



Tenurial Conflict Resolution Analysis of Indigenous People of Pandumaan - Sipituhuta in Humbang Hasundutan District, North Sumatera Province

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Abstract. The customary forest area of Tombak Haminjon (incense forest) located in Pandumaan-Sipituhuta Village has high economic value but has challenges related to overlapping land management. This research aims to determine the history, parties, causes, and conflict resolution in this customary forest. This study used a qualitative approach and purposive sampling of key respondents and in-depth interviews with the stakeholders involved. The results showed that the factors causing the conflict were tenure conflicts. On the one hand, the Pandumaan-Sipituhuta customary forest as incense producer belonged to the indigenous peoples. On the other hand, PT Toba Pulp Lestari (TPL) has also claimed its concession area. The parties interested in using this forest area consist of Key actors, the main stakeholders, and the supporting stakeholders. The determination of customary forest in Pandumaan-Sipituhuta Village has met the requirements to be designated as customary forest after going through a data verification and validation mechanism by a multistakeholder team formed by the Ministry of Environment and Forestry. The determination of the Pandumaan-Sipituhuta customary forest has met the requirements to be designated as a customary forest after going through a verification and data validation mechanism by a multi-stakeholder team formed by the Ministry of Environment and Forestry. Therefore, as a recommendation, it is necessary to accelerate the demarcation of boundaries and the confirmation of the forest area.

Keyword: Indigenous People, Land Overlap, Pandumaan-Sipituhuta, Stakeholders, Tenurial Conflict

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1 Introduction

Conflicts over forest resources often occur between local communities, companies, and the state. Conflicts occur because the government, as a state representative, often contradicts local communities on forest management [1]. Regardless of where these conflicts arise, it is because

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of disputes over forest rights, degradation, and access to forest benefits. This problem arises because of the low accommodation and legal capacity [2]. Shared resource usage often involves conflict over livelihoods, the displacement of local communities, and ownership conflicts that imply various costs and risks. The cause of conflict is the fundamental problem that actors fight over [3]. Inherent conflict is that so many parties have interests [4]. Interested parties continue to increase while the existence of natural resources is increasingly scarce [5]. Other causes are claims between parties to state forests and other sector permits [6]. Even local communities claim ownership rights over some forest parts [2]. The source of conflict in forest management is the unclear status, boundaries, and land [7]. Hence, the management mechanism is trust and mistrust. However, issues of trust and mistrust are fragile and may change quickly over time [8]. The initial problem is when the PT Toba Pulp Lestari (PT TPL) concession area overlaps with the customary forest area claimed by the customary law community (CLC). The underlying cause of conflict in forest tenure reform is the formation of new local institutions and authorities, often overlapping with traditional institutions [9]. An important argument in favor of decentralized forest tenure reform takes the perspective of human rights, which is a historical factor in the struggles of marginalized indigenous peoples [10]. Whereas the state is obliged to guarantee these fundamental rights for its citizens, the basic needs and rights of the community, especially those related to accessing natural resources to ensure livelihoods in the form of forest rights, are rarely fulfilled [11].

Forest management practices prove that indigenous peoples can sustainably manage and utilize their forest resources [12]. Meanwhile, there are different views on the one hand keeping the forest sustainable or, on the other hand, on increasing the role of the community in forest management so that many people can directly receive economic benefits from the forest. There is an erroneous assumption that the negative community impact must be less by limiting and keeping them away from the forest [13]. On the other hand, For example, the community's management of mangrove resources in Thailand has proven beneficial because of livelihood security, access to resources, conflict resolution mechanisms, and sustainability orientation [12]. Furthermore, many research results recommend that local informal institutions be officially recognized in local forest management [14].

However, efforts to resolve forest management problems by indigenous peoples in Pandumaan-Sipituhuta village are a big challenge. It is necessary to adjust to the conditions in which the conflict occurred to resolve the tenure conflict [15]. It is due to differences in infrastructure characteristics, local socio-political conditions, natural resources, and regional policies. The driver of conflict at each level is the exploration of local perspectives that can provide a holistic understanding [16]. Therefore, resolving several problems indigenous peoples face will contribute, be accommodated, and have tenure certainty in resolving forest land conflicts, especially in Humbang Hasundutan Regency.

