CONFLICT SITUATION AND PROPOSALS FOR RESOLVING CUSTOMARY LAND CONFLICTS IN EAST NUSA TENGGARA, INDONESIA

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ABSTRACT

Objective: This research aims to understand the causes of customary land tenure conflicts based on the implementation of the applicable agrarian reform legal system, identify the root of the problem, and find solutions.

Theoretical Framework: In addressing customary land conflicts, we employ Paul Wehr's guidelines, as endorsed by USAID, along with the insights provided by Qin et al. (2023), including Factors of History Conflict, Conflict context, Conflict parties, Issues, Dynamics, Alternative route to solution, Conflict regulation Potential, and Map Use. The use of maps is considered the crucial first step in conflict intervention.

Methods: This research method uses a qualitative approach supported by in-depth interviews with 27 informants. Key informants are selected using a purposive sampling technique. We conducted a field observation study to re-check the correct data by reducing bias during data collection and analysis. The research question is why land conflicts occur in the Besipae customary forest area, and what is the solution to the problem.

Results and Conclusions: Thematic analysis of in-depth interviews yielded eight themes, including land conflict as a fundamental issue, history of conflict, causes of land conflict, land acquisition, conflict cases, the impact of land conflict, agrarian reform, and conflict solutions. Analysis of observational studies revealed three key factors: communication, dissemination, and treatment of the psychiatric impact of conflict. Communication and dissemination factors play a key role in land conflicts because conflicts occur due to most people not knowing that their land will be used for road construction, oil palm plantations, dams, railway lines, tourism areas, and others. Land acquisition should be an open process and widely announced. The government and large companies can negotiate to buy community land at market prices, and the government finds new locations for evicted communities. Given that the 2018 presidential regulations have not been well disseminated, several agencies, institutions, and community groups lack understanding of the regulations' contents. Dissemination factors play an important role in avoiding land conflicts. Meanwhile, treatment of the psychiatric impact of the conflict was added to Wehr's guidelines, given that resolving conflict is not enough just by peace, but the impact it causes is very hard on the psychology, trauma, and stress in children.

Research Implications: This study presents themes that district, provincial, and national governments can utilize. The outcomes of this strategy can assist policymakers in promoting the successful resolution of land conflicts in the Besipae forest area.

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Originality/Value: This research begins by utilizing the map of customary land conflicts, studying conflict factors based on history, observing conflict context, conflict parties, issues, conflict dynamics, alternative routes to solution, and conflict regulation potential. Utilizing the map is considered a crucial first step in effective conflict intervention, aiming to align the perceptions of all parties involved. The findings in the study area that include communication, dissemination, and treatment of the psychiatric impact of conflict need to be added to Paul Wehl's land conflict resolution guidelines, which can be applied to developing countries.

Keywords: customary land, land governance, dissemination of regulations, conflict resolution, psychiatric treatment.

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SITUAÇÃO DE CONFLITO E PROPOSTAS PARA RESOLVER CONFLITOS FUNDIÁRIOS NO LESTE DE NUSA TENGGARA, INDONÉSIA

RESUMO

Objetivo: Esta pesquisa visa entender as causas dos conflitos de posse de terras habituais com base na implementação do sistema legal de reforma agrária aplicável, identificar a raiz do problema e encontrar soluções.

Estrutura Teórica: Ao abordar os conflitos fundiários habituais, empregamos as diretrizes de Paul Wehr, conforme endossadas pela Usaid, juntamente com os insights fornecidos por Qin et al. (2023), incluindo Fatores de Conflito Histórico, Contexto de Conflito, Partes de Conflito, Questões, Dinâmica, Alternativa para a solução, Potencial de Regulação de Conflito e Uso de Mapa. O uso de mapas é considerado o primeiro passo crucial na intervenção em conflitos.

Métodos: Este método de pesquisa utiliza uma abordagem qualitativa apoiada por entrevistas aprofundadas com 27 informantes. Os informantes-chave são selecionados usando uma técnica de amostragem proposital. Realizamos um estudo de observação de campo para verificar novamente os dados corretos, reduzindo o viés durante a coleta e análise de dados. A questão das pesquisas é por que ocorrem conflitos fundiários na habitual área florestal de Besipae e qual a solução para o problema.

Resultados e Conclusões: A análise temática de entrevistas aprofundadas produziu oito temas, incluindo conflito de terra como questão fundamental, história de conflito, causas de conflito de terra, aquisição de terra, casos de conflito, o impacto do conflito de terra, reforma agrária e soluções de conflito. A análise dos estudos observacionais revelou três fatores-chave: comunicação, disseminação e tratamento do impacto psiquiátrico do conflito. Os fatores de comunicação e disseminação desempenham um papel fundamental nos conflitos de terra porque os conflitos ocorrem devido à maioria das pessoas não saber que suas terras serão usadas para construção de estradas, plantações de palmeiras de óleo, barragens, linhas ferroviárias, áreas de turismo, entre outros. A aquisição de terrenos deve ser um processo aberto e amplamente divulgado. O governo e grandes empresas podem negociar a compra de terras comunitárias a preços de mercado, e o governo encontra novos locais para comunidades despejadas. Uma vez que os regulamentos presidenciais de 2018 não foram bem divulgados, várias agências, instituições e grupos comunitários não compreendem o conteúdo dos regulamentos. Os fatores de disseminação desempenham um papel importante na prevenção de conflitos fundiários. Enquanto isso, o tratamento do impacto psiquiátrico do conflito foi adicionado às diretrizes de Wehr, dado que a resolução do conflito não é suficiente apenas pela paz, mas o impacto que ele causa é muito difícil na psicologia, trauma e estresse em crianças.
Implicações da Pesquisa: Este estudo apresenta temas que os governos distritais, provinciais e nacionais podem utilizar. Os resultados desta estratégia podem ajudar os governantes a promover a resolução bem-sucedida de conflitos fundiários na área florestal de Besipae.

