

## Sand Hill Land Dispute Conflict in Tanjung Baru Village, East Baturaja District, Ogan Komering Ulu Regency

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### ABSTRACT

This research stems from a land dispute in the Bukit Pasir area, Tanjung Baru Village, East Baturaja Sub-district, Ogan Komering Ulu Regency. The conflict arose due to unclear land ownership, overlapping land claims, weak land administration, and changes in land use following the termination of the partnership between the land-owning community and the company. This study utilises the theory of Agrarian Conflict from the book *Towards Justice: 70 Years of Gunawan Wiradi* by Endang Suhendar (2002) and the theory of Conflict Management by Siti Nurjana Batjo (2023). A qualitative method with a descriptive approach was employed, involving observation, interviews, and documentation. Research informants comprised village officials, sub-district authorities, community leaders, and landowners. According to the research findings, the lack of clarity regarding land legality and conflicting interests among the parties were factors influencing the conflict. Resolution efforts have been undertaken through mediation and communication, but the results have not been ideal due to administrative constraints and issues with the legality of land documents.

## INTRODUCTION

The land law system in Indonesia requires land registration to obtain legal certainty. Land certificates become authentic evidence recognized by the state, while informal documents such as village certificates or RTs are not recognized within a positive legal framework. However, in many rural areas people rely only on evidence of physical mastery, history of use, or unofficial certificates. This difference creates a clash between the idea of state law and the social practices of society. (Rasid, 2017)

Ownership of land rights in Indonesia, chronologically and historically, consists of two types of ownership, namely communal ownership of land rights. The communal rights of indigenous peoples (communal *bezitrecht*) are commonly called customary rights. Customary rights are the rights to land that has been cleared by the forest owned by a legal alliance. In principle, every use of communal land (*gogol*) as an individual must be subject to village control. Social movements are a form of resistance of subordinate groups to the domination of the elite that maintains the status quo, so that conflict becomes part of the social dynamics that drive change. (Hidayat, 2020)

A similar phenomenon can be found in Tanjung Baru Village, East Baturaja District, Ogan Komering Ulu Regency. The Dune Sand Land covering an area of more than 2 hectares was initially managed by local residents since 2015 as a garden and a shared activity area. Over time, this location developed into a simple tourist attraction that was visited by many people. These activities provide direct economic benefits for residents in the form of small business opportunities, parking services, and food stalls.

The first party's claim, the local residents, bases the ownership claim on the fact that they have long managed, maintained, and maintained the land. The evidence is in the form of a letter from RT and house documents related to the ownership of garden land. For the community, the existence of this land has become part of their social and economic identity. In their view, land is still legally owned for generations even though it has not been formally registered. On the other hand, the second party, the Tanjung Baru Village government, adheres to the positive legal principle that states that land without proof of official certificates belongs to the state. The government

also sees the economic and environmental potential of tourism development so that it claims the operation and development of land as part of the state's authority. However, the government did not provide clear administrative evidence, so the conflict was even more widespread.

The clash between legal ideas and the reality of the field is even sharper when the government requires residents, managers and traders around tourist sites to provide compensation for being considered to be using state land without a permit. On the other hand, people feel that they have moral rights because they have taken care of and supported their families through the use of the land. This contradiction shows that there is a huge gap between the idealism of legal certainty and social justice that society feels. (Marsera, 2024)

Research on the Bukit Pasir conflict is important because it concerns political certainty, socio-economic justice, and the direction of public policy in managing village land. Without a solution, society will continue to be in a vulnerable position and the potential for conflict can further spread. In addition, the results of the research can contribute to the improvement of local land policies in Ogan Komering Ulu, especially related to the recognition of community rights in land management.

