



Pandumaan-Sipituhuta Community Movement Action in Defense of Customary Forest Land Taking

Endang SB. Siregar¹, Faisal Andri Mahrawa^{2*}, Adil Arifin³

Program Studies Political Science, Faculty of Social and Political Sciences, Universitas Sumatera Utara, Medan, Indonesia

Abstract

The Pandumaan-Sipituhuta indigenous peoples' social movements and disputes in defending their customary forest rights were impacted by the government's lack of transparency in identifying and determining concession rights, which in a unilateral claim to the community's customary forest. This is the context for the Pandumaan-Sipituhuta indigenous community's social movement, which began in 2009, to achieve recognition and reclaim rights to their customary forest. A qualitative research method with descriptive-qualitative analysis was adopted. According to the study's findings, the community used a variety of techniques in their social movements, including warning letters, confiscation and burning of company equipment, rallies, and road closures. In addition to carrying out their movement actions, the community holds frequent deliberations in which all levels of society are involved to facilitate decision-making in their movement actions. Conflicts and obstacles confronting the community include the government's tardy response, which results in the community taking a long time to attain success. Finally, in February 2022, the community was legally recognized as a customary law community by the Humbang Hasundutan District Regulation Number 3 of 2019, and their rights to their customary forest were restored.

Keywords: Agrarian Conflict, Customary Forest

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Corresponding author: Faisal Andri Mahrawa
E-mail: faisal.andri@usu.ac.id

INTRODUCTION

The land is the beginning of building human life and is a place for all living things to carry out their survival. Humans and land have a close relationship, in addition to their own interests, the land is also needed for wider interests (Sembiring, 2017). In fact, from birth to death, humans and other living creatures still live on the ground. Discussing land is certainly inseparable from agrarian conflicts which are now a very controversial discussion from time to time. Agrarian conflicts arise because of the community's rejection of the issue of inequality in land ownership (Purwanto, 2022). Agrarian conflicts regarding land management and control generally occur between individuals between groups, communities, and other parties, where each conflicting party seeks to be able to show its strength so that its interests can be realized properly, one of which is in land management and control. (Suharto, 2019).

The existence of individual or group interests resulted in the seizure of land ownership and of course, became the basis for the emergence of a community movement to reject it.

Therefore, it can be concluded that social movements and social actions do not just appear in society but appear along with conflicts or struggles around issues of inequality, domination, freedom, and social justice (Sukmana, 2016). Social movements are related to the activities of organizations or community groups in supporting or resisting social change (Sinaga, 2022). A social movement is a collective effort to pursue a common interest or achieve a common goal through collective action and social movements that demand changes in institutions, officials or policies will end up with the demands of social movements being met. more than that, namely a fundamental change in the form of improvements in the basic thinking and policies of the government (Djava, 2021). One of the community social movements that oppose social change is the indigenous people's movement around Lake Toba. Communities around Lake Toba including Simalungun, Toba Samosir, North Tapanuli, and Humbang Hasundutan regencies carried out social movements as a form of their resistance against unilateral claims made by one of the private companies, namely PT. Toba Pulp Lestari. PT.TPL received a permit to manage state forest in the Tapanuli area and this company received a permit from the state based on the Decree of IUPHHK-HTI Number 493/Kpts-II/1992 dated June 1, 1992, regarding the granting of Industrial Plantation Forest Concession Rights to PT. TPL covers an area of 269,060 hectares and then the decree was revised through SK Number 58/Menhut-II/2011 dated February 28, 2011, to 188,055 hectares.

