

Obstacles Occurring In the Kajang Tribe Traditional Land Dispute

By

Asrul Anas

Department of Communication Science, Faculty of Social & Political Sciences, Hasanuddin University

Andi Alimuddin Unde

Department of Communication Science, Faculty of Social & Political Sciences, Hasanuddin University

Tuti Bahfiarti

Department of Communication Science, Faculty of Social & Political Sciences, Hasanuddin University

Abstract

Land has a very important position for human life. This is because almost all aspects of life are inseparable from the existence of land, but there is an imbalance between land and the number of people, which often results in disputes. Disputes are usually resolved by state law or customary law, however, there are several obstacles that often occur that do not go well. The purpose of this study was to find out what obstacles occurred in the Kajang tribal customary land dispute. The approach used in this study includes a qualitative descriptive approach. Retrieval of data used through (in-depth interviews, observation and documentation). Retrieval of research informants using purposive sampling. Data analysis used the Miles and Huberman analysis method with data reduction, data collection, data presentation and conclusion drawing steps. The obstacle that occurred in the Kajang tribal customary land dispute was that there were several individuals who claimed to be Ammatoa's extensions who took advantage of the conflict for personal gain. The lack of communication between PT Lonsum and the Kajang community led to (Misunderstanding) this conflict continued, where PT Lonsum wanted the Kajang indigenous people to prove that according to state law and asked to show a certificate of ownership of the land, while the Kajang indigenous people asked for a settlement according to customary law by bringing together PT Lonsum, the government, and Ammatoa along with stakeholders and members of the Kajang customary community. Indigenous people feel that the land managed by PT Lonsum is the customary land of the Kajang customary community and they demand that the land taken by PT Lonsum be returned, while PT Lonsum considers that the land that has been used for a long time is land that has an HGU certificate granted by the government.

Keywords: Barriers, Kajang Ammatatoa Tribe Customary Land Dispute

Introduction

As social beings, humans need each other, and want good relationships, but social phenomena often occur in the form of conflicts that occur because of their respective interests. Conflicts that occur are usually resolved by state law or customary law.

Since ancient times the conflict that often occurred was related to the struggle for land ownership rights which was a form of social competition, where land became a source of

Published/ publié in *Res Militaris* (resmilitaris.net), vol.13, n°2, January Issue 2023

dispute because each other assumed that they had the rights to the land so that they were willing to make sacrifices to defend what they considered to be theirs.

According to Chomzah (2003), a dispute is a conflict between two or more parties that originates from different perceptions of an interest or property rights that can lead to legal consequences for both. According to Von Benda-Beckmann et al (1997) the real reason that is the ultimate goal of the dispute is that there are parties who have more rights than others (priority) over the disputed land. Therefore, the settlement of legal disputes regarding land disputes depends on the nature of the problems raised and the process will require certain stages before a decision is obtained. Land problems are increasingly complex from day to day, as a result of the increasing human need for space (Zoomers, 2010).

The term customary rights known in customary law communities is the highest right to land owned by community groups which has been inherited from generation to generation, for the benefit of group members, both externally and internally, this right cannot be released. Thus we can know that customary land cannot be transferred to become land owned by an entity or an individual.

Even though conflict in everyday life can be said to be normal, conflict can endanger or threaten the integrity of living together and not can be ignored and left alone.

Conflicts that occur in life as seen recently in a number of areas can be classified as conflicts that can endanger and potentially threaten the life of the nation and state (Beck, 2002).

This condition can have an adverse impact on national life, if there are conditions of inequality, injustice and social, economic, and uncontrolled dynamics of political life.

In addition to the cultural diversity of ethnic groups, especially in our country, it is very well maintained, both inland tribes and tribes that are not thick with traditional and primitive anymore. However, the interior tribes still hold fast to their culture. There are various tribes such as the Batak tribe, Bugis tribe, Kajang tribe, and many more. With so many ethnic groups in Indonesia, there are still people who do not know in depth and as a whole the culture of these tribes and even the existence of these tribes. One of the many ethnic groups in Indonesia is the Kajang tribe, which is located in Bulukumba, South Sulawesi.

In the Kajang tribe, in recent years there have been problems with land disputes with PT. Lonsum, which until now has not been resolved resulting in intimidation, violence and destruction of land reaching 2,800 hectares. This is what makes researchers interested in knowing how social communication is carried out by Ammatoa as the head of the Kajang customary tribe in solving this problem. The reason taken by researchers is that land disputes in recent years that have occurred on customary lands can be resolved through the application of social communication of applicable customary law, so that they no longer cause conflict.

