

Amidst the COVID-19 Pandemic, Aggressive Land Disposition Continues

2020 Indonesia Land Conflict Monitoring Report

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At the beginning of the COVID-19 pandemic, in the midst of Large-Scale Social Restrictions (PSBB), two Lahat peasants in South Sumatra died at the hands of security officers from the palm oil company PT. Artha Prigel. These deaths of Suryadi (40) and Putra Bakti (35), residents of Pagar Batu Village, Pulau Pinang District, Lahat Regency on 21 March 2020, showed that the PSBB did not reduce the scale of aggressive dispossession of land by commercial corporations.

The incident came only a week after the government had officially declared the COVID-19 pandemic emergency and two days after the National Police Chief had issued Declaration Number: Mak /2/III/2020 concerning Compliance with Government Policies in Handling the Spread of the COVID-19 Virus. One of the points in the edict was the prohibition of holding activities that lead to mass gatherings.

As it turned out, the edict did not prevent PT. Artha Prigel from operating in repressive ways. Instead, it caused a counterproductive situation to the community in the field. Instead of sanctions being imposed on the company, the case of the two farmers' deaths in Lahat was handled as a mere matter for investigating the perpetrators of the attack and treated as an ordinary crime. Meanwhile, PT. Artha Prigel, the main actor behind the conflict and violence leading to these deaths, walked away with no harsh sanctions to create a deterrent effect, such as revocation of the company's license to operate.

Such treatment illustrates how the chronic situation of agrarian conflict in the field and the violence that follows continue to be managed in business-as-usual ways, despite the onset of the pandemic. In fact, the COVID-19 outbreak has not reduced the rate of aggressive dispossession of land, eviction of people, and acts of brutality in the agrarian conflict areas.

The 2020 Agrarian Conflict Report shows the face of agrarian conflict in the midst of an economy that is experiencing negative growth. Normally, a recession would cause

companies to limit expansion, thereby leading to a downward trend in agrarian conflicts in the areas in which they operate. However, this did not occur in this current crisis year.

Similar to previous agrarian conflict reports, this 2020 report focuses on incidents of *structural conflict* that occurred throughout the year, such as conflicts caused by the issuance of policies or decisions from public officials, which then affect the economy, politics, and society. Thus, this report does not include individual land disputes, inheritance disputes, or those between private groups or between government agencies.

Structural agrarian conflict arises from aggressive land dispossession practices that are facilitated by law and driven with capital. Despite the national economic downturn brought about by the implementation of the PSBB, large-scale and aggressive land dispossession has not decreased.

In terms of numbers, occurrences of agrarian conflict cases could be said to have decreased. However, the decline was insignificant. The continuing aggressive land dispossession during the pandemic is a tragic situation for the people amidst the prevailing economic decline throughout 2020. Most business entities in the agrarian industry used the crisis as an opportunity to evict the people from their lands.

In this report, the term *agrarian* is based on the Indonesian Basic Agrarian Law 1960, Act No. 5 (UUPA 1960), which defines the scope of agrarian resources as “the whole earth, water and space, including the natural resources that (are) contained inside it.” In this definition of the earth, it means not only the land surface, but also the body of the earth underneath it as well as those under water. The definition of water includes both the inland waters and Indonesia’s territorial seas; while the definition of space includes the air space above the earth and the water (UUPA, Article 1, 1960).

The recording of agrarian conflicts refers to the number of incidents (eruptions) of conflict in a given area within 2020. Thus, conflict incidents that occurred in one area last year could be recorded again in the current year if an incident or incidents of conflict recurred in that same area.

Data sources for recording the agrarian conflicts in this report were: a) direct reports from communities and victims to KPA at the national and regional levels; b) reports from the KPA network-members at the national and regional levels; c) results of monitoring and data collection on agrarian conflicts in the region; d) results of monitoring the news in the mass media, whether in print or electronic/online; and, e) reports from the Agrarian Emergency Response System under the National Committee for Agrarian Reform.

However, this report does not represent all incidents of agrarian conflict in Indonesia in 2020. It is possible that conflict incidents may have occurred in areas not monitored by KPA — given the limitations of organizational resources to reach all areas of agrarian conflict, gaps in field data, and incomplete media coverage.

The 2020 Agrarian Conflict Report

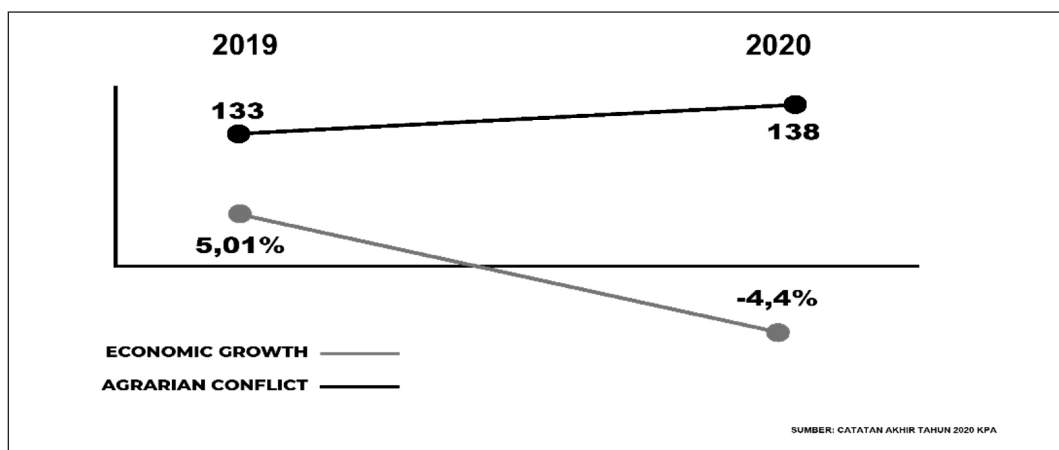
Agrarian Conflict “Surplus” in the Midst of a “Minus” Economy

The COVID-19 pandemic throughout 2020 was not only a health crisis, but has resulted in a multidimensional (especially economic) crisis whose impact is felt on the local, national, and even global scale. The implementation of social restriction policies or limitations on human mobility and activities over an extended period has paralyzed economic centers. Many factories, industrial estates, markets, and business centers have ceased operations. Millions of manufacturing workers experienced layoffs during 2020, not to mention those in the tourism, hospitality, aviation, and many other sectors. A second wave of layoffs in 2021 is predicted, as the Indonesian government has not succeeded in controlling the pandemic, much more with the emergence of a mutation of the Corona virus.

At the beginning of 2020, the economy was on the verge of recession due to minus growth. Even in the second quarter, the Ministry of Finance recorded Indonesia’s economic growth at minus 5.32 percent due to the PSBB policy. However, the economic crisis and the PSBB did not hamper the repressive practices of aggressive dispossession of land and land acquisition by giant business entities. On the contrary, agrarian conflict incidents in the field continued during the pandemic period.

During this year, KPA recorded 241 agrarian conflict incidents in 359 suburbs/villages, involving 135,337 families in a land area of 624,272.711 hectares. Compared to 2019, during which 279 conflict incidents were recorded, there is a decline of around 14 percent this year. However, this decrease in the number of recorded conflicts is insignificant, considering that the country is currently experiencing a drastic decline in economic growth. As comparison, between April to September 2019, the economy recorded a growth of 5.01 percent, with 133 agrarian conflicts recorded within that period. Meanwhile, in the

Figure 1. Comparison of economic growth and agrarian conflict for the periods April to September 2019 and April to September 2020



same period in 2020, during which Indonesia's economic growth fell to minus 4.4 percent, the tally of agrarian conflicts reached 138 incidents. In fact, even though the economic crisis hit and the PSBB was imposed, agrarian-based investment and business activities still continued to operate massively and repressively.

