

The Mapping of Potential Land Conflicts for the Padang-Pekanbaru Toll Road Based on Land Conflict Habits in West Sumatra

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Abstract

Building infrastructures of public facilities including toll roads requiring community land acquisition has the potential conflicts between the government and land owners. These conflicts include price disagreements over land or landowners insisting on not wanting their land to be released for various reasons. This paper aims to map potential conflicts in land acquisition for the Padang-Pekanbaru toll road carried out by the West Sumatra Provincial Government with land owners whose land is mostly customary land. The locus of this study is limited to West Sumatra Province even though the construction of toll roads reaches Pekanbaru. Several previous studies on land conflicts that occurred the most in West Sumatra were the reason for choosing the location of this study. Secondary data is needed in order to trace land acquisition conflicts that occurred in several periods, especially in Indonesia. Content analysis of the results of previous studies is expected to lead recommendations to the government in anticipating conflicts when land acquisition carried out.

Keywords: *Land Conflicts, Public Facilities, Toll Roads, Conflict Resolution.*

Introduction

Land conflicts often hinder the construction of public facilities and result in local political instability. This conflict is also sometimes used as a tool to bring down political rivals in government. Land disputes are one of the land conflicts that often arise in the community. According to Sukran et al (2021) a land dispute is a conflict between several parties who have the same interest in certain plots of land which because of these interests causes legal consequences. West Sumatra which highly values heritage and customary lands and because of differences of opinion in customary lands in its people can cause conflicts between tribes. Land conflicts usually arise as a result of inequality, injustice in the distribution of land acquisition proceeds.

There are various land use conflicts that often occur in Indonesia, especially West Sumatra. Just because of the conflict that occurred along the construction of the Padang-Pekanbaru toll road in 2015, there was a case of land dispute between the Government and the Nagari community in Padang Pariaman Regency, a land conflict in Kehati Park on 2019. Some even lead to corruption crimes because they are considered detrimental to the state.

According to Sapitri (2021) there are five main things triggering conflicts in land acquisition for the public interest, namely: (1) Project development planning that does not open public participation so that it has implications for the location determination process (2) Unilateral pricing that has the potential to harm the people or vice versa, the excess price given to land owners is also considered detrimental to the state (3) Corruption and extortion in land acquisition (4) Involvement of thugs, police officers and the TNI in land acquisition (5) Government decisions against compensation mechanisms that are not implemented.

Suppose that another form of land acquisition agreed upon by both parties is not carried out. This paper tries to map potential conflicts, especially in West Sumatra, which are likely to arise in other forms in the process of toll road land acquisition. This mapping will then be used as a policy recommendation to anticipate conflicts that occur, especially in West Sumatra Province. Furthermore, this paper is divided into several parts. The first part explains the urgency of mapping conflicts with obstacles in land acquisition for toll roads that until now have not been executed. This section is packaged in the introduction. The second

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part explains the spectrum of land conflicts by looking at studies obtained from secondary data, especially international and national journals by examining the similarity of study topics. The third part of the discussion is by examining the conflicts found in West Sumatra which are connected with several expert opinions. The last section describes the proposed recommendations to prevent potential conflicts in the land acquisition process for toll roads.

Methods

This study uses secondary data in the form of research results contained in journals both internationally and locally. The topics collected are related to land conflicts both in West Sumatra and nationally. The collected data is then analyzed using content analysis. It is a technical method in replicating valid conclusions from the text such as documents, films, music lyrics (Neuman & Guggenheim, 2011).

Given that this data is a respository of scientific documents, according to Holsti 1969, Krippendorff, 1989)(Krippendorff, 1989) it can be used as a reason to be able to analyze its contents. Content analysis can be used if it has the condition that (a) The available data consists mainly of documented materials (books, newspapers, tapes, manuscripts). (2) There is a specific complementary description or theoretical framework that describes and as a method of approaching the data.

Some of the stages carried out content analysis include (1) determining the topic of the journal sought in the electronic journal. The journals collected have been updated in the last 5 years. (2) Search for the main data, namely the text itself with the keyword land conflict. As a content analysis, the text is the main object and even the main object. Searches are carried out using certain keywords and observations that are deliberately made for the purposes of searching for the data. (3) Search for contextual knowledge so that the studies carried out relate to other factors relevant to land conflicts such as between land conflicts and the selling value of land objects, land conflicts with customary land and so on.

