

The Approach of Agrarian Conflict Resolution through Land Redistribution in Sumberklampok Village

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ARTICLE INFO	ABSTRACT
<p>Keywords: Agrarian Conflict, Conflict Resolution, Land Redistribution</p> <p>Date logs: Received: Oct 8, 2024 Reviewed: Oct 28, 2024 Accepted: Nov 30, 2024 Published: Des 2, 2024</p> <p>How To Cite: Jaya, I.K.G.D.U., Sarjita, Alfons. (2024). The Approach of Agrarian Conflict Resolution through Land Redistribution in Sumberklampok Village. <i>Marcapada: Jurnal Kebijakan Pertanahan</i>, 4(1), 17-36, 2024. https://doi.org/10.31292/mj.v4i1.66</p>	<p>Agrarian conflict is a prevalent issue within the land sector. One such conflict in Indonesia occurs in Sumberklampok Village, Gerokgak Subdistrict, Buleleng Regency, Bali Province. This study aims to analyze the chronology of the conflict, the efforts to manage and resolve agrarian disputes, and the process of land redistribution. The research employs a qualitative methodology with a descriptive approach and analysis. Data were collected through observation, interviews, and document reviews. The findings reveal that the conflict stemmed from the community's control over land previously classified under HGU (Right to Cultivate) Certificates No. 1, 2, and 3 in Sumberklampok Village, alongside the Bali Provincial Government's claim over the land classified under HGU Certificates No. 2 and 3. The resolution process was supported by various stakeholders, culminating in the issuance of a Joint Agreement Letter (SKB) that facilitated land redistribution as part of an agrarian reform program. The Joint Agreement Letter (SKB) was followed by the distribution of 1,613 land certificates to the community, serving as legal proof of ownership and providing legal certainty over their land rights.</p>

A. Introduction

Land regulations in Indonesia are firmly established in Article 33, Paragraph (3) of the 1945 Constitution, which emphasizes that land, water, and natural resources are owned by the state and must be utilized as efficiently as possible for the welfare of the people. This provision serves as the primary legal basis for land governance in Indonesia, underpinning more specific regulations concerning the control, utilization, and management of natural resources. Currently, land-related regulations in Indonesia are elaborated in various laws and policies. One of the fundamental laws in the context of agrarian affairs is Law No. 5 of 1960 concerning Basic Agrarian Principles (UUPA), which covers various aspects of land governance and was enacted on September 24, 1960 (Wowor, 2014). Despite the implementation of the UUPA since 1960, numerous land-related issues remain unresolved. These challenges are expected to escalate due to rapid population growth, limited land availability, and the positive impacts of development, which increase the demand for improved living standards, thereby elevating land as a fundamental necessity. As land demand rises, the number of

land-related disputes drawing public attention is also expected to increase (Wiradi, 2000, Rachman, 2013, Berenschot, dkk., 2021).

According to the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency Regulation No. 21 of 2020 on Handling and Resolving Land Cases, Article 1 defines land cases as disputes, conflicts, or legal cases submitted to the National Land Agency of the Republic of Indonesia for resolution under applicable laws and/or national land policies. Agrarian conflict, as one form of land case, is marked by its broad socio-political impacts and involves individuals, groups, organizations, institutions, or legal entities. In this context, resolving agrarian conflicts requires a careful and comprehensive approach to mitigate the potential adverse effects on society.

The incidence of agrarian conflicts in Indonesia continues to rise, as noted by the Agrarian Reform Consortium (KPA). In 2018, 410 cases were recorded, with the number totaling 1,769 cases between 2015 and 2018. In 2019, 279 cases were documented, followed by 241 in 2020 and 207 in 2021 (Wahyuningsih, 2023). Data from recent years show that in 2022, KPA recorded 212 cases of conflict affecting 459 villages, over 1 million hectares of land, and involving 346,402 households. The trend persisted in 2023, with at least 241 recorded cases, impacting 345 villages and 638,188 hectares of land, involving 135,608 households (KPA, 2022; KPA, 2023). This escalating situation highlights the need for more in-depth attention to agrarian conflicts in Indonesia.

Agrarian conflicts occur across various sectors, including plantations, infrastructure, mining, real estate, forestry, coastal areas, military facilities, and agriculture. Among these sectors, plantations account for the highest number of agrarian conflicts in Indonesia. According to data from KPA's 2021 Annual Report, 74 plantation-related conflicts were recorded, affecting 23,531 households and covering an area of 276,162.052 hectares. These conflicts often revolve around land ownership and control disputes between communities and legal entities, exacerbating disparities in land ownership and control.

To address inequality in land ownership and control as part of a strategy to improve community welfare in the agricultural sector, the government has initiated agrarian reform focusing on asset restructuring and access redistribution, as mandated by the UUPA. As an implementation of this program, the government issued Presidential Regulation No. 86 of 2018 on Agrarian Reform, which details the technical aspects of agrarian reform implementation. This initiative is expected to have a positive impact on improving agrarian structures and enhancing land access and control for farmers.

According to Presidential Regulation No. 86 of 2018 on Agrarian Reform, later revised into Presidential Regulation No. 62 of 2023 on Accelerating the Implementation of Agrarian Reform, agrarian reform is defined as the equitable redistribution of land control, ownership, use, and utilization through asset and access management for the public interest. The reform aims to ensure equitable land ownership and control to enhance societal welfare. This regulation also addresses the resolution of agrarian conflicts and land redistribution as measures to improve community prosperity. Furthermore, agrarian reform, implemented through land redistribution and registration, is considered a public service in the agrarian sector. It reflects the government's efforts to revitalize

policies on land ownership and control, enabling land redistribution to improve farmers' welfare and foster social and economic balance within society (Arifin & Wachidah, 2023). Agrarian reform has become one of the main focuses of the National Priority Program, reinforced by the Jokowi-JK administration to build an inclusive Indonesia and improve quality of life in alignment with the Nawa Cita vision (Salim & Utami, 2020).

One notable instance of agrarian conflict in Indonesia occurred in Sumberklampok Village, Gerokgak Subdistrict, Buleleng Regency, Bali Province, between the residents of Sumberklampok Village and the Bali Provincial Government. The conflict revolved around land formerly under Right to Cultivate (HGU) Certificates No. 1, managed by PT. Darmajati (expired in 2007), and Certificates No. 2 and 3, managed by PT. Margarana (expired in 1993). This land subsequently became state property. The land, previously utilized for plantations, had been cultivated by Sumberklampok residents even before the issuance of the HGU Certificates No. 1, 2, and 3. The residents worked as tenant farmers on land owned by these companies.