As another comparison, when the global economic crisis occurred in 2008, KPA agrarian conflict data showed a decrease in the number of agrarian conflict incidents, with "only" 24 being recorded. However, the current situation is far from proportional, with 241 agrarian conflict incidents having occurred in 2020 amidst the national economic recession.

Logically, the economic crisis due to the COVID-19 crisis should in fact contain the rate of incidence of agrarian conflicts in the field. This would have been expected given the negative economic growth, with the assumption being that many investment plans and the expansion of domestic and foreign business groups would be adversely affected.

Instead an anomaly occurred. Even the combined effects of a pandemic and negative economic growth were unable to hold back, let alone stop, the pace of corporate expansion involving aggressive dispossession of people's lands. For the people, the PSBB meant obeying the government's call for restraint and public health safety by drastically limiting their mobility and activities outside the home. Meanwhile, for large agrarian-based corporate groups, the said policy provided momentum for large-scale seizing of agrarian resources through aggressive dispossession. In fact, it is proven that agrarian conflicts surge when the pandemic crisis is at its peak and the PSBB is strictly enforced.

Another anomaly can be noted by comparing the current predicament with the crisis that occurred in 1998. At that time, it was the farmers and peasants who rose up to reclaim their lands that had been seized by the State and by corporations. In contrast, when the pandemic hit in 2020, companies still continued to succeed in acquiring and seizing land through aggressive dispossession.

Agrarian Conflict Incidence in 2020

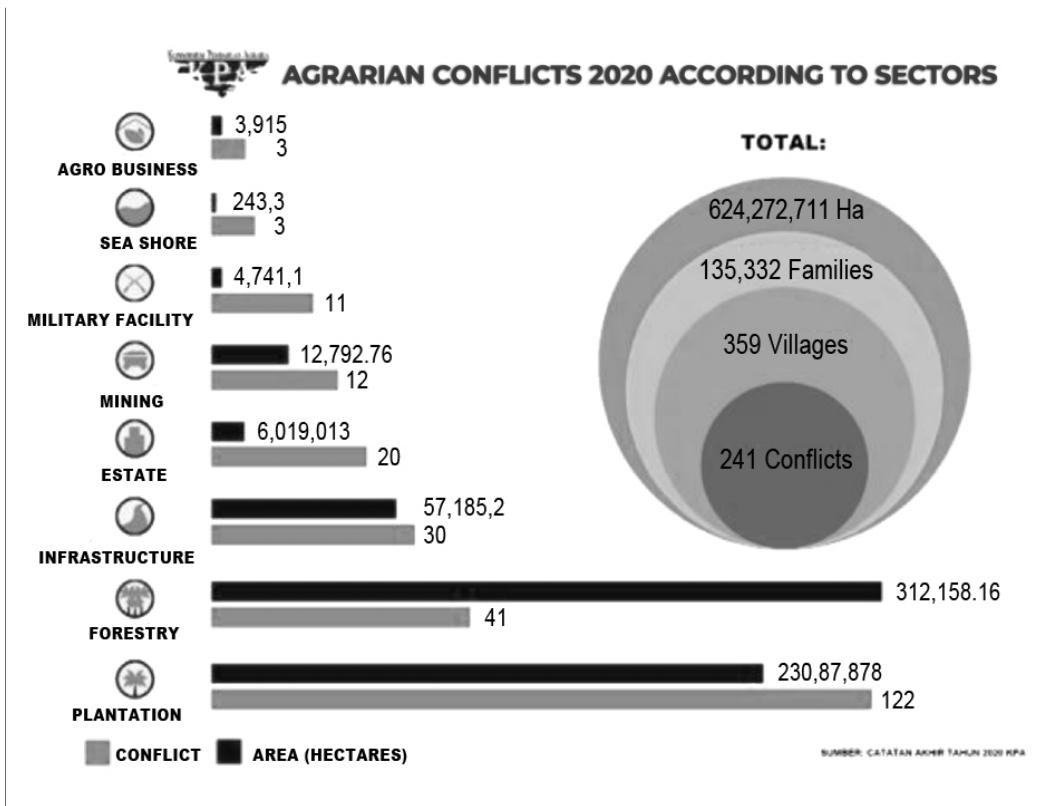
Throughout 2020, 241 agrarian conflict eruptions occurred in all the sectors that were monitored by KPA. Conflicts involved plantations (122); forestry (41); infrastructure development (30); property (20); mining, (12); military facilities (11); coastal and small islands (three); and, agribusiness (two).

The year was marked as well by many acute and systemic structural problems in Indonesia's plantation system. The indicator of this is that the plantation sector consistently dominates the negative aspects of agrarian affairs in the country from year to year — and in fact, it increased dramatically in 2020. The forestry sector ranks second in terms of having the most number of agrarian conflicts. These two "classic" sectors are the clear leaders in terms of agrarian conflict incidence.

Within the plantation sector, the conflict occurrences in 2020 were dominated by palm oil plantations with 101 conflict incidents recorded. Next were plantation companies for cloves, nutmeg, sugar cane, tea, coffee, rubber, and other agricultural commodities.

In the forestry sector, the agrarian conflicts throughout 2020 occurred due to the activities of 34 industrial plantation forest companies, six in protected forest areas, and one company conflict over forest concession rights.

Figure 2. Agrarian conflict incidents, by area per industry sector and by number of affected households



Meanwhile, there were 30 recorded agrarian conflicts due to infrastructure development projects in 2020 — a significant decline from 83 incidents in 2019. In 2020 as well, 17 agrarian conflict incidents were noted involving various National Strategic Projects and National Tourism Strategic Areas, from the construction of toll roads, airports, oil refineries, and ports, to the development of infrastructure to support premium tourism sites such as Lake Toba, Labuan Bajo, and Mandalika. While the rest of the recorded conflict incidents were due to the construction of transport stations, dams, sports centers, and other public facilities.

In the business property sector, agrarian conflicts arose due to: claims of government assets (eight), development of residential areas (six), real estate expansion (two), industrial estates (two), resorts (one), and office facilities (one).

Agrarian conflicts in the mining sector were dominated by mining of cement (four), gold (three), coal (two), sand (one), nickel (one), and geothermal projects (one).

Meanwhile, agrarian conflicts involving military facilities were caused by claims over the assets of the Indonesian Armed Forces (nine), combat training centers (one), and airfields (one). In the coastal and small islands sector, conflicts arose from the development of ponds (one), reclamation projects (one), and small islands (one). Finally, in the agribusiness sector, conflict incidents resulted from the construction of a food estate and a livestock center.

Distribution of Agrarian Conflict

Presented in terms of geographic distribution, the 241 agrarian conflict incidents in 2020 occurred in 30 provinces in Indonesia.

Sumatra Island leads in agrarian conflict incidence in 2020. The top five provinces were Riau (29), Jambi (21), North Sumatra (18), South Sumatra (17), and East Nusa Tenggara (16).

Figure 3. Distribution of agrarian conflicts per province



In Riau Province, palm oil plantations had the greatest number of agrarian conflicts with 21, forest areas with six, and the construction of power plants leading to two incidents. Among the companies identified as causing the conflicts were PT. Arara Abadi, PT. Medco Ratch Power Riau (MRPR), PT. Riau Andalan Pulp Paper (RAPP), as well as State-owned companies such as PT. PLN and PTPN V.

Meanwhile, in Jambi Province, 11 of the 21 conflict incidents involved plantations. Some of the companies involved included PT. Wira Karya Sakti (Sinarmas Group), PT. Erasakti Wira Forestama, PT. Indonusa, and PT. Agronusa Alam Sejahtera.

