

The reality of the conflict of customary lands between the land of laha and the air force in ambon city
(case study customary land in the land of laha)

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The reality of the conflict of customary lands between the land of laha and the air force in ambon city (case study customary land in the land of laha)

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Abstract

Ambon City has a long history of agrarian conflicts involving the community and government. Ambon's problem has had a relationship with historical dynamics since This island is inhabited and developed into a settlement control of land and claims ownership by a group has caused conflict that lasted to this day. For this reason, this study aims to analyze the Reality of the Conflict of Customary Lands between the Land of Laha And the TNI Air Force in Ambon City. This research uses descriptive qualitative method—location the research was selected by purposive sampling. Data collection was carried out by observation, interviews, in-depth interviews, and focused group discussion (FGD). Research results are known that the cause of the conflict was land ownership between the people of the land and land TNI air force. Land disputes have been going on since 2005 between Laha residents and the Laha State government with the Indonesian Air Force. The conflict occurred when the District Court Ambon processed a land ownership lawsuit between the Air Force and Negeri Hattu, sub-district West Leihitu, Central Maluku Regency. The conflict that occurred between the Indonesian Air Force and the people of the Land of Laha is mutually claiming the land, which amounts to 251 hectares. Citizen Laha believes that the 251-hectare land that is disputed with the TNI -AU is their property, and Hattu has no (land area) to the airport. According to King Negeri Laha, This 251-hectare land is the customary right of the Laha people borrowed to use to the TNI-AU since 1953 for 30 years ends 1983, and until now, the land dispute with the Indonesian Air Force has not been resolved. As for threats made by the two conflicting communities by spreading synthesis issues. Authority and power are not only owned by the Air Force but also owned by the Laha Community.

Keywords: Reality conflict, Customary Lands

1. Introduction

The issue of tenure, use, and land management (land tenure) cause structural conflicts around the world in plantation, agriculture, mining, including on the coast and small islands. Especially for small

islands, conflicts usually occur; it is acute, primary, and widespread because it covers a relatively small area and limited source power (Cambers et al. 2003). Management of agricultural resources / natural resources so far, it is stated in MPR Decree No. IX of 2001 has created a decrease in environmental quality, the unequal structure of control, ownership, use, and its use and causes various conflicts. According to Nasoetion et al. (2002), conflict agrarianism arises because land ownership or control is not balanced and not equal. The problem of tenure, use, and land (land tenure) are wrong, one cause of structural conflicts worldwide in the plantation, agriculture, mining, including on the coast.

Throughout 2018 the Consortium for Agrarian Reform (KPA) noted that at least 410 agrarian conflicts had occurred with an area of? the conflict reached 807,177,613 hectares and involved 87,568 households in various provinces in Indonesia. Of the total conflicts that occurred during 2018, most of them were still dominated by a conflict between residents and private companies with 244 cases, followed by the conflict between residents and the government as many as 58 cases, a conflict between residents in 36 cases, conflict between 31 cases of residents and BUMN, 21 cases of conflict between residents and officials, and 20 other conflicts cases. The largest sectors where the conflict occurred were the plantation sector (36.22%), property. (26.00%), infrastructure (22.22%), forestry (5.56%), mining (4.67%), coastal and marine (2.22%), oil and gas (1.56%) and agriculture (1.55%). Of the total conflict that occurred, the actor involved in agrarian conflicts mostly between citizens and the private sector (38.22%), residents and the government (22.44%), among citizens (14.44%), citizens and BUMN (13.56%), TNI and Polri (5.78%) Moreover, others reaching 5.56% (KPA 2017). In Indonesia, inequality in the distribution land ownership is a significant driver of land conflicts, and in conflicts over land, resistance often arises. In Java, the peasant community is involved in fighting conflicts. Most of the land rights are part of a peasant society (peasant society), which does not shift from the lowest social stratification (Amin 2010). Following the Decree of the Assembly People's Consultative Assembly, Number IX of 2001 concerning Agrarian Reform and Management Natural Resources, the management of agricultural resources / natural resources should be fair, sustainable, and environmentally friendly must be coordinated, integrated, and accommodating the dynamics, aspirations, community participation, and resolving conflicts. The agrarian sector eventually led to collective action from farmers affected by the conflict fighting for his cultivated land. Under Singh's (2010) opinion, where inequality and social domination are maintained and exercised by institutions and social institutions, it will produce a reverse situation that occurs resistance, resistance, and rebellion against these domination systems. Three groups are usually covered in agrarian problems, according to Wiradi (2009) in Rahmah and Soetarto (2014), namely the government, entrepreneurs (BUMN and BUMS), and the community. Generally, people involved in agrarian conflicts maintain agrarian objects in the form of land they own. Customary land disputes involve indigenous peoples with the government or private parties where other parties claim individual interests. Conflict problems that occurred in Laha country that the Air Force and the people of Laha country claim each other's rights to customary land. The clash of interpretations is quite tough between the Laha people and the Indonesian Air Force. The conflict between the Air Force and the people of the Land of Laha was a mutual belief in the land, the amount of which is 251 Ha. According to people of the land of Laha, the land is customary land that was passed down from their ancestors to them. Meanwhile, from the Indonesian Air Force cultivating the land is a remnant of Japanese colonialism and classified as booty. The difference in claims is what causes agrarian conflicts between a society with the Air Force to date.