In 1990, nearing the expiration of HGU Certificates No. 2 and 3, the agrarian conflict between Sumberklampok residents and the Bali Provincial Government began. The conflict involved issues such as village relocation orders, eviction threats, and the closure of the main Gilimanuk-Singaraja road by the local community. This unrest was driven by the provincial government's intention to designate the land under Management Rights and reforest areas occupied by the villagers. Following a series of conflict resolution efforts, the dispute in Sumberklampok Village was ultimately resolved in 2021.

The prolonged agrarian conflict in Sumberklampok Village, involving its residents and the Bali Provincial Government, represents one of the significant land disputes in Bali, particularly in Buleleng Regency. Despite its lengthy duration, limited research has examined this issue from various perspectives. Based on the author's review, only two studies address the conflict, namely those by Surata (2016) and Sakti (2019). Surata's research focuses on legal issues and agrarian conflict resolution through a land reform approach, while Sakti emphasizes conflict resolution using community participation frameworks. Thus, this study aims to provide an in-depth examination of the fundamental issues in Sumberklampok, proposed solutions, and policy options implemented by the government and various stakeholders. It aspires to contribute as a reference for resolving agrarian conflicts prevalent across Indonesia.

B. Methods

The research method employed in this study is qualitative research with a descriptive approach. Qualitative research was chosen by the author to explore and deeply understand the meaning derived from social issues within the community. Qualitative research generally emphasizes comprehensive and in-depth exploration of social phenomena occurring within society. The aim of qualitative research is to provide a description of a phenomenon by collecting data in depth, focusing on the importance of thoroughness and detail in the data analysis process. Descriptive analysis and approaches are used to study the conditions of a group of people, objects, systems of thought, or events in society. The

goal is to construct a systematic, factual, and accurate description of the facts, characteristics, and relationships between the phenomena under investigation (Muktaf, 2016; Ak, 2015). This approach enables the author to vividly portray the agrarian conflict in Sumberklampok Village and its resolution through land redistribution efforts.

Data was collected through observation, interviews, and field document studies. Observation was conducted to gather information about the agrarian conflict in Sumberklampok Village and its resolution through land redistribution by directly observing the field. Interviews were conducted with selected informants using purposive sampling, aiming to select samples that provide relevant data and information aligned with the research objectives. Document studies were also employed to obtain information through laws and regulations, documents related to the agrarian conflict in Sumberklampok Village, land redistribution reports from the Buleleng Land Office, and information from other relevant sources, such as research studies, books, journals, and other documents related to the agrarian conflict and its resolution through land redistribution.

This study was conducted in Sumberklampok Village, Gerokgak Subdistrict, Buleleng Regency, Bali. The location was chosen because the agrarian conflict in this area has persisted for a significant period, and the author aims to provide a comprehensive explanation of the conflict process and its resolution. The field research was conducted for approximately one month in Sumberklampok Village.



Figure 1. Location of Sumberklampok Village
Source: Google Maps, 2024

C. Results and Discussion

1. Chronology of the Conflict

The history of the land previously under the Right to Cultivate (HGU) Numbers 1, 2, and 3 in Sumberklampok Village, based on archival documents obtained by the author from the Buleleng Land Office and Sumberklampok Village Office, as well as interviews with the Head of Sumberklampok Village and Community Leaders of Sumberklampok Village, dates back to 1922, before Indonesia's independence. During this period, Dutch nationals arrived and cleared the forests in Sumberklampok Village, establishing a Dutch plantation company. The land was cultivated by the Dutch plantation company for the production of coconut, banana, and spices, with the labor force consisting of Balinese, Javanese, and Madurese workers employed by the company. After Indonesia's independence, the land previously owned by the Dutch companies was fully nationalized by the Indonesian government under Law No. 86 of 1958 on the Nationalization of Dutch-owned Companies, enacted on December 27, 1958, by President Sukarno, and Government Regulation No. 19 of 1959 concerning the Determination of Dutch-owned Agricultural/Plantation Companies Subject to Nationalization.

Following the nationalization of the Dutch companies, the Ministry of Agrarian Affairs transferred the land that originated from the issuance of HGU Numbers 2 and 3 in Sumberklampok Village to the Provincial Government of Bali, based on the Decree of the Minister of Agrarian Affairs No. 797/Ka dated September 15, 1960. The Bali Provincial Government, through the Decree of the Head of the Bali Provincial Government dated June 16, 1961, No. 715/A.3/2/31, transferred the land to the Yayasan Kebaktian Pejuang (YKP) Bali for management and utilization. According to data obtained by the author from the Buleleng Land Office, the land transfer by the Bali Provincial Government is recorded in the "Deed of Land Allocation for Management and Utilization by the Yayasan Kebaktian Pejuang." Based on the Suara YKP Bali magazine about the history of YKP Bali (Sudarta, 2016), it is explained that Yayasan Kebaktian Pejuang was an organization formed by former freedom fighters in Bali, established under the founding letter of Yayasan Kebaktian Perjuangan (YKP) No. 23 dated October 3, 1951. Yayasan Kebaktian Pejuang later changed its name to Yayasan Kebaktian Proklamasi (YKP) Bali and established the N.V. Margarana plantation company, which was involved in trade, industry, transportation, and shipping

The land, originally under the Dutch Colonial land right *Erfpacht* Number 19, registered in the name of Gerrit Van Schermbeek, was converted into HGU Number 2 in Sumberklampok Village, with an area of 2,678,219 m², in the name of N.V. Margarana (PT. Margarana) based on the Decree of the Director General of Agraria No. Sk.1/HGU/1968 dated January 11, 1968, and expired on December 31, 1993. Subsequently, the land under Dutch Colonial land right *Erfpacht* Number 17, registered in the name of J.J. Pownall, was converted into HGU Number 3 in Sumberklampok Village, with an area of 1,519,815 m², in the name of N.V. Margarana (PT. Margarana) based on the Decree of the Director General of Agraria No. Sk.2/HGU/1968 dated January 11, 1968, and also expired on December 31, 1993.

