want to dig deeper so that recommendations can be obtained for conflict resolution patterns that are in accordance with the actual conditions of each conflict. Each conflict has different root causes which of course need different solutions.

In the vicinity of forest areas, the lives of indigenous people or indigenous peoples based on customary law have natural resource rights around the forest. Customary law stipulates that these indigenous peoples have the right to the forest around them in the form of the right to use land in their territories,

the right to stay within a certain period of time around the area, and the right to use the forest around the area. National development implements a tripple-track strategy, namely a development strategy that promotes recovery and economic growth (progrowth), eradication of poverty (pro-poor), and increased employment (pro-jobs). Experience shows that high economic growth is not necessarily able to realize people's welfare if it fails to create a social justice and income distribution (Nasution, 2007). Similarly, it is stated that wealth creation without redistribution will increase inequality. As wealth grows, the poverty line increases (Seabrook, 2006).

In its development in an area born of local people, namely people who come from other regions, but then settle for a long period of time in the area. Socio-economic development has created conflict between communities, local and state regarding the implementation of their rights, such as cases of conflicts that occur inside forest areas (Surono, 2009). Forest and land conflicts have emerged in Indonesia in recent years. More than 20% of the forest area is affected in large part due to disputes over permits for mining, industrial plantations or oil palm plantations.

Many interrelated factors contribute to this conflict, such as legal uncertainty caused by conflicting or overlapping jurisdictions, weak law enforcement, uncoordinated (and often illegal) licensing and licensing procedures, rampant corruption, and increasing global demand for land, food, renewable energy, infrastructure and conservation. Prolonged conflicts in areas that have been encumbered by permits such as IUPHHK for Plantation Forests or Natural Forests will cause disruption of activities planned by a permit holder. The important thing that we need to understand together, conflict is part of the dynamics of the relationship between IUPHHK holders and the community does not need to be avoided, but to be known for its condition, its potential is mapped and efforts are sought to bring a more prosperous community so that it can act as a company asset in partnership (Dirjen BUK, 2014).

The pattern of settlement and control of land use after being appointed as a production forest area for arable land is divided into 2 (two) groups, namely (Perpres, number 88 of 2017); In the case of the land area being used for arable land and has been controlled for more than 20 (twenty) years in a row, it shall be carried out by issuing land parcels from within the forest area through changes in forest area boundaries. In the case of land parcels being used for arable land and has been controlled for less than 20 (twenty) years in a row, it is carried out by providing access to forest management through a social forestry program. Conflict is a different perspective. The form can be in the form of a complaint up to the level of violence and war.

Materials and method

Materials

The equipment used during the study included questionnaires, cameras for documentation, stationery, research location maps, GPS and computers (ArcGIS software).

Method

This research was carried out for 5 months at PT IUPHHK-HT. Inhutani II The Tanah Grogot Management Unit, consisting of 5 villages surrounding the Work Unit, namely Mengkudu village, Kerang village, Kerang Dayo village, Riwang village and Lomu village. The 5 villages are located in Batu Engau District, Paser Regency, East Kalimantan Province.

Results and discussion

Existing conditions in the forest area in the study area are based on the results of field observations, there is vegetation of Acacia and Eucalyptus plants, logged over shrubs that have not been planted and facilities and infrastructure owned by PT. Inhutani II. Although this forest area is designated for Industrial Plantation Forest (HTI), there has been land occupation by plantation companies with oil palm plantations. Besides that, it is also seen that there are oil palm, rubber, rice and secondary crops that are managed by the community. In any part of the world, forests have become an arena of conflict between various parties concerned with forest resources.

Often the interests of one party clash with the interests of others (Walker and Daniels, 2001; Buckles, 1999; Wollenberg, *et al.*, 2001). From the search results in the field, description of the potential conflicts and profiles of the parties who utilize the forest area in the PT. Inhutani II in Batu Engau Sub-district is the following.

Conflict of PT. Inhutani II with Plantation Companies

Unlike other sectors, conflicts in the forestry sector involve various parties, ranging from local scales to national, and even international. In addition, differences in status between "strong" and "weak" parties stand out. Stronger parties will usually easily maintain their position because they have the power to fight weak parties. They have more information and greater financial ability compared to weak parties. The difference in power between the two sides led to the complexity of resolving conflicts in the forestry sector. Another uniqueness is that conflicts in the forestry sector are often not known publicly or do not surface (latent) and are very difficult to solve because they occur in remote places. In the past, such conflicts were often resolved with pressure from stronger parties against weak parties.