2 Research Method

The research was carried out in Pandumaan-Sipituhuta village, Humbang Hasundutan Regency, North Sumatera Province. The East side is bordered by North Tapanuli Regency with coordinates 2°19'11" N and 98°37'23.096" E. West is bordered by Pakpak Bharat Regency with coordinates 2°20'35.356" N and 98°35'48.168" E. It is bordered by Samosir Regency located at coordinates 2°23'40.345" N and 98°37'26.413" E to the North. South is bordered by Central Tapanuli Regency with coordinates 2°18'19.085" N and 98°43' 1201" E.

Data collection was carried out by purposive sampling with 12 selected respondents who were actors in making tenure conflict resolution policies between the customary law community of Pandumaan-Sipituhuta Village and the PT TPL concession. The research was carried out in four ways, namely through in-depth interviews focused on group discussions (FGD), field observations of the socio-economic conditions of the community community (such as livelihoods, education level, population ratio and others), and literature studies to determine ownership and control system tenure. Data analysis was carried out qualitatively. Stakeholder analysis is used to identify potential conflicts between actors. This understanding is used to design and implement a communication strategy between the parties. Stakeholders are grouped into several groups, namely (i) key categories, their high level of influence and importance; (ii) the main (primary) stakeholders are those with a high level of importance but low influence; (iii) supporting (secondary) stakeholders as intermediaries in assisting the process of implementing moderate to low level activities [17].

3 Result and Discussion

3.1 The History of the Indigenous People of Pandumaan-Sipituhuta Establishment

The location territory of the Pandumaan-Sipituhuta customary law community (CLC) is the ancestral territory of several clans. Based on oral narratives from the community, the descendants of Toga Marbun or who were held with Raja Bius Marbun, namely Lumban Batu and Lumban Gaol are community groups who opened Pandumaan and Sipituhuta Villages as new villages. Toga Marbun himself came from Bakkara, and migrated to Pollung. From Pollung, the three children of Toga Marbun spread to the surrounding area. Some of the descendants of Lumban Batu and Lumban Gaol chose to live and farm in Pandumaan and Sipituhuta. Then Pandumaan and Sipituhuta came from two other clans, namely Nainggolan and Pandiangan, who migrated from Samosir. These two clans married the daughters of Lumban Batu and Lumban Gaol so that later they became the Boru clan for Lumban Batu and Lumban Gaol. In the same period, Siraja Oloan, namely, Sinambela, Sihite, and Mannulang, also left Bakkara to reside in Pandumaan and Sipituhuta subsequently. Thus, the clans in Pandumaan and Sipituhuta became more diverse, especially after the entry of Situmorang and Munte, followed by Purba, Manalu, Sitanggang, Sijabat, and Siahaan.

The Lumban Batu, Lumban Gaol, Nainggolan, Pandiangan, Sinambela, Sihite, and Manullang clans have generally lived in Pandumaan and Sipituhuta for 12-14 generations. Meanwhile, other clans have only lived for four generations. In traditional rituals, this position is demonstrated by giving Jambar Bius to the two clans, which at the same time recognized them as King Bius or Village Traditional Elders. The traditional areas of Pandumaan and Sipituhuta are locations that King Bius Marbun bequeathed to his descendants. In its development, the area also became the living quarters of other clans, namely Nainggolan, Pandiangan, Sinambela, Sihite, and Manullang and other clans that came later.

3.2 Customary Law Institutions and Customary Forest Management

The traditional institutions of Pandumaan-Sipituhuta CLC consist of Raja Bius, Boru Bius, Raja Peradatan, and Boru Peradatan. King Bius is a descendant of the Lumban Batu clan and the Lumban Gaol clan. Boru Bius is a descendant of the Nainggolan, Pandiangan, Sihite, Situmorang, Aritonang, Sinambela, Lubis and Tamba clans. The King of Customs is the descendant of clans within the customs territory of Pandumaan-Sipituhuta CLC. Boru Peradatan is a descendant of the Manullang, Siregar, Pasaribu, and Munte clans. The Pandumaan-Sipituhuta CLC is lived and implemented based on the basic philosophy of Dalian Natolu, which reads "manat mardongan tubu, elek marboru, and somba marhula-hula". The community has customary law, orally passed down from generation to generation or in writing, formulated based on customary deliberations. Written customary law are patik hamijon, patik dorbia, and patik tu panakko. One of the written customary laws is patik hamijon which contains procedures for managing incense forests handling violations and theft of hamijon (incense) and sanctions.