In contrast to the Right to Cultivate (HGU) Number 1 in Sumberklampok Village, covering 1,952,300 m² and registered in the name of PT. Darmajati, which was issued based on the Decree of the Minister of the Interior No. 11/HGU/DA/1982 dated June 29, 1982, and expired on December 31, 2007, the land under HGU Number 1 was initially managed by CV. Sumberklampok, based in Surabaya, until the expiration of its rights on September 23, 1980. Upon the expiration of HGU Number 1 under CV. Sumberklampok, PT. Darmajati submitted a request for the Right to Cultivate (HGU) on January 21, 1981, with reference number 1/D.J./TU/1981.

The land that was subsequently transferred to PT. Margarana and PT. Darmajati continued to be utilized for coconut and kapok plantations. The land managed by PT. Margarana and PT. Darmajati was cultivated by the local community, who had resided there since the time of the Dutch plantations, along with refugees from the eruption of Mount Agung in 1963, who had settled before the issuance of HGU Numbers 1, 2, and 3 in Sumberklampok, as well as workers brought in by the company.

With the expiration of HGU Numbers 1, 2, and 3 in Sumberklampok and no extensions of rights, the land under these HGU numbers became state land. This is in accordance with Article 34 of Law No. 5 of 1960 on the Basic Agrarian Law, which stipulates that the Right to Cultivate (HGU) expires when its term ends. The land under HGU Numbers 2 and 3 in Sumberklampok, which became state land, was reclaimed as state assets by the Bali Provincial Government based on the Decree of the Minister of Agrarian Affairs No. 797/Ka dated September 15, 1960, regarding the transfer of land from the Minister of Agrarian Affairs to the Head of the Bali Provincial Government, as well as the deed of transfer to the Yayasan Kebaktian Pejuang (YKP) Bali, thus making the land an asset of the Bali Provincial Government. From the expiration of HGU Numbers 1, 2, and 3 in Sumberklampok up to 2021, this land remained state land formerly under HGU Numbers 1 and 2, and land assets of the Bali Provincial Government previously under HGU Numbers 2 and 3, which were inhabited and cultivated by the Sumberklampok Village community as both residences and livelihoods. The distribution of the land previously under HGU Numbers 1, 2, and 3 in Sumberklampok is shown in Figure 2, which indicates the land controlled by the Sumberklampok Village community used for housing, agriculture, and plantations. The increasing population growth has led to an expansion of land used for settlement, agriculture, and plantations.

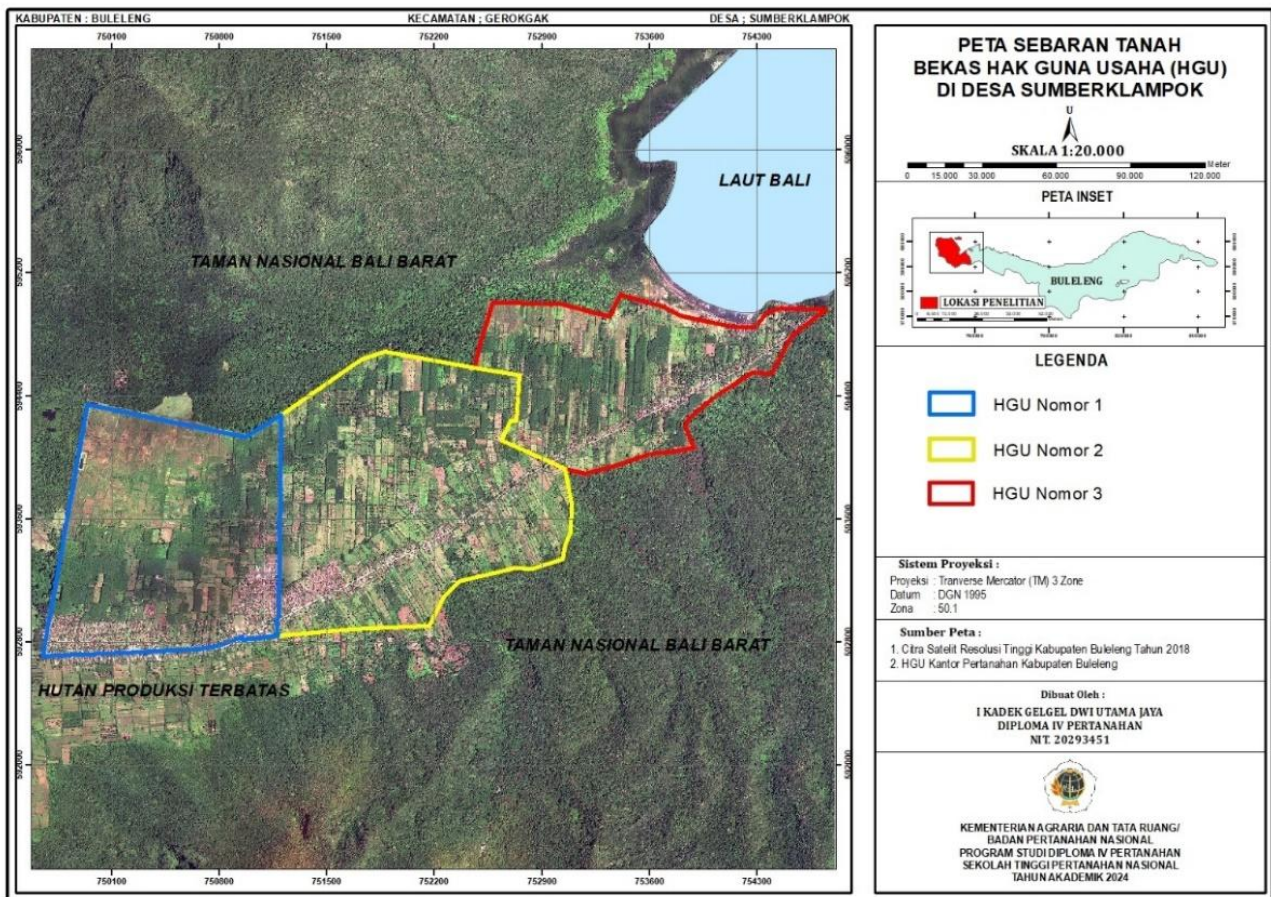


Figure 2. Distribution Map of Land Formerly Under HGU in Sumberklampok Village
 Source: Processed by the Researcher, 2024.