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This research aims to analyze the reality of the agrarian conflict between the State Community and the Pattimura Air Force Base in Ambon, Maluku.

2. LITERATURE REVIEW

2.1 Conflict

Dahrendorf in Anggreta (2012) defines conflict as a conflict of interest between the authoritative class and the unauthorized class. The class with authority has control and sanction powers, so they have various giving powers command and get what it wants from a class with no authority; the possessed class with authority is a rare resource, such as controlling an unauthorized class's behavior. According to Turner (1975) in Mas'udi (2015), the conflict has the meaning of bipolarity. On the one hand, it exploits a particular social class under the situation created by economic growth with its perpetual existence. It creates revolutions in the region's political organization with an orientation against the dominant group and owners of capital in the class structure. Conflict also has a side that is not free of value, meaning that all those involved in it conflicts have their respective interests, as Galtung in Susan (2014) describes the conflict triangle consisting of individuals, groups, and organization that will always carry its interests. Interests can take many forms, economic and political. There are three dimensions in the Galtung conflict triangle, namely attitude, behavior, and contradiction. Attitude is the perception of ethnic members about specific issues related to the group. Behavior can be in the form of cooperation, competition, or coercion, a gesture of hands and body show friendship and hostility. The contradiction is the emergence of a situation that involves attitude and behavior problems as a process. The land is a collective identity; land as a collective identity because they believe that the land is something that has a very significant meaning deep, for example, if a family dies outside Maluku, they ask for the body return and buried in their land, for example on the lease island they call land as Amanupunyo, which means land is their identity. Land as a collective power means that land is their respect; if the land belongs to someone entered, life is at stake. Land as a source of livelihood means that it can provide economic reinforcement if we take care of it. Regarding agrarian affairs, the government has stipulated the Basic Agrarian Law number 5 of 1960. One of the matters regulated in it is regarding land rights for the Indonesian people. Some rights over Soils described are:

1. Property rights are the strongest and fullest hereditary rights that can be owned by people overland, keeping in mind its social function.
2. Right to cultivate, namely the right to exploit land that is directly controlled by State, for the agricultural, fishery, or livestock companies. Cultivation Rights given for land with an area of at least 5 hectares, provided that if areas of 25 hectares or more must use appropriate capital investment and technique good company, following the times.
3. Right to build, namely the right to build and own buildings on land that is not his own, with a maximum period of 30 years. On the request of the right holder and taking into account the needs and conditions of the building the building, the period can be extended for a maximum period of 20 year.
4. Right to Use, namely the right to use and collect the results of the land directly controlled by the State or land owned by another person, which gives the authority and the obligations determined

in the decision to grant by the official authorized to give it or in agreement with the owner of the land, that is not a lease agreement or a land cultivation agreement.

