
Agrarian Reform for Indigenous Peoples: Conflicts and Redistribution Policies in Senama Nenek Village, Riau

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ARTICLE INFO	ABSTRACT
<p>Keywords: Land tenure conflict, conflict resolution, Senama Nenek, redistribution</p> <p>Date logs: Received: August 5, 2023 Reviewed: August 10, 2023 Accepted: Sept 2, 2023 Published: Sept 2, 2023</p> <p>How To Cite: (ex) Dwijananti, B.M. (2023). Agrarian Reform for Indigenous Peoples: Conflicts and Redistribution Policies in Senama Nenek Village, Riau. <i>Marcapada: Jurnal Kebijakan Pertanahan</i>, 2(2), 145–158. https://doi.org/10.31292/mj.v2i2.37</p>	<p>The conflict between the indigenous people of Kenegerian Senama Nenek and PTPN V/PT Perkebunan Negara (State Owned Enterprises/Badan Usaha Milik Negara-BUMN) has been going on for decades. Researchers' document studies and interviews have revealed that the Senama Nenek community's customary land was under PTPN V's unilateral control, which resulted in the loss of the community's customary land forest. The Kampar District Government and the Riau Provincial Government facilitate efforts to resolve the conflict through the courts (litigation) or outside the court (non-litigation), which involve relevant agencies. The conflict was declared resolved in May 2019 through a Limited Meeting Decision on the Acceleration of Settlement of Land Issues led by President Joko Widodo. The final decision was that the 2,800 ha of land was handed over in the form of individual ownership certificates to 1,385 indigenous peoples of the Kenegerian Senama Nenek and then followed up by cooperation with PTPN V with the Partnership Pattern.</p>

A. Introduction

Agrarian reform actually comes with the aim of overcoming the inequality of agrarian structures so that it leads to the creation of agrarian justice, as referred to in Article 2 of Presidential Regulation Number 86 of 2018 concerning Agrarian Reform. Agrarian reform is an important agenda listed in the 5th Nawacita (nine priority agendas) of the 2015-2019 National Medium Term Development Plan (*Rencana Pembangunan Jangka Menengah Nasional-RPJMN*) as a National Strategic Program in the era of the Joko Widodo-Jusuf Kalla administration. Meanwhile, in the 2020-2024 RPJMN, agrarian reform is one of the policy directions and strategies for alleviating poverty (Soleman, Mochdar; Noer, 2017).

Agrarian reform in the narrow sense is known as land redistribution (Harsono 1999). The redistribution of land is a manifestation of the spirit of the state's partiality towards weak communities, especially farmers through structuring the control of land ownership (Salim & Utami,

2019). The implementation of land redistribution is in accordance with the implementation of Government Regulation No. 224 of 1961 is by distributing lands controlled by the state and confirmed to be objects of land reform, especially agricultural land so as to provide legal certainty.

The Directorate General of Agrarian Management at the National Working Meeting of the Ministry of Agrarian Affairs and Spatial Planning at the Shangri-La Hotel in January 2020 reported that during 2015-2019 the achievement of redistribution of non-forest land nationally reached an area of 795,825 hectares (ha). This achievement has met the target of 400,000 ha for non-forest area-based land redistribution set out in the 2015-2019 RPJMN. The achievement percentage was 198.96%, which means the number of achievements was almost double the number of targets set. The target in 2017 is only 23,925 fields, the smallest number compared to targets in other years. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (Ministry of ATR/BPN) set the highest target in 2019, namely 765,236 plots, a relatively large number compared to previous years. Land redistribution in 2019 was carried out in almost all of Indonesia, except in the Regional Provinces Specifically for the capital (*Daerah Khusus Ibukota*) Jakarta and North Kalimantan. The source of land for the object of Agrarian Reform (*Tanah Objek Reforma Agraria-TORA*) this year comes from former land use rights/Cultivation Rights (ex-HGU), abandoned land and other state land, with a target of 765,236 parcels. The target achievement was 668,713 fields or 87.39% with an area of 416,238.47 ha (Processed from Agrarian Arrangement Dashboard Data on 24 January 2020). As of 2023, the achievements of the redistribution of the Ministry of ATR/BPN amounted to 2,110,138 areas with a total area of 1,351,042.09 ha (337.76%), while the achievements of land redistribution whose source of TORA was from releasing forest areas amounted to 738,878 areas with a total area of 354,359.28 ha (8.64%) (Darmawan, 2023).

During the 2015-2019 RPJMN period, the Regional Office of the National Land Agency for Riau Province began carrying out land redistribution in 2018. Land redistribution activities were carried out by 2 land offices, namely the Land Office of Siak Regency and the Land Office of Indragiri Hilir Regency. The targeted number of land plots was 10,000 plots and 9,500 plots have been realized, with a percentage of 95%. The Siak Regency Land Office succeeded in achieving the 100% target with a total of 4,000 plots. Meanwhile, the Indragiri Hilir Land Office has an achievement percentage of 92% with the realization of 5,500 plots from the target of 6,000 plots.

As the target set by the Ministry of ATR/BPN increased in 2019, the Riau Provincial BPN Regional Office also experienced a 2.25-fold increase in target compared to the previous year, namely 22,500 fields. The number of sectors realized was 15,989 with a percentage of 71% of the set target, meaning that the realization of sectors in that year decreased compared to the previous year. Land redistribution activities in Riau Province in 2019 were carried out by 5 land offices, namely Kampar, Rokan Hulu, Siak, Kuantan Singingi, and Pelalawan.