The uncertainty regarding land rights for land occupied and cultivated by the community of Sumberklampok Village has resulted in an agrarian conflict in the village. The agrarian conflict concerns the control and ownership of land formerly under Right to Cultivate (HGU) Numbers 1, 2, and 3 in Sumberklampok Village, involving a dispute between the local community and the Bali Provincial Government. The community, which has lived on and cultivated this land for several decades since the era of Dutch plantation companies, has controlled the land formerly under HGU for residential purposes as well as for agriculture and plantations. On the other hand, the Bali Provincial Government claims ownership of the land formerly under HGU Numbers 2 and 3 in Sumberklampok Village, based on the Decree of the Minister of Agrarian Affairs No. 797/Ka, which transferred the land to the Bali Provincial Government, and the deed of land allocation to the Yayasan Kebaktian Pejuang (YKP). The depiction of the conflict over land control and ownership in Sumberklampok Village is shown in Figure 3.

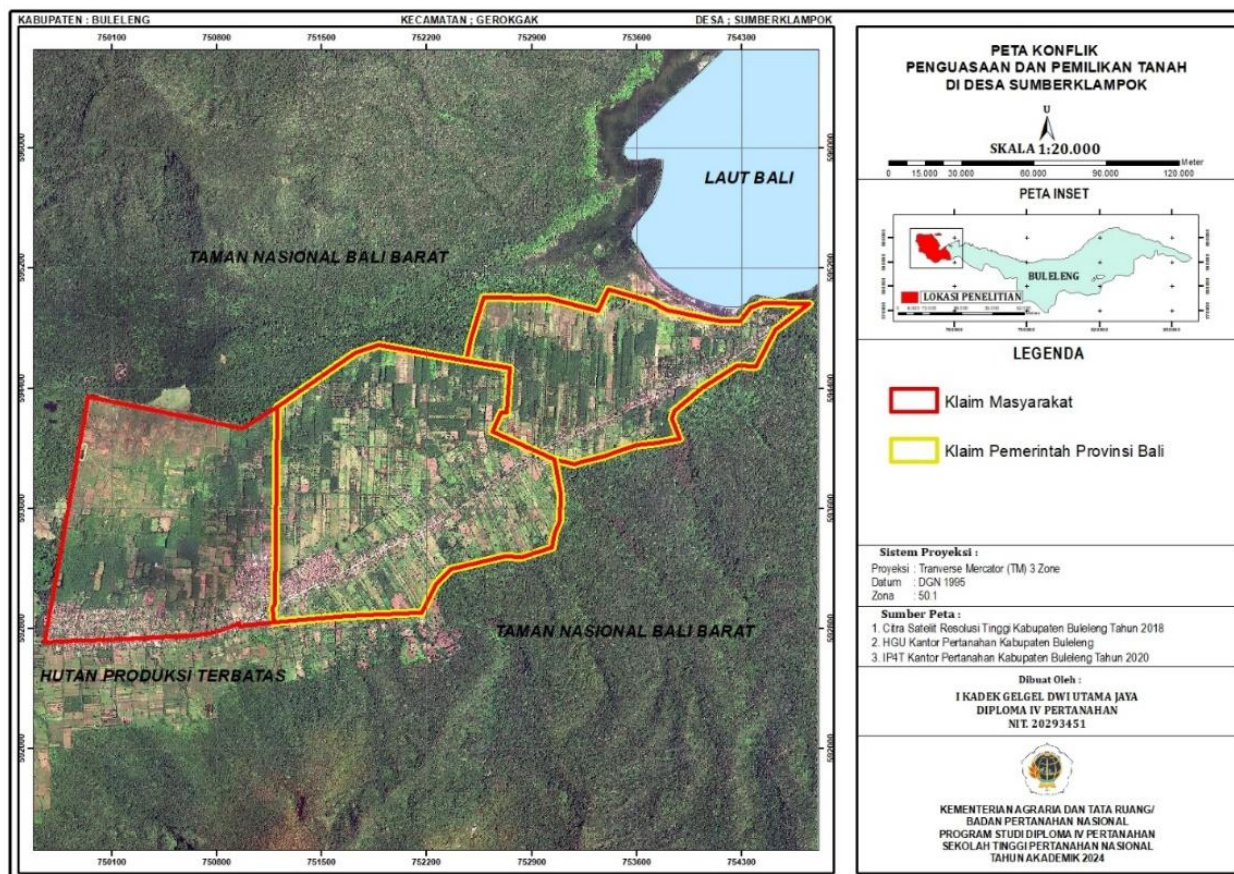


Figure 3. Map of Land Control and Ownership Conflict in Sumberklampok Village
 Source: Processed by the Researcher, 2024.

The year 1990 marked the beginning of the conflict between the community of Sumberklampok Village and the Bali Provincial Government, as the expiration date for the Right to Cultivate (HGU) Numbers 2 and 3 in Sumberklampok Village approached on December 31, 1993. According to the Head of Sumberklampok Village, I Wayan Sawitrayasa, and Putu Artana (March 27, 2024), both of whom are notable figures in the village's struggle, in 1990, the Governor of Bali urged the community to vacate their residential and agricultural/plantation areas due to plans by the Bali Provincial Government to implement a village relocation program (*bedol desa*) and relocate the people of Sumberklampok. In addition to the call for village relocation, there was also an issue raised regarding the reforestation of Sumberklampok Village and its transformation into a conservation area. This marked the beginning of the conflict between the community and the Bali Provincial Government. The community rejected these calls as the land under HGU Numbers 1, 2, and 3 in Sumberklampok had long been used for settlement and livelihood, even before Indonesia's independence. As such, the people of Sumberklampok felt their presence was disregarded, even though the village had developed by building public facilities such as temples, mosques, schools, and a village hall. In response to the calls for relocation, transmigration, and the reforestation and conservation of the area, the community of Sumberklampok initiated actions at both the regional and national levels.

On February 25, 1991, prior to the expiration of HGU Numbers 2 and 3 in Sumberklampok, PT. Margarana requested an extension of the HGU, but the extension was not granted by the time the

rights expired on December 31, 1993. The submission of this request was followed up by the Buleleng District Government with a letter from the Regent of Buleleng to the Minister of Home Affairs on September 8, 2000, rejecting PT. Margarana's request for an extension of the HGU in Sumberklampok, which was also forwarded to the Governor of Bali, the Head of the Bali Provincial Land Office, and the Head of the Buleleng Land Office. Despite this, no extension of the HGU was granted for the land. In response, the community of Sumberklampok submitted a land claim through a letter from the Head of Sumberklampok Village to the Governor of Bali on July 8, 1998.