Usage rights can given for a certain period or as long as the land is used for specific needs; and for free, by payment or gift services in any form. Granting usufructuary rights must not be accompanied by such conditions contains elements of black mail. The type of conflict in agrarian studies is an exciting type of conflict to study because it is included in social conflict, which is essentially an interactional concept. Social conflict presupposes two or more people or groups in a situation proposing each other claim and fight with each other, and involve issues and issues. Inner conflict in practice can form a collective action in riots, opposition, revolutions, and social movements (Singh 2010). According to Tauchid (2009), agrarian problems are a matter of life and livelihood humans because the land is the origin and source of food for humans. Meant land grabs seizure of food, for that people are willing to shed their blood to defend it. Conflict agrarian affairs that involve the community, according to Rachman (2017), have been recorded since the era of Colonialism at a time of expanding plantation business and heavy tax pressure and land grabbing Public. The resistance carried out varied, from demonstration, rebellion, individual actions to collective action. The scale of local conflicts to regional scales and from those classified spontaneously to classified as organized. Colonialism started until it ended in 1942; the peasants' protest resistance numbered in the thousands, small and large. So for finding the complete context of conflict problems requires a study to explore historical narratives in order to find the correlation of interests between actors in the management of ecological resources causing the socio-economic and political transformation of society and also tenurial conflicts (Bryant and Bailey, 1997). Varshney et al. (2004) categorized social conflict into four types, namely ethnic-based communal conflicts, conflicts between states and communities, based conflicts economy, and other conflicts. The ethnic-based communal conflict has sub-variants, including conflict ethnicity, religion-based conflicts, and sectarian conflicts.

3. METHOD

Qualitative research methods using the critical paradigm in this study are used to research related social problems resulting from agrarian conflicts. Research methods qualitative is considered to be more able to describe the conditions of these social problems. Paradigm critical in qualitative research is used because the conflict between the community and government has a dominant social structure and creates a sense of injustice. In the conflict problem, the parties involved are not free of value, deep meaning they have an interest. The critical paradigm seeks to see domination and these interests. The research design used in this study is a case study. Meeting the analysis needs: There are two types of data required in this study: primary and secondary data. Primary data is data obtained directly from informants through in-depth interviews and observations. Data secondary obtained from various relevant agencies or organizations such as the sub-district office, the sub-district office, the Central Bureau of Statistics for Ambon city, and the print media/news in newspaper. Determination of informants and research subjects was carried out by purposive sampling method, namely the sampling technique of data sources with specific considerations allows researchers to explore the object / social situation under study, continued with the snowball method, which is a sampling technique for data sources that are on Initially the number gradually became large. Data analysis included reduction data, data presentation and drawing conclusions or verification.

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4. RESULT AND DISCUSSION

4.1 History of land tenure and agrarian conflicts.

The study in this study predicts that the problem of tenure conflicts in Ambon has relationship with historical dynamics since the island was inhabited and developed into a settlement. Along with the emergence of a sedentary society, of course, then followed by the awakening social institutions, agreement on norms, and material and non-material cultures developed as a form of response and response to environmental conditions (Steward 1955). Inequality in land ownership between the people and business actors is the leading cause of its rise conflicts that occur in Natural Resources (SDA) and agrarian. 239 Association for Community-Based and Ecological Legal Reform (Huma) noted that in six years. Finally, agrarian conflicts and natural resources in Indonesia spread across 98 cities and districts in 22 provinces. Extent, the conflict area, reached 2,043,287 hectares or more than 20 thousand square kilometers. In practice, companies' high land tenure has caused communities to lose their land, so they protested to companies, both private and state-owned.