Research Method

Approach and Research Design

This type of research approach uses a qualitative approach. The researcher has described or constructed the results of the interviews with the research informants, and then the resulting data and interview results will be analyzed through qualitative analysis to get answers to the researchers' questions. In this study using a type of case study research whose nature of research is to use procedures that produce descriptive data in the form of written or

spoken words from the people or a group being observed. It can be said that qualitative research can be interpreted as field research that seeks to find out how to analyze social communication in resolving conflict over land disputes for the Kajang Ammatoa Customary Tribe.

Researcher Location

Based on the research title that has been raised, namely "Analysis of Social Communication in Conflict Resolution over the Customary Land of the Kajang Ammatoa Tribe", the authors decided to take the research location in the Kajang Customary Land section that is experiencing land disputes which is located 150 km to the south of the eastern part of Makassar city.

Research Informants

To obtain information through interviews, researchers have determined informants or sources that researchers consider relevant to talk about how the Kajang Ammatoa indigenous people communicate in dealing with conflict, namely sampling techniques or in this case informants who are selected through selection based on certain criteria. In this study, researchers will conduct interviews with; (1) Galla Puto' as spokesperson for Ammatoa; (2) Head of Kajang sub-district (Labbiria ri Kajang); (3) Traditional leaders of the Kajang people; (4) One of the indigenous people of the Kajang tribe; (5) Ammatoa; (6) Public Relations of PT. PP London Sumatra; (7) Head of Lolisang Village as well as a Real Work NGO.

Data Source

Researchers have collected data by determining the problems to be studied and the data sources consist of:

Primary Data

Primary data is data obtained from reliable sources. Primary data consists of:

Observation

Collect data to be studied. Researchers collect observations using all senses. Observation which is a process of observing the inside by the observer by taking part in the lives of the people who will be observed. In the observation, this researcher collected visitor data and data on how Ammatoa social communication analysts are involved in resolving conflicts over customary land disputes for the Kajang tribe. In this method, researchers make direct observations of how Ammatoa resolves land disputes and records all findings that exist in the field.

Indepth Interview

How to get information about the problem under study. Of course, the selected informants are sources who know the issues being studied and are directly involved in these issues. The interviewer will ask questions and answers (direct face to face) between the informants involved in a relatively long and quite intensive social interaction. The interviewer will ask in-depth, detailed, accurate and comprehensive information about the information needed to obtain complete and intact data.

Documentation

This method of data collection is carried out through a literature review, in which documents that are considered to be supportive and relevant to the problem to be studied either

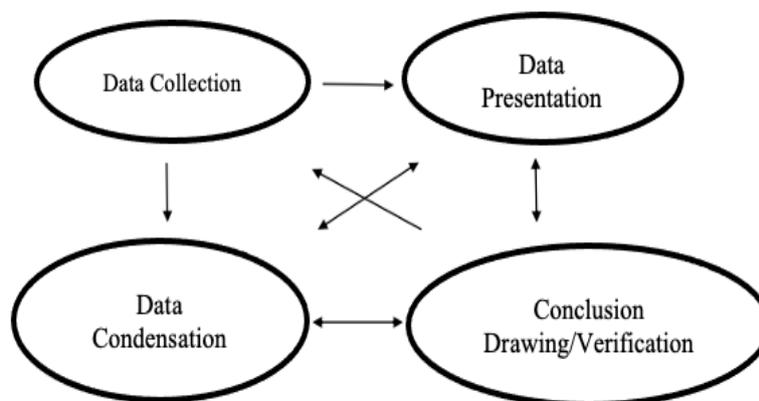
in the form of books, literature, journals, etc., are studied, reviewed and arranged in such a way that data can be obtained to provide information related to the research to be carried out.

Secondary Data

Secondary data is data obtained from a second source that is considered competent to validate information. In addition, the function of secondary data is also to complement and compare primary data (Bungin, 2004). Based on the above understanding, the secondary data in this study will be taken by reading a number of books, the results of previous research.

Data analysis

This study uses descriptive qualitative data analysis with data management techniques and analysis carried out together in the research process. The method used is the Miles and Huberman Model Analysis.



Source: (Miles, 2014)

Data Collection

Collecting data from the methods used are observation, interviews and documentation. All of these types of data have one key aspect in common, the analysis of which depends on the integrative and interpretive skills of the researcher. Interpretation is necessary because the data collected is rarely numeric, rich in detail and lengthy.