Originalidade/valor: Esta pesquisa começa utilizando o mapa de conflitos de terra habituais, estudando fatores de conflito com base na história, observando o contexto de conflito, partes de conflito, questões, dinâmica de conflito, rotas alternativas para a solução e potencial de regulação de conflito. Utilizar o mapa é considerado um primeiro passo crucial na efetiva intervenção em conflitos, visando alinhar as percepções de todas as partes envolvidas. Os achados na área de estudo que incluem comunicação, disseminação e tratamento do impacto psiquiátrico do conflito precisam ser adicionados às diretrizes de resolução de conflitos fundiários de Paul Wehl, que podem ser aplicadas a países em desenvolvimento.

Palavras-chave: terras habituais, governança da terra, disseminação de regulamentos, resolução de conflitos, tratamento psiquiátrico.

1 INTRODUCTION

The agrarian system in the Province of East Nusa Tenggara (abbreviated NTT), Indonesia, has been shaped by its historical evolution, spanning the colonial period, Old Order, New Order, and post-reformation governments (Breman, 2022). A significant milestone in the agrarian administration system is the enactment of Presidential Regulation Number 86 of 2018 on Agrarian Reform. This regulation came after the National Human Rights Commission (NHRC) recommended the establishment of a National Commission for Agrarian Conflict Resolution. In 2014, the NHRC conducted a national investigation into the rights of indigenous communities in customary forest areas, prioritizing the resolution of human rights violations arising from agrarian conflicts in its 2020-2024 Strategic Plan (Kholis, 2016). Despite these efforts, post-reform decentralization has strengthened, leading to concerns about the emergence of local power dynamics akin to small kingdoms. This trend raises fears of escalating agrarian and natural resource conflicts (Cramer & Richards, 2011). The consequences are evident in the shrinking agricultural land, with a significant decline in the number of smallholder farmers. The 2018 agricultural census revealed that 9.3 million farmers controlled less than 0.1 hectares of land, and by 2022, this number decreased to 5 million farmers, marking a 53.7% decline. This shift resulted in five million farmers losing their small plots of land and descending into poverty (Firdaus et al., 2021).

The Province of East Nusa Tenggara has witnessed 61 agrarian conflicts since 2018, affecting 67,196 hectares of land and victimizing 14,916 families through land confiscation. These conflicts have been widespread, occurring in 12 regions, with notable cases in Kupang, West Manggarai, East Flores, South Central Timor, Sikka, Nagekeo,
West Sumba, Manggarai, East Manggarai, Belu, Lembata, and Malaka. In 2022, 15 cases of land conflict were reported (Dinamov, 2023). The control of communal and customary land is highly unequal, with entrepreneurs and the government holding 755,287 hectares, forest claims covering 524,840 hectares, and 20,668 hectares designated as Cultivation Rights. This imbalance has contributed to increased poverty among farmers, particularly those with less than 0.5 hectares of land, and has fueled migration abroad (Aji & Khudi, 2021). Presently, agrarian conflicts in NTT province are often linked to infrastructure development, roads, dams, and the establishment of steam and geothermal power plants (Mongabay, 2023).

Besipae, a customary forest area in South Amanuban District, South Central Timor Regency, has gained notoriety due to the usurpation of customary lands by companies with the support of local authorities. This area, previously known as Pubabu forest since 1982, encompasses four villages—Linamnutu, Polo, Oe Ekam, and Mio. These villages sit at the convergence of three kingdoms: Amanatun, Amanuban, and Molo. The indigenous tribes of Besi and Pae refer to customary forests as Nais Kio, translating to forests prohibited by indigenous leaders. These regulations prohibit entry into the forest, allowing it to serve as a habitat for wild animals. Residents are only allowed to hunt when animals exit the forest into the village, with no pursuit allowed if the animals return to the forest (Walhi, 2020).

The history of land conflicts in Besipae dates back to 1982 when local and Australian governments collaborated in the livestock and cattle fattening sectors, borrowing customary community land. Upon the contract's completion, land management was supposed to revert to the community. However, the land, totaling 3,700 hectares, was unexpectedly issued a certificate of rights in another party's name. The tragedy unfolded on August 18, 2020, when a joint force of army, police, and civil service police units visited Besipae indigenous communities. Houses were demolished, and residents, including women and children, faced verbal and physical intimidation. This traumatic incident prompted many to flee into the forest, marked by warning shots fired by the authorities (Ayomi, 2020).

The customary land conflict arose 1.5 years ago and required a difficult and longer resolution. Until now, the local government has not found an ideal agrarian conflict resolution mechanism. The national government is trying to formulate an optimal agrarian conflict resolution mechanism. However, clear and alternative solutions, such as
addressing social forestry problems and implementing agrarian reform in Besipae, need to be sought. Academics and Non-Governmental Organizations (NGOs) have tried to pioneer legal advocacy assistance and land ownership education. They conducted research, studies, education, counseling, guidance, and legal mediation and distributed them to decision-makers to resolve land tenure issues at Besipae. However, the agrarian conflict has not been mitigated; instead, it continues to lead to conflicts in other areas. Resolving customary forest land conflict cases at Besipae requires seriousness and an ideal agrarian conflict resolution mechanism. This effort has been made but is not yet serious. Appropriate and clear alternative solutions need to be sought (Pahlevi, 2021; Lidwina, 2022).

Figure 1: Number of agrarian conflicts (National), and in NTT Province 2018-2022

Source: Tanahkita.od (Dinamov, 2023).

The research question is why agrarian conflict occurs in the Besipae customary forest area, whether the land belongs to Besipae indigenous communities, and how to resolve the problem. Meanwhile, this research aims to understand the causes of land tenure conflicts based on the implementation of the applicable agrarian reform legal system, find the root of the problem, and propose solutions.