North Sumatra's recorded agrarian conflicts were in the plantation sector (eight), forest areas (four), infrastructure (three), property (one), food estate (one), and military facilities (one). The parties that were involved were the Lake Toba Tourism Authority Board (BPODT), the North Sumatra Provincial Government, PTPN II, and the Indonesian Air Force (TNI AU). Meanwhile, from the private sector, among the recorded companies were PT. Tolan Tiga Indonesia, PT. Cisadane Sawit Raya, and PT. Mega Mulya Mas.

Out of the 17 conflict incidents that occurred in South Sumatra Province, 11 were in plantation areas, while the remaining six were in forest areas. Involved in the latter were companies such as PT. Artha Prigel (investigated for the deaths of two Lahat farmers in March 2020), PT. Lonsum, and PTPN XIV.

In East Nusa Tenggara (NTT), conflict incidents occurred in almost all sectors including property (four), plantations (three), infrastructure (three), forestry (three), mining (two), and agribusiness (one). Business entities identified in these conflicts included the Labuan Bajo Tourism Authority Board (BOPLP), the NTT Provincial Government, PT. Waskita Karya, and PT. Rerolara Hokeng.

Despite the highest number of conflicts documented in Riau Province, the largest conflict area was in Papua Province with a total of 283,800 hectares. Second was Bangka Belitung Province with an affected area of 66,534.2 hectares; third was Riau with 60,339.218 hectares, then West Sumatra with 37,350 hectares, and finally by North Sumatra with an area of 23,969.61 hectares.

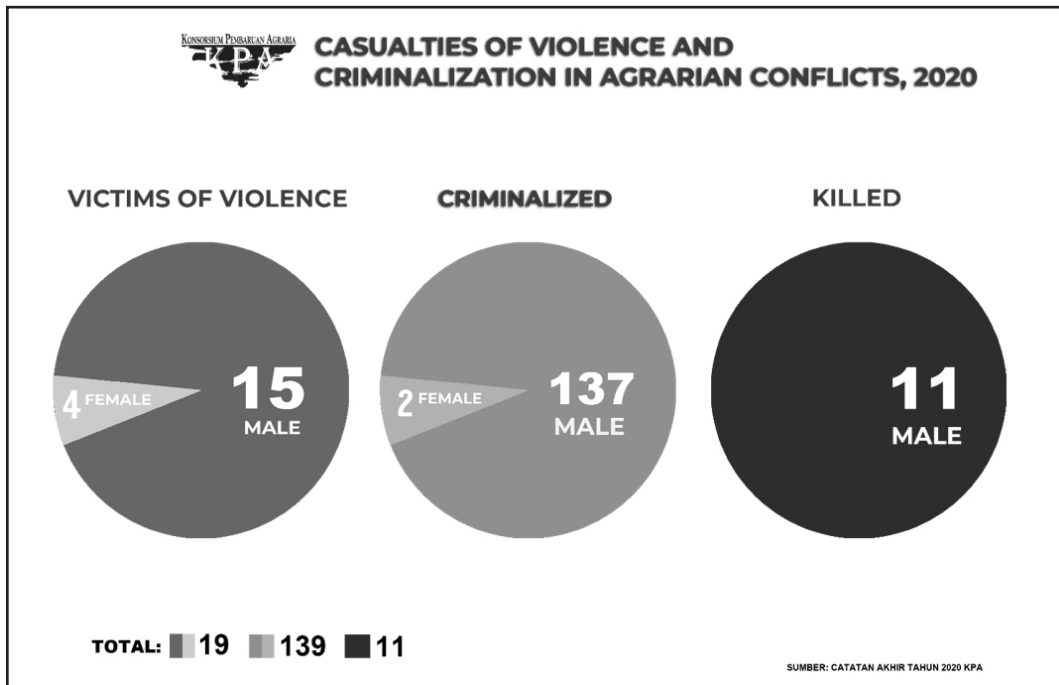
Violence and Criminalization in Agrarian Conflict

From January to December of 2020, KPA recorded at least 139 cases of criminalization (137 male victims and two female victims), 19 cases of maltreatment (15 men and four women), and 11 people killed in agrarian conflict areas.

This situation has escalated to multiple crises that are felt by peasants, indigenous peoples, fisherfolk, and other small communities living in these conflict areas. Local people who are already threatened by the ongoing health, economic, and food crises due

to the COVID-19 pandemic, have also become victims of agrarian conflicts and violence as they struggle to defend their villages and their sources of livelihood.

Figure 4. Victims of violence and criminalization



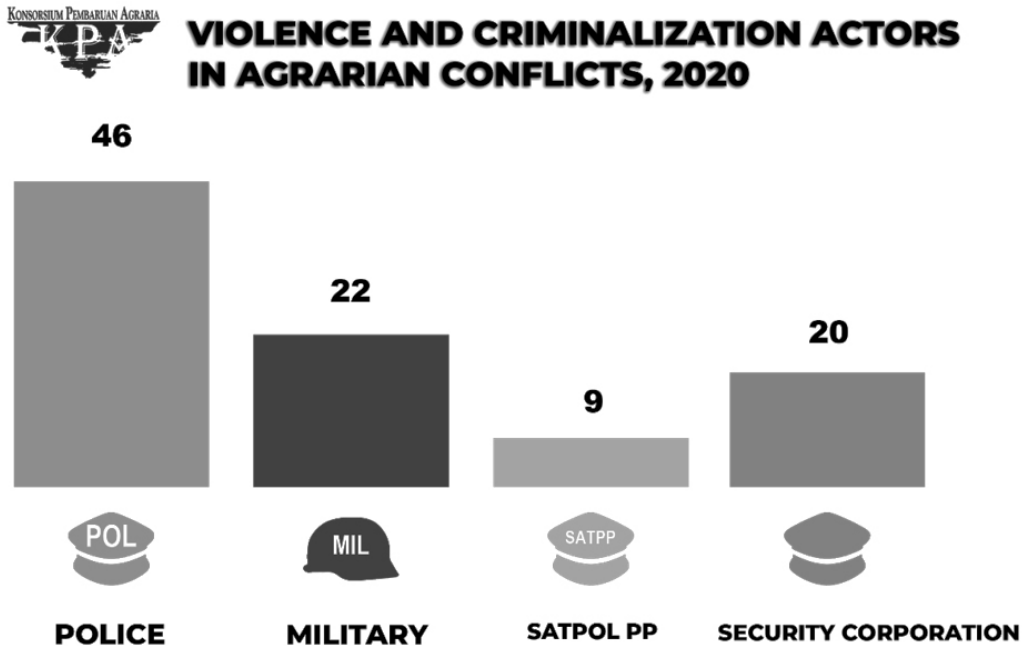
It is worth noting that many of the perpetrators of violence in areas of agrarian conflict were from the police, the military (TNI), and the local police (Satpol PP) – all part of the COVID-19 Task Force during the pandemic. Instead of creating an atmosphere conducive to adherence to health and safety protocols during the pandemic, many of these parties to agrarian conflicts behaved in the opposite way. The result was uneasiness and a feeling of repression among the citizens, provoking the public’s anger, and eventually creating a situation that was counterproductive to the PSBB itself.

In fact, within this year, 46 cases of violence and intimidation in agrarian conflict areas were recorded which involved police officers, followed by Indonesian National Armed Forces or military (22 cases), private security (20 cases), and nine cases involving local police (Satpol PP).

In March 2020, the National Police Chief issued an edict to support government policy to combat the COVID-19 outbreak. The purpose is to limit various forms of activities that may lead to crowds and activities that are counterproductive to government policies.