Based on SK Number 58/Menhut-II/2011 dated February 28, 2011, wherein the Humbang Hasundutan Regency area the company obtained a permit with an area of 134,671 hectares and the company called the location a tele sector area which includes customary forest owned by the Pandumaan-Sipituhuta indigenous people. As a customary law community, the Pandumaan-Sipituhuta village community certainly has customary rights. Recognition of the rights of the Indigenous Law Community which has been mandated in Article 18 B paragraph (2) of the 1945 Constitution because of the second amendment in 2000 which reads: "The state recognizes and respects the customary law community units and their traditional rights as long as they are alive and well. in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia as regulated in the Law". But on the one hand, (Thontowi, 2015). The customary forest for the Pandumaan-Sipituhuta community is a source of livelihood. The customary forest is planted with frankincense trees where the harvest from the frankincense tree is a source of fulfillment for the needs of the Pandumaan-Sipituhuta indigenous people. It can be concluded that these indigenous peoples depend on the products of frankincense trees found in the forest for their livelihoods. The conflict between the Pandumaan-Sipituhuta indigenous peoples is based on the state's recognition of the customary forest which has long been controlled by the Pandumaan-Sipituhuta indigenous people from generation to generation.(Sinurat, 2019). The Pandumaan-Sipituhuta indigenous community opposes this unilateral claim. The method used by the Pandumaan-Sipituhuta Indigenous Peoples to maintain and defend their ulayat rights is to establish boundaries around their territory.

The land area of the customary area of the Pandumaan-Sipituhuta indigenous peoples is 6,261 hectares, with the western boundary in the form of spears (forests) belonging to the indigenous peoples who live in Sihas Dolok Village and Simataniari Village, Parlilitan District, for the southern part of the border in the form of spears belonging to the community. Aek Nauli village, in the east, bordering the village of Pandumaan, and in the north bordering the spear (forest) belonging to the people of Pansur Batu Village. Another method used by the Pandumaan indigenous people Sipituhutato defend the frankincense forest by carrying out a movement for the prosecution of customary land rights. The action of the community movement against the deprivation of their customary forest rights has been going on for a long time. The effort made by the indigenous people of Pandumaan Sipituhuta is to hold demonstrations at local government offices (Simamora, 2014). In addition, the strategy adopted by the indigenous peoples to oppose the expropriation of their customary land, the indigenous people of

Pandumaan-Sipituhuta also took direct resistance to the TPL by expelling the TPL parties who worked on their land until there was physical contact between the two parties which resulted in victims. who were injured? The victims were incense farmers and the indigenous people of Pandumaan Sipituhuta. This incident is also the background for the emergence of movements by the Pandumaan-Sipituhuta indigenous people.

RESEARCH METHODS

This research uses qualitative research method with descriptive research type. This qualitative research process involves important efforts, such as asking questions and procedures, collecting specific data from participants, analyzing data inductively (Creswell, 2007). The main data collection techniques in qualitative research are participatory observation and in-depth interviews, plus document review, which aims not only to explore data, but also to reveal the meaning contained in the research setting. The data analysis technique in this research is using qualitative descriptive analysis method. Analysis of the data in this study, the initial stage is the author will perform data reduction or simplification of the data that has been collected by the author through primary data and secondary data, and then the data that has been reduced will be arranged systematically to make it easier for the author to analyze the data then linked to the theoretical framework used by the author to obtain the results and conclusions of this study (Miles & Huberman, 2018).

RESULTS AND DISCUSSION

The Republic of Indonesia is a country with a pluralistic society that has a diversity of customs and cultures. The diversity in question can be seen in the reality of various indigenous groups who are now categorized as Indonesians who are divided into various ethnic groups, groups of speakers of certain languages, and groups of adherents of different religions. It is this diversity that gives birth to indigenous communities with different social, cultural, and environmental systems. As part of the Indonesian nation, customary law communities existed before the birth of the state, but the history of the existence of these indigenous peoples has not been qualified to get attention from the government, one of which is in terms of recognizing the existence of indigenous peoples.

Indigenous communities are identical with the application and preservation of socio-cultural values in every aspect of life. One example of elements of customary culture for the community that must be preserved and preserved is the customary forest. Based on the social movement theory of Eric Hoffer which states that, social movements are aggregations of individuals who respond to social changes, disturbances, and tensions in the social system, meaning that social movements emerge as a form of community reaction to problems that the people do not want and the desire to make changes in various fields. community life. The absence of transparency by the government makes the community not get awards or recognition as people who have rights to their territory.