2 LITERATURE REVIEW

Conflict is defined as a clash of two or more forces caused by differences in interests, leading to disputes due to differences, resentments, and movements (Mairaj & Siddiqui, 2020). Bruckmeier reveals that conflict arises when two (or more) people (or groups) perceive that their values or needs are compatible – whether or not they propose, at present or in the future, to take any action based on those values or needs (Mikkelsen
& Clegg, 2017; Hussein & Yaser Hasan Salem, 2019). Mills and Taripanyeofori (2020) concluded in their study that land conflicts emerging between stakeholders and customary groups are more about winning interests, especially economic interests, without destroying the environment (forest), and not conflicts in the sense of destroying or overthrowing, as in inter-ethnic, political, and class conflicts. Research by Irfan et al. (2019) reveals that conflict emerges when the interests of each party conflict with each other or due to the relationship between them turning into a relationship of mutual pressure.

According to Mayer, the needs of individuals, communities, and institutions are inherent to five factors, namely a). History, explaining the historical root causes of conflict (Jong et al., 2021). The problem of differences in understanding the history of institutions encourages conflict, especially when the policy is implemented; b). Communications, the way they communicate; c). Emotions, the presence of emotional tension, moving parties in conflict to behave in ways that trigger conflict; d). Values, differences in values and beliefs; and e). The structure reveals that the policy process triggers conflicts. Mayer said that conditions preceding a conflict include a wrong understanding of the history of the object, the structure of the policy process triggering conflicts, and the way of communicating at a low level. Too short or too much communication will have the potential to cause a conflict. Personal variables intended in this context are the individual's value system and personality characteristics, which are responsible for the occurrence of deviations and differences (Ishaque, 2019).

Maxwell and Reuveny (2000) add the need to understand the causes of resource and environmental conflict from the perspective of the Greedy Theory, Not in my backyard (NIMBY) syndrome theory, Profit taking theory, dan Deprivation and scarcity theory. The Greed Theory explains that a conflict arises from the exploitation of resources, resulting in discrimination, injustice, and marginalization of the interests of other communities (Murshed & Tadjoeddin, 2009). The NIMBY theory sees a conflict as originating in the transfer of issues to another location triggered by an individualistic attitude. A Profit-taking Theory states that a conflict emerges because it creates benefits for a group of people over the suffering of others. Meanwhile, the theory of decline and scarcity looks from the perspective of resource scarcity, which triggers a conflict and is the root cause in many countries. Scarcity is an intolerable gap between what is desired and what can be achieved (Berdal, 2005).
Opinions that are more focused on natural resources are outlined by Rus (2012), who said that resource depletion, the quality of governance, and their interaction are found to be significant determinants of civil conflict incidence. One of the conflicts is caused by the scarcity of natural resources, which is closely related to the human need for money, while on the other hand, it is faced with the shallow view of the government formulating policies that, in fact, cause over-exploitation. In the long term, this endangers people's lives. This condition shows that this conflict is not only a physical problem but also includes the dimensions of the interests of the perpetrator (Mcconnell, 2016). To resolve land conflicts, we use Paul Wehr's guidelines adopted by USAID (Bruce, 2013), comprising conflict history factors, conflict context, conflict parties, issues, dynamics, alternative routes to a solution, conflict regulation potential, and map use. Map use is most useful and important as a first step in conflict intervention (Qin et al., 2023; Anom et al., 2022).

3 METHODOLOGY
3.1 RESEARCH APPROACH
This research adopts a qualitative approach. To gather comprehensive information, the in-depth interview (IDI) method is employed, selecting informants with a clear understanding of the issues in the study area through purposive sampling. The research focuses on South Amanuban District, impacted by customary land conflicts, specifically covering four villages (Linamnutu, Polo, Oe Ekam, and Mio Villages), where the Besipae Protected Forest is situated. Document and photo reviews are used to validate data obtained from the interview results.

3.2 INFORMANT CHARACTERISTICS
Twenty-seven participants, including customary leaders, community leaders, NGOs, and mass media representatives (11 women and 16 men), partake in in-depth interviews. Six customary meetings are utilized for further discussions on various themes related to land conflicts in the study area. The IDI location is determined by participant agreement, generally held in a customary house. In cases where data is incomplete, visits to the informant's house are made to gather additional information. The average age of participants is 53.6 years (ranging from 42-87 years).
3.3 STUDY LOCATION

The research is centered in the capital of NTT Province, Soe, located on the island of Timor bordering the Republic of Timor Leste. Besipae Forest, covering 6,000 hectares, is situated in South Amanuban District, approximately 47.1 km (293 miles) from the capital city. The area experiences an air temperature ranging from 18°–31 °C, located at 9°26’ – 10°10’ South Latitude and 124°49'01” – 124°04'00” East Longitude, with a total population of 25,038 (2022) dominated by the Dawan ethnic group, the Pubabu indigenous communities.

![Figure 2. Map of study location: Besipae, South Amanuban, South Central Timor](source: BMKG (2023); Google Map (2023)).

3.4 RESEARCH PROCEDURE

The research begins by developing an in-depth interview (IDI) guide, tested on three students in the city of Soe before implementation. During IDI, informants confirm the definition of land conflict and are questioned about the history of land ownership, their understanding of Presidential Regulation Number 86 of 2018 on Agrarian Reform, government plans on land acquisition in the Besipae forest, conflict cases, causes, impacts, and solutions. IDI is conducted in local languages, with local researchers assisting in recording and translating into Indonesian. All IDI results are recorded and transcribed with participant consent, lasting between 120 to 180 minutes.

3.5 PARTICIPANT OBSERVATION

Participant observations take place in two selected Besipae forests with two visits each, involving interaction with residents. Observations, lasting 2-3 hours, focus on customary leaders to understand their opinions, complaints, and ideas for conflict resolution. Notes are made during these activities, conducted from June 11, 2022, to March 16, 2023.
3.6 THEMATIC ANALYSIS DESIGN

Thematic analysis identifies 91 codes, 16 categories, and 8 themes, including Land conflict as a fundamental issue, History of conflict, Causes of land conflicts, Land acquisition, Conflict cases, Impact of land conflicts, Agrarian reform, and Conflict solutions (Future challenges and recommendations). Thematic analysis informs the discussion, emphasizing influential factors.