The Kampar District Land Office is one of the land offices that carries out land redistribution and gets the biggest target compared to other land offices, namely a total of 6,250 plots. Apart from that, the Kampar District Land Office also carries out activities which are known by the Ministry of ATR/BPN

in the Riau region as “TORSUS/Tora Khusus” or Special TORA. TORSUS is a land redistribution activity covering an area of 2,800 ha in Senama Nenek Village, Tapung Hulu District. The birth of the land redistribution activity was a decision taken by President Joko Widodo at a Limited Meeting on the Acceleration of Settlement of Land Issues which was held at the Presidential Office on May 3 2019.

Agrarian reform is expected to reduce agrarian disputes and conflicts. The agrarian conflicts that have arisen are a reflection of an imbalance in agrarian structures, and in fact the essence of agrarian reform itself is to overcome inequality in land tenure and ownership in order to create justice in society. The application of agrarian reform policies to deal with agrarian disputes and conflicts can be seen in the land redistribution activities in Senama Nenek Village, Tapung Hulu District, Kampar Regency, Riau Province.

The problem of agrarian conflict is inseparable from the complexity of the issues that each individual or group is fighting for to win a goal that they both want to achieve. This conflict can be vertical or horizontal (Aprianto, 2013; Perdanakusumah, 2019; Zulfikar & Nasdian, 2018). Vertical conflict is conflict that usually occurs between society and the state, or with companies. Meanwhile, horizontal conflicts are conflicts that occur among members of the community and between individuals within the community itself. The land conflict in Senama Granny Village occurred between the Kenegerian Senama Nenek indigenous community and PT Perkebunan Nusantara (PTPN) V Sei Kencana. The Kenegerian Senama Nenek Indigenous People live based on ancestral origins passed down from generation to generation on the Kenegerian Senama Nenek customary territory, which has sovereignty over land and natural resources, socio-cultural life, which is governed by the customary law of the Kenegerian Senama Nenek and the Kenegerian Senama Nenek customary institutions. The traditional community of Senama Granny Village consists of 5 tribes, namely the Malay, Piliang, Domo, Mandailiong and Pitopang tribes. Each tribe is led by a tribal leader called the tribal mamak (Febriadi, 2017).

The substance of the problem of conflict between the Kenegerian Senama Nenek indigenous people and PTPN V Sei Kencana is that the 2,800 ha of customary land of the Kenegerian Senama Nenek people has been unilaterally controlled by PTPN V since 1983, even though until now PTPN V does not have HGU for 2,800 ha of land. (Taufik et al., 2010). According to Herlon, Restuhadi & Yulida (2017) the conflict started when PT Perkebunan Nusantara V was about to open on community land by making compensation for the land used. The compensation in question is by giving new oil palm plantation land but in a different location. However, the promised land has not yet been given, causing conflict between the community and PTPN V Kebun Sei Kencana. Based on the field inventory as stated in the Letter from the Riau Provincial BPN Regional Office No. 600/373/IV/08 dated 23 April 2008 to the Director of PTPN V stated that the land area of 2,800 ha is an enclave area and is outside the land plot of the PTPN V HGU area (Febriadi, 2017).

Studies related to the redistribution of customary land are something that is rarely found, because so far the problem of customary land is very complicated, so there are rarely studies related to the redistribution of customary land. Based on these limitations, there was a study of customary

land redistribution conducted by Ihsan and Salim (2022) which raised the issue of redistribution of customary land of the Domo Tribe indigenous community in Dharmasraya Regency, West Sumatra. This study looks at the practice of land redistribution to indigenous communities with a study focus on the procedures and processes for providing/redistributing land to communities. Then Kurniati study (2019) describes the arrangement of customary land control through the implementation of land reform policies in South Buru Regency. The individualization of ulayat land into individual rights was also studied by Sigiuro (2016), who discussed the legal analysis regarding the registration of ulayat land which became individual rights on ulayat land in Dairi Regency.

Apart from that, many land redistribution studies were carried out on non-forest land and some with the object of releasing forest area given to surrounding communities, not specifically to indigenous communities. These include studies by Sapriadi (2015), Kurniawati et al., (2019), Aprianto (2016), Setiaji & Saleh (2014), Alfons & Khasanah (2021), Dempo et al., (2021), Sirait (2017), Wardhana (2020) The redistribution of land originating from BUMN assets was carried out by Zulkarnain (2004) reviewing the implementation of the provisions, legal consequences and legal policies of the Decree of the Minister of Agrarian Affairs Number SK.24/HGU/1965 dated 10 June 1965 concerning the redistribution of State Plantation Company land (*Perusahaan Perkebunan Negara-PPN*) East Sumatra Deli Tobacco (PTPN II) to sharecroppers in Langkat Regency. Departing from the studies above, this study wants to focus on looking at how land redistribution originates from customary land claims (conflict) and is given to indigenous communities themselves (existence of indigenous communities), both policy practices, processes and how things work in managing the redistribution of land given to individuals.

B. Research Methods

This research uses qualitative research methods with a sociolegal approach. Qualitative research is methods for exploring and understanding the meanings that a number of individuals or groups of people ascribe to social or humanitarian issues (Creswell, 2016). In the writer's opinion, this method can dig deeper into human problems as a research instrument, so that more emphasis is placed on understanding (to understand), not on emphasizing explanation (to explain). In the document study approach, this method also assists writers in obtaining data both from institutional sources and from various parties (related stakeholders).

Meanwhile, socio-legal studies are a combination of doctrinal legal research methods (normative) and non-doctrinal legal research methods (based on phenomena/behaviors that exist in society), which are based on social science methods (Irianto & Shidarta, 2009). This approach does not only look at the rule of law, but also considers how it is implemented in society, so that in this study apart from being based on legal knowledge it also takes into account the realities of practice in the field. This study was carried out in Senama Nenek Village, Tapung Hulu District, Kampar Regency, Riau Province. Senama Granny Village is the location for the redistribution of BUMN land assets to indigenous communities, and this is the first time this has been implemented in Riau Province. Former

PTPN V land with an area of 2,873.3 Ha in Senama Nenek Village was designated as Redistribution Object Land based on the Decree of the Head of Regional Office of the National Land Agency of Riau Province Number 147/SK-14.NP.02.03/VII/2019 issued on 25 July 2019.