PT. Inhutani II Tanah Grogot or ordinary people refer to HTI as a State-Owned Enterprise (BUMN) company engaged in Forestry. PT. Inhutani II Tanah Grogot began planting activities in Batu Engau Subdistrict in 1992 based on the permit to plant HTI Development from the Minister of Forestry Number: 03 Menhut-V / 92 dated January 2, 1992. Then IUPHHK-HT permit was issued based on Forestry Minister's Decree Number 504 / Menhut-II / 2009, September 3, 2009 for a period of 60 years. PT. Inhutani II is only given permission to use Wood Forest Products in the State's land for plantations. The area of work of PT. Inhutani II Tanah Grogot according to SK is 16,816 ha in the form of Production Forest. Further developments based on the RTRWP, there was a change in the function of the forest, where the concession of PT. Inhutani II, covering an area of 16,816 ha, is divided into 14,136 in the form of

Production Forest (HP) and an area of 2,985 turned into Other Use Areas (APL). The change in the status of forest functions to APL has the potential to become a conflict because many parties have an interest in utilizing the area.

In Batu Engau sub-district there are 18 permits for oil palm plantations, but there are only 4 companies that are directly adjacent to the forest area. The oil palm plantation company is PT. Sinabangun Agro Pertiwi, PT. Saraswanti, PT. Minamas and Agro Inti Kencana. Of the 4 companies there are 3 potential conflicts due to overlapping permits and encroachment with forest areas. Licensing overlaps occur with PT. Sinabangun Agro Pertiwi and PT. Saraswanti. While the company that cultivates the forest area is outside the plantation permit, PT. Agro Inti Kencana. The occurrence of overlapping business licenses in forest areas and this encroachment has the potential to conflict between interested parties.

Not infrequently also a conflict of interest between one company with another company causes disputes, which sometimes until protracted and not resolved in a long time. Map of identification of overlapping permits and land grabs in forest areas attached in annex 2a and 2b. Results of identification of potential conflicts between concession holders and plantation companies as can be seen in Table 1.

Table 1. Results of Identifying Potential Conflicts within the concession area of PT. Inhutani II Tanah Grogot.

Potential Conflict	Conflict Parties	Notes
Forestry with Plantation Companies	PT. Inhutani VS PT. Sinabangun Agro Pertiwi	Overlapping Licensing areas
	PT. Inhutani II VS PT. Agro Inti Kencana	Planting Palm Oil in forest areas, outside of plantation permits

PT. Inhutani II with the Community

The development of an increasingly advanced era and the increasing needs of the community have an

impact on the increasing need for land for housing and land for businesses. The only land that is still available is state land in the form of forest area near their place of residence. Significant population development rates increase land use, which in turn reduces forest area, while the management has an obligation to protect the forest area both in terms of its sustainability and the extent of its territory which has an impact on the conflict between the forest manager and the community. One of the most frequently heard between the community and other parties, as well as between members of the community itself, is the conflict over forest resource management (Fuad and Maskanah, 2000).

The results of monitoring in the field revealed that the majority of the Batu Engau sub-district community planted oil palm, in addition to rubber, crops and rice in the PT Inhutani II area.

Tenurial land conflicts between PT Inhutani II and the community are divided into 2 (two) groups, namely between PT Inhutani II and local communities working on forest land and PT Inhutani II with Owners of Capital by utilizing local communities as land cultivators. Before PT. Inhutani II in the form of IUPHHK-HT was issued, the forest area in Batu Engau Subdistrict was partly a former shifting field used by local communities to grow rice and other basic needs.

The physical condition before planting HTI, the appearance is in the form of rawang and alang-alang forests. According to information from one of the residents, some were formerly villages that had been left by the community to other locations but there were still some fruit, coffee and coconut trees and old tombs that were not maintained. These former villages and shifting fields are considered by some people to be the land of their ancestors. In the next development, the ex-field land was taken over by the company holding the HTI concession. This is in line with the opinion of Wenban-Smith (2001) that in the past many HPH companies or timber companies ignored the interests of the community.

According to Infoman, a community Fig. named Tamrin, 54, lived in Kerang Dayo village. "For the land in Garut HTI, it is actually an Ulayat land of the Kerang community, before Inhutani II entered, the community had entered the field to move to the location of the Inhutani II Area, and from that basis the people, especially the Kerang Dayo traditional Fig., considered that there was some work area. PT inhutani II is still included in the Land of Ulayat or Customary Land, but some have been released about 340 hectares and were handed over to the Shellfish Dayo Community and Alhamdulillah there was no conflict".

Forests are a source of life for Dayo Kerang people whose utilization is managed jointly, which is governed by their own customary rules. They are of the view that forests are a future savings for their children and grandchildren, so that 'utilization' must be maintained. Villagers generally have a livelihood by means of (farming) rotational systems, and taking forest products.

Institutionally the existence of Indigenous Peoples which they mean is legally, there is no recognition by the government even though in fact there are heirs in the field of community elders who live long in the area. The heirs were named Bu Rawas and Mrs. Siti where they were siblings of the Paser Dayak descendants. Mrs. Rawas and Mrs. Siti had died a few years ago, but they had sold most of their land to capital owners, most of whom were migrants. Furthermore, the owners of capital are actually intellectual actors who control vast amounts of land, even according to the results of the identification of the field that controls almost 200 ha of land in private and 400 ha in groups. Private land ownership by local communities extends from 0.5 ha to 10 ha, but quite a large number almost reaches 1,000 ha.