3.3 The Historical Dynamics of Tenurial Conflicts in the Tombak Haminjon Traditional Forest

Tenure conflicts in the Tombak Haminjon customary forest have a long history, dating back to the 1980s. The land claim by Pandumaan-Sipituhuta CLC is in the form of incense forest management as their livelihood. The claim made by indigenous peoples is to manage resources such as forests and land, such as access and ownership [18]. FAO states that local stakeholders usually determine customary claims [19]. Customary claims are often not officially recognized by the state, although processes to recognize these claims are officially carried out in many countries [18]. This tenure conflict started with changing the function of the Jampalan into a plantation forest. Jampalan is a term that refers to a place for grazing buffalo. This Jampalan covers an area of about 120 hectares and belongs to several traditional clans in Pandumaan such as Manullang, Munthe, Nainggolan, Pandinangan, Sihite, Sinambela, Situmorang, Lumbangaol, and Lumbanbatu. This location is the outermost boundary of the settlement after agricultural land (rice fields) and is on the edge of spear haminjon (incense forest). As a result of overlapping land uses resulting in tenurial conflicts, the area used for grazing buffaloes no longer exists, and livestock are forced to be released into the wild. In 2006, concession company

offered cooperation to customary stakeholders in managing their customary lands by planting Eucalyptus under the people's nucleus plantation scheme. The agreement states that the company is responsible for planting to harvesting activities, and there is an equal distribution of the profits. However, in early 2009, a letter from concession company to the landowner informed them of a unilateral change in the agreement's contents that they had previously agreed upon. The following Table shows the dynamic chronology of several important events.

Table 1 Chronology of Tenure Conflicts in the Pandumaan-Sipituhuta Indigenous Forest

Time	Important phenomenon
End of the 1980 decade	Unilateral takeover of customary land called "Barimbing Land" covering an area of 52 hectares in Sugapa Village, Silaen District, North Tapanuli Regency. Without the knowledge of the Barimbing customary community, the land was handed over by the head of Sugapa Village and the Head of Silaen Sub-district to PT. Inti Indorayon Utama (IIU) by receiving pago-pago (in the form of witness money to a third party as a sign of agreement on an issue) from PT. IIU, amounting to IDR 12,500 per hectare
Early 1988	There was resistance from the Barimbing clan from Sugapa Village by uprooting PT IIU's eucalyptus plants. The mothers as the driving force were arrested and convicted by the Tarutung District Court.
April 1988	Prisoners were released, and their customary lands were returned by PT IIU.
1993	Change of issues from land grabbing to environmental issues. The resistance of indigenous peoples was triggered by industrialization that ignored the existence of indigenous peoples and their rights
1999	President BJ Habibie decided to temporarily suspend PT IIU's operations
May 10, 2000	President Abdurrahman Wahid, decided to close the rayon factory, but reopen the pulp factory.
February 6, 2003	PT. Inti Indorayon Utama (IIU) changed its name to PT. Toba Pulp Lestari (TPL)
2007	There is resistance from incense farmers whose gardens are included in the concession area of PT. TPL. Resistance was successfully suppressed by providing compensation of Rp. 110 million
June 23, 2009	The incense farmers fought against PT TPL for cutting down the incense trees in the location which they claimed was their customary land.
June 29, 2009	The action at the district government offices and the DPRD, demanded that the government urge the company to stop operating.
July 14, 2009	An action took place which led to the arrest of community members. The existence of the indigenous "Batak" movement is more based on identity.
January 31, 2019	Regional Regulation Number 3 of 2019 concerning Recognition and Protection of the Pandumaan-Sipituhuta Customary Law Community
October 9, 2019	Decree of the Regent of Humbang Hasundutan Number 201 of 2019 concerning the Customary Area of the Customary Law Community of Pandumaan-Sipituhuta covering an area of \pm 6,186 hectares.
July 28, 2020	The eighth amendment to Decree of the Minister of Environment and Forestry Number: SK.307/Menlhk/Setjen/HPL.O/7/2020 to PT TPL

Time	Important phenomenon
December 30, 2020	Determination of customary forest area of $\pm 2,393.83$ Ha through Decree of the Minister of Environment and Forestry No: SK. 8172/MENLHK-PSKL/PKT HA. PSL.1/12/2020.