According to a letter from the Secretariat of the Bali Provincial Government to the Head of the Buleleng Land Office, dated December 29, 2000, the submission of the HGU extension request by PT. Margarana and the community's land claim led to a meeting on September 15, 1998. The meeting resulted in an agreement that the expired HGU Numbers 2 and 3, under PT. Margarana, should prompt the Buleleng District Government to submit a Land Management Rights (HPL) application. From the implementation of the Bali Provincial Government meeting in 1998 through 2009, the Buleleng District Government submitted the HPL application, but the matter remained unresolved. On September 7, 2009, the Governor of Bali requested the HPL for the land formerly under HGU Numbers 2 and 3 in Sumberklampok Village on behalf of the Bali Provincial Government, but this request also went unfulfilled. Finally, in 2010, the Yayasan Kebaktian Proklamasi (YKP) returned the management of the land previously under HGU Numbers 2 and 3, which had expired in 1993, to the Bali Provincial Government.

The uncertainty surrounding the land controlled by the community of Sumberklampok Village for several decades has led to the resurgence of conflict. The year 2013 marked the peak of the conflict between the community of Sumberklampok Village and the Bali Provincial Government, when the community staged a demonstration at the Bali Governor's office to assert their land rights. Additionally, the community, consisting of both Hindu and Muslim residents, organized a joint prayer session, inviting the Governor of Bali and the Regent of Buleleng. The absence of these officials caused widespread disappointment among the people of Sumberklampok, leading them to block the Gilimanuk-Singaraja highway in Sumberklampok Village, the main route connecting Singaraja City to the Gilimanuk Port, for two days, as shown in Figure 4. During the two-day roadblock, the residents of Sumberklampok Village collectively occupied the road, sleeping, eating, and praying together as a form of protest against the Government in their demand for ownership rights over the land they had inhabited for decades.



Figure 4. Roadblock on the Singaraja-Gilimanuk Highway

Source: <https://www.berdikarionline.com/tuntut-hak-atas-tanah-warga-sumberklampok-blokade-jalan/>

2. Conflict Resolution

Various efforts have been made to address and resolve the conflict between the community of Sumberklampok Village and the Bali Provincial Government. These include approaches such as dialogue and meetings at the district level between representatives of Sumberklampok Village and the Regent of Buleleng, the Buleleng District Parliament (DPRD), and the Head of the Buleleng Land Office, as well as at the provincial level between representatives of Sumberklampok Village and the Governor of Bali, and the Head of the Bali Provincial Land Office. At the national level, discussions were held with the Indonesian House of Representatives (DPR RI). During these meetings, the community of Sumberklampok Village demanded their rights to the land they have inhabited and cultivated since before Indonesia's independence.

On September 24, 2018, Presidential Regulation Number 86 of 2018 on Agrarian Reform was enacted. This regulation outlines agrarian reform as the restructuring of land ownership, control, use, and utilization to ensure fairness through asset reform and access reform. One of the objectives of agrarian reform is to address land disputes and agrarian conflicts. The regulation also discusses the establishment of the Agrarian Reform Task Force (GTRA) to assist in the implementation of national agrarian reform. The GTRA comprises the Central, Provincial, and District/City Agrarian Reform Task Forces. The GTRA is responsible for coordinating the provision of Agrarian Reform Land Objects (TORA) for asset restructuring, facilitating access restructuring, and mediating the resolution of agrarian disputes and conflicts.

According to an interview conducted by the author with Mr. Agus Apriawan, Head of the Buleleng Land Office (Thursday, March 28, 2024), who serves as the Daily Executor of the Buleleng Agrarian Reform Task Force, the GTRA continues to coordinate with the representatives of Sumberklampok Village. Additionally, the Head of the Buleleng Land Office, together with the Regent

of Buleleng, who serves as the Chair of the Buleleng Agrarian Reform Task Force, has been coordinating with the Governor of Bali and the Bali Provincial Agrarian Reform Task Force to resolve land issues in Sumberklampok Village through studies on the land history controlled by the community and the origins of the Right to Cultivate (HGU) claimed by the Bali Provincial Government, and to provide solutions to these issues.

Agrarian reform is one of the programs under the National Strategic Projects (PSN), which is a pillar of development with a direct impact on economic equality. Under the leadership of President Joko Widodo, efforts to address agrarian reform in Indonesia have been intensified, in collaboration with the Presidential Staff Office (KSP), the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), the Ministry of Environment and Forestry, and other stakeholders. The resolution of agrarian conflicts is one of the key programs in agrarian reform that has been a priority for him.

Furthermore, Sumberklampok Village is one of the Priority Agrarian Reform Locations (LPRA) proposed by the Agrarian Reform Consortium (KPA) in collaboration with farmer unions, indigenous communities, and fishermen. According to the Agrarian Reform Consortium (KPA) website, the concept of Priority Agrarian Reform Locations (LPRA) was developed by the KPA to assess the implementation of agrarian reform in Indonesia since 2016. In the implementation of LPRA, farmer unions must be capable of gathering and consolidating data on the subjects and objects of agrarian reform that are proposed. The consolidation and data gathering process for LPRA is carried out independently and participatively by each farmer union and member of the Agrarian Reform Consortium (KPA), with a significant role in decision-making from the women's groups within the unions.

With the change in the Governor of Bali in 2019, an audience was held with the representatives of Sumberklampok Village to discuss the resolution of state land formerly under Right to Cultivate (HGU) Number 1 in Sumberklampok Village, as well as the Bali Provincial Government's land assets previously under HGU Number 2 and 3 in Sumberklampok Village. The outcome of this audience, conducted by Governor Wayan Koster, was that the request from the community of Sumberklampok Village regarding the land they have inhabited and cultivated could be considered based on the historical context of the land in Sumberklampok and the village's origins.