The conflict between the community and the TNI-AU is a type of vertical conflict, namely conflict between the elite and Public. Agrarian conflicts in the Agrarian Reform Consortium's year-end report stated that there had been at least 659 agrarian conflicts throughout 2017, with an area-wide 520,491.87 hectares and involving 652,738 heads of families spread across the province Indonesia. In terms of position, the community has an unbalanced position and is very vulnerable to the practice of expropriation of natural resources. Companies that have more capital use State apparatus, and society, are victims of violence by State apparatus used by 241. Moreover, in the history of the military in Indonesia, the closeness of the military and businessmen. From the old order era until the current reformation, it is difficult to argue with both the military as the perpetrator direct business or provide security and guarding services to business people. In many cases, conflicts between citizens and business people supported by the military were always colored by practice violence, intimidation, and even abuse of authority by shooting and assault to civilians. The reality of handling the military approach is increasingly worrying. Moreover, natural resource conflicts are included in one of the conflicts regulated. Ramiah and Hewstone (2003) state that conflict between groups can be thought of as a continuum. At one end of the spectrum, conflict can manifest as prejudice, stereotypes, and discrimination, and across other spectrums, conflict can be unclear and dangerous. Dialogue between groups can be used as a conflict resolution tool, as Nagda (2006) argued. According to him, dialogue between groups combines interpersonal and interpersonal elements between groups, reflected in friendship and alliance formation. Alliance of friends together is characterized by critical dialogue and aims to hold the group accountable for realizing justice. Fisher (2006) revealed that inter-group conflict resolution involves transforming the relationship so that the parties' solutions can be sustainable and become a means of correction in the long term. This requires reconciliation in acknowledging violations, forgiveness, and the guarantee of future peace. The land dispute has been going on since 2005 between Laha residents and the Laha State government, and the TNI Air Force. The conflict occurred when the Ambon District Court processed a land ownership claim between the Indonesian Air Force and Negeri Hattu, West Leihitu sub-district, Central Maluku district. Laha residents argued that the 251 hectares of land that was disputed with the TNI -AU belonged to them and Hattu has no petuanan (land area) to the airport. According to the King of Laha, Said Laturua This 251 hectare land

is the customary right of the Laha people which was borrowed from the TNI. AU since 1953 for a period of 30 years and ending in 1983, and up to the present land disputes with the TNI-AU have not been resolved.

4.2 The Reality of Customary Land Conflicts

The total number of agrarian conflicts has shown an increase, in the last 2015-2016, this increase reached 78%, which means that despite the success of the government from SBY to Jokowi, the agrarian escalation conflicts did not show a decrease agrarian lousy record in the era of government new which places agrarian reform, especially agrarian conflict resolution as one government priorities. The following is a graph of the number of agrarian conflicts in the last five years. Dispute land has been going on since 2005 between Laha residents and the Laha State government, and the TNI Air Force. The conflict occurred when the Ambon District Court processed a land ownership claim between the Indonesian Air Force and Negeri Hattu, West Leihitu sub-district, Central Maluku district. Laha residents argued that the 251 hectares of land disputed with the TNI -AU belonged to them, and Hattu has no petulant (land area) to the airport. According to the King of Laha, Said Laura. About 251 hectares of land is the customary right of the Laha people. It was borrowed from the TNI AU in 1953 for 30 years and ended in 1983. It is up to the present land disputes with the TNI-AU that have not been resolved. PT then uses the land. Space Pura to operate the Pattimura International Airport as stipulated in the Regulation Government (PP) No.38 of 1995 determined the assets of Pattimura Airport in Ambon to be a part State Capital Participation in the capital of PT (Persero) Angkasa Pura I. The issuance of PP No.38 / 1995 land at Pattimura Laha Airport-Ambon is no longer an asset for the Department of Defense / TNI CQ TNI-AU. (OD). Given the sociological aspects of Maluku society, which still hold cultural ties, adat leaders also have a strategic role in maintaining peace and preventing violence. The various chronological events above show that the form of conflict between five villages with the Indonesian Air Force has become an open conflict.

Agrarian conflict in Ambon finally forming a horizontal polarization between communities and structurally between society as a threatened class without means of production (land) in the presence of corporations and the state. Other actors involved in this conflict indirectly were the NGOs who took their role as partners in the advocacy of this case. Each has its justification and importance. The local community conflicts with the state apparatus regarding their activities free the land. In this context, the state apparatus / TNI-AU is a group that plays in land conflicts because they want to find business, and the selling price of land becomes expensive. When drawn further, the derivation of the above conception of Ribot and Peluso's Access Theory on regime formation. Current property is the possibility of exclusion by one party in power against the losers in power. Citing Hall et al. (2011), when access is a person's ability to benefit from a thing, exclusion can also be formulated as one party's ability to prevent others from benefiting (Hall et al., 2011). Research results obtained through interviews can illustrate that various forms of conflict reality. The conflict occurred because of the different interpretations of the two conflicting communities. There is a country community, even in the mind of the truth is inspired by the Indonesian Air Force. The power access gap has raised various problems in the community.