Another problem related to conflict is the overlapping and recognition of land ownership that intersects with customary forest areas in Pandumaan-Sipituhuta. This recognition of land ownership causes horizontal conflicts. It is because, from the perspective of the Pandumaan-Sipituhuta indigenous peoples, they consider that they have managed and enforced their rights to customary forests. As a result, the role of indigenous peoples regarding their rights and control over their local resources has increased, while the government or corporations consider state forests as close access. The local government recognized and protected the customary forest "Tombak Haminjon" (incense forest) to CLC in 2019 based on Regional Regulation No. 3 of 2019. Then, the Regent's decision No. 201 of 2019 stipulates the customary area of Pandumaan-Sipituhuta CLC covering an area of $\pm 6,186$ hectares. Then, it was followed by a letter requesting the determination of the Tombak Haminjon customary forest for Pandumaan CLC to the Minister of Environment and Forestry from the Regent of Humbang Hasundutan No. 188.45/4547/LH.X/2019 dated October 10th, 2019.

Following up on a letter from the Regency of Humbang Hasundutan regarding the determination of traditional territory from Pandumaan-Sipituhuta CLC, the government cq Ministry of Environment and Forestry formed an integrated team involving multi-stakeholders to verify and validate the customary forest of Tombak Haminjon. Therefore, as a customary forest, efforts to resolve the status of the customary forest to Pandumaan CLC by the government can be realized immediately. It is a form of forest tenure reform for indigenous peoples [20]. Therefore, the requirements mentioned above must be fulfilled to obtain certainty of control over a resource strongly and legitimately.

3.4 Actors in Tenure Conflict

Differences in the perceptions and interests of actors are the cause of conflict [21]. Interest's differences between the actors involved cause tenurial conflicts. The conflicting parties do not negotiate and fight for these interests [22]. Based on the actor's interests, we can map the root causes of the problem to help determining the position of the actors who provide support or those who reject the disputed tenure conflict. According to [17], these stakeholders are identified by considering their position of interest and influence. The following table shows the interests and influences of the parties.

Table 2 Stakeholders in customary forest tenure conflict resolution

Actors	Level of Interest	Level of Influence	Role
A. Key Actor			

Actors	Level of Interest	Level of Influence	Role
The Ministry of Environment and Forestry (KLHK)	High	High	Government administrators in the field of environment and forestry
North Sumatra Provincial Forestry Service (Dishut Provsu)	High	High	Forestry technical policies, public services, development and implementation, supervision and control
The Sumatra Regional Social Forestry and Environmental Partnership Agency (BPSKL-SU)	High	High	Planning, monitoring, and evaluation of social forestry activities.
Humbang Hasundutan Regency Environmental Service	High	High	To formulate and implement environmental policies, evaluate activities, monitor and report environmental conditions in the region.
PT. Toba Pulp Lestari	High	High	Obtaining economic benefits from plantation activities
NGO KSPPM	High	High	Carrying out the aspirations of the community, and assisting the community in submitting the Haminjon spear as a customary forest.
B. Key Stakeholders			
The Traditional Law Community of Pandumaan-Sipituhuta Village	High	Low	Utilizing frankincense forest land as a source of community income
Regional Forest Area Consolidation Center I	High	Low	Identification and inventory of potentials, Consolidation of forest areas, assessment of changes, technical area boundaries
Regional II Production Forest Management Center	High	Low	KPHP planning and implementation, monitoring, evaluation of the implementation of production forest businesses and forest product industries
C. Supporting Stakeholders			
Pollung District Government	Low	Low	Technical and government policy
College	Low	Low	Carry out the development of higher education, carry out research, service and development of the academic community.
Department of Village Community Empowerment, Women, and Child Protection	Low	Low	Technical and operational policy formulation

The priority attention goes to the actor who causes conflict. The mapping can see the actors' actions in addressing the problems faced and determining the policies that must be taken in conflict resolution. This approach is essential. When groups of actors share mutually beneficial interactions, trust has likely been developed in their relationship, which will most likely facilitate conflict resolution.