Figure 1. Location of Senama Nenek village, Figure 2. Village boundaries of Senama Nenek
Source: Google Earth, 2020 and Google Maps 2020.

A. Learning from Indigenous Peoples Senama Nenek: Land Conflict and Land Redistribution

1. Land Settlement Between Indigenous Peoples of Senama Nenek Vs PTPN V

Briefly, the conflict and efforts to resolve the land tenure conflict between the Kenergerian Senama Nenek indigenous community and PTPN V can be seen in the following picture:

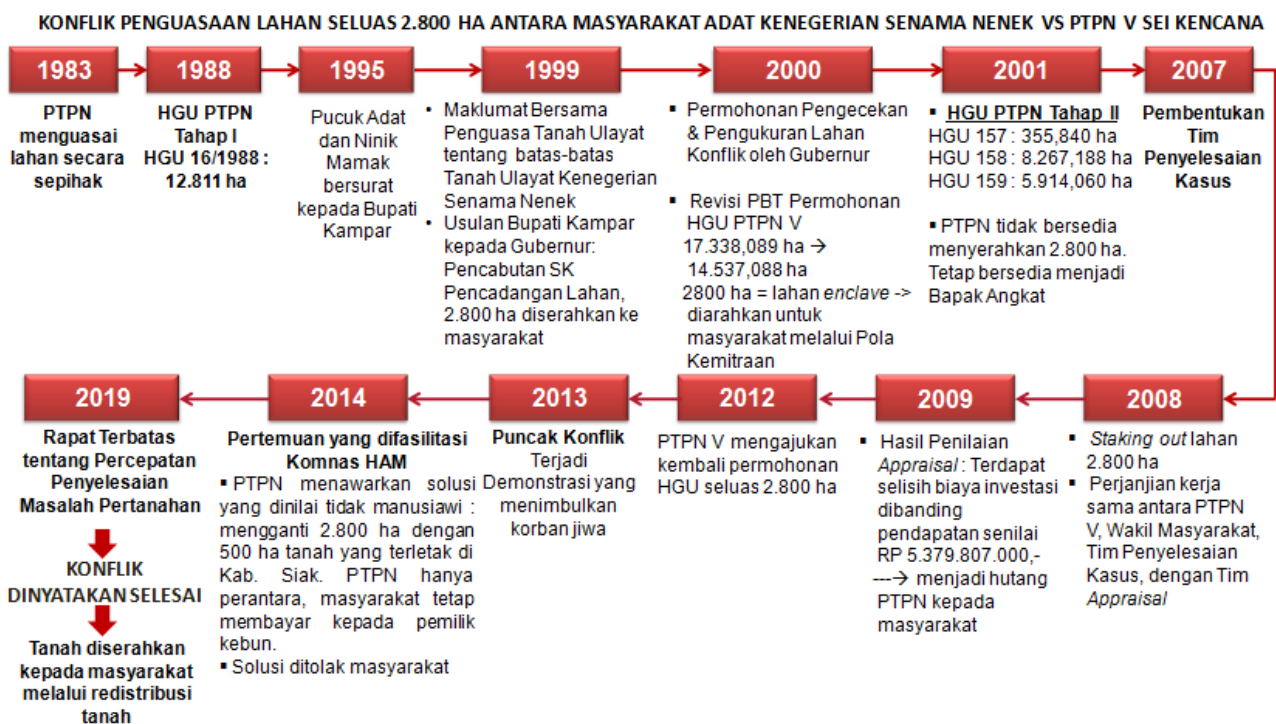


Figure 2. Land tenure conflicts in Senama Nenek Village and their resolution efforts.
Source: Processed by the author, 2020

Observing the picture above, it can be seen that since PTPN V unilaterally controlled the land (1983) until the issuance of the Joint Declaration on the boundaries of Ulayat Land in 1995 there was a void of events/efforts made by the community. This is because the documents for resolving the conflict in Senama Nenek Village began in 1995. Therefore, the author asked Yarmet (Ninik Mamak Malay Tribe) again about this vacancy. According to Yarmet, the community's struggle before 1999 was carried out unwritten, but by conducting consultations and hearings with relevant agencies, one of which was the Kampar District Plantation Service (Interview 10 August 2020).

The substance of the conflict between the Kenegerian Senama Nenek Indigenous Community and PTPN V was in 1983 when PTPN managed land in the Senama Nenek Village and unilaterally controlled 2,800 ha of land which was claimed to be the customary land of the Kenegerian Senama Nenek indigenous community. According to the author, there are 2 (two) possibilities behind this unilateral land tenure, namely:

- 1) Indigenous peoples or customary institutions are not involved in determining the use of their land. This is stated in the Decree of the Deliberation of the Ninik Mamak State Traditional Leaders/Stakeholders Senama Nenek No 05/PA-SN/V/1995 dated 5 May 1995 which states that every time they enter companies, Ninik Mamak, Traditional Leaders/Stakeholders do not know anything, The Village Head was never invited to negotiate, reach consensus and deliberation to jointly consider the use of the Senama Nenek State Tribal Land Forest. Apart from that, there are also differences in perceptions regarding the division of tasks and authority between traditional institutions and the Senama Nenek Village Government. At that time, the Head of the Senama Nenek Village stated that Ninik Mamak, the Senama Nenek State Traditional Leader/Leader, had duties and authority only limited to matters regarding the marriage of their respective niece's children, other than that it was the full right and authority of the village head.
- 2) Indigenous lands have not been worked on or cultivated by indigenous peoples. If the indigenous people at that time had cultivated and utilized the land, there was little possibility of unilateral control by PTPN V.