<table>
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<tr>
<th>Words</th>
<th>Definition</th>
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<tbody>
<tr>
<td>1. History of land ownership</td>
<td>The study's results underscore the enduring significance of Eigendom and Verponding rights in Indonesia, dating back to the Dutch colonial era and continuing to hold validity even after the country gained independence in 1945. Eigendom signifies absolute property rights, while Verponding rights pertain to fixed property. These legal concepts, rooted in the Dutch East Indies era, are enshrined in the Basic Agrarian Law of 1960, which allows a 20-year grace period for the conversion of land with legal ownership status from the Dutch East Indies era to Indonesian law. This conversion process entails landowners presenting evidence such as measuring maps, letters, and witness statements to the Land Agency Office.</td>
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<td>2. Agrarian reform</td>
<td>The Agrarian Reform process seeks to restructure the ownership, control, and utilization of agrarian resources with the objective of addressing disparities in land control and ownership. It aims to establish avenues for prosperity and social welfare, create job opportunities to alleviate poverty, enhance community access to economic resources, ensure food security and sovereignty, and preserve environmental quality while managing and resolving conflicts.</td>
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<td>3. Land acquisition</td>
<td>The process of land acquisition involves providing adequate and fair compensation to the landowners, who are the individuals or entities controlling or owning the targeted land. In National Strategic Project Land Acquisition (NSP), the acquisition process is a lengthy cycle that engages various parties. LMAN, established by the government, serves as an institution offering consulting services related to state property management. Its purpose is to optimize property exploitation and development. LMAN plays a crucial role in the implementation process by disbursing Compensation Money to Land Owners.</td>
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<td>4. Agrarian conflict</td>
<td>Agrarian conflict is marked by prolonged disputes over access to land, natural resources, and territories involving rural communities and governing or land management entities engaged in production, extraction, and conservation. In the study area, conflicts often emerge between indigenous communities and government-backed companies, resulting in quarrels, disputes, and disagreements concerning land usurpation. The causes of agrarian conflicts encompass inconsistencies and disparities in natural resource distribution, unclear land administration systems, overlapping ownership, intervention by large companies seeking land control, and instances of violence against residents, often supported by the national police and army.</td>
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<td>5. Conflict cases</td>
<td>In the study area, instances of conflict, such as quarrels, disputes, and disagreements, revolve around the contentious issue of land usurpation. This conflict typically arises between members or groups of indigenous communities and government-backed companies.</td>
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<td>6. Causes of agrarian conflicts</td>
<td>Agrarian conflicts arise from disparities in natural resources in conflict areas, unclear land administration systems, overlapping ownership, intervention by large companies seeking land control, and instances of violence against residents, often supported by the national police and army.</td>
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The impact of agrarian conflict. The impacts encompass economic losses, environmental degradation, heightened social tensions, violations of human rights, strengthened group solidarity against government actions, disrupted group unity, and profound changes in individuals, including trauma, stress, emotional distress, a sense of revenge, and the erosion of social values and norms. Additionally, individuals may experience loss of property, and unfortunately, loss of life may occur.

Conflict solution (challenges-recommendations). Dispute resolution can be pursued through a legal process, commonly referred to as litigation in a court institution, or through an alternative avenue such as mediation, known as a non-litigation process.

3.7 DOCUMENT REVIEW

The researcher employs triangulation techniques to ensure the accuracy of data or information gathered from different perspectives, minimizing biases during data collection and analysis. Relevant documents related to the study are collected from various institutions and online sources to validate the information obtained from in-depth interviews (IDI). Documents in Indonesian are translated into English before review.

Supporting documents include legal frameworks such as Law Number 5 of 1960 on Basic Regulations on Agrarian Principles, Government Regulation Number 40 of 1996 on Cultivation Rights on Land, Building Use Rights, and Land Use Rights; Government Regulation Number 24 of 1997 on Land Registration; Government Regulation Number 13 of 2010 on Tariffs for Types of Non-Tax State Revenue Applicable to the National Land Agency; Presidential Regulation Number 10 of 2006 on the National Land Agency; Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency No. 3 of 1997 on Provisions for Implementing Government Regulation Number 24 of 1997 on Land Registration; Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency No. 3 of 1999 on Delegation of Authority to Grant and Cancel Decisions of Providing Rights to State Land; Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency No. 9 of 1999 on Procedures for Granting and Canceling State Land Rights and Management Rights; Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 3 of 2006 on the Organization and Job Descriptions of the National Land Agency of the Republic of Indonesia; Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 4 of 2006 on the Organization and Job Descriptions of Provincial National Land Agency Offices and Regency/City Land Offices. Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 7 of 2019 on Provisions for Land Registration;
Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 9 of 2022 on Coordination of Spatial Planning Implementation; Regulation of the Minister of Agrarian Affairs and Spatial Planning-Head of the National Land Agency of the Republic of Indonesia Number 18 of 2019; Presidential Regulation Number 86 of 2018 on the Ministry of Agrarian Affairs and Spatial Planning, Presidential Regulation Number 47 of 2020 on the National Land Agency, and Regulation in Lieu of Law Number 2 of 2022 on Job Creation.

3.8 DATA PROCESSING AND ANALYSIS

Relevant data from transcripts, discussion results, and audio recordings of IDI conducted in the local language are transcribed and translated into Indonesian, followed by English translation by native language speakers in MS Word document formats. Thematic analysis is then applied to analyze the data. Transcripts undergo multiple coding to ensure comprehensive coverage of data. The collected data is then organized and summarized based on the established codes, generating various themes.