This consideration by the Governor of Bali, along with the agrarian conflict in Sumberklampok Village attracting attention from various parties, was followed up by the Bali Provincial Land Office with the implementation of land measurement and mapping for the land formerly under HGU Numbers 1, 2, and 3 in Sumberklampok in 2019. This was then followed by an Inventory of Land Use, Utilization, Ownership, and Control (IP4T) activity in 2020 to collect data on the subjects and objects of land controlled by the community of Sumberklampok Village. During these activities, the officers were accompanied by representatives from Sumberklampok Village.

The final report from the IP4T activities conducted by the Buleleng Land Office in 2020 in Sumberklampok Village revealed that the farmers effectively controlled and cultivated land from the

former HGU Numbers 1, 2, and 3, which had primarily been used for agriculture. The land was worked independently by the farmers, with most of it utilized for farming, particularly for corn and peanut fields, and there was adequate infrastructure for transporting the harvest. However, most of these land plots lacked valid legal titles, meaning they could not provide legal assurance of ownership. The total number of plots controlled by the community on HGU Numbers 1, 2, and 3 amounted to 1,631 plots, with HGU 1 containing 746 plots, HGU 2 containing 532 plots, and HGU 3 containing 353 plots. There were 472 farmers on HGU 1, 2, and 3, with 167 farmers on HGU 3. Based on these findings, it was recommended that the resolution of land ownership and control disputes between the farmers and the Bali Provincial Government for the former HGU 2 and 3 should be addressed promptly. Additionally, it was suggested that land programs such as asset legalization and access restructuring on the former HGU 1 land, registered under PT Darmajati, covering an area of 2,029,925 hectares, should be prioritized.

Following the land-related activities, including the measurement and mapping of land and the IP4T activities in Sumberklampok Village, a meeting was held on November 26, 2020, at the Governor of Bali's official residence, Gedung Gajah Jaya Saba, Denpasar. The meeting was attended by the conflicting parties, namely the Governor of Bali, the Head of Sumberklampok Village, and representatives from the Sumberklampok Village community. In addition to the conflicting parties, the meeting was also attended by the Head of the Bali BPN Regional Office, the Chair of the Bali Provincial DPRD, the Vice Regent of Buleleng, and the Gerokgak Sub-district Head, as shown in Figure 5.



Figure 5. Signing of the Joint Agreement Letter (SKB)

Source: <https://gerokgak.bulelengkab.go.id/informasi/detail/berita/penandatanganan-kesepakatan-bersama-68>

The meeting resulted in the signing of the Joint Agreement Letter (SKB), as shown in Figure 5. The contents of the SKB outline four key agreements regarding the land resolution. These are as follows:

- a. The parties agreed on the total land area of the former HGU Numbers 1, 2, and 3 in Sumberklampok Village, covering 612.94 hectares. After deducting land for residential plots (65.55 hectares for the residents of Sumberklampok Village), public facilities (9.91 hectares), and roads/streams (23.37 hectares), the land available for distribution amounts to 514.02 hectares.
- b. Of the 514.02 hectares, it was agreed that 70%, or approximately 359.80 hectares, would be allocated to the residents of Sumberklampok Village, represented by the Tim Sembilan, while 30%, or approximately 154.29 hectares, would remain the property of the Bali Provincial Government.
- c. The Governor of Bali and the Head of the Bali Provincial National Land Office assured that the residents of Sumberklampok, represented in this agreement by the Tim Sembilan, would receive rights to residential and cultivated land through the Agrarian Reform Program, starting with a Statement of Physical Control over the Land as the basis for applying for land ownership certificates, to be processed by the Bali Provincial National Land Agency, with full funding provided by the Government.
- d. Should the Governor of Bali and the Head of the Bali Provincial National Land Office wish to utilize land on the former HGU Numbers 1, 2, and 3, which is designated as the property of the Sumberklampok community, they must provide compensation in accordance with applicable laws and regulations.