Ownership of communal land by PTPN V unilaterally violates Article 4 of the Regulation of the State Minister for Agrarian Affairs/Head of the National Land Agency No. 5 of 1999. The article states that control over communal land by government agencies, legal entities, or individuals who are not members of the customary law community concerned can be exercised with HAT according to the provisions of the BAL based on the granting of rights from the state after the customary land is released by the customary law community. However, the Kenegerian Indigenous people of Senama Nenek have never relinquished their 2,800 ha of customary land. According to the community, PTPN V owns the land unilaterally and has never held deliberations or involved the Kenegerian Indigenous People of Senama Nenek or their representatives.

The struggle of the Kenegerian Indigenous People of Senama Nenek lasted for tens of years, from 1999 to 2019. The indigenous people of Senama Nenek have been persistent in fighting for a land area of 2,800 ha which is customary land for decades because for the Customary Law Community,

customary land has historical value. Customary land is a legacy passed down from generations to ancestors which is used for the welfare of members of the indigenous community. So even though PTPN V made an offer to replace the land, the indigenous people did not agree.

Submission of an HGU application for a Land Reserve of 30,000 ha, of which an HGU of 27,348.888 ha can be issued. Meanwhile, the remaining 2,800 ha had not been issued HGU by the BPN Regional Office for Riau Province. This is in accordance with Article 4 of the Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency No. 5 of 1999 paragraph (2). According to the article, in the context of agricultural needs and other needs that require HGU or usage rights, Indigenous community (*Masyarakat Hukum Adat-MHA*) can hand over the use of land for a certain period of time. Because MHA Kenegerian Senama Nenek did not hand over her customary land, the issuance of HGU on that land could not be carried out.

The demonstration on October 21 2013, which was the culmination of the community's struggle against the background of the disappointment of the people of Senama Nenek Village towards the response from PTPN V. This can be seen from the various settlement efforts that have been attempted but PTPN V seems reluctant to respond to community requests. The government (PTPN Vs Senama Nenek Land Case Resolution Team) has made several recommendations to PTPN V so that PTPN V can hand over 2,800 ha of land to the community. However, PTPN V is still trying to maintain the land and provide alternatives to find replacement land for the community. Meanwhile, on the one hand, the community continues to insist on fighting for a 2.800 ha land area, which according to the community is customary land that has been passed down from generation to generation. The things above show that there are differences in interests between the Community and PTPN V. According to Soekanto (2006), Safitri et al., (2022), and Apriani & Hanafiah, (2022) one of the causes of conflict is the existence of differences in interests between individuals and groups. So that if each party continues to defend its interests it can lead to prolonged conflict.

Efforts to resolve land tenure conflicts in Senama Nenek Village between the Kenegerian Indigenous Peoples of Senama Nenek and PTPN V then used conciliation, mediation, and arbitration approaches (Jamil, 2020). Conciliation efforts can be seen by holding meetings involving the community, PTPN V, and the government. One of the attempts at conciliation was a meeting at the Arya Duta Hotel on 28 November 2007 which resulted in 12 points of agreement. Mediation efforts are by appointing a third party that has been agreed upon by the conflicting parties. Mediation efforts can be seen in the Letter of the Governor of Riau Province to the Ministry of BUMN to mediate. The mediation mediated by the Special Committee for the Regional Government of Kampar Regency has yet to find common ground. While the parties to the conflict agree to accept a third party and must accept the decision taken by the arbitrator. The third parties involved included the Kampar Regency Government, Riau Provincial Government, the Indonesian Parliament, DPD, Komnas HAM, and the Coordinating Ministry for Political, Legal and Security Affairs.

The Member Primary Cooperative Credit (*Kredit Koperasi Primer Anggota-KKPA*) pattern is an alternative provided by the government and has been mutually agreed upon by both the community

and PTPN V. This is in accordance with Article 2 paragraph (2) of Kampar Regency Regional Regulation No. 12 of 1999 concerning Ulayat Land Rights which states that the function of customary land rights is to improve the social and economic welfare of members of the alliance and society. In order for ulayat land to be productive and able to prosper its members, in the utilization of ulayat land, partnership pattern rights can be given to third parties, as stated in Article 3 of Kampar Regency Regional Regulation No. 12 of 1999.

After going through a long struggle for decades, finally in May 2019 the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency announced that the dispute between the Senama Nenek indigenous peoples in Kampar and PTPN V was over. The land area of 2800 ha which was claimed by the indigenous people of Senama Nenek was successfully resolved. Sofyan A. Djalil (Ministry of ATR/BPN at that time) said the decision was taken at a Limited Meeting on 'Acceleration of Settlement of Land Issues' chaired by President Joko Widodo. Previously, Joko Widodo had threatened to revoke concession permits held by private companies and state-owned enterprises (BUMN) if they did not hand over community land that was included in the concession area. He has also reminded private companies and state-owned companies that receive concessions to hand over community land if the village or village area already exists before the concession permit is granted.

The estuary of the long struggle of the Senama Nenek Indigenous People was the handing over of 2,800 ha of land (which had previously been controlled by PTPN V) to the people entitled to receive the land. This was based on a decision at the Limited Meeting on the Acceleration of Settlement of Land Issues led by President Joko Widodo on 3 May 2019 at the State Palace. Through the Limited Meeting, the President conveyed that the people should be given legal certainty, and that systematic governance is needed (so that it is not one by one). Furthermore, according to information from the Regent of Kampar who also attended the Ratas in person, the government was given two months to hand over the land to the community. The mechanism for handing over land to the community chosen and deemed most possible by ATR/BPN is through land redistribution activities. Based on this, the authors assume that if the recipient of the land is a customary law community with rights over the customary land, then at first glance it is not a problem. However, this indirectly eliminates the existence of Senama Nenek's Kenegerian customary land.