In the field, however, police officers themselves often commit acts of violence, intimidation, and criminalization upon victims in agrarian conflicts. At the end of 2020, the National Police Chief was summoned during President Joko Widodo’s Internal Meeting with KPA and other civil society organizations in order to discuss violence in agrarian conflicts and

Figure 5. Perpetrators of violence and criminalization in areas of agrarian conflict



SUMBER: CATATAN AKHIR TAHUN 2020 KPA

agrarian reform. During the meeting, the President instructed the Chief of Police and other Ministers present that acts of violence, intimidation, and criminalization against the people in agrarian conflict situations should be stopped. Will this directive be executed by the police at the field level? The handling of agrarian conflicts in 2021 will prove whether such instructions are effective in suppressing the brutality of the officers in agrarian conflict areas.

From the data on farmers and indigenous peoples arrested by government in conflict situations, it seems that age and the risk of health vulnerability during the pandemic are not considered. One example is the criminalization case against farmers Natu bin Taka (75 years old) from Alel Sewo Village, Soppeng District; Sabang (47 years old) from Bila Village, Lalabata District; and, Ario Permadi (31 years old) from Soppeng, South Sulawesi. The three have had to deal with the police since April 2020, as they were arrested on charges of cutting trees in forest areas under articles of Law No. 18/2013 concerning the Prevention and Eradication of Forest Destruction (UU P3H).

Worried about being exposed to the virus, Mr. Natu and Mr. Sabang gathered their courage to undergo an examination at the Soppeng Police Station. At that time in Soppeng District, there were 28 ODP (patients under observation), 2 PDP (patients under surveillance), and one patient confirmed as positive for COVID-19.

Another case was that of Hermanus of Penyang Village, Telawang Subdistrict, Kotawaringin Timur Regency, Central Kalimantan. He was a victim of criminalization in an agrarian conflict with PT. Hamparan Masawit Bangun Persada (HMBP) Best Agro, and died while in detention. The victim and two colleagues, James Watt and Dilik, were charged with Article 107 (D) of the Plantation Law, or “illegally harvesting plantation products.” Hermanus died at the Sampit Regional General Hospital on 26 April 2020. Quoted from a media report, the victim had previously complained of illness and used a wheelchair in court. The victim also complained that he had been beaten in detention.

Various accusations based on articles of the same laws are often used by corporations and police officers to entrap and criminalize people living in areas of agrarian conflict. As seen in many criminalization cases in 2020, KPA noted that most accusers were still referring to articles under commonly used laws to ensnare the community members, such as the P3H Law, the Plantation Law, the Criminal Code or KUHP, the Minerba Law, and the Biodiversity Conservation Law.

Based on the number of those victimized by criminalization allegations, the laws most frequently cited were the Plantation Law (40 cases), the Criminal Code (34 cases), and the P3H Law (seven cases).

Table 1. Criminalization Articles Under Agrarian-related Laws

| Name of Law | Article | Number of Victims of Criminalization |
|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|--------------------------------------|
| Law No.6 /2011 concerning Immigration | Article 122 letter a | 1 |
| Criminal Code (KUHP) | Article 170 (2), Article 406 (1), Article 363, Article 55 (1), Article 362, Article 406 (1), Article 365 | 34 |
| UU No. 18/2013 concerning Prevention and Eradication of Forest Destruction (UU P3H) | Articles 82 (1) and (2), Article 12 (b), Article 1 (6), and Article 11 | 7 |
| Law No.39/2014 on Plantation | Article 108, Article 107 d, Article 105 | 40 |
| Law No.4/2009 concerning Mineral and Coal Mining (Minerba) | Article 162 | 1 |
| Law No.5/1990 concerning Conservation of Biological Resources | Article 40 (2) in conjunction with Article 33 (3) | 1 |

Records show that companies and officials often use these three laws in their efforts to intimidate and criminalize people who are in conflict with entities involved in agrarian ventures. They provide a deterrent effect on those who oppose development projects that will lead to evictions and aggressive dispossession of land in favor of corporate/business entity investments.

From year to year, the number of victims of criminalization based on these three laws continues to increase, even though the same legal instruments are often used in the same location. This happened in the criminalization of the Soppeng farmers, who are not the first

victims to be charged under the P3H Law. In 2017, four other Soppeng farmers were also accused under the same law and article. This continues to be repeated in other places.

The above case involving the P3H Law is certainly a reminder to the government regarding the existence of this law. In fact, the original intent of this law was to hold accountable business groups or companies found to be destroying forests. Unfortunately, until now, not one company has been caught under this law, amidst the increasing number of victims of criminalization within the affected communities.

Illustrative Cases of 2020 Agrarian Conflicts

The escalation of plantation and forestry conflicts

Based on the 241 incidents of agrarian conflict that occurred throughout 2020, 69 percent occurred in two sectors, namely plantations and forestry. The number of conflicts in the two sectors shows a high upward trend from the previous year. If in 2019 there were 87 agrarian conflict incidents in plantation areas, in 2020 the number reached 122 incidents. Agrarian conflicts in the forestry sector have doubled in 2020, from 20 conflict incidents in 2019 to 40 incidents.

Several cases of agrarian conflict in the plantation sector in 2020 involved PT. Mitra Aneka Rezki (MAP) versus the people of Medium Village, Suak District, Banyuasin Regency, South Sumatra. This conflict was caused by the eviction of the people from their agricultural land to make way for its conversion into a palm oil plantation. Residents who were entering the harvest period, found out their farms have been evicted by the company. The company demolished the huts where the farmers stored unhulled rice, and threw away the farmers' crops. This incident also involved police officers who stepped in to help the company.

In Lampung, the palm oil plantation of PT. Budi Darma Godam Perkasa evicted the residents of the cassava farm in Blambangan Pagar District, North Lampung. The company declared itself as the owner of the 72 hectares of land cultivated by the peasants, resulting in a legal dispute that is still ongoing in court.

Agrarian conflicts in the plantation sector during the pandemic also involved PTPN, a State-owned red plate plantation company. These conflicts were followed by intimidation, violence, and eviction of the community from their land.

Even in the midst of the economic and food crisis, PTPN continued practicing coercion. For example in South Sulawesi, PTPN XIV forced farmers in Likudengen Village, Uraso Village, Mappadeceng District, North Luwu to leave their agricultural land and village through a company circular letter. Ironically, this area is the Priority Location for Agrarian Reform (LPRA) proposed by KPA together with Wallacea to the government as urgent for conflict resolution and land redistribution within the framework of agrarian reform.

In North Sumatra, PTPN II assisted by the army and police officers successively took over agricultural land and traditional villages of Badan Perjuangan Rakyat Penunggu Indonesia (BPRPI) in two villages, namely Kampung Pertumbuhan (11/11) and Kampung Durian Selemak (29/11), Deli Serdang. Without hesitation and mercy, this eviction process and destruction of community food crops involved 300 Indonesian National Armed Forces officers, 100 mobile brigade corps (Brimob), and 200 company security forces, in support of PTPN for the development of sugarcane plantations and the expansion of the sugar industry. This area is likewise an LPRA where KPA members have appealed to the government to immediately resolve the conflict and recognize BPRPI's full rights, freed from PTPN claims.

Conflicts involving PTPN II in 2020 did not only involve the watchmen of the indigenous peoples. In the same district, PTPN II is also in conflict with the villagers of Sei Melingkar and Sei Mencirim, causing hundreds of peasants from these two villages to walk thousands of kilometers for more than 40 days from Deli Serang to Jakarta to protest their eviction by PTPN II from their agricultural land and villages. Through this walk of protest, they hoped that their case would be resolved and the land redistributed by the President.