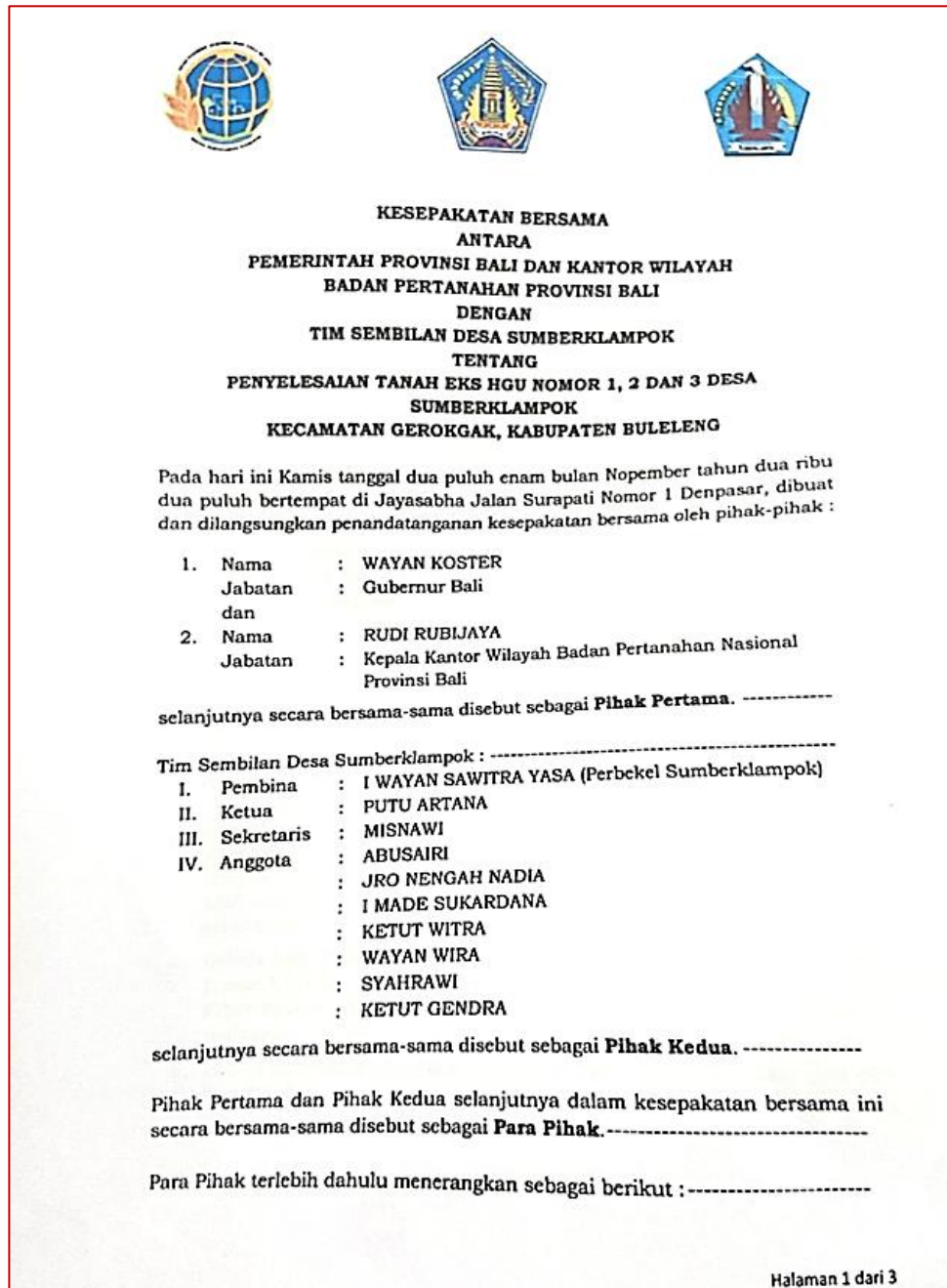


Figure 6. Joint Agreement Letter (SKB)
Source: Sumberklampok Village, 2020

The resolution of the conflict between the Sumberklampok community and the Bali Provincial Government can be categorized as a win-win solution. Both the Bali Provincial Government and the Sumberklampok community received their respective rights, and most importantly, the conflict was resolved. This aligns with the implementation of Article 33, Paragraph (3) of the 1945 Constitution, which mandates that land, water, and natural resources are state-owned and should be utilized as efficiently as possible for the welfare of the people. Based on the contents of the Joint Agreement Letter and the secondary data obtained by the author, the land distribution between the Bali Provincial Government and the Sumberklampok community is illustrated in Figure 7.

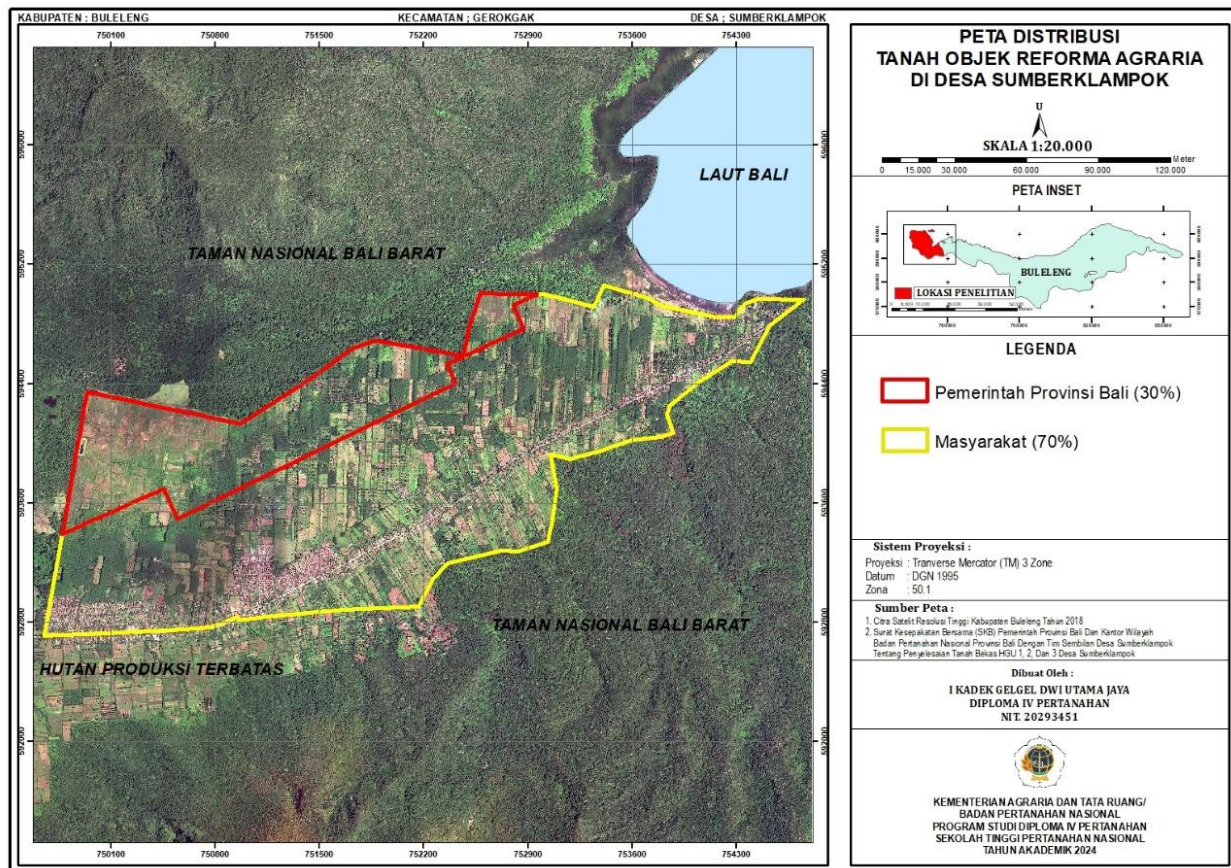


Figure 7. TORA Distribution Map
Source: Processed by the Researcher, 2024.

3. Mechanism and Process of Land Redistribution

Based on the Joint Agreement Letter (SKB) between the Bali Provincial Government and the Sumberklampok Village community dated November 26, 2020, in Point C, the Bali Provincial Government proceeded with the transfer of land assets from the Bali Provincial Government to state-owned land, specifically the former land under the Right to Cultivate (HGU) Numbers 2 and 3 in Sumberklampok Village. Furthermore, it was stated that part of the land asset released by the Bali Provincial Government would be distributed to the Sumberklampok community in accordance with applicable regulations. The release of these land assets was formalized in a letter signed by the Governor of Bali and the Chairman of the Bali Provincial Parliament. A copy of this land release letter was obtained by the author from the Sumberklampok Village Office. The Joint Agreement Letter (SKB) and the land release letter from the Bali Provincial Government serve as the foundation for the implementation of agrarian reform through the land redistribution activities in Sumberklampok Village.