## RESEARCH METHODS

This study uses a qualitative descriptive method. Qualitative descriptive research is aimed at describing and describing existing phenomena, both natural and man-made, which pay more attention to the characteristics, quality and relationships between activities. In addition, qualitative descriptive research does not provide treatment, manipulation or modification to the variables studied, but rather describes a condition as it is. (Sukmadinata, 2011)

This qualitative research was chosen to research on land disputes in dealing with agrarian political dynamics in one of the villages in Indonesia. This research uses a descriptive approach, namely with a research or analysis method that aims to describe or describe a certain phenomenon or situation in detail and objectively without trying to test hypotheses or look for causal relationships. This approach focuses on collecting data that describes the characteristics, events, or circumstances being studied. (Sugiyono, 2022)

## RESULTS AND DISCUSSION

### Dynamics of Conflict in Sand Dunes Land in Tanjung Baru Village

Referring to the book *Agrarian Conflict*, the land dispute conflict in Tanjung Baru Village, East Baturaja District, Ogan Komering Ulu Regency examines several forms of agrarian conflicts that are common in various regions, especially in areas that have experienced changes in land function from agriculture to industry. In general, agrarian conflicts and land disputes are closely related. In terms of agrarian conflicts, this issue is an important factor to determine land rights, land use regulations, and how conflicts that arise can be resolved.

Realizing that agrarian conflicts are closely related to state policies in maintaining, cultivating, preserving, allocating, taking benefits, managing, dividing land and other potential natural resources including the results contained therein, for the benefit of the welfare of the people and the state, agrarian management is then realized through legal provisions, including in the form of laws that regulate the principles, basics, and principal points of agrarian regulation and equipped with its implementing regulations.

The land dispute conflict in Bukit Pasir began with land ownership which was recognized by several parties who claimed that in some parts around the land they had the authority to own the land. Claims of ownership of land that has been managed and occupied by the community. As well as there are many land rights claims, this event occurs resulting in unclarity on land ownership, there are things that make this conflict a complex problem.

According to the theory *Towards Agrarian Justice* (2002), the Bukit Pasir conflict is an agrarian conflict that is structural, arising from the clash of claims to the same agrarian source in the context of unclearness/injustice of certainty of control and differences in power positions between parties. Therefore, it is seen as a problem that requires agrarian reform (a fair arrangement of the agrarian structure), not just the settlement of administrative disputes.

### Efforts to Resolve Land Disputes Evidence of Sand in Tanjung Baru Village Agrarian Structure

In the theory of agrarian conflict, this condition shows that there is an ambiguity in the agrarian structure which is one of the main roots of conflict. Endang Suhendar (2002) stated that agrarian conflicts often arise due to inequality and uncertainty in land tenure and ownership. Fragmented agrarian structures that lack legal clarity such as those in Bukit Pasir are particularly vulnerable to the occurrence of double claims, as each party can have different interpretations of land boundaries and ownership rights (Stuart et al., 2002).

Thus, the agrarian structure in the Bukit Pasir area is a structure that is vulnerable to conflict, because it is characterized by the large number of land owners, the development of ownership through inheritance, and the weak formal legality of land boundaries. This condition is the basis for the emergence of potential agrarian conflicts, especially when land has increased economic value and attracts various interests.

### **Power Relations**

This condition shows how inadequate the state is to deal with agrarian conflicts. The absence of a strong regulatory mechanism that helps regulate the relationship between parties who have an interest in the land. In situations where there are no actors in power, each side will seek to defend or expand its own interests, leading to conflict.

Thus, the power relations in the Bukit Pasir area can be said to be unbalanced and unstable, because it is characterized by a shift from strong power to fragmented power, as well as a less effective role of the government in controlling and regulating conflicts. This condition increases the likelihood of agrarian conflicts, especially when the interests between the parties become more complex and the economic value of land increases.

### **Agrarian Reform**

In this land dispute conflict in Tanjung Baru Village, East Baturaja District, Ogan Komering Ulu Regency between several residents who claim their respective land rights, the researcher took an analysis through the relationship or connection to the Conflict Management theory from Siti Nurjana, who has explained and said that conflict management aims to create more effective communication, increase understanding between parties, and encourage the creation of solutions that can be accepted together so that negative impacts can be minimized and positive results can be maximized. This process involves several important steps for conflict resolution efforts, which are as follows:

#### **Identifying the Source of Conflict**

Understand the root cause of conflict and enable more effective resolution. By way to identify due to the presence of disconnected communication, differences in values and beliefs, conflicting interests, perception problems, inequalities in power, history of conflict, unmet needs or poor communication.