In the forestry sector, even the economic and food crises during the pandemic were unable to deter the unilateral actions of forestry companies to seize community agricultural land and criminalize farmers. In the case of Parbuluan VI Village, Dairi Regency, North Sumatra, PT GRUTI unilaterally claimed the village and community agricultural land on the pretext of having obtained a concession permit from the Ministry of Environment and Forestry covering an area of 8,850 hectares, with the said concession including the community's settlements and agricultural land.

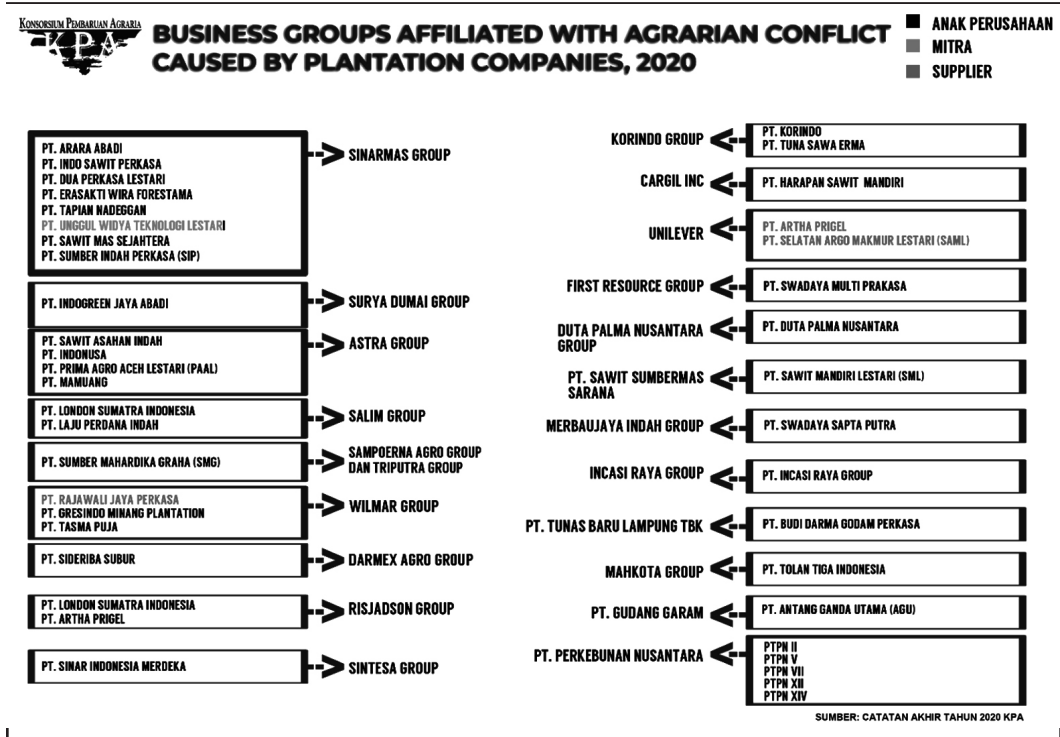
In Jambi, PT. Wira Karya Sakti (WKS), a subsidiary of APP Sinarmas, was recorded in several incidents of intimidation and eviction of residents of Lubuk Mandarsah Village, Tebo Regency, Jambi throughout 2020. On 3 March 2020, the company poisoned the residents' farmlands with herbicides via drones, damaging the farmers' chili, vegetable, rubber, and watermelon crops. In the same month, a farmer was charged by PT. WKS with aggressive dispossession of land, under the P3H Law.

A month later, PT. WKS again intimidated the residents while they were out in the farms. Together with the authorities, the company had two shots fired into the sky, causing fear to the residents. It did not stop there. On 26 to 27 September 2020, PT. WKS evicted farmers from their lands and gardens. Then on 2 December 2020, evictions were executed by the company, leveling agricultural lands, destroying banana, cassava, and other horticultural crops and vegetables belonging to the farmers.

Aggressive dispossession of land that has been cultivated and occupied by the community for years is a manifestation of structural agrarian conflict. Ironically, it is no secret that these aggressive dispossession practices are legitimized by the law, facilitated by the government, and affiliated with well-known corporate groups. For example, plantation and

forestry companies that performed aggressive land dispossession during the pandemic were affiliated with several palm oil and forest conglomerates in Indonesia, large national and global corporations, whether as suppliers, partners, or subsidiaries. The list includes Sinar Mas Group, Wilmar Group, Salim Group, Surya Dumai Group, Darmex Group, Sampoerna Agro Group, Triputra Group, PT. Gudang Garam, Cargill, Unilever, Shell Company, Korindo Group, Garyon Development Ltd. of Hongkong, Vily Wood Investment Ltd. of Hongkong, and APRIL, Texmaco, Marubeni, and First Resources Group.

Figure 6. Plantation companies affiliated to large business groups

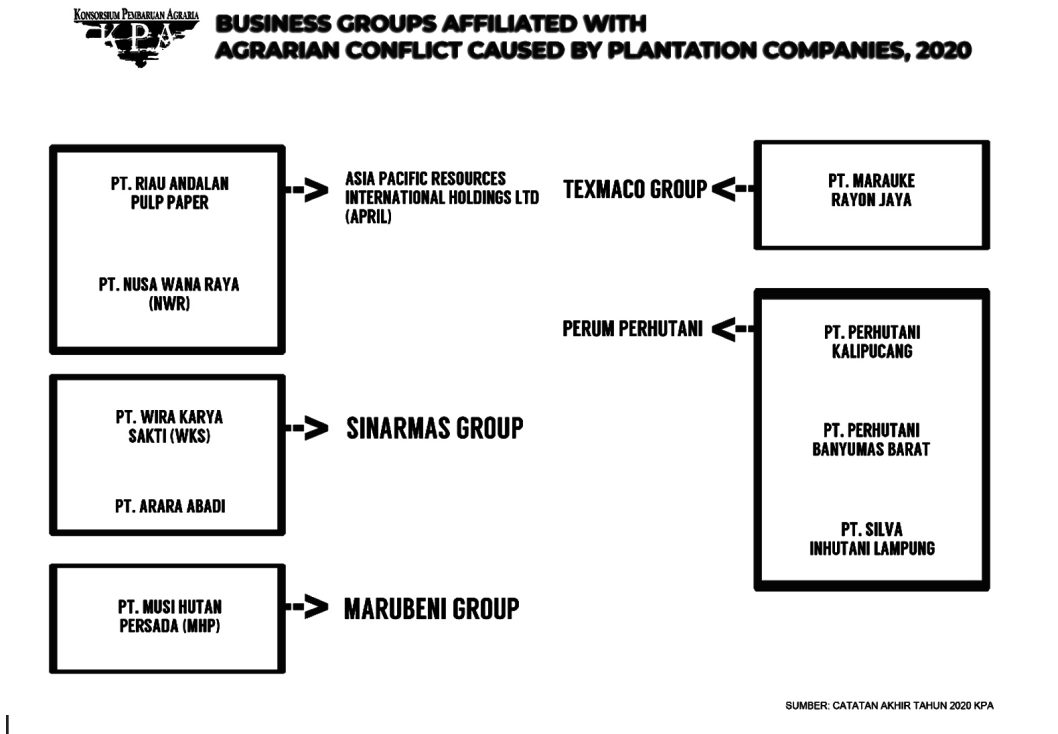


The persistence of evictions and aggressive dispossession of land by plantation and forestry companies in the midst of an economic recession is a reflection of how business players and giant business entities in the said sectors used the momentum of the crisis to accumulate their wealth by confirming claims and expanding their land holdings. Thus, historical records during the pandemic period reveal that the economic crisis that hit the nation actually served as the turning point of efforts to expand land monopolies and agrarian resources of conglomerate groups and large-scale business entities.