Data Condensation

The data that has been obtained will be carried out by a process of selection, purging, summarizing, and simplifying and transforming the raw data that appears during the research process and organizes the data, then a data collection can be drawn. The data in this study are then simplified and are stored data obtained through interviews with several relevant informants regarding the analysis of Ammatoa social communication in the settlement of customary land disputes of the Kajang tribe as well as data collection or facts obtained during direct field observations.

Data Presentation

Presentation of data is a collection of structured information that gives the possibility of drawing conclusions and taking action. By looking at the presentation of the data,

researchers will more easily understand what is going on and what should be done. This means whether the researcher continues his analysis or tries to take an action by deepening the findings.

Conclusion Drawing and Verification

Of the several stages that have been carried out, the last is drawing conclusions from the analysis that has been carried out and re-checking with the evidence that has been found in the field. This conclusion must then be tested or verified by looking and questioning again by reviewing the field notes to obtain a more precise understanding so that the conclusions can be trusted. The conclusions in this study may be able to answer the formulation of the problem that has been determined from the start, maybe not. Because the problems formulated in qualitative research are still temporary and will experience development after the research is carried out. The conclusion in qualitative research is in the form of new findings that did not exist before.

Checking the Validity of Findings/Conclusions

In qualitative research, findings or data can be declared valid if there is no difference between what is reported by the researcher and what actually happened to the intended object, but it should be noted that the truth of the reality of the data according to qualitative research is not singular, but plural and depends on human constructs. in a person as a result of the mental processes of each individual with various backgrounds. In this study, researchers used the source triangulation technique.

Triangulation is a method used in qualitative research to check and establish validity by analyzing from various perspectives. Triangulation refers to consistency and is supported by evidence. Basically the purpose of triangulation is how a phenomenon can be understood properly so that it can approach a high level of truth when viewed from various points of view by analyzing the subject's answers and examining their truth with empirical data. This is done to check data collection. Is the data obtained during the interview the same as when making observations or vice versa. This technique is also used to test data sources, whether the data sources during interviews and observations will provide the same information or not. If they differ, the difference must be explained.

Results And Discussion

Conflict is something that cannot be separated from social life. As long as both the community and the company have interests, wishes, conflicts will always follow. Therefore, there are definitely obstacles in the settlement related to the conflict over the customary land disputes of the Kajang tribe with PT.PP Lonsum. On the other hand, the regional government made several alternatives in resolving the conflict by using customary mediation, but in this case it encountered obstacles.

As explained by Mr. Andi Rahmat Sahib M.M as the customary holder of Labbiria ri Kajang (Camat Kajang) said that

"The government always conducts socialization, so whenever there is a problem we are invited by the Regent to resolve this conflict and attended by forkopimda, but that was the problem because there were several elements that entered there in the end the conflict continued, not just one problem there, but complex. For example, people who want to take water from their land but are prohibited by PT Lonsum. In the end there was another clash and

the problem returned. So even though the government acts as an intermediary, we can't do anything when the people also perceive this as a form of tyranny. Which is that too much PT Lonsum was taken by Bulukumba and it was not worth what was given to the community." (Interview on 12 September 2022 at 11.00)

Furthermore, Andi Kahar Muslim added that

I also mediated when I was in the DPR, but indeed Lonsum has always claimed that they have rights over the land. But on the other hand, community members claim that it is customary land. So there has not been a traditional meeting between PT Lonsum and the Kajang people, it's just that the indigenous people have met at the Regional Government several times and brought them together in the district but there is no solution for that because there are many hands playing as extensions of the Ammatoa's hands to take care of this conflict. (Interview on September 10, 2022 at 13.00)

As what was said by Mr. Andi Rahmat as the Head of the Kajang Sub-District said

Traditionally, a meeting should have been held to discuss this matter. So all traditional officials as well as parties from PT Lonsum and the government came to the adat meeting house to meet directly without any intermediaries to resolve this land dispute issue. So, God willing, we have promised Ammatoa that after the village election we will discuss this, including political issues, customary issues, including the Lonsum issue, so we will hold a meeting in the near future. (Interview on 12 September 2022 at 11.00)

Mr. Muhammad Amir as the head of the Lolisang village as well as the Karya Real NGO added that

I don't think it's possible for this conflict to end when Lonsum and all customary stakeholders in Kajang are otherwise seated according to custom. Then we also talk about customs and also Lonsum must be humble, because Lonsum is only a company that enters, so you have to know yourself. Then after that we sat down according to custom after that then through the government system then all were united. I'm sure there is a solution for that. We can also be honest that if Lonsum doesn't produce, our revenue will automatically decrease. Lonsum should have coordinated with the lower level of government, then at the village level this would follow up with the head of the Camat so that minutes of all meetings were prepared and then we would take them to the highest forum. While PT Lonsum immediately took it to the top level. Kitakan adat because many village heads have positions as customary stakeholders so they have to coordinate beforehand. (Interview on 12 September 2022 at 13.00).