A total of 1,385 certificates of ownership rights to land resulting from the settlement of disputes between the Senama Nenek indigenous people and PTPN V were handed over to the community on December 26 2019. The handover of the certificates was held in Senama Nenek Village and was attended by the Minister of ATR/BPN Sofyan A. Djalil (official website Ministry of ATR/BPN, 2019).

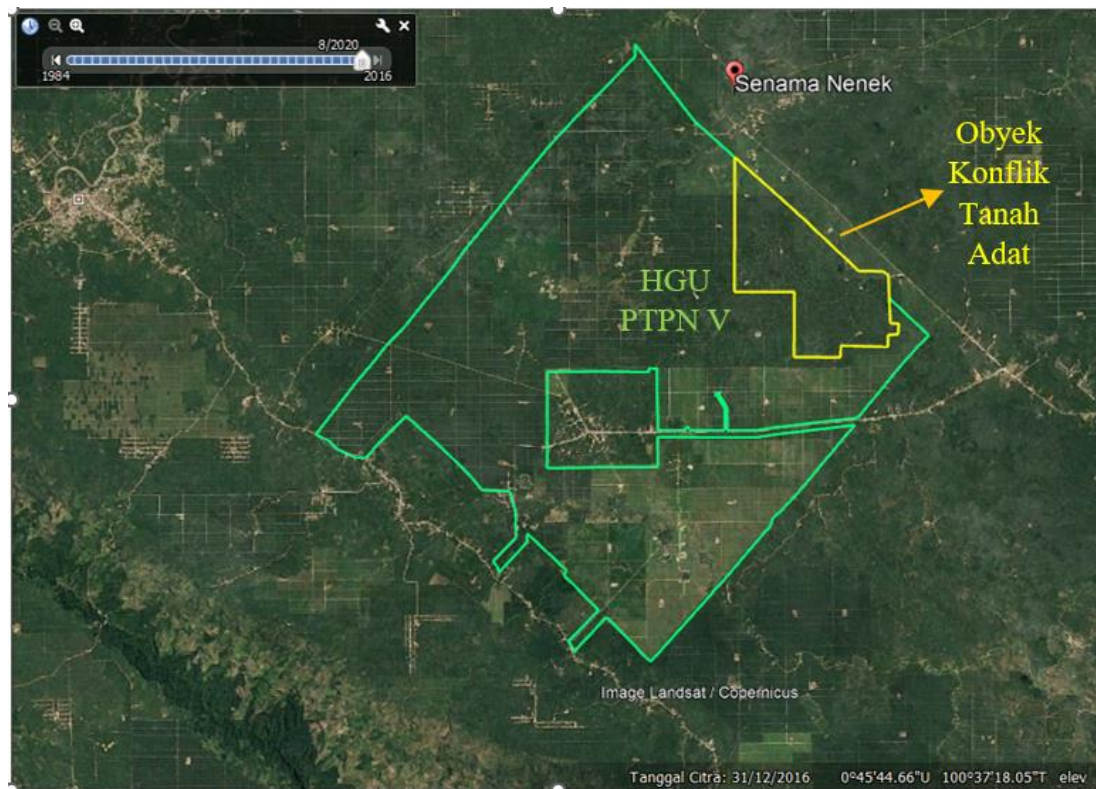


Figure 3. Overlay of Land Objects of Conflict with HGU PTPN V.
Source: Processed by the Author, 2020

2. Policy on the Granting of Individual Property Rights: Agrarian Reform for Indigenous Peoples

The granting of land rights to customary law communities requires an assessment of the dimensions of the customary land given, whether the land is public or private, and whether it is individual or communal. Ulayat Land covering an area of 2,800 ha in Senama Nenek Village is Senama Nenek's Customary Land, this is based on Certificate of Ulayat Land No. 593/SKT/UL/V/57/2008 which explains that the customary land is state customary land which has been passed down from generation to generation from the country's oldest and historic ancestors, one Andiko out of 44 Andiko of Kampar Regency, under the leadership of the Five Tribes who is sovereign and has power over the ulayat land that is spread out. Based on the decision of the Ninik Mamak Pemuka/Senior Traditional Stakeholders of the State of Senama Nenek No. 05/PA-SN/V/1995 dated 5 May 1995 it was discovered that the object of the conflict was the Senama Nenek tribal land forest. According to customary regulations passed down from generation to generation, the Wilayat Land Forest may not be traded and only used for the livelihood/welfare of the local community individually or in groups. These things are also in line with the statement of the LAK Secretary (*Lembaga Adat Kampar-LAK*) that the 2,800 ha of land is included in the category of state customary land (Interview, 27 April 2020). Kampar Regency Regional Regulation No. 12 of 1999 concerning Ulayat Land Rights does not mention the types or dimensions of customary land in Kampar Regency. However, when viewed from the control, the state customary land has a public-private dimension.

The decision of the Limited Meeting at the Presidential Palace on May 3 2019 only ordered that the land that was in conflict between the Senama Nenek Community and PTPN V be returned to the

community, and did not mention the mechanism for returning the land. Furthermore, the government was given two months to complete it. After studying it, the pattern that is considered most likely is land redistribution (Interview with the Head of the Land Management Section of Kampar Regency, March 30, 2020). Based on the Decree of the Head of the Kampar District Land Office No. 125/KEP-14.01/VIII/2019 dated 26 July 2019 concerning the Granting of Property Rights in the Context of Land Redistribution, the 1,385 Subjects Recipient of Land Redistribution who are the nephews of the five Kenegerian ethnicities of the *senama nenek* are given ownership rights to individuals (individuals). The author's communication with officials from the Ministry of Agrarian Affairs/BPN and Ninik Mamak Kenegerian *Senama Nenek* captures several arguments why individual ownership is an option. The following considerations can be arguments for why this is the choice of policy practice as well as doubts about choosing an individual ownership policy.