#### **Effective Communication**

By actively listening, conveying messages clearly and unemotionally, using positive body language, and applying good negotiation techniques, as well as facilitating open and honest dialogue between the parties involved so that misunderstandings can be minimized.

#### **Collaborative Conflict Resolution**

Managing conflicts that allow all parties involved to work together to find a satisfactory solution or find a mutually beneficial solution for all parties through negotiation or mediation, taking into account the interests of all parties.

#### **Managing Emotions and Stress**

Uncontrolled emotions and excessive stress can exacerbate conflicts and hinder efforts to resolve them properly, by controlling the emotions of the parties involved so that tensions do not escalate and creating an atmosphere conducive to dialogue.

#### **Creating a Supportive Environment**

A supportive environment provides a solid foundation for speaking openly, resolving differences well, and maintaining healthy relationships in both the residential/organizational environment and the family environment.

East Baturaja District shows that they will be very neutral and cannot directly decide who owns the land if it has not been officially registered. By responding with mediation, it opens up space again for the parties involved to communicate together effectively, collaboratively with each other, and support from all parties in Tanjung Baru Village in line with what is in the indicators of conflict resolution efforts from the Conflict Management theory, because the District can provide information only to take care of the permits. If it is severe, East Baturaja District suggests that the settlement be carried out through legal channels or a settlement application to the land of Ogan Komering Ulu Regency.

There have been efforts made to complete the settlement of land in Bukit Pasir Tanjung Baru Village through mediation and communication between parties, but the results have not been satisfactory. This is conveyed by the participation of several parties, which shows mediation efforts, collaborative resolution, managing emotions and a supportive environment, according to conflict management theory. However, poor land administration, unclarity about the legal nature of ownership, and the absence of all parties present in the mediation make the process more difficult. In addition, because the role of the government is still limited to the administrative aspect, conflict resolution has not been completed. Conflicts should be resolved comprehensively and sustainably, the legality of land should be strengthened, the administrative system should be improved, and communication between the parties should be improved.

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## CONCLUSION

The dynamics of the Bukit Pasir land dispute conflict show that the conflict that occurs is latent and structural, which is influenced by several main factors, agrarian structure, power relations, and agrarian reform, namely the end of cooperation between land owners and cement companies around 2015, administrative problems related to the revocation of mining permits, and the existence of fragmented and developed land ownership through the inheritance process. In addition, the change of land function from a mining area to a residential area and a restaurant area is not only tourism but also increases the economic value of the land, thus giving rise to various different interests between parties. This condition is exacerbated by weak land administration and unclear ownership legality, which has the potential to cause overlapping claims.

Mediation and communication efforts between the parties involved, demonstrate the application of conflict management principles, such as effective communication and collaboration for resolution. However, the settlement process has not been completed properly because there are still obstacles. These obstacles include inadequate mediation parties, weak land administration systems, and limited government roles in licensing. As a result, the conflict has not been resolved and land ownership remains unclear. As a result, to resolve conflicts effectively and sustainably, legality is strengthened, land data is harmonized, and coordination between parties is improved.

## SUGGESTIONS

For the Government, it has not been optimal in carrying out the function of supervision and control of agrarian conflicts in the Tanjung Baru Village area. The government needs to take more decisive and systematic steps, not only limited to taking care of licensing, but also being active in reorganizing land administration. Data integration between villages, sub-districts, and land agencies is needed to prevent poorly documented ownership practices. In addition, the government needs to strengthen the implementation of agrarian reform in real terms, not only at the policy level, in order to ensure legal certainty and justice in land tenure.

For the community, as land owners and users, it is necessary to increase legal awareness regarding the importance of legality of land ownership. So far, the reliance on social recognition without the support of official documents has been one of the main causes of conflicts. Therefore, the community is not only required to maintain social relations, but also must be proactive in taking care of legal land administration. In addition, in dealing with conflicts, the community needs to prioritize a rational and open solution, not just based on unilateral claims or individual interests. Passive attitudes and lack of legal awareness can actually prolong conflicts and harm all parties.

For the next researcher, this research still has limitations in examining in depth the policy aspects and the role of formal institutions in agrarian conflicts. Therefore, the next researcher is expected to be able to examine more critically the effectiveness of the government's role, especially in the implementation of agrarian reform at the local level.

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