4 RESULTS AND DISCUSSIONS

This research will map conflict at the study locus using indicators to analyze conflict dynamics. Those include historical factors, context, parties involved, inhibiting forces, and interests of the parties involved. This researcher will achieve alternative problem-solving, to resolve the conflict that occurs. We combined the results of the opinions of the informants and presented them in a table disclosing the eight primary themes in Table 2.
Table 2. Eight themes and detailed descriptions In-depth interview (summary)

<table>
<thead>
<tr>
<th>Theme</th>
<th>Reference Notes (in FGD IDI)</th>
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<tr>
<td>1. History of land ownership</td>
<td>(1a). To understand agrarian conflict, we need to trace agricultural history during the Dutch colonial era. In 1870, the Dutch government passed agrarian regulations that disadvantaged society (De Agrarische Wet). The bad impact of implementing this regulation is the increased area of their large plantations on the island of Java, and the increased intensity of exports of plantation commodities to Europe. At that time the era of modern imperialism began, and the development of capitalism was increasingly expanding plantations outside Java. This impact is still left today, where the government and large companies want to control people's and customary lands. (1b). After Indonesia became independent (1945), an Agrarian Law was issued in 1960 as a basis for drafting national agrarian law, which would later become an instrument of prosperity and justice for the country and the people. The emphasis of this law is to protect farmers who must be fairly treated and for the welfare of society.</td>
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<td>2. Agrarian Reform</td>
<td>(2a). The 1960 Agrarian Law requires improvements and adjustments to currently evolving conditions. The government issued Presidential Regulation Number 86 of 2018 on Agrarian Reform. (2b). The new agrarian reform regulations aim to reorganize the structure of control, ownership, use, and exploitation of land in a more equitable manner. However, it encounters many obstacles in its implementation, especially due to the need to understand the essence of decentralization in local governments.</td>
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<td>3. Land Acquisition</td>
<td>(3a). In our opinion, land conflicts continue to occur because land availability is not comparable with the total population. Regulations on agrarian reform explain that the use of abandoned community land by large companies must be resolved to realize agrarian reform. In practice, these regulations have not been implemented, conflict resolutions are protracted, and the community has not enjoyed justice. (3b). Land acquisition should be done through an open process, announced, and all communities know and agree to it. The government or large companies can negotiate to buy community land at market prices, and the government finds new locations.</td>
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<td>4. Agrarian conflict</td>
<td>(4a). We observed that so far, the licensing process from policy actors seems rushed, not transparent, and far away from a participatory impression. If so in that process, the Government ignores respecting and protecting the constitutional rights of the affected communities. (4b). Policy actors tend to position communities as objects rather than as subjects of development. For example, social forestry, which has existed for a long time, failed to provide a significant impact on the determination of indicative area maps. All of this forms the desire of policy actors, not of the people in the conflict area.</td>
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<td>5. Conflict cases</td>
<td>(5a). Customary forest conflicts. Joint government apparatuses came to the Besipae indigenous communities. Houses used as shelter for residents defending their customary forests were demolished. Women and children at the location were verbally and physically intimidated by security apparatuses. Many children and women felt traumatized after three warning shots from security apparatus rifles. (5b). Conflict over land tenure for tourism. A conflict occurred in the West Sumba area, claiming the life of a resident named Poroduka. The firing incident by the police caused Poroduka to die. (5c). Reservoir construction conflict. The conflict occurred due to a company wanted to dominate community land on Marosi Beach. The development plan received a negative response from the communities. (5d). Monoculture sector conflict. A conflict between indigenous communities and the Muria Sumba Manis Company over the largest land area of 52 thousand hectares. This land is intended for the development of sugar cane plantations to become the largest sugar factory in Eastern Indonesia. (5e). Farmers’ land tenure conflicts. Farmers from Colol Village demonstrated ahead of the Sector Police and caused riots. Police fired dead 6 people and injured 28 people. Some of those injured were permanently disabled and unable to work.</td>
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| 6. Causes of Agrarian Conflict | (6a). Generally, conflicts occur because of the desires of the government, state-owned companies, and large companies in land acquisition. Conflicts also occur due to overlapping land administration, the existence of national strategic projects, lack of transparency, and government apparatuses supporting
<table>
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<tr>
<td>7. The impact of agrarian conflict</td>
<td>(7a). Decreased community participation. Given that many land cases fail to be decided by legal courts, disputed land becomes the status quo as a result of which people cannot cultivate, they feel will never own the land they have acquired for generations before independence. We hope that the basic principles of participation can be upheld and that all citizens have the same voting rights based on the supremacy of law and that everyone will obey them. (7b). Trauma, stress, and resentment. The repressive actions of the apparatuses resulted in people in conflict areas becoming traumatized and stressed. They feel that no institution is on their side. Cases of firing with weapons will cause deep trauma in children's minds which may give rise to dislike and resentment against authorities and local government. (7c). Decreased role of domestic banks. The government approved and involved foreign bank financing companies. As a consequence, national banking financing subsidies were reduced. In Indonesia, foreign banks distributed financing of US$ 38 billion over five years. 70% of the largest investors originated from Malaysia, and 65% of palm oil plantations operated illegally. State losses reached US$ 313.42 billion per annum. (7d). Large companies control the agrarian space. Today, the government has not passed regulations on how much land large corporations should be allowed to control, considering the needs of small farmers and protected areas. As a result, large companies controlled almost 90% of community land. In reality, agrarian reform requires de facto and de jure land status for land tenants, to provide legal certainty when the land will be returned to the community.</td>
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| 8. Conflict Solutions (Challenges ahead) | (8a). Awareness of decision makers. This awareness is very low, and comprehensive dissemination of land affected by agrarian reform is required, so the root of the problem can be identified, which lies in the designation of community land as certain property rights, and concerns that those rights will be violated, lost, and seized. (8b). Mapping the roots of conflict. Apparatuses, stakeholders, and policy actors need to map the root causes of conflict. The root cause generally lies in determining community land as property of the community, company, or government. Communities are suspicious and worried that their rights will be violated, lost, or seized. (8c). A clear land administration system. We observed that to date, the Ministry/National Land Agency agencies at the provincial and city levels have not optimally completed land certificates. It often happens that just processing a 100-meter land certificate takes between 2-3 years to issue the certificate. The issuance of certificates is sometimes associated with political issues or specific interests. This mindset must be removed, every institutional decision must consistently be based on clear laws/regulations. (8d). Formation of a successful conflict resolution team or law enforcement division. The Ministry of Agrarian (National Land Agency) may classify and openly announce the land certification process, issue permits for land use by large companies, and perform strict supervision. The government must not be partial to large companies, and any violators will be given strict sanctions or have their permits revoked. Violations often occur in companies dominating oil palm lands and are illegal. (8e). Priority on the communication process through deliberation. In resolving conflict cases that have occurred for years in this region, this process must be prioritized. We see the communication process as the most fundamental weakness because the local government considers cases of Customary land in conflict areas to be a violation and must be legally resolved. Indigenous
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<td>communities who are legally illiterate will definitely lose in a court of law. ((8f). Dissemination of Regulation. The Presidential Regulation on Agrarian Reform was proclaimed 5 years ago. Since its enactment up to now, we have not found any continuous dissemination of this regulation from the authorities to the community. Dissemination is highly required to reduce cases of conflict. Dissemination is not only for the community, but also for companies, land tenants, customary groups, community groups, legal figures, and members of the Local House of Representatives. (8g). Generating community participation. Decreased community participation and tend to be apathetic. People hiding themselves due to their homes being destroyed by the apparatuses must be returned to their original condition. People who are traumatized and stressed will have a negative view of the government. Haunting fears and children. Their apathetic attitude must be returned, and it is the government's duty to embrace professional NGOs in their fields. (8h). Involving NGOs for advocacy. The government and apparatuses must not suspect NGOs. We observed that the government did not consider NGOs as partners that should be suspected. In reality, dozens of NGOs can help government programs to educate weak people in legal knowledge and court proceedings.</td>
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<td>Source: FGD results, June 18 to November 29, 2022 (Summary by the authors).</td>
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**Interim analysis of FGD results:** We have reviewed the results of the FGD and have concluded that they include land mapping to understand the roots of conflict. This involves assessing the understanding, or lack thereof, regarding the agrarian reform law by stakeholders and actors. In general, conflicts arise due to the desires of the government, state-owned companies, and large companies in land acquisition. They also occur due to overlapping land administration, lack of transparency, and government officials supporting entrepreneurs in taking people's land. The permitting process is often rushed, neglecting to respect and protect the community's constitutional rights, and positioning the community as objects rather than subjects of development.