Social Movement Strategy

Referring to the essence of customary forest for the community, the management carried out by PT. TPL in customary forest land is strongly opposed by the Pandumaan-Sipituhuta indigenous people. The social movement strategies carried out by the community to regain their rights to their customary forest are as follows:

1. Giving Warning Letter

After the information circulated about the management and exploitation of PT. TPL in the customary forest area, on June 23, 2009, hundreds of people from the two villages went to

Tombak Haminjon, and it was true that the company was carrying out encroachment and felling of incense trees. The community then took initial action by giving a warning letter to the company to stop its activities, but the company continued its activities. As indigenous peoples who have rights to their customary forests, the persistence and seriousness of these indigenous peoples in fighting for their customary forests cannot be doubted. The provision of this warning letter is a form that the community prioritizes a peaceful way to resolve this conflict.

2. Confiscation and Burning of Company Equipment

The giving of warning letters by the community did not get any results, so the community took action to expel the company that was operating in the forest area by confiscating and burning the tools used by the company. This is done so that the company's activities in the customary forest area are immediately stopped. The community also confiscated about 14 sinsaw units and brought them home. The community was informed that the sinsaw would not be returned until the management or the company directly requested it from the community. However, this incident made the conflict even bigger because of physical contact resistance (clashes) between the two parties, namely the company and the community, which resulted in several people, totaling 5 people, becoming victims of the incident.

3. Demonstration

Incident foreclosure and the burning of company equipment resulted in as many as 8 people being designated as DPOs, then some of them the community takes turns guarding each entrance to the two villages. Residents who were designated as DPOs received two summons to undergo examination and were asked for information regarding acts of violence that were carried out together, and to respond to this, residents of the two villages held a general meeting in which it was finally agreed that all residents would attend the summons because of whatever the community's actions were in doing so. defending the customary territory is a shared responsibility⁷⁹. This was the reason why the community held demonstrations at the Humbang Hasundutan Police Office with the aim of releasing people who had been detained and resisting the arrest and examination of 8 residents.

4. Road Closing Action

Another action was that the indigenous people of Pandumaan-Sipituhuta closed some of the causeways that were passed by the company's transportation in the transportation of trees. This road closure action was carried out after the arrest of several community members, the aim was that if there was a new action from the police or the company, the community together to face whatever it was. This is also done as a form of rejection and public anxiety about the presence of PT. Toba Pulp Lestari.

5. Regular Meetings of Indigenous Law Communities

The success of social movements in society is influenced by factors of interest. The Pandumaan-Sipituhuta indigenous peoples have a common goal and interest, namely, to regain their ulayat rights. As a community that still upholds family values, the customary law community of Pandumaan-sipituhuta always conducts deliberation activities that are attended by all levels of the indigenous community and these meetings are carried out regularly every week which is housed in one of the Presidential Instruction schools in Pandumaan Village. In regular deliberations, the community assumes that carrying out a resistance movement even though they realize that the movement does not require a short-term time, because it is based on rational calculations that resistance is considered an effective and efficient way to get out of

the subsistence condition that shackles them and because of that the community can easily reach an agreement to carry out a joint resistance movement. Every decision in every deliberation carried out by the community always prioritizes the common interest.

6. Formation of Collective Identity

The formation and acknowledgment of this collective identity is not an easy thing, as a legal state this kind of recognition also requires clear legislation, and the public is obliged to obey and follow the applicable rules. The existence of customary law communities which is the sociocultural context of the birth of customary law is burdened with several requirements that are difficult to meet by customary law communities, especially laws and regulations related to rights to natural resources that are not in sync with each other and in line with the objectives of the legislation. underlying it. Pandumaan-sipituhuta indigenous peoples are people who still live based on customary law and order, have a traditional leader or king of anesthesia, have historical heritage, and are still attached to the tradition of customary forest management. Some of these things have qualified to meet the requirements for obtaining collective identity recognition. Finally, the Humbang Hasundutan Regency Regional Regulation No. 03/2019 was officially ratified. The formation of this collective identity is considered the pinnacle of the success of the Pandumaan-Sipituhuta indigenous people's movement.