1) Indigenous People's Request

Based on communication with the Ninik Mamak of the Malay and Pitopang tribes on April 28 2020, the Kenegerian indigenous people of *Senama Nenek* want the land to be given in the form of individual ownership. Ninik mamak also believes that the most important recipient is the child of the nephew of the 5 Kenegerian tribes of the *Senama Nenek*.

Article 2 paragraph (2) Kampar Regency Regional Regulation No. 12 of 1999 concerning Ulayat Land Rights states that the function of communal land is to improve the welfare of members of the alliance and the community. If the recipient of the land is a customary law community with rights over the communal land, then at first glance it doesn't seem to be a problem. However, this is unfortunate because it accelerates the individualization of customary land. According to the Declaration of Indigenous Shoots and Ninik Mamak Negeri *Senama Nenek* No. 05/PA-SN/V/1995 dated May 5, 1995 it was stated that the 2,800 ha of land was tribal land forest, the only thing left behind. If this is true, then the Kenegerian Indigenous People of *Senama Nenek* no longer own the *Persukuan Wilayah Land Forest*.

2) The existence of customary land is still questionable

Based on communications with informants, the authors captured differences in perceptions regarding the existence of *ulayat* lands and the existence of Customary Law Communities in Riau Province, especially Kampar District. The ATR/BPN said that there is no *ulayat* land in Riau. The existence of the Customary Law Community in Riau is also still being questioned. Traditional activities in Riau are minimally carried out, and the *ninik mamak* does not play a role. Reflecting on West Sumatra Province, which is directly adjacent to Riau Province and Kampar Regency, the customs of West Sumatra Province are still strong. Land management in West Sumatra must be based on approval from *Ninik Mamak*, but this is not the case in Riau. This is in line with what was expressed by *Ninik Mamak* of the Malay Tribe, that if the child of Kenegerian *Senama Nenek*'s nephew takes care of private land, then *ninik mamak* does not need approval (Interview 28 April 2020). Land registration in Riau Province does not yet accommodate customary land, this is because

the existence of customary land in Riau is still questionable. Even though administratively, Riau Province and Kampar Regency have a Regional Regulation on Recognition of Ulayat Land.

3. Subject of Rights and Land Distribution Mechanism

After resolving all issues related to objects between the Senama Nenek indigenous people and PTPN and finding an agreement on patterns and distribution, then proceed with the internal mechanism to resolve the subject who is entitled to receive among the indigenous peoples. There is a uniqueness in determining the subject of land redistribution in Senama Nenek Village. This is because the potential recipients of land redistribution are determined by customary stakeholders (Interview with Head of Land Management Section of the Kampar District Land Office, 30 March 2020). Each Tribe Head in Senama Nenek Village proposes a candidate for recipient subjects from the Nephew's Children's Relatives of each tribe, which is then stated in a statement letter. Based on the suggestions from the tribal chiefs, data were obtained for 1,385 people with the following details: a) 299 Malay people; b) Piliang Tribe as many as 417 people; c) 235 people of the Domo tribe; d) Mandiliong Tribe as many as 222 people; and e) Pitopang Tribe of 212 people. Then an oath was administered to the ninik mamak of Senama Nenek Village. Ninik Mamak Kenegerian's pattern of determining subjects and objects can be seen in the following picture:

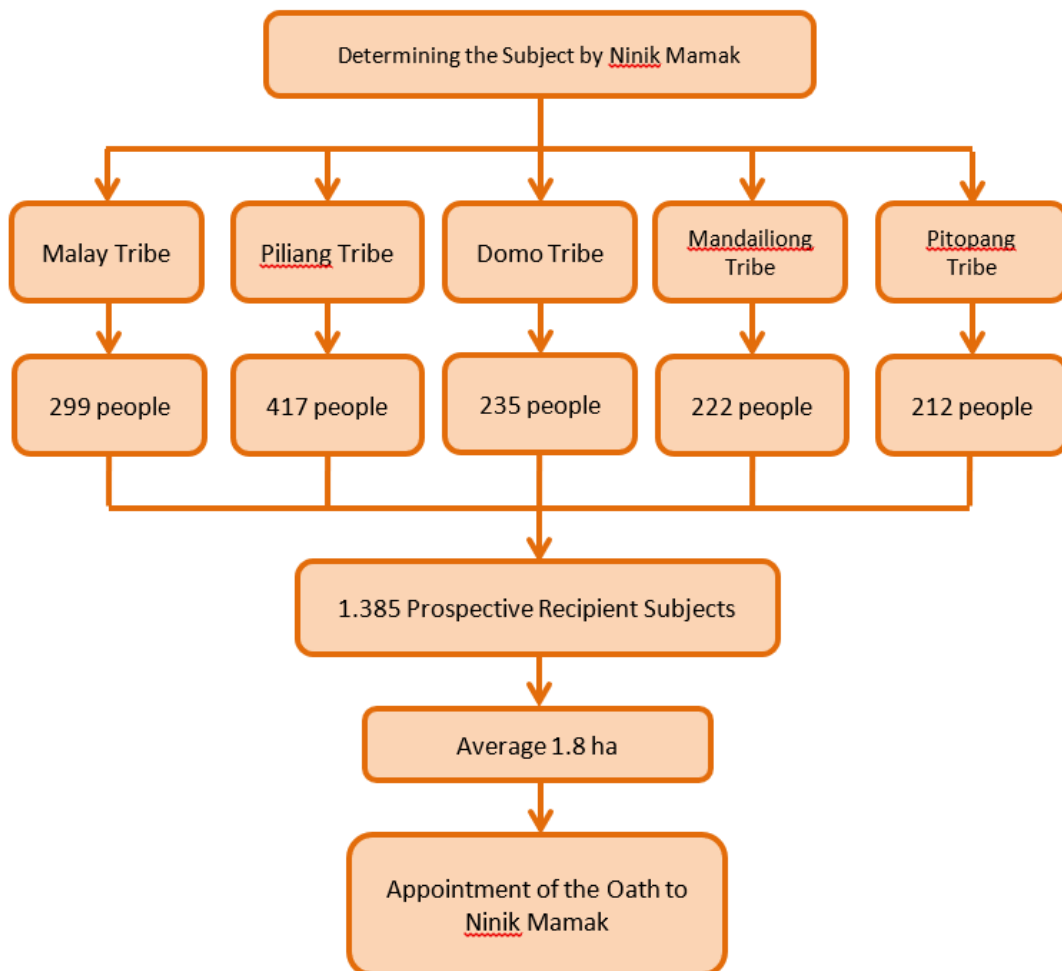


Figure 4. Subject and Object Determination Patterns by Ninik Mamak Kenegerian Senama Nenek
 Source: Author data processing results, 2020.

The Oath was taken on July 22 2019 in the meeting room on the second floor of the Kampar Regent's Office. The essence of the oath is to state that the 1,385 people who have been proposed are children of nephews who are entitled to receive land redistribution. The oath was sworn in before the Chairperson of the Kampar District Landreform Advisory Committee and confirmed by the clergy, and attended by witnesses including the Village Head of Senama Nenek and the Head of the Kampar District Land Office. The appointment of the oath is stated in the Minutes of Appointment of the Oath No. /BA-14.01/VII/2019. The following is a picture of the oath taking ceremony for the Ninik Mamak.



Figure 5. Taking the Oath of Ninik Mamak
Source: Kampar Regency Land Office Documentation, 2019

Taking the oath is to resolve all the confusion of policy makers because the government has difficulty determining the subject based on the available evidence. This pattern becomes more accountable, because all recipient subjects are handed over to indigenous peoples as legal parties. This means that all responsibility is given to indigenous peoples and the government as parties that facilitate witnessing this new method in determining subjects. This was done because of the will of the indigenous people themselves who did not want other parties who were not descendants to be included in the recipient subject list. The government tried to facilitate the community's proposal and it was granted because the subjects of customary ancestry who know the most are the indigenous people themselves.

D. Conclusion

The conflict behind the redistribution of land in Senama Nenek Village is a land tenure conflict covering an area of 2,800 ha between the Kenegerian Indigenous People of Senama Nenek and PT Perkebunan Nusantara V (PTPN V). Efforts to resolve conflicts are carried out through the courts (litigation) and outside the courts (non-litigation). Efforts taken through litigation were not able to resolve the problem, while non-litigation efforts facilitated by the Kampar Regency Government and the Riau Provincial Government and involving related agencies were actually able to resolve the

conflicts that occurred. The conflict was declared resolved in May 2019 based on the Decision of the Limited Meeting on the Acceleration of Settlement of Land Issues led by President Joko Widodo. Furthermore, the 2,800 ha of land was handed over to the Kenegerian indigenous people Senama Nenek through a land redistribution mechanism which was then followed up by cooperation with PTPN V with the Partnership Pattern. Pragmatically, the conflict was resolved and the land was returned to the community. However, this does not yet answer the big problem regarding the recognition of customary land.

Administratively, the existence (existence) of indigenous peoples in Senama Nenek Village is recognized by the Regional Government of Kampar Regency, as evidenced by Regional Regulation of Kampar Regency No. 12 of 1999 concerning Ulayat Land Rights, but this Regional Regulation does not yet have a Map of Customary Areas. Meanwhile, the typology of communal land in Senama Nenek Village, based on land tenure, consists of national customary land, tribal customary land, and soko land.

Meanwhile, land rights are granted individually through the Land Redistribution scheme. The type of ownership of individual rights is chosen because it is the will of the indigenous people themselves. In fact, it is feared that this will further obscure the existence of customary land, because by granting individual rights the ties of customary law with the community will be increasingly blurred and lost. Even though in Presidential Decree No. 86 of 2018 it is possible to grant rights jointly, but this is not an option for the local government and the Kampar District Land Office to make this policy choice. The insistence and rejection of indigenous communities is a consideration in policy choices for granting individual property rights.

Daftar Pustaka

- Alfons, A., & Khasanah, D. D. (2021). Pelaksanaan Landreform pada Tataran Implementasi atas Pengalihan Objek Redistribusi sebelum Waktunya. *Marcapada: Jurnal Kebijakan Pertanahan*, 1(1). <https://doi.org/10.31292/jm.v1i1.5>
- Apriani, N., & Hanafiah, N. S. (2022). Telaah Eksistensi Hukum Adat pada Hukum Positif Indonesia dalam Perspektif Aliran Sociological Jurisprudence. *Jurnal Hukum Lex Generalis*, 3(3). <https://doi.org/10.56370/jhlg.v3i3.226>
- Aprianto, T. C. (2013). Perampasan Tanah Dan Konflik: Kisah Perlawanan Sedulur Sikep. *Bhumi : Jurnal Agraria Dan Pertanahan*, 37(12).
- Aprianto, T. C. (2016). *Perjuangan Land Reform Masyarakat Perkebunan : Partisipasi Politik, Klaim dan Konflik Agraria*. STPN Press.
- Budhiawan, H, Farid, AH & Sarjita 2019, 'Problematika pendaftaran tanah hak ulayat masyarakat hukum adat di Sumatera Barat', dalam Luthfi, AN, Utami, W, Salim, MN & Dewi, AR (Penyunting) 2019, *Eksistensi, perubahan, dan pengaturan tanah ulayat/adat di Indonesia*, STPN Press, Yogyakarta.