The land redistribution activities in Sumberklampok Village in 2021 were carried out in two phases due to changes in the budget plan. Initially, there was an allocation for 915 plots, but a revision was proposed to increase this to 1,615 plots. Since the redistribution for 915 plots had already begun, the remaining plots were designated for the second phase. The land redistribution in Sumberklampok Village was carried out following the technical guidelines for land redistribution in 2021.

A total of 1,613 land certificates were issued to the Sumberklampok Village community, consisting of 928 plots for residential purposes and 685 plots for agricultural use, which were distributed to 912 households. This process marked the end of the long-standing uncertainty regarding the land controlled by the community for many years. The map of land redistribution in Sumberklampok Village is shown in Figure 8.

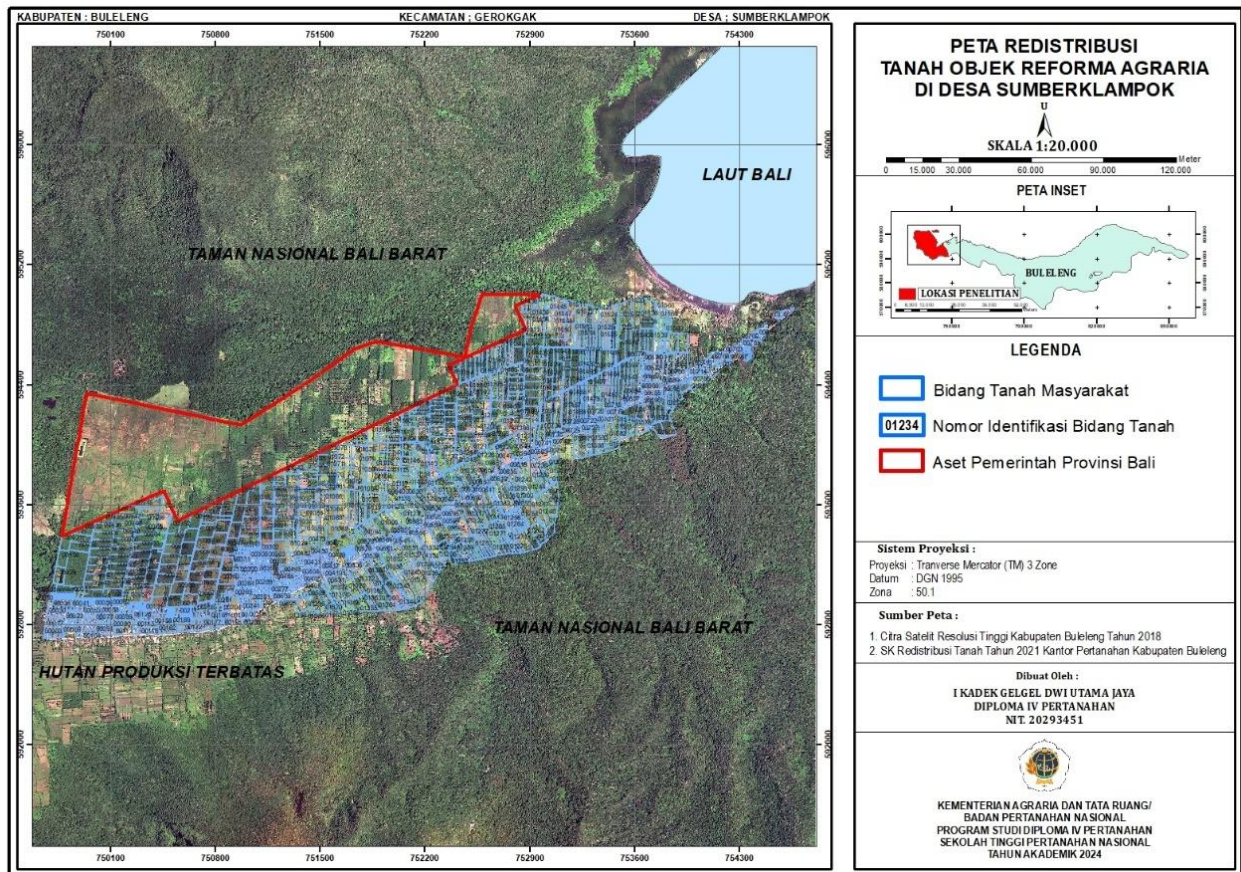


Figure 8. TORA Redistribution Map
Source: Processed by the Researcher, 2024.

D. Conclusion

The agrarian conflict that underpinned the resolution of the conflict through land redistribution activities in Sumberklampok Village was the dispute over the control and ownership of the land formerly under Right to Cultivate (HGU) Numbers 2 and 3 in Sumberklampok Village between the community and the Bali Provincial Government. The Sumberklampok community had resided on and cultivated the land since before the issuance of the HGU, even prior to Indonesia's independence. The community felt overlooked when the Bali Provincial Government urged them to vacate the residential and agricultural/plantation areas and planned for their relocation through transmigration. On the other hand, the Bali Provincial Government sought to reclaim and manage the land in accordance with the Minister of Agrarian Affairs' Decree No. 797/Ka, regarding the transfer of land to the Bali Provincial Government dated September 15, 1960.

Efforts to resolve the conflict were undertaken by both parties through hearings and meetings, receiving support and intervention from various stakeholders, including the central government, local government, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (BPN), the Agrarian Reform Consortium (KPA), and the Agrarian Reform Task Force (GTRA). The conflict resolution in Sumberklampok Village reached a resolution on November 26, 2020, through a Joint Agreement Letter (SKB). The outcome of the agreement was that the total area of state-owned land formerly under HGU No. 1 in Sumberklampok Village and the Bali Provincial Government's assets, including land from HGU No. 2 and 3, would be redistributed, with 70% allocated to the community and 30% retained by the Bali Provincial Government, ensuring that the Sumberklampok community would receive land for residential and agricultural purposes through the Agrarian Reform Program.

The land redistribution activities in Sumberklampok Village were carried out according to the Technical Guidelines for Land Redistribution in 2021. The land redistribution process was divided into two phases: the preparation and planning phase, and the land redistribution phase. The Buleleng Regency Land Office, as the implementing agency for the land redistribution in Sumberklampok, issued 1,613 land certificates. Of these, 928 plots were designated for residential use, and 685 plots for agricultural purposes, benefiting 912 households.

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