Results

The based-on tracing, there are seven topics of land conflict found in google scholar especially the locus in West Sumatra. Tegnan et.al (2019) studied about land conflict in West Sumatra and Riau Province as locuses. It studied to conflict in palm-oil field. The both land owners are communal. It means that the owner is not only one person but also many people feel as an owner on those fields. Conflict was happened because they broke the promise of agreement both conducted by community and tenant. The next research was conducted by Kajai et al. (2020). They investigated land conflict because of land pawning. This study aims to increase legal certainty in agricultural land pawnshops in West Sumatra. To show how the absence of legal certainty can lead to chaos and conflict, this study relies on the contradictions of convictions of agrarian conflict cases from the lower court to the Supreme Court. This study revealed that there are contradictions among the national agrarian law, the Minangkabau Customary Law and the West Sumatra Regional Regulation No. 16 of 2008 concerning Communal Land Tenure causing confusion in the community and the judiciary. Legal certainty is essential to strengthen the rule of law and democracy in Indonesia, and conflicting interpretations of agrarian law underestimate this concept.

Research conducted Azwar et al. (2019) on Nagari Customary Justice System in West Sumatra states that the Study found that; 1) The Minangkabau community has its own local wisdom in resolving customary disputes including land, even for broader life issues, long before Indonesia became independent 2) The Nagari Customary Justice System is a translation of the Limbago Adat which is the philosophy of life of the Minangkabau people, 3) The institutional structure of the Nagari Customary Court is a representation of the existence of the tribe within Nagari, so that its cultural legitimacy becomes strong. 4) The Nagari Customary Court is an effort to build the sovereignty of civil society, namely an autonomous, independent, egalitarian, and democratic society. The results of this study are expected to be a guide in establishing the Nagari Customary Court institution in West Sumatra.

The research conducted by Medaline et al (2022) entitled The "Social Advocacy" Model Of Wakf Land

Settlements Of Minangkabau Province West Sumatra found that customary waqf land disputes will embarrass the community and are taboo for their communities. So that land disputes occur in the community, it is sought to be resolved first within the community and does not involve other parties outside the community. Then Asmin et al (2017) in "Social Capital of Parak and Rimbo Management in West Sumatra" found that decision making, resource management and mobilization, communication, and conflict resolution. Collective action for decision-making involves acquisition, allocation, and distribution mechanisms to divide land and forest products among local communities. In the context of resource management and mobilization, they apply kinship relationships between families, sub-families, and clans to manage their resources. They then communicate their needs in every formal and informal meeting. When there is a conflict related to the use of forests, they use the customary judiciary to create a win-win solution. The challenges found are collective action on maintaining resources to keep them available, equitable distribution of benefits, and external support.

Juniyanti et al's research (2021) is entitled Understanding the Driving Forces and Actors of Land Change Due to Forestry and Agricultural Practices in Sumatra and Kalimantan. This research is a systematic review of forest and agricultural land conflicts. Different combinations primarily of economic, institutional, political, and social driving factors determine land change, not a single driving factor. The study also shows that central and district governments are the main decision-making actors among many land change actors. Our systematic review shows knowledge gaps that can be filled by clarifying the identification and role of land change actors.

The research conducted by Nurdin (2022) entitled Legal protection of customary rights under legal pluralism and its impact on the minangkabau society: An empirical study in the district of Fifty Cities, West Sumatra. It is a socio-legal research that describes empirical and normative data that are analyzed qualitatively and presented in a descriptive evaluative form. This research found that inconsistencies between the central, regional, and nagari governments in the regulation of customary rights not only created ambiguities in the registration and certification of customary land, but also weakened the legal protection of indigenous peoples. This is compounded when in the application of norms, the authorities fail to capture the spirit of the constitution and/or customary norms, which makes it difficult for customary lands to return to their original status after being converted into state land for business purposes. The study also revealed that customary land management is hampered by kinship structures in matrilineal societies, especially in uncle-nephew relationships.

The research conducted by Mutolib et al (2017) entitled *Forest Ownership Conflict Between a Local Community and the State: A Case Study in Dharmasraya, Indonesia*. This study examines forest ownership conflicts in the Production Forest Management Unit (KPHK) in Dharmasraya Regency, West Sumatra due to legal pluralism in forest ownership. Local communities claim forests as customary land (customary land) but the state claims forests as state land. As a result of this legal pluralism, forest grabs by local communities are rife. Forest land is then converted to rubber plantations and communal oil palm. Deforestation in production forests occurs quickly because local communities consider the existence of forests unimportant and prefer to convert forests into oil palm and rubber plantations. The occurrence of land conflicts in Sijunjung, when analyzed further, is more likely to lead to the behavior of people massively raiding forest land without being based on evidence of ownership both ulayat and personally.

