



Resolution of the Agrarian Conflict Between PT Rotorejo and Kelud Makmur Farmers on the Former Kruwuk Plantation Land

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| Article | Abstract |
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| Keywords: Agrarian Conflict; Companies; Farmers | <i>One of the plantation land conflicts that remains problematic and has yet to reach a consensus on the criminalization of agrarian conflicts is the Rotorejo Kruwuk Plantation in Gadungan Village, Gandusari District, Blitar Regency, and the Kelud Makmur Farmers Association. This study uses empirical legal research methods. The aim of the study is to identify facts related to the author's problem. The results indicate that legal resolution efforts in this agrarian conflict include mediation. Meetings held by several agencies such as the Village Head, Blitar Regency National Land Agency (BPN), the Company, the Regional Office Head, the Sub-district Head, the KPA Chair, the GTRA Team, the Gadungan Village Head, the Ministry of ATR/BPN, the Blitar City Police and the Blitar City Government in 2022 and 2023 resulted in ease in obtaining redistribution because the land status was designated as a Priority Location for Agrarian Reform. Despite the land redistribution, farmers still face obstacles in doing so, including: (1) the lack of clarity from the authorized agency regarding the legality deed; (2) the location of the proposed control does not match the PPKM's wishes; (3) the existence of land leases to other parties; (4) the existence of clashes in information and communication regarding extension of HGU; and (5) the boundary between residents' land and HGU land is not yet clear.</i> |

INTRODUCTION

1. Background

Indonesia is a country where the majority of its population works in the agricultural and plantation sectors. As such, there is potential for agrarian conflict. Agrarian conflict arises from overlapping, gaps, and inconsistencies in laws and regulations. Agrarian conflict often stems from land ownership disputes between individuals, groups, or other parties, with each party asserting its power to secure its interests. Data from the Agrarian Reform Consortium (KPA) in 2022 indicates that

the plantation sector has the highest incidence of agrarian conflict. This is evidenced by the following data:

Table 1.1
Agrarian Conflict Data in Each Sector 2022

| No | Sector | Case |
|----|---------------------|------|
| 1. | Plantation | 74 |
| 2. | Infrastructure | 52 |
| 3. | Mine | 30 |
| 4. | Property | 20 |
| 5. | Forestry | 17 |
| 6. | Coast | 7 |
| 7. | Military Facilities | 4 |
| 8. | Agriculture | 3 |

Source: Data from the Agrarian Reform Consortium

Judging from the number of agrarian conflicts in 2022, the plantation sector ranked highest. Therefore, agrarian conflicts in the plantation sector must be resolved legally.

Based on the distribution of agrarian conflicts in 2022, there were five (5) contributing provinces. conflict agrarian most. (KPA 2022) From data This, East Java Province is the third-highest contributor to agrarian conflicts, after North Sumatra Province. The following data shows the distribution of agrarian conflicts in Indonesia in 2022:

Table 1.2
Distribution of Agrarian Conflicts in Indonesian Provinces in 2022

| No | Province | Number of Cases |
|----|-----------------|-----------------|
| 1. | West Java | 25 |
| 2. | North Sumatra | 22 |
| 3. | East Java | 13 |
| 4. | West Kalimantan | 13 |
| 5. | South Sulawesi | 12 |

Source: Data from the Agrarian Reform Consortium

Based on the table above, East Java Province is the third largest contributor to agrarian conflicts. East Java Province was chosen as the research location because it ranked third in Indonesia with the most agrarian conflicts in 2022. These conflicts were dominated by plantation conflicts with seven cases, three property conflicts, and one conflict outbreak in each of the forestry, infrastructure, and military facilities sectors. (KPA 2022)

Based on the seven agrarian conflicts in the plantation sector, Blitar Regency /City is one of the regencies /cities contributing to private plantation conflicts, which

has the largest area and number of farming households (KK) in East Java and is included in the Priority Location Protection for Agrarian Conflict Resolution in 2021 as evidenced by the following table:

Table 1.3
Protected Areas Priority Locations for Conflict Resolution in 2021
Throughout East Java at the Regency /City Level

| No | Regency /City | Plantation Land Area | Number of Families |
|----|--|----------------------|--------------------|
| 1. | Blitar Regency, Gandusari District, Gadungan Village and Sumberagung | 557 ha | 391 |
| 2. | Jember Regency, Tempurejo District, Curahnongko Village | 468 ha | 1,196 |
| 3. | Malang Regency, Sumbermanjing Wetan District, Sendang Biru Village | 17.3 ha | 1,000 |

Source: Letter from the Chief of Presidential Staff No. B-21/KSK/03/2021 dated March 12, 2021

From the table above, it can be concluded that Blitar Regency /City is a contributor to agrarian conflicts in the plantation sector, having the largest land area, even though the number of farmer households is third. The Kruwuk Plantation in Gadungan Village, Gandusari District, Blitar Regency, is a priority location for resolving agrarian conflicts. since May 2014.