No	Conflict Reality	Forms of Conflict Reality
1	Violence	Beatings by elements of the Indonesian Air Force
2	Action	Mass Mobilization to occupy the Airstrip

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3	Denial	Do not accept the court decision at the Court level
4	Resistance	Take Legal Path by making a Review back to the 2012 Supreme Court decision
5	Threat	Threaten each other with words and actions

From the matrix above, it can be seen the reality of the conflict over customary lands by the two conflicting communities. The violence that occurred, namely beatings of the community by elements of the TNI, made the two communities exist in a reasonably prolonged conflict. The form of conflict reality described is continued with rejection in the form of rejection of the result of a trial decision issued by the Court 2012, which formed a resistance by making much distrust, reviewed the Mahkamah of the constitution. As for the threats carried out by the two communities in conflict by spreading synthesis issues. Authority and power are not only owned by the Air Force but also by the Laha Community. Function Arbitration, the role of a third party, mediates between the two parties and provides a binding decision and must be implemented by both parties. In the conflict between the community of five villages with the TNI-AU, as mentioned above, the government's role is only limited to conciliation and mediation. The government's role in conflict resolution is only limited to the extent that the mediator is not sufficient because it does not resolve the root of the conflict between five Village communities with TNIAU. The conflict between the people of five villages and the Indonesian Air Force continuous and prolonged, so difficult to solve. Furthermore, the TNIAU and indigenous peoples' role in this mediation have the discretion to determine words agree by considering the conflict resolution alternatives offered government. Third, in arbitration, the Regional Government's role is low because it does not have the authority to decide conflict resolution. Suparlan (2006) revealed that conflicts occurred between two or more groups, manifested in the form of a physical conflict between those classified as a member of the opposite group. In social conflict, the individual's identity being involved in the conflict is no longer recognized, replaced by group identity or group. This is in line with Masykur's (2015) view, which states that in multicultural society and multi-group, human social behavior can lead to conflict. According to Hewstone and Greenland (2000), most conflicts between groups have a socio-psychology component that can be identified. This socio-psychological component can exacerbate conflict, thus eliminating the socio-psychological component as part of conflict resolution between groups. Fisher (2006) states that intergroup conflicts are reflected in many forms and within many different social situations. Thus, conflicts between groups are not only misperception or misunderstanding problems but are based on real differences between groups in terms of social power, access to resources, or the value of life, however, exacerbated by subjective processes in the way individuals see and interpret the world and group ways to face differences and threats. All types of conflict, including conflicts between community groups, requires resolution and resolution so that the conflicting parties return to the situation peacefully. Because conflict is a situation that is not normal, then the solution and resolution need a strategy. The Titian Perdamaian Institute (Malik 2017) refers to conflict resolution as a series of activities in the form of a cycle, namely starting from activities to prevent conflict, intervention to end violence, negotiations to create peace, and efforts to build peace in order to last in the long term.

5. CONCLUSION

The conflict that occurred in Negeri Laha has reached the post-conflict stage. It is just The post-conflict stage can become a pre-conflict stage if the parties cannot control it at loggerheads. The land dispute has been going on since 2005 between Laha residents and the government Negeri Laha with the

Indonesian Air Force. The conflict occurred when the Ambon District Court processed its land ownership lawsuit between the Indonesian Air Force and Negeri Hattu, West Leihitu sub-district, Regency Central Maluku. Laha residents argue that the land area of 251 hectares is disputed with TNI-AU is theirs, and Hattu does not have a petuanan (land area) to the airport. According to Raja Negeri Laha, Said Laturua. The land area of 251 hectares is the customary right of the Laha people borrowed to use the TNI-AU since 1953 for 30 years and ending in years 1983, and until now, the land dispute with the Indonesian Air Force has not been resolved.

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