Lessons from the pandemic period also show the different situations faced in cities and villages, and their correlation with investment and the escalation of conflict. Cities experienced a downturn in business and investment in 2020, because of the widespread viral outbreak and stringent PSBB policies. Many trading areas and manufacturing companies in urban areas were forced to stop their activities, and even close down. Meanwhile in the villages, the situation is not as severe as in the city. Therefore, agrarian/

natural resources based companies are still free to operate in villages, including in areas of agrarian conflict. That is why, during the pandemic period, villages remained as targets of massive expansion for investment and the accumulation of wealth by business entities. While large companies that have business investments in many sectors may face constraints in urban areas, they are able to focus on their agrarian-based businesses in rural areas.

Figure 7. Forestry companies affiliated to large business groups



Agrarian conflict behind National Strategic Projects (PSN)

Throughout 2020, KPA recorded 30 incidents of agrarian conflicts in the infrastructure development sector. Among these, 17 were caused by the launch of the National Strategic Project (PSN) and the development of the National Tourism Strategic Area (KSPN), which includes the construction of airports, toll roads, dams, ports, and tourism areas and their supporting infrastructure.

Several cases related to PSN, including KSPN, are old cases that recurred this year, while the rest are new cases due to land acquisition processes for infrastructure development. One of these was the conflict which arose due to land acquisition for the construction of toll roads along Padang-Pekanbaru. This project consists of six sections: Section I (Padang to Sicincin); Section II (Sicincin to Bukittinggi); Section III (Bukittinggi to Payakumbuh); Section IV (Payakumbuh to Pangkalan); Section V (Pangkalan to Bangkinang); and, Section VI (Bangkinang to Pekanbaru). Ironically, the residents who are to be affected

were unaware of this mega project construction plan from the beginning. The resulting threat of eviction from their settlements and rice fields led to protests by residents of Nagari Koto Baru, Lima Kota Regency, West Sumatra.

In addition, there was the plan to build the North Bali Airport in Gerokgak District, Buleleng Regency, Bali. Initially, this project was targeted for construction in the eastern part of Buleleng, specifically in Kubutambahan, Buleleng. However, the project location was moved, threatening partial displacement of Sumberklampok Village. This plan triggered protests from villagers as the settlement from the provincial government's asset claims has not yet been completed, and now there is a plan to build an airport that will displace portions of the cultivated land and villages that they have been fighting for decades. The location has even been proposed to the President as one of the Priority Locations for Agrarian Reform (LPRA).

Furthermore, several infrastructure conflict incidents erupted again this year. One of these was caused by the construction of the Mandalika Circuit in West Nusa Tenggara, the compensation process of which has not yet been completed. Then, there is the development of premium tourism areas in Lake Toba and Labuan Bajo which are still ongoing and threaten the survival of the local community.

The process of land acquisition for infrastructure development projects often results in the same complex problems year after year. And the appeals or protests of the affected communities continue to be dealt with using processes that are closed, intimidating, manipulative, and even violent.

Law No. 2/2012 concerning Land Acquisition for Development in Public Interest has provided options for compensation to affected residents. In addition to compensation money, there are options for granting replacement land, resettlement, capital participation (share ownership), and other forms agreed to by both parties. Unfortunately, the rights of the affected people to these options are often not granted, or are deliberately covered up by taking advantage of the citizens' ignorance of their rights as regulated by the law. Instead of presenting the various options, the government tends to direct and encourage monetary compensation, which often does not benefit the affected residents due to corrupt and manipulative practices of the officials in the field.

Further, regarding land acquisition, Law No. 11/2020 concerning Job Creation (Omnibus Law) has undergone a major revision that is certain to have a negative impact. This is because the Omnibus Law has expanded the scope of the term "public interest" to now apply to not only infrastructure projects, but also to land acquisition for PSN, KEK, tourism, mining, property business, and the need to develop food security areas. All these sectors could now use this new legal instrument.

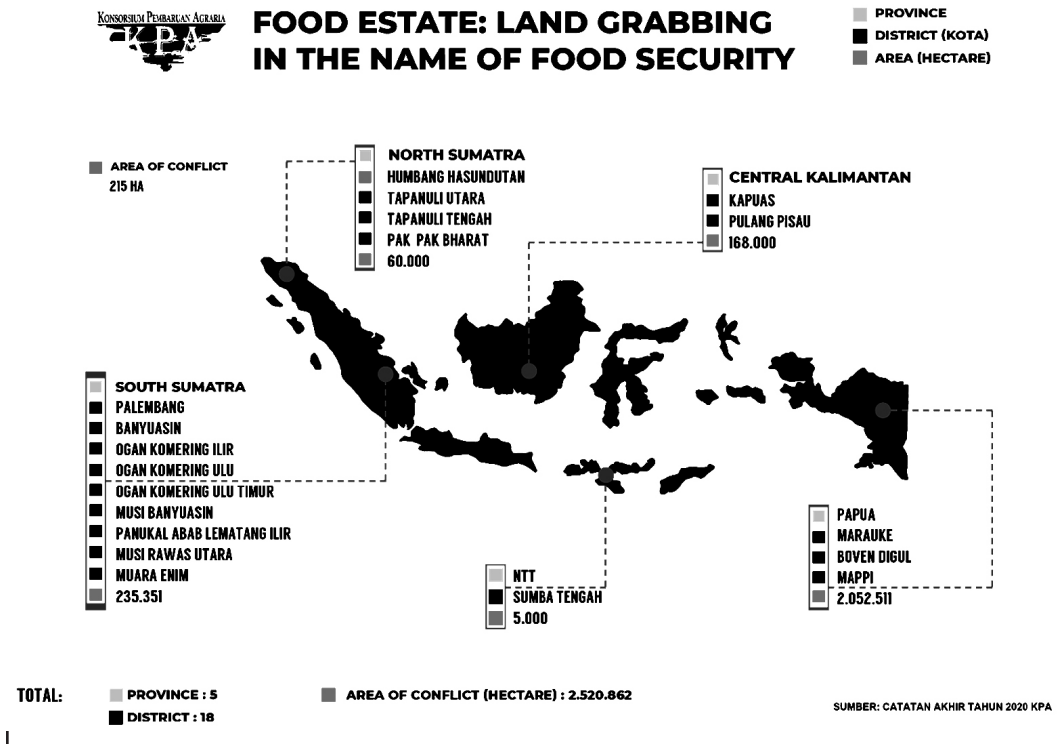
The Omnibus Law shall diminish the rights of citizens to object, to participate in processes, and to access information. Previously, public participation in determining the

approval or objection to the location of a development project was guaranteed in Law No. 2/2012. However, the Omnibus Law has now eliminated the opportunity for affected residents to veto the development plan if it is felt that it will cause more losses.

Food Estate: Aggressive Dispossession of Land in the Name of Food Security

Although not a new program, the Food Estate or National Food Barn program in the Jokowi era was the government’s response to the threat of the food crisis in Indonesia during the pandemic period. This program is intended to not only overcome the threat of the current food crisis, but to improve food security in Indonesia in the future as well.

The Food Estate Program is included in the list of National Strategic Projects (PSN) for 2015 to 2019. Among the target projects is the national food granary program that is planned Figure 8. Distribution of agrarian conflicts due to food estate development



to be established in several locations: 1) Papua [1.2 million hectares], 2) West Kalimantan [120,000 hectares], 3) Central Kalimantan [180,000 hectares], 4) East Kalimantan [10,000 hectares], and 5) Maluku [190,000 hectares].