The Kelud Makmur Farmers Association has submitted a land redistribution request to the National Land Agency (BPN) based on the expiration of the Cultivation Rights (Hak Guna Usaha) period and the lack of an extension after the expiry of the Hak Guna Usaha period. In the submission, the BPN and the Head of the Provincial Office stated that the community was permitted to cultivate the state land themselves. Furthermore, there is a Decree from the Blitar District Court stating that the disputed land is state land. The Central Government also issued a Letter from the Presidential Staff Office No. B-21/KSK/03/2021 dated March 12, 2021, which contains protection for communities/farmers who are Priority Locations for Agrarian Reform. The existence of land disputes due to the expiration of Hak Guna Usaha that was not extended in the plantation sector is the object of agrarian conflict resolution that remains unresolved to date. Therefore, the author is interested in discussing this thesis in more depth entitled "Resolving Agrarian Conflict Between Pt Rotorejo Kruwuk and Kelud Makmur Farmers on The Former Kruwuk Plantation Land, Gadungan Village, Gandusari District, Blitar Regency".

2. Formulation of the problem

- 1) What form of efforts are being taken to resolve the agrarian conflict between PT Rotorejo Kruwuk and Kelud Makmur Farmers on the former Kruwuk Plantation land in Gadungan Village, Gandusari District, Blitar Regency?

- 2) What are the obstacles for Kelud Makmur Farmers in obtaining land redistribution rights due to the agrarian conflict that occurred on the former Kruwuk Plantation land, Gadungan Village, Gandusari District, Blitar Regency?

METHOD

This type of research uses empirical legal research. Thus, the researcher examines the resolution of agrarian conflicts between PT Rotorejo and Kelud Makmur farmers on the former Kruwuk plantation land (a case study in Gadungan Village, Gandusari District, Blitar Regency).

The research approach used qualitative research, with the research location being the ATR/BPN Office of Blitar Regency and the Kruwuk Plantation Land. The types of data used in this research are Primary Data, namely interviews with informants; and Secondary Data, namely related Legislation.

In this study, the data collection techniques include: Interviews; Observation; and Documentation. Meanwhile, the data analysis technique uses descriptive analytical techniques, namely by providing a description of the subjects and objects in the problem that refers to legal protection for the agrarian conflict that occurred between prosperous Kelud farmers and PT. Rotorejo regarding the expiration of the Right to Cultivate in 2009 on the disputed land of the Kruwuk plantation in Gadungan Village. In addition, data validity uses technical triangulation.

RESULTS AND DISCUSSION

The research object is in Gadungan Village, Gandusari area, Blitar Regency. Gadungan Village consists of 7 hamlets, namely Dawuhan Hamlet, Dermosari Hamlet, Sendangrejo Hamlet, Sukosari Hamlet, Putuk Rejo Hamlet, Sukomulyo Hamlet, Gadungan Hamlet. Gadungan Village has a variety of Natural Resources. Natural resources assets include plantations, rice fields, water, and sand. As well as human resources in the form of skilled workers, garden laborers, and farm laborers. Not only that, cultural assets include anjangsana (traditional gatherings), community groups, and social gatherings (arisan). In terms of dryland use, there are several fairly large land areas dominated by plantations totaling 600.5 ha.

This conflict began in 2009, concerning the expiration of the Kruwuk plantation's Cultivation Rights (HGU). Consequently, the land automatically became state land. Therefore, since January 1, 2010, the former Kruwuk Rotorejo plantation has automatically become state land. Therefore, the former HGU holder is obligated to report this to the local Land Office and then return the HGU certificate to the Land Office. In 2021, this agrarian conflict received media attention due to riots, arson, intimidation, and the destruction of the farmers' association post established in 2014. The conflict escalated due to the company's alleged destruction of the PPKM Post, which served as a coordination space for fighting for land redistribution.