Field recognition is in the form of plants, but many are still in the form of claims, by giving paint marks or signposts from the board. The increasing presence of community activities in the production forest area has the potential for conflict with other interested parties. Some potential conflicts in PT.

Inhutani II, which has been described above, can be summarized in Table 2.

Table 2. Results of Identifying Potential Conflicts within the concession area of PT. Inhutani II Tanah Grogot with local communities.

Potential Conflict	Conflict Parties	Notes
Forestry with Community	PT. Inhutani II VS Masyarakat Penggarap PT. Inhutani II VS Masyarakat Pemodal	Most local people meet their needs Most Arrivals Community for Business Scales

The results of the assessment of tenure in the concession area of PT. Inhutani II uses the Rapid Land Tenure Assessment (RaTA) method in which each party has a basis for claim legitimacy.

Galudra *et al.* (2006) states that the data that has been collected is then analyzed based on the basis of claim legitimacy consisting of land status (power of attorney), management plan (governance) and licensing (licensing). Based on the results of interviews and observations, the basis of the legitimacy of the claims of the parties who have claims within the concession area of PT. Inhutani II Tanag Grogot, in the form of power, governance and licensing can be seen in Table 3 below.

The results of RaTA in Table 3 above show that the basis of legitimacy of claims in the form of the party's power status has a fundamental difference where there are claims of land ownership and SDA de jure and de facto so that it has the potential to cause conflict between parties, especially PT. Inhutani II with the community. Affif (2005) states that the existence of two de jure and de facto ownership properties raises the issue of the source of legitimacy of claims on land or natural resources.

Licensing that is carried out by stakeholders also does not show similarities, both in terms of implementation and policies that support it. Existing licensing procedures in the community apply in

accordance with habits that have long developed in the midst of social life while the policies underlying the existence of PT. Inhutani II implies the licensing

stipulated by the Minister of Forestry in the forest area in the form of a Business Permit for Timber Forest Plantation Utilization (IUPHHK-HT).

Table 3. Results of rapid land tenure assessment (RaTA) within the concession area of PT. Inhutani II Tanah Grogot.

Legitimacy Base Claim	PT. Inhutani II Tanah Grogot (Company)	Plantation Companies	Community /Financiers
Authority status of land	Claims in de jure: SK 504 / Menhut-II / 2009 Claims are de facto: in the form of Acacia and Eucalyptus plants, Boundaries, Road networks	De jure Claim: Appointment Permit and HGU De facto claim: in the form of oil palm plantations, road network	Claims de jure: Purchase receipt. De facto claims: in the form of oil palm, rubber, banana, Palawija rice and old graves
Management status	Managing 16,816 Ha of IUPHHK-HT concessions	Managing HGU Permits Oil palm plantations covering 654 ha	Managing oil palm, rubber, rice and palawija plantations covering 1,538 ha
Licensing Status	IUPHHK-HT	Some in the name of custom	Purchases from local communities

The parties claiming land tenure and SDA are based on two aspects, some use the de jure aspect and some use the de facto aspect. The term de jure is used to show formal ownership based on law or regulation deemed legitimate by the ruling state or government at that time. Meanwhile the term de facto refers to the ways of ownership, control, or utilization that are believed, used, known and enforced by the local community (Afiff 2005).

Within the concession area of PT. Inhutani II has always been a conflict between parties based on differences in the legitimacy of land and Natural Resources claims. PT. Inhutani II gains access and controls land and natural resources based on de jure claims in accordance with applicable legal rules to legitimize its control, local communities that control land and natural resources based on de facto claims do not know that the land and natural resources are de jure is claimed by the State, from this perspective the potential for conflict will arise when the PT. Inhutani II will carry out activities.

The situation of the land tenure system as above has the nature of the intersecting interests of each other. Galudra *et al.* (2006) such characteristics as dominating interests (overriding interests); when

sovereign power (state or society) has the power to allocate or relocate through expropriation, overlapping interests; when various parties get the allocation of different "rights" in the same field, complementary interests; when various parties share the same interests in the same plot of land (for example, when members of a community share communal rights on grazing land); 4) Competing interests (competing interests); when various parties who have the same interests "compete" in the same field of land.

Conclusion

Based on the results of this study, it can be concluded that there is a potential conflict in the use of forest areas in the concession area of PT. Inhutani II Tanah Grogot, Batu Engau District, namely the conflict of PT. Inhtani II, which is a state-owned forestry company with plantation companies caused by overlapping permits and encroachments, PT. Inhutani II with Community Cultivators who are mostly local people working on land in the area, PT. Inhutani II with the majority of investors is immigrants who get land by buying and selling.

Recommendation

Suggestions that can be conveyed from this study are the need for prompt and appropriate handling of the

potential conflicts that exist, because the longer the potential for conflict is left, the more difficult the solution will be, the more parties are involved and the greater the impact that will be caused.

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