- Creswell, J. W. (2016). *Research Design: Pendekatan Metode Kuantitatif, Kualitatif, dan Campuran* (A. F. & R. K. P. (Penerjemah), Ed.; Keempat). Pustaka Pelajar.
- Darmawan, D. A. (2023). *GTRA Summit Karimun 2023, Urgensi Revitalisasi Gugus Tugas Reforma Agraria*.
- Dempo, A. A. P., Salim, M. N., & Farid, A. H. (2021). Evaluasi Pelaksanaan Redistribusi Tanah Eks Kawasan Hutan di Kabupaten Musi Rawas. *Tunas Agraria*, 4(1). <https://doi.org/10.31292/jta.v4i1.131>
- Febriadi, A. J. (2017). *Penyelesaian Sengketa Tanah Ulayat Antara Masyarakat Adat Senama Nenek dengan PTPN V di Kenegerian Senama Nenek Kecamatan Tapung Hulu Kabupaten Kampar Provinsi Riau* [Theis]. Universitas Sumatera Utara.
- Herlon, M., Restuhadi, F., & Yulida, R. (2017). Social Network and Land Conflict in Rural Communities (Case Study in Senama Nenek Vilage Tapung Hulu Sub Regency Kampar Regency). *Jurnal Social Economic of Agriculture*, 6(1). <https://doi.org/10.26418/j.sea.v6i1.21580>
- Ihsan, A., & Salim, M. N. (2022). Ulayat Land and Agrarian Reform Policy in West Sumatra. *Marcapada: Jurnal Kebijakan Pertanahan*, 1(2), 155–171. <https://doi.org/10.31292/mj.v1i2.17>
- Irianto, S., & Shidarta. (2009). *Metode Penelitian Hukum: Konstelasi dan Refleksi* (Irianto, S.). Yayasan Pustaka Obor Indonesia.
- Jamil, M. (2020). Konflik dan Penghulu; Pendekatan Mediasi Dalam Menyelesaikan Konflik Internal Kaum Oleh Penghulu Di Minangkabau. *Jurnal Pengembangan Masyarakat Islam*, 1(1).
- Kurniati, N. (2019). Penataan Penguasaan Tanah Milik Adat Melalui Pelaksanaan Kebijakan Landreform Studi Kasus di Kabupaten Buru Selatan. *Bina Hukum Lingkungan*, 4(1). <https://doi.org/10.24970/bhl.v4i1.97>
- Kurniawati, F., Kistiyah, S., & Luthfi, A. N. (2019). Faktor-Faktor yang Memengaruhi Keberhasilan Pelaksanaan Redistribusi Tanah Bekas Kawasan Hutan. *Tunas Agraria*, 2(3). <https://doi.org/10.31292/jta.v2i3.47>
- Nasikun 2003, *Sistem sosial Indonesia*, PT Raja Grafindo Persada, Jakarta.
- Perdanakusumah, H. (2019). Penyelesaian Konflik Agraria Dalam Pelaksanaan Reforma Agraria di Indonesia. *Repository Unpar*, 8(5).
- Safitri, A. A., Khoirun, I., Astutik, S. P., & Rachmatulloh, M. A. (2022). Eksistensi Hukum Adat Dalam Tata Hukum Indonesia Pendahuluan Indonesia menjadi sebuah negara yang menjalankan sistem pluralitas di aspek. *Jurnal Rechtenstudent*, 3(2).
- Salim, M. N., & Utami, W. (2019). *Reforma Agraria, Menyelesaikan Mandat Konstitusi: Kebijakan Reforma Agraria dan Perdebatan Tanah Objek Reforma Agraria* (1st ed.). STPN Press.
- Setiaji, H., & Saleh, D. D. (2014). Belajar dari Cilacap: Kebijakan Reforma Agraria atau Redistribusi Tanah. *Bhumi: Jurnal Agraria Dan Pertanahan*, 39, 387–404.
- Sigiro, L. H. (2016). Analisis Hukum Tentang Pendaftaran Tanah Ulayat Yang Menjadi Hak Perorangan Pada Tanah Ulayat Di Kabupaten Dairi. In *Tesis*.

- Sirait, M. (2017). *Inklusi, Eksklusi dan Perubahan Agraria: Redistribusi Tanah Kawasan Hutan di Indonesia* (A. Choirudin, Ed.; 1st ed.). STPN Press.
- Soleman, Mochdar; Noer, M. (2017). Nawacita Sebagai Strategi Khusus Jokowi Periode Oktober 2014-20 Oktober 2015. *Jurnal Kajian Politik Dan Masalah Pembangunan*, 13(1), 1961–1975.
- Soekanto, S 2006, *Sosiologi suatu pengantar*, Raja Grafindo Persada, Jakarta.
- Taufik, N. I., Kausar, & Sayamar, E. (2010). Persepsi dan Ekspektasi Masyarakat Terhadap Konflik dengan PTPN V di Desa Senama Nenek Kecamatan Tapung Hulu Kabupaten Kampar. *Indonesian Journal of Agricultural (IJAE)*, 2.
- Wardhana, Y. S. (2020). Pelaksanaan Program Redistribusi Tanah Di Kawasan Tanah Adat Provinsi Papua. *Kosmik Hukum*, 20(1). <https://doi.org/10.30595/kosmikhukum.v20i1.8625>
- Zulfikar, A. M., & Nasdian, F. T. (2018). Analisis Konflik Pengelolaan Sumberdaya Alam Di. *Jurnal Sains Komunikasi Dan Pengembangan Masyarakat Sains Komunikasi Dan Pengembangan Masyarakat*, 2(5), 639–652.
- Zulkarnain. (2004). *Pelaksanaan Redistribusi Tanah Objek Landreform Berdasarkan Keputusan Menteri Agraria Nomor SK.24/HGU/65 di Kabupaten Langkat* [Thesis]. Universitas Sumatera Utara.