The results of the study indicate that the efforts to resolve the conflict between PT Rotorejo Kruwuk and Kelud Makmur Farmers that have been carried out by the Blitar Regency National Land Agency (BPN) are through non-litigation channels. The non-litigation channel is a dispute resolution process outside the court. The non-litigation or alternative dispute resolution patterns that have been carried out by the BPN of Blitar Regency are mediation, conciliation, and arbitration. The following is an explanation of the efforts made by the BPN through non-litigation channels, namely:

1) Conciliation

In this settlement, several agreements were produced, using the Priority Location for Agrarian Reform (LPRA) settlement, including:

- a) TORA's affirmation mechanism and authority to accommodate KPA demands for PPKM applications and requests from Village Community Groups;
- b) The Village Head as the executor of Land Reform tasks still has the authority in terms of requests for determining Redistribution locations as well as inventory and identification of Redistribution subjects and objects (Minister of Home Affairs Regulation Number 37 of 1981), regardless of requests from PPKM;
- c) The rights and obligations of the former rights holder (PT. Rotorejo Kruwuk) in submitting an HGU renewal application.

2) Mediation

This settlement resulted in several agreements, including:

- a) PPKM, Gadungan Village Government, and Sumberagung Village Government agreed to accommodate each other in the Agrarian Reform efforts at the former Rotorejo Kruwuk Plantation;
- b) Subject proposals from the three groups will be verified as a whole, and classified as struggling tenant farmers and poor communities around the plantation location;
- c) Certainty is needed regarding the location of objects designated as Agrarian Reform Object Land (TORA).

3) Arbitration

This settlement resulted in several agreements and the acceptance of the transfer of 20% of the redistributed land. This matter was discussed through mediation in 2022 with the PPKM, KPA, LPRA, BPN Kantah Blitar, and the company.

The obstacles faced by Kelud Makmur Farmers in obtaining land redistribution rights due to the agrarian conflict that occurred on the former Kruwuk Plantation land, Gadungan Village, Gandusari District, Blitar Regency include:

- 1) There is no clarity from the authorized agency regarding the granting of authentic deeds;
- 2) The proposed land acquisition location proposed by the PPKM was not accepted by the Plantation Agency and the National Land Agency (BPN). The BPN requested that the land be granted in accordance with its wishes. According to a PPKM representative, the land in question was difficult to access and uneven.
- 3) There is leasing of land to other parties;
- 4) There is no *clean and clear* because the land status is still in dispute but has become a priority location for agrarian reform ;
- 5) There is a clash of information or communication that PPKM representatives say that the HGU deed belonging to the plantation has not been extended as long as the conflict exists and the extension cannot be implemented;
- 6) The boundary between residents' land and the plantation is not yet clear.

CONCLUSION

Based on the results of research conducted by researchers regarding the Agrarian Conflict between Kelud Makmur Farmers and PT Rotorejo Kruwuk, the following conclusions can be drawn:

1. Mediation was used to resolve this agrarian conflict. Meetings held by several agencies, including the Village Head, the Blitar Regency National Land Agency (BPN), the company, the Regional Office Head, the Sub-district Head, the KPA Chair, the GTRA Team, the Fadungan Village Head, the Ministry of Agrarian Affairs and Spatial Planning/BPN, the Blitar City Police, and the Blitar City Government in 2022 and 2023, significantly facilitated redistribution, as the land was designated a Priority Agrarian Reform Location.
2. Despite the availability of redistribution land, farmers still face obstacles in land redistribution, such as the lack of clarity from the authorized agencies regarding legal deeds, the location of the proposed ownership not being in accordance with PPKM's wishes, the existence of land leases to other parties, clashes in information and communication regarding the extension of HGU, and the unclear boundaries between residents' land and HGU land.

Suggestion

Based on the results of this study, the author makes the following recommendations: The HGU application can be followed up after being clean and clear, and releasing at least 20% for Agrarian Reform. This has been discussed through the mediation page. However, to date, there has been no reconfirmation regarding the handover of 20% of the redis land object. This is because obstacles still exist. Therefore, the author suggests the need for legal action such as choosing the litigation

route. Because the conflict has been ongoing from 2009 until now, the outcome of the decision regarding the object to be handed over is still uncertain.

Furthermore, an acceptance of PPKM (Community Activity Restrictions) to obtain the land requested by the National Land Agency (BPN) and the Plantation Agency (PPKM) is essential, as this is a key principle for accelerating agrarian conflict resolution. Conflict resolution principles such as volunteerism, good faith, openness, and a focus on shared interests are essential guidelines for dealing with such conflicts. Furthermore, the act of leasing plantation land, which should not be possible due to ongoing conflict, is a violation of the law. Furthermore, the author recommends building access roads and leveling the land if the land requested by the BPN is not a priority. The root of this problem lies in the BPN's refusal to accept the redistributed land granted to PPKM.

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