From these initial targets, the government revised several PSN targets through Presidential Regulation No. 109/2020, concerning the Third Amendment to Presidential Regulation No. 3/2016 on Accelerating the Implementation of National Strategic Projects. One of the revised projects is the Food Estate program. In the President’s Limited Meeting (Ratas) regarding the Food Estate program on 23 September 2020, President Jokowi

gave directions and at the same time revised the previous food barn program target to five locations. In the first phase, the project will be implemented in Central Kalimantan (168,000 hectares) in Kapuas and Pulang Pisau districts; in North Sumatra (60,000 hectares), specifically in Humbang Hasundutan Regency, North Tapanuli Regency, Central Tapanuli Regency, and Pak-Pak Bharat Regency.

The second phase will then be accomplished in South Sumatra, East Nusa Tenggara to Papua. In South Sumatra, this food barn program will be opened in nine districts/cities covering 235,351 hectares, namely: 1) Palembang, 2) Banyuasin, 3) Ogan Komering Ilir, 4) Ogan Komering Ulu, 5) Ogan Komering Ulu Timur, 6) Musi Banyuasin, 7) Panukal Abab Lematang Ilir, 8) Musi Rawas Utara, and 9) Muara Enim.

As for East Nusa Tenggara (NTT), a food barn will be opened in Central Sumba Regency covering an area of 5,000 hectares. In Papua, food barns will be opened in Merauke, Boven Digoel, and Mappi districts, covering an area of 2,052,551 hectares. Especially in Merauke, the government will continue the food barn project that was initiated during the term of President Soesilo Bambang Yudhoyono (SBY) through the Merauke Integrated Food Energy Estate (MIFEE) project in 2011. The MIFEE project was an ambitious undertaking that in the end had many failures.

The current similarly ambitious project does look very promising, particularly as it is wrapped in a food security narrative. However, learning from past experiences, the government should rethink this grand plan. Records show how the same policy had failed miserably in the era of Soeharto and SBY's government. Apart from stalling, such projects have resulted in the accumulation of land tenure by large companies through practices involving aggressive dispossession of land, marginalization of farmers, and environmental degradation.

First, there is the threat of aggressive dispossession of land and agrarian conflicts. One example of these is the land clearing project for a food barn in Pollung District, Humbang Hasundutan, which has claimed the lives of several victims. Out of the 1,000 hectares of land clearing targeted in 2020, 215 hectares have been released. However, this has triggered an eruption of agrarian conflicts because the food barn location is in customary territory.

If the government does not adhere to the principle of prudence in the land acquisition process for the location of this food storage project, it can only be imagined how extensive the agrarian conflicts and aggressive dispossession of land will be, caused by the implementation of this Food Estate project. Moreover, reflecting on the government's approach, it is often reckless in issuing location permits without first assessing the situation in the field. Issuing permits on lands that are claimed as State land or no-man's land, even though, based on the facts in the field, these have clearly become cultivated land, settlements, even villages and suburbs, may well be the cause of agrarian conflicts and casualties.

Second, the Food Estate project has actually marginalized peasants from the world of agriculture itself. While the project is indeed talking about food, it is not designed to position peasants as the main food producers. This is because the food security program relies on food production from upstream to downstream on the shoulders of large food corporations. This means that matters of food and agricultural products will be fully left up to the agri-food corporations. Meanwhile, peasants and villagers are directed to become workers in the locations of the Food Estate. In effect, the State is encouraging the marginalization of farmers and the loss of small farmer families (depeasantisation) in a massive and structured manner.

As reported by the Ministry of Agriculture, for the Food Estate Project in Humbahas alone, there are already several private corporations ready to invest, such as PT. Indofood, PT. Calbe Wings, PT. Champ, PT. Semangat Tani Maju Bersama, PT. Agra Garlica, PT. Agri Indo Sejahtera, and PT. Karya Tani Semesta.

Third, the Food Estate has the potential to damage the environment, because most of the project's locations are on peat land. An earlier project initiated by President Soeharto to locate one million hectares of paddy fields on peatland, not only ended in complete failure, but also leads to very severe environmental degradation.

The economic and food crisis caused by this pandemic should have alerted the government and all parties as to where the development system that has been running so far must be overhauled. In other words, this food crisis should be an opportunity to change the structure of tenure and land use in rural areas, remodel the rural monoculture landscape into food sovereign villages based on farmer households, and ensure that farmers have sufficient land and strengthened capacity for agriculture. This could be done through providing State lands from PTPN, PERHUTANI, HTI claims, including abandoned private plantations, vacant land in villages and cities for the people to develop agricultural centers, livestock facilities, and food gardens to minimize the impact of this food crisis.

The experience of KPA during the pandemic and decades of struggling for land rights has proven that villages and suburbs that are food sovereign, which have resilience amidst the economic crisis and the threat of the current food crisis, could only be created in areas where farmers and their families farm their own land for food crops. Even during the pandemic, villages like these still experienced a food surplus and were able to be at the forefront of mobilizing food donations to food insecure areas — including distributing the harvest to cities that had become epicenters of the virus spread.

Unfortunately, instead of implementing agrarian reform and enhancing the production capacity of the farmers as national food producers, the government is repeating the old model and past mistakes of the previous government through food liberalization and militarization. Building a Food Estate based on monoculture agriculture by relying on the management and development of corporations not farmers is far from the principles of food sovereignty and the people's economy that we aspire to.

Increased Agrarian Conflict with the Army

In 2020, the army institution (TNI) was often the actor causing agrarian conflicts with communities to arise. Within the year, 12 agrarian conflict incidents resulted from the military institution's claims on land and community settlements. Nine were cases of claims of assets (land) by the Indonesian National Armed Forces, while a community conflict was each claimed for a combat training center, an airfield, and an army hostel. These conflicts involved the Indonesian Army and the Air Force, including the Raci Air Force, Hasanuddin XIV Military Command, Southwest Aceh Military Command 0110, Minahasa Kodim, Tambrauw Military Command, and Yonif 141/Ayjp Muara Enim.

Several other agrarian conflicts that emerged this year were due to claims of Indonesian National Armed Forces. One example is the agrarian conflict between residents of Bara-Baraya Village, Makassar and Kodam XIV Hasanuddin (14th Military Regional Command). The dispute stems from the claim of the TNI and the claiming heirs of 28 Bara-Baraya residents, namely Moeding Daeng Matika, over a three-hectare piece of land that has been occupied the residents since 1960. Evidence of the settlement is corroborated proof of ownership rights from residents. Moeding Daeng Matika and the Kodam claimed the area as an Army dormitory land.

In Aceh, agrarian conflicts occurred between residents of Lama Tuha Village, Kuala Batee District, Aceh Barat Daya District, and Kodim 0110 Abdya. This conflict resulted from the Kodim's shooting and kidnapping of residents to intimidate them, and pave the way for the Kodim's plan to acquire 56 hectares of land occupied by the residents.

Agrarian conflicts between the people and the TNI are common in Indonesia, ever since the Old Order government. However, until now, there has yet to be an equitable solution for farmers and communities in conflict with the TNI. In fact, the government often sides with the TNI, and even seems to allow acts of violence and the deployment of heavy equipment to destroy farmers' crops and displace residents from their land. One example is the agrarian conflict in Urut Sewu, where the government unilaterally gave land certificates to the TNI, despite historical basis and the position of the farmers being stronger than that of the Army.

Conclusion and Recommendations

In the reform era accompanied by a pandemic, the aggressive dispossession of people's land is carried out through various regulations designed to produce spatial reorganization for new capital accumulation. Monoculture plantation development, infrastructure development, special economic zones, food estates, "New Bali" premium tourism, mining business, forest swapping, property business, manufacturing and fisheries industries, and so on, are forms of spatial reorganization, which are increasingly positioning Indonesia as a provider of raw materials, a source of cheap labor, a user of dirty energy sources, and a market for the global manufacturing industry.