Galla puto' also as the spokesperson for Ammatoa said that

Injo PT Lonsum tala maeng pi antama mae sanging lana kikisi ki antama mae. Jari nakua amma ra'jing intu iyya lanu alle kana saba nu' nassa nakke Tanah ada' me. Ra'jing todo injo tuning pau ka saba'na injo my land is nu hereditary. Nakua todo' I amma Jari region there' a Tanuntung, Tammatto, Fruit of the Land, Sangkala, Lombok. Yes ngase mi injo land area ada'a na maing mo na garrisi Turung Tu Mariolonta. (Interview on September 10, 2022 at 16.00).

This means that PT Lonsum has never had a meeting with Ammatoa and its customary officials. PT Lonsum only continues to erode the customary land owned by the Kajang people. So Amma said that this customary land cannot be taken because this customary land has existed since generations. So the customary land covers the areas of Tanuntung, Tammatto, Fruit of the Land, Sangkala and Lombok. And those are all customary areas that have been outlined by Turung Tu Mariolonta (Ancestors).

In response to the statement above, PT Lonsum and the Ammatoa community have different perceptions that the land they are using is based on HGU. As said by Mr. Rusli as Public

Relations of PT Lonsum that

If indeed there are people's lands that are exploited by the government, it is the government that is responsible. But so far the results of the verification show that no people's land has been granted HGU. I think the public does not understand this issue, plus many certain groups in quotation marks are deliberately misleading. So we are back to the real order, where is customary land? Which one is not customary land? What we need here is the role of the government to provide an understanding of this. If I just claim it, I can also claim that the Bulukumba youth field belongs to my ancestors, but is that justified? If you really want to make a claim, please do it procedurally. We also have to distinguish between customary land, people's land and state land. So the HGU will expire in 2023 and will be extended again. (Interview on September 13, 2022 at 13.00).

Mr. Syamsuding as the person in charge of Pattiroang Village said that

The customary law area of the Kajang people has indeed reached Tamatto Village, but that does not mean that the area is ulayat land. So we must first interpret the context as to what is the territory of indigenous peoples. It's the same with Toa Land which is included in customary territory, but that doesn't mean that this land belongs to adat, so I see the context with the issue of the disputed conflict which is touting that the conflict between the Kajang indigenous people and PT Lonsum I see is actually a personal problem so I don't see it's customary land. So this conflict has dragged on until now. As for the dispute cases that have been won by the community, they are not the Ammatoa community, but the community domiciled with PT Lonsum. So, several hectares were won and today it is owned by his personnel. In fact today it is not custom that rules it. Hence the conflict that occurred was not between indigenous peoples in general and Lonsum but the private community itself. (Interview on September 10, 2022 at 15.00).

In the Kajang customary law community it is known as the customary court or customary trial, where all customary institutions are brought together as well as conflicting parties. Its function is to maintain community harmony, implemented in order to prevent disturbances or violations and resolve disputes or cases that occur in society. Such an approach to customary law is based on the doctrine of solving, not on the teaching of breaking, which means solving problems peacefully.

In customary dispute resolution, there are no appeals and cassation efforts as there are in court in general. Customary dispute resolution is final and binding. Settlement according to custom in order to realize disputes peacefully and become an alternative in the settlement of disputes over the customary lands of Kajang with PT Lonsum.

In resolving the land dispute conflict that occurred between PT Lonsum and the Kajang customary community, there were several obstacles that made this conflict dispute unresolved to date. The existence of outsiders who took advantage of the situation so that the conflict continued to be prolonged and complex in nature, one example of a small problem that was exaggerated by certain elements resulting in a conflict which ended between PT Lonsum and the indigenous people of Kajang.

There are many parties who claim to be Ammatoa's extensions to resolve the conflict, it's just that they use it for personal gain to gain profit.