3.5 Conflict Resolution

A. *Designation of Customary Forest*

The conflict that occurred in Tombak Haminjon at the Pandumaan-Sipituhuta village was a tenure conflict. Therefore, one of the settlement efforts is through mediation and negotiation. The result is an agreement to resolve this conflict, namely by forming a multi-stakeholder team to verify the customary forest status proposed by CLC. In this regard, an area whose ownership status is proven before the determination and confirmation will be removed from the state forest. Land ownership controlled by the state (state property) can be handed over to communal ownership (common property) as the owner, clearly defined.

All requirements of releasing forest area have been fulfilled and according to the applicable provisions for the stipulation of Tombak Haminjon as customary forest. Finally, on December 30, 2020, the Government designated Tombak Haminjon as a customary forest to Pandumaan-Sipituhuta CLC, covering an area of $\pm 2,393.83$ Ha based on the Decree of the Minister of Environment and Forestry No: SK. 8172/MENLHK-PSKL/PKT HA. PSL.1/12/2020. In the release of forest areas, several problems can be solved by prioritizing regulation as a product of power. As a result, the legitimacy of tenure regulation products is often fragile. Because, the legitimacy of tenure is determined by the extent to which the tenure rules are in accordance with the values that apply and are recognized by society. However, apart from the causes of the conflict, the real trigger factor for the problem is that the state is also part of the problem [23].

B. *Customary Forest Area Boundary Arrangement*

To obtain certainty about the status of forest areas and avoid the reoccurrence of conflict in the customary forest of Pandumaan-Sipituhuta Village, it is necessary to delineate boundaries, map, and the process of the inauguration of customary forests. It means that it is not enough to become a forest until the appointment stage but must be followed through the entire series of forest inauguration processes. Thus, the designation of forest areas is only a preliminary measure and indicates other processes. The designation of an area as a forest area should consider the relationship with other rights [24]. The inauguration process needs to be carried out immediately so that forest land is free from all the problems that accompany it. For this reason, the implementation in the field must involve the community so that conflict forest issues can be avoided.

4 Conclusions

The causes of tenurial conflicts between the Pandumaan-Sipituhuta customary law community and concession company (PT.TPL/PT IIU) are due to: overlapping land, where on the one hand the concession parties consider that the land they are working on is concession land that has been given permission by the government to manage it while on the other hand the community customary law considers that the land is customary forest; according to the customary law

community, there was a unilateral violation of the agreement they had previously agreed on regarding land use. Efforts to resolve this tenurial conflict took 20 years, only to be resolved after mediation and negotiation by the government by forming a multi-stakeholder team to verify the existence of customary forest area status claimed by the MHA of Pandumaan Sipituhuta village.

The determination of the traditional forest of Pandumaan Village by the Government has gone through a staged process mechanism in accordance with statutory requirements and provisions, by a technical team formed by the Ministry of Environment and Forestry following a request letter from the District Head of Humbang Hasundutan District. The next stage is to carry out a series of processes of forest confirmation in order to obtain clear and clean customary forests. The actions of concession company (PT TPL) triggered tenure conflicts in the Pandumaan-Sipituhuta customary forest. Concession company (PT.TPL/PT IIU) unilaterally violated the agreement they had previously agreed on land use and the overlapping concession areas of PT. TPL with MHA customary forest area in Pandumaan-Sipituhuta Village. The Government's determination of the customary forest of Pandumaan Village has gone through a process stage mechanism by the requirements and provisions of the legislation, by a technical team formed by the KLHK after a letter of application from the Regent of Humbang Hasundutan. The next stage is to carry out a series of forest gazettement processes to obtain clear and clean customary forests.

The results of this study provide lessons that can be used by interested parties to resolve conflicts in forestry development. Conflict resolution mechanisms are carried out by involving multi-stakeholders who are capable of providing mediation services and coordinating cross-sectoral conflict resolution. Thus, strengthening the conflict resolution system provides synergies and a greater chance of successfully resolving them.

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