The FGD results also indicate that many conflicts occurred in NTT, especially in Besipae, due to ineffective solutions that generally ended in violence, negatively impacting the community. All these issues pose challenges and require recommendations. Government intervention through the issuance of Presidential Regulation Number 86 of 2018 concerning Agrarian Reform is deemed essential. FGD participants highlighted governance issues with this law at regional and local levels, considering it counterproductive as it fails to accommodate the community's wishes. For instance, technical instructions regarding the history of land ownership, governance, and land use are not yet understood.

On the other hand, FGD participants acknowledged difficulties in licensing and obtaining land certificates. They hoped that the national land agency at provincial and
city levels would work more optimally, avoiding links to political issues and not siding with large companies. An essential solution from the FGD results includes:

a) Formation of a successful conflict resolution team or law enforcement division.

b) The National Land Agency classifying and openly announcing the land certification process, issuing large companies' land use permits, and carrying out strict supervision.

c) Strict sanctions or revocation of business permits for any violations against industrial companies, with the government siding with the lower classes of society.

d) Prioritizing the communication process to resolve cases of conflict, emphasizing the importance of open information about the land.

e) Prioritizing the resolution of conflicts through deliberation rather than legal channels, considering the legal illiteracy of some indigenous people.

f) Socialization of Regulations: The Presidential Regulation on Agrarian Reform, promulgated five years ago, has yet to be maximally disseminated to the public. Socialization is essential to reduce conflict cases, targeting not only the community but also companies, land tenants, traditional groups, community groups, legal figures, and members of the Regional People's Representative Council.

The conclusions in this section highlight that the FGD has revealed main themes helping identify gaps and novelties. These six points present challenges that demand recommendations.

**Analysis of FGD results using approaches and theories:** This research seeks to obtain a better understanding of the dynamics, relationships, and issues associated with the conflict situation in the area of study. To understand the conflict's dynamics in a clear and balanced manner, a conflict assessment in the process of collecting systematic information on the conflict's dynamics is needed. This approach is particularly useful for third parties, such as people conducting interventions or students who wish to learn about a particular conflict carefully (Izakovièová et al., 2018). Many assessment guidelines are available, including conflict mapping guidelines from Simon Fisher, Paul Wehr, Hocker-Wilmot, and USAID. In the following analysis, we adapt Paul Wehr's guideline on conflict mapping to provide third parties and conflict parties with a clearer understanding.
of the initial situation, nature, dynamics, and probabilities for resolving customary land conflicts (Abdullah et al., 2023). This mapping includes information on Conflict History, Conflict Context, Conflict Parties, Issues, Dynamics, Alternative Routes to Solution, Conflict Regulation Potential, and Map Use. Map Use is most useful and important as a first step in USAID conflict intervention (Bruce, 2013; Anom et al., 2022; Qin et al., 2023).