Weak Bureaucratic Reform

The Unitary State of the Republic of Indonesia is a country that has implemented a system of decentralization and regional autonomy since the New Order era. The implementation of regional autonomy aims to provide wider space for regions to manage and develop their respective regions. The expansion of Humbang Hasundutan Regency is one form of implementing regional autonomy. Previously, Humbang Hasundutan Regency was still under the governing body of North Tapanuli Regency which was formed based on Emergency Law Number 7 of 1956 concerning the establishment of autonomous regions within the North Sumatra Province. The many overlapping policies are the background for the weakening of bureaucratic reform. In the process of resolving the agrarian conflict of the Pandumaan-Sipituhuta customary law community, in terms of the process of forming regional regulations on recognition of land area determination, the role of the bureaucracy is considered ineffective. Several times the forestry ministry made changes to the land area by re-issuing decrees because of many errors in the amount of land that was not commensurate with community demands and recognition from the government. guidance-sipituhuta in February 2022 is final and in accordance with the demands of the community.

CONCLUSION

1. Each customary law community has its own characteristics and identity, one of which is the customary forest. A customary forest is a forest located within the territory of the customary law community which functions as the main actor to improve the welfare of the customary law community itself. However, currently, there are many agrarian conflicts that occur within the scope of customary law communities, one of which is the Pandumaan-Sipituhuta Customary Law Community. The occurrence of agrarian conflicts over community customary forests is motivated by the state's unilateral claim to customary forest lands. The Ministry of Environment and Forestry granted a concession permit to PT. TPL without notification to any party, especially the community, and without directly seeing the area that was granted the permit, so that the entire customary forest and part of the village area are included in the concession permit. With a concession permit, the

- company started its management activities in 2009. This management was of course rejected by the community through social movements.
2. In the action of social movements, the community has a strategy that is carried out in a planned and organized manner so that it can reach the point of success. To reject the inequality of ownership of their customary forest which has been managed by the company, the community first gave a warning letter to the company with the aim of immediately stopping its activities. However, this was not justified by the company, so it continued to confiscate and burn company equipment. After the incident, the company asked for assistance and filed a complaint with the police, so several people were arrested and detained, and some were designated as DPOs. This is the background for the community to carry out demonstrations. In addition to aiming to release some of the detained people, another objective is to refuse the company's presence and reclaim its rights to its customary forest. Furthermore, the community also took action to close the road as a form of rejection of the company's presence in their customary forest area. The implementation of the social movement strategy cannot be separated from inter-community deliberation. Every action taken by the community is based on a joint decision. In addition to wanting to obtain rights to their customary forest, the community also forms its collective identity to gain recognition from the state as a community of indigenous peoples. The implementation of the social movement strategy cannot be separated from inter-community deliberation. Every action taken by the community is based on a joint decision. In addition to wanting to obtain rights to their customary forest, the community also forms its collective identity to gain recognition from the state as a community of indigenous peoples. The implementation of the social movement strategy cannot be separated from inter-community deliberation. Every action taken by the community is based on a joint decision. In addition to wanting to obtain rights to their customary forest, the community also forms its collective identity to gain recognition from the state as a community of indigenous peoples.
 3. The long history of struggle and success of the traditional forest conflict of the Pandumaan-Sipituhuta community which has been passed for a long period of time is certainly influenced by conflicts or obstacles faced by the community. The form of conflict that hinders the success of this movement is the weakness of bureaucratic reform, both at the central and regional levels. Judging from the chronology of changes to the Decree that occurred repeatedly due to the incompatibility of the land area being fought for by the community with the land area listed in the Decree received by the community. From these events, it can be concluded that the resolution of agrarian conflicts has not become the government's main target or priority, the government's seriousness in resolving this agrarian conflict is still in doubt by the community. However,

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