For the people, 2020 has been a year of large-scale, aggressive dispossession of land. In the midst of the pandemic and the resulting economic recession, it turns out that consolidation and expansion of land tenure for business purposes, especially plantations and forestry, are increasingly being executed by private and State enterprises. In fact, the pandemic situation is being used to provide momentum for land acquisition and capital expansion resulting in aggressive land dispossession which is facilitated by law.

The ease with which aggressive dispossession of land and the extraction of natural resources is carried out is also supported by the development of an increasingly interconnected infrastructure network. Large-scale and aggressive dispossession of land has caused widespread emergence of structural agrarian conflicts in many parts of the country.

The increase in the number of agrarian conflicts in the plantation sector by 28 percent from last year, and by as much as 100 percent in the forestry sector with affected families reaching 135,332 households, proves that the pandemic has not stopped the rate of expansion investors. This situation is tragic, because it takes place at a time when people are struggling to survive the spread of the COVID-19 pandemic and the effects of a weakened economy. Moreover, agrarian conflicts are always accompanied by violence and arrests in the affected communities.

From 2015 to 2020, the total number of structural agrarian conflicts has risen to 2,288 cases. After six years, with the manner in which President Jokowi's government has responded to and handled agrarian conflicts and the violence that has occurred, it can be concluded that the biggest obstacle to resolving agrarian conflicts is no longer a matter of weak political will. Rather, it is an attitude of neglect and a lack of urgent action by the State towards agrarian conflicts and their aftermath. This neglect is a reflection of the government's unwillingness to acknowledge the existence of this structural problem, which continues to escalate and become more acute. To date, there has been no serious, institutionalized, systematic, cross-sectoral and authoritative effort to resolve agrarian conflicts — both old and new — completely.

Neglect also results in the government failing to uncover the root of the problem and the "tangled threads" of agrarian conflicts. Ironically, all these are actually acknowledged and understood and are, in fact, constantly being discussed, such as the unequal structure of ownership, control, exploitation, and utilization of agrarian resources. The continued failure to address this situation of inequality for decades, including in the last six years, only serves to produce more vast land monopolies by a handful of groups.

The neglect and lack of action by the State to address the large-scale, aggressive dispossession of land practices that are detrimental to the people and exacerbate this inequality, opens the veil to reveal how strong the involvement of the political and business elite is in the conflicts that erupt. In fact, this situation has the potential to worsen with the passage of the Job Creation Law that is highly supportive of capital interests.

In the Job Creation Law, it is explicitly evident that land and other agrarian resources are again prioritized for large-scale business entities. In fact, agrarian conflicts, aggressive dispossession of land, and inequality are further facilitated by the new law and various derivative government regulations (RPP). Legal alignments and special facilities for investors and giant business entities will also further encourage security forces to commit brutality in support of business interests in conflict areas.

Until the sixth year of the current administration, we see how the Joko Widodo government has failed to provide a sense of security, protection, and fulfillment of rights to the majority of peasants and small communities, who have long wanted conflict resolution within the framework of agrarian reform. Tens of thousands of villages, suburbs, agricultural land areas, community gardens, settlements, public facilities, and community facilities have not yet been released and liberated from the claims of State-owned enterprises or BUMN assets (PTPN HGU, PERHUTANI) — private plantations (abandoned, expired, and active HGU), forests, provincial government assets, HTI permits, HPH, and conflicts over the transmigration program and land acquisition.

Finally, the pandemic crisis and large-scale, aggressive dispossession of land throughout 2020 have caused farmers, farm laborers, fisherfolk, indigenous peoples, women and children in poor rural and urban communities to live in worse situations than before.

Therefore, the following recommendations are put forward:

First, a paradigm shift is necessary in the recognition of people's rights to land, in the understanding and practices regarding "State land" and "forest areas," as well as how the government and security forces respond to the existence of agrarian conflict itself as a structural problem.

Second, a political breakthrough is also required in order to complete such a paradigm shift, not to return to the old and usual ways or "business as usual." This underscores the urgency of establishing a special agency for the resolution of structural agrarian conflicts, in line with the objectives of agrarian reform. In this way, the process of releasing the concession claims and rights mentioned above, which have ensnared the community for decades, shall be realized concretely, systematically, quickly, and on target — given that the various existing institutions for complaint and conflict resolution have proven unable to deliver the results as expected by the wider community.

Third, there is an urgent need to undertake the process of restructuring land tenure and redistributing it to farmers and poor communities who are experiencing prolonged agrarian conflicts. Therefore, a fundamental change is needed not to reduce Agrarian Reform from just an ordinary land certification program.

The Joko Widodo administration must recognize that neglecting to resolve agrarian conflicts and allowing inequality of land tenure to persist will lead to greater social, economic, and

political turmoil in the future. Moreover, a close examination of the substance of the Job Creation Law reveals that new legal instruments contained therein would make it even easier for the aggressive dispossession of land and natural resources, as well as the eviction of communities — making the future situation of agrarian conflicts in Indonesia even more dire than it is now.

Moreover, 2020 has given a strong indication that, in the midst of a struggling economy, large-scale, aggressive dispossession of land has not decreased. ■

ACRONYMS

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|------|----------------------------------------|
| KNPA | National Committee for Agrarian Reform |
| KPA | Konsorsium Pembaruan Agraria |
| LPRA | Priority Locations for Agrarian Reform |
| PSBB | Large-Scale Social Restrictions |
| TNI | Indonesian National Armed Forces |
| UUPA | Agrarian Basic Law |

REFERENCES

- Chief of the Indonesian National Police. (2020). *Declaration Number: Mak/2/III/2020 concerning Compliance with Government Policies in Handling the Spread of the Covid-19 Virus* (in Bahasa Indonesia).
- Consortium for Agrarian Reform (KPA). (2008). *Consortium for Agrarian Reform 2008 End Year Report*. KPA.
- Consortium for Agrarian Reform (KPA). (2020). *Consortium for Agrarian Reform 2020 End Year Report*. KPA.
- Consortium for Agrarian Reform (KPA). (n.d.). *Priority Locations for Agrarian Reform*. [Data].
- Directorate of Plantation of the Agricultural Ministry. (2016). *Data from the General Directorate of Plantation of the Agricultural Ministry*. [Data].
- EJ Atlas. (2018). *Merauke Integrated Food and Energy Estate (MIFEE), Papua, Indonesia*. <https://ejatlas.org/conflict/mifee>
- Merauke Integrated Food Energy Estate (MIFEE) Project*
- Ministry of Agriculture of Indonesia. (n.d.). *Report on the Food Estate Project*
- National Committee for Agrarian Reform (KNPA). (2020). *Emergency Response System*. [Case Reports].
- Office of the President of the Republic of Indonesia. (1960). *Act No. 5 of 1960 on The Indonesian Basic Agrarian Law* (in Bahasa Indonesia).
- Office of the President of the Republic of Indonesia. (2018). *Presidential Decree 86/2018 on Agrarian Reform* (in Bahasa Indonesia).
- Office of the President of the Republic of Indonesia. (2020). *Presidential Regulation No. 109/2020 concerning the Third Amendment to Presidential Regulation No. 3/2016 on Accelerating the Implementation of National Strategic Projects* (in Bahasa Indonesia).
- People's Consultative Assembly (MPR-I). (2001). *MPR Decree No. IX/MPR/2001 on Agrarian Reform and Management of Natural Resources* (in Bahasa-Indonesia).
- Republic of Indonesia. (2012). *Law No. 2/2012 concerning Land Acquisition for Development in Public Interest* (in Bahasa-Indonesia).
- Republic of Indonesia. (2020). *Law No. 11/2020 concerning Job Creation (Omnibus Law)* (in Bahasa-Indonesia).
- The Report from Ministry of Agriculture Concerning Food Estate Project*

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