Sandi's research (2018) found that several conflicts that occurred in the customary land of the Tanjung Tribe have lasted almost 3 decades involving complex actors. This conflict is quite long and complex. A certain person who sometimes became a community leader in the tribe made the conflict a shift in issues. The original issue of conflict due to threatened identity, shifted to an economic conflict of interest which made the escalation of the conflict into an open conflict that led to acts of violence. The resolution of customary land conflicts has been carried out several times since this conflict began. The settlement model is carried out in the form of litigation (court) and non-litigation (deliberation of consensus). These two options have also shown their weaknesses and advantages. Various conflicts that have occurred related to the customary land of the Tanjung Tribe have caused multi-Dimensi impacts both in the social, economic and political contexts. Conflicts that last for a long time cause the impact to intensify the impact on each actor. If the actor moves or dies, while there is no decision on the land dispute in the customary land, then

history will be obscured again. This is where the importance of a permanent legal decision on an object in dispute.

Lalan's research, (2022) examines the perpetrators of land conflicts in Padang Pariaman Regency in the case of the Padang-Pekanbaru toll road construction. This study examines stakeholders in land acquisition in Padang Pariaman Regency. These stakeholders consist of: (1) land owners (proof of land ownership certificates) (2) Residents around the location of toll road lanes (3) Government (local and central) (5) village government (6) clan family. Land conflicts occur when stakeholders are ridden by personal interests such as wanting the land price to be more expensive. Then there are those who have an interest in the use of office politically in order to be considered successful in the success of their program. Based on several research findings, it can be concluded that land acquisition will be much easier in West Sumatra if the ownership certificate is private land and not customary land or high pusako land.

Discussion

Lalan's research (2022) examines the perpetrators of land conflicts in Padang Pariaman Regency in the case of the Padang-Pekanbaru toll road construction. This study examines stakeholders in land acquisition in Padang Pariaman Regency. These stakeholders consist of: (1) land owners (proof of land ownership certificates) (2) Residents around the location of toll road lanes (3) Government (local and central) (5) village government (6) clan family. Land conflicts occur when stakeholders are ridden by personal interests such as wanting the land price to be more expensive. Then there are those who have an interest in the use of office politically in order to be considered successful in the success of their program. Based on several research findings, it can be concluded that land acquisition will be much easier in West Sumatra if the ownership certificate is private land and not customary land or high pusako land.

In terms of dual certificate of owner, the state is considered wrong so that it must compensate the losses of parties in conflict. According to Nurjannah (2016) the representative of state in this case is National Land Agency as the defendant may have to compensate it because the state does not provide legal certainty. It is because there are no two legal statuses on the same land. The state acknowledges that this land belongs to A, but the state also acknowledges that it belongs to B. Who has the right then? Because everyone acknowledges that they have the right to the land. There must be one thing, that land cannot be owned by many people. Therefore, on the land it is enough one right status.

In case of land grabbing, the state has to give to the party who have legal certificate on that land. It must execute the party who occupy land illegally. In case of communal land, conflict of this land status may be solved by common law as well. The state cannot intervere or make decision on land owner status in this case. It may be as a mediator if the parties request it. According to Rosy et al (2021) land communal status is provised by common law. All the consequence on it including communal land conflict must be solved by common law as well. The communal land conflict occurred in West Sumatra is dominant. It is critical to empowering customary court in order to not burden the state.

Conclusion

Land conflicts in West Sumatra Province occur on communal lands. Base on findings, the process of handling land conflict cases cannot run optimally (2) if there are BPN individuals who take the opportunity to land disputes (2) The existing land problems are mostly caused by BPN in the past, one of which is issuing double certificates (3) The perspective in solving cases is very formalistic Whereas there are customary laws that can settle communal lands.

The recommendation is that if the state wants to own land for the benefit of the public such as toll road, it is ensured in advance that the government must map the status of land ownership, and to whom the compensation must be legally granted. If the communal land has not been certified, then the party who will receive compensation should certify the land first. Against land conflicts with dual certificate status, the proposed recommendation is that the government is ensured to provide compensation to parties won in

court and permanent legal status. Against land invasion, compensation for the public interest should be given per unit of land as stated in the certificate. Against the disagreement over the land compensation money, the government and parties should agree on the appraisal of other parties who are independent in determining the unit price value of the land so that when providing compensation there is no criminal element caused by state losses.

In the dynamics of conflict that occurs, according to the results of the study, it is found that there are efforts to reconcile between the parties to the conflict where the path taken is reconciliation and mediation. This reconciliation itself must require fundamental psychological changes, namely the process of transforming beliefs and attitudes that motivate a peaceful and harmonious relationship. The change process is a complicated process because there are various factors, such as the guarantee of recovery at the individual level of farmers because the healing process sometimes only occurs at the collective level.

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