Udegbunam, (2017) and Askerov (2021) explain the conflict history from the initial situation and the main incidents either in the evolution of the conflict or its context. Conflict context means that it is important to ensure the scope and character of the context or setting in which the conflict takes place, including geographical boundaries, political structures, relationships, jurisdiction, networks, communication patterns, and decision-making methods. Conflict parties mean parties who can make decisions and are involved either directly or indirectly (Lim & Hakimey, 2012). Issues mean that normally, a conflict will arise from one or more issues arising from or leading to a decision. Dynamics mean that the dynamics of conflict cannot always be predicted, but by recognizing these dynamics, a way out of a conflict can be found (Diehl, 2006). An alternative route to a solution means that each party, either those involved or those not directly involved, has suggestions for resolving the conflict (Nnaemeka, 2019). Conflict Regulation Potential means that in a conflict, sources can be found to limit and possibly resolve the conflict, comprising internal limiting factors, neutral third parties, and conflict management techniques. Meanwhile, map use means the use of a conflict map as an intervention step for researchers and conflict observers (Rocha et al., 2018; John, 2016).

In this discussion, we will explain the themes with reference to Paul Wehr's guidelines adopted by USAID (Bruce, 2013), Anom et al. (2022), Qin et al. (2023). We will show the novelty of our findings to enrich Paul Wehr's theme.

4.1 CONFLICT HISTORY

A study by Bhakti et al., (2023) on land conflicts in Rempang, Indonesia, places importance on policy dialogs in resolving conflicts. Our study found different variables influencing conflict resolution. This is because of the different locations; the land conflict in the area of study is not a National Strategic Project, with many disputed land areas having similar patterns and cases, namely the big desire of companies supported by local governments to control all customary land. On the other hand, the majority of people are
legally illiterate, and there is a lack of dissemination on land ownership regulations. The customary land regulations do not explain that those customary lands must be certified because historically, such customary lands are not subject to the Eigendom and Verponding process. According to legal provisions in Indonesia, customary lands are regulated by customary law. Historical factors are very determining given that customary lands are royal and community lands that cannot be controlled by companies and the State (Am et al., 2021).

Some of the informants who understand customary lands explained that before Indonesia became independent in 1945, this land was royal land and some of it was community land. The government has no right to own these lands. Unfortunately, in June, the Governor, on behalf of the provincial government, argued that in NTT province, all land belonged to the regional government. This argument was the beginning of a dispute between the governor and the indigenous communities. In reality, before the local government made a statement, many cases of land control had occurred. We can interpret that this argument has triggered ongoing conflict between customary leaders and the local government. As a consequence of this statement, conflict did not only occur in the Besipae area but also occurred in other areas in the NTT Province (Figure 3, and 4).

Figure 3. Depicts the traditional forest area of Besipae along with a signboard indicating land control by the local government

Source: Saturi (2022)

Figure 4. The Besipae Indigenous People facing intimidation, destruction of their homes, and acts of torture

Source: Saturi (2022)
4.2 COMMUNICATION FACTORS AND CONTEXT CONFLICT

The study by Touitou, (2020) explains that communication factors are crucial in mapping the roots of conflict. Chen & Tseng (2016) study introduces the concept of conflict negotiation as a communication process in which participants exchange large amounts of cognitive and emotional information interactively to reach a mutually acceptable solution to prior inconsistencies. (Deep et al., 2016) conclude that communication is essential to identify potential factors triggering destructive conflicts and to investigate the causes, results, and resolution of communication conflicts. These studies observe that communication factors can be an initial solution to a conflict.

The communication factor is included in the conflict context section explaining geography, where the communication factor fails to resolve conflicts not only in the Besipae area but also in other areas. The context is the same, namely a lack of communication. The lack of communication causes policymakers to deploy a network of apparatus, such as military police and security forces, to evict indigenous communities from their land. The impact is that people hold demonstrations, and chaos occurs because information is communicated by people who do not understand conflict resolution. Conflict resolution involving police, army, and security apparatuses using firearms will bring fear, anxiety, trauma, and stress to children, mothers, and family members. This feeling of conflict will always be imprinted in the minds of young children, giving rise to resentment in the future against the government and apparatuses.

Moreover, arrogant and unconducive political structures have damaged the foundations of society, the values, and norms that have existed all along, for example, the values of togetherness and politeness. Emotional communities were triggered by the loss of their land and homes, being evicted from their homeland and into unknown forests, and do not understand what they have to do amidst the jungle, meanwhile, children need schools to support their families in the future. In addition, the social-economic system was also destroyed in the area of study. People who used to trade no longer sell in their stalls, and farming communities who work diligently and produce rice for the needs of village communities can no longer hoe their land.

4.3 SOCIALIZATION AND DISSEMINATION

Bar-Tal et al., (2016) analyzed the political dissemination of young children living in conditions of prolonged conflict and concluded that dissemination is very important in
conditions where conflict can ultimately be reduced. Pawlak (2022) conducted a study in Poland and concluded that the most important approach and perspective in this century are regarding the dissemination of law (and regulations) from time to time. These two studies explain that dissemination in conditions of conflict may be difficult but important to hold from time to time.

Our findings in the field revealed the need for dissemination of the 2018 Presidential Regulation so that relevant institutions might understand it. The root cause is thought to be from dissemination that has not been executed and understood by most institutions in the area of study. Problem maps, formal regulations, and informal regulations which are unwritten rules in the form of customary law will be able to solve conflict problems. Continual dissemination performed in all institutions in conflict areas will be able to reduce land conflicts.

4.4 CONFLICT PARTIES

Customary groups in dispute are quite numerous, involving 14,196 heads of families integrated into tribal units. They feel worried and hope for a capable institution that accommodates any complaints, resolves any problems, and formulates policies that benefit them. In conflict areas, only NGOs voice the rights of the community, but NGOs cannot influence government policies. NGOs are suspected and considered supporters of the community who oppose government policies to free up land used for the tourism sector, sugar cane companies, road construction, and land for cattle in collaboration with the Australian government. The NGO groups continuously involved and speaking out in the mass media are the Walhi Foundation, Tukelakang Foundation, Peduli Sesama Foundation, Peduli Masyarakat Pinggiran Foundation, and Lingkar Insani Foundation. The Ombudsman and NHCR visited the site and photographed incident after incident, but there were no solutions to resolve the conflict at Besipae.

4.5 ISSUES

The President issued regulations on agrarian reform in 2018. Unfortunately, this regulation has not been well disseminated. The Provincial National Land Agency office in Soe City is burdened with many land conflict cases involving customary lands (Nuar & Lunkapis, 2019). The Local House of Representatives (DPRD) at the Provincial and Regency levels failed to formulate a more favorable policy to resolve this conflict.
4.6 CONFLICT DYNAMICS

We conducted an observational study and visited several relevant informants, becoming aware of the problems in the field. The communities sought a solution that might be included in policy formulation contributed to the government and DPRD. The dynamics of conflict involving indigenous community groups, on one hand, and the government and large companies, on the other hand, involve many other institutions. The development of livestock and infrastructure should not degrade customary forests. This opinion aligns with a study from Leal et al., (2023). Legal NGOs in the study area should be considered neutral and understand various land regulations. Other institutions such as the DPRD, District Courts, Ombudsman, and NCHR are considered capable of influencing the system and are allowed to formulate land conflict resolution policies. They have the ability and serve as determinants in this process.

4.7 ALTERNATIVE ROUTE TO SOLUTION

Based on interviews and observations in the field, we found alternative solutions to land conflicts at Besipae. Informants expressed the need to establish a successful team to resolve conflicts. Members of the Besipae Conflict Resolution Team consist of elements from the Provincial Government, Regency Government, Provincial National Land Agency, Companies, Customary leaders, NGOs, DPRD, District Courts, Ombudsman, and NCHR. In addition to the team's duties of resolving land conflicts, it is also tasked with disseminating and communicating Presidential Regulation Number 86 of 2018, so related institutions, including provincial governments, district governments, district and village governments, and indigenous communities better understand the conflicts occurring on the site. They work together to find the best solution to prevent land conflicts from damaging economic, social, and political conditions and try to end conflicts over customary lands (Wibowo et al., 2023). The involvement of large companies must be based on their compliance with presidential regulations and the implementing regulations. Therefore, dissemination also needs to be communicated to companies, so they can negotiate, for example, by purchasing indigenous community land at a reasonable price and finding land to relocate residents affected by development projects in other appropriate areas. According to Ormanovic et al., (2018), negotiations and compromise are considered a good method for resolving conflict, but it is not necessarily appropriate for all situations.
4.8 CONFLICT REGULATION POTENTIAL

Neutral third parties such as DPRD, NGOs, ombudsman, and NCHR can play an active role in finding solutions because they have networks, power, and clear information about cases on the sites. They are aware of Presidential Regulation. However, the weakness is that members of the DPRD, Governor, and Regent are appointed by political parties. Political parties have power, and they become pressure groups. Pressure groups are frequently used by companies to control the land they want. The strong role of pressure groups causes NGOs, National Land Agencies, and institutions to run slow to resolve problems, making conflict resolution imperfect. Therefore, when an individual has been appointed as a government official, party attributes must be removed. Luna et al., (2021) mention it as a key attribute of ambitious politicians' horizontal coordination and should be removed. They must be committed to sitting down together to resolve the conflict that occurs. In line with a study by Eneyew & Ayalew, (2023), in general, indigenous communities are easy to accept if conflicts are resolved through deliberation. Indigenous communities feel appreciated, especially as some of them are voters of the winning party. Thus, in this context, political parties play a big role in resolving the agrarian conflict problem in East Nusa Tenggara province. If those conditions are aware, the conflict map can be understood together, and conflict solutions are easier to implement.

4.9 TREATMENT OF THE PSYCHIATRIC IMPACT OF CONFLICT

Finally, to conclude this article, we need to reveal the final findings. Some informants said that psychologists and psychiatrists must visit the conflict areas to mingle with the communities affected by the conflict. Community members are victims of conflict whose mental health must be recovered. They need treatment for trauma, stress (Hussein & Yaser Hasan Salem, 2019), and to restore their memories to the values and norms of a polite and civilized society. The role of a successful team formed to resolve conflicts is on that side. All of this is a tough duty for the team, government, and customary leaders. Otherwise, people will be apathetic and spread their resentment against the government to the surrounding community. The Provincial Government must protect other customary groups that have not been affected by land confiscation (Blache, 2019). The study of Exime et al., (2023) revealed cases of land confiscation in Brazil that the abuse of power to invade citizen land entitled to that space is a crime and suggested
solving it through land reform. Indonesia has implemented agrarian reform, but from time to time, people feel worried that in the future, their land will be annexed by companies supported by local governments. They proposed that in the future the involvement of the police, army, and security apparatuses be prohibited because this country belongs to the people and the voice of the people is the voice of God.

5 CONCLUSION

This research agrees that using the map is very important to understand the roots of land conflicts in the area of study. Using the map will be able to equalize perceptions between groups in conflict. Paul Wehr's concept explains eight conflict resolution concepts, including conflict history, conflict context, conflict parties, issues, dynamics, alternative route to solution, conflict regulation potential, and map use. The findings of this research contribute to three factors, including intense communication factor, comprehensive dissemination of the law to agencies, public institutions, and communities, and treatment of the psychiatric impact of conflict. Land conflicts in developing countries are generally influenced by miscommunication and misinformation because policies come from the top (bottom-up). Most people do not know that their land will be used for constructing roads, oil palm plantations, dams, railway lines, tourism areas, and others. Land acquisition must go through an open process, be announced, and all communities know and agree. The government and large companies can negotiate to buy community land at market prices, and the government finds new locations for evicted communities. Furthermore, Presidential Regulation Number 86 of 2018 has not been properly disseminated. Many agencies, institutions, and community groups have not been aware of the contents of these regulations. Dissemination factors play an important role in avoiding land conflicts. Meanwhile, we include the psychiatric impact of conflict treatment as the final solution in Wehr's guidelines because resolving conflict is not enough just by peace; however, the impact it causes is damaging to the psychology of children and women, including trauma, stress, nightmares, and regrets that must be immediately remedied, including improving social, economic, and community confidence systems.
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