Table 1. *Matrix Research Results of Social Communication Analysis in Resolving Conflicts over Indigenous Land Disputes of Kajang Tribes*

Application of Communication Social	Barriers to Resolution Conflict	Conflict
<p>Ammatoa and the customary apparatus and the kajang indigenous people want customary mediation.</p> <p>Ammatoa and its customary apparatus want to terminate the business use rights owned by PT. Ammatoa. PT Lonsum which will end in 2023.</p> <p>The existence of communication between the two sides in the absence of intermediaries or third persons in the process of conflict resolution.</p>	<p>Ammatoa wants mediation in customary law, as opposed to pt. PP Lonsum wants mediation by law.</p> <p>PT. PP Lonsum considers that the managed pliers are business use rights granted by the government.</p> <p>There is a misunderstanding that occurs between the two parties between the indigenous people of the Kajang tribe and PT. PP Lonsum.</p>	<p>Conflicts over customary land disputes Indigenous peoples of the Kajang tribe.</p> <p>There is a land encroachment carried out by PT. PP Lonsum by indigenous people of the Ammatoa kajang tribe</p>

Conflict theory can be described as a form of interest between two or more parties, where one party feels treated unfairly, then disappointment can lead to conflict. Disappointment can be manifested through conflict in legal and illegal ways. According to Bodtker & Jameson (2001) Conflict can also be interpreted as a relationship between two or more parties who have or feel incompatible goals. Conflicts will occur between groups with the aim of fighting over equal rights.

Based on the results of the research, it is known that the conflict between PT Lonsum and the members of the Kajang customary community has not yet reached a common ground, even though the community has taken action several times. Land dispute conflicts that occurred more or less 20 years ago, this conflict occurred because of the right to cultivate owned by PT Lonsum. This HGU actually belongs to the government and was given to PT Lonsum for 25 years. When the 25-year period expires, a re-measurement will be carried out and a request for an extension of the contract period will be applied.

On the other hand, the beginning of the conflict occurred because of the destruction of hundreds of residents' houses whose rights were confiscated by PT Lonsum, resulting in a prolonged conflict. The Kajang customary community members asked not to add to the extension of the HGU because it was thought that conflicts would continue to occur when the HGU in 2023 was extended.

This conflict continues because PT Lonsum still has the right to cultivate, so the Kajang customary community will wait until 2023 when the HGU contract expires. So when the usufructuary rights expire, the land will be returned to the land owner who has a certificate on their land.

The lack of communication between PT Lonsum and the Kajang customary community has made this conflict protracted. On the one hand, PT Lonsum wants the Kajang indigenous

people to prove that according to state law, they ask to show proof of ownership certificates over the land, while the Kajang indigenous people ask that this conflict be resolved according to customary law by bringing Ammatoa and their customary officials together with the leadership of PT Lonsum.

Mediation is also one of the solutions to resolve the conflict, but the Kajang indigenous people feel that the land managed by PT Lonsum has been taken over, so the Kajang indigenous people ask that the land used by PT Lonsum be returned. Traditional mediation has never been carried out, so the Kajang indigenous people requested that PT Lonsum meet with Ammatoa and customary stakeholders to resolve it according to custom so that this continuing conflict would come to an end so that this protracted conflict would end.

In 2003 the biggest conflict occurred between PT Lonsum and the indigenous people of Kajang, where the indigenous people of Kajang set up tents on the disputed land to voice their land rights which according to the indigenous people of Kajang were confiscated by PT Lonsum. The conflict resulted in casualties, so this became one of the triggers for the anger of the Kajang indigenous people.

Basically mutual understanding is mutual understanding in communicating in a simple context, mutual understanding tends to be more easily achieved if the participants in the communication have the same social background, the same culture, the same experiences, and the same references or references. According to Saad et al (2012) Complications in communicating occur when the communication participants are in different entities.

This is what happened between PT. PP Lonsum and members of the Ammatoa community are still in conflict, because there are different meanings on each side. The Kajang customary community members want mediation according to adat by taking customary law and while PT. PP Lonsum still wants mediation by state law that still adheres to the usufructuary rights obtained from the government.

This is what happened between PT. PP Lonsum and members of the Ammatoa community are still in conflict, because there are different meanings on each side. The Kajang customary community members want mediation according to adat by taking customary law and while PT. PP Lonsum still wants mediation by state law that still adheres to the usufructuary rights obtained from the government.

The communication factor is the most important thing in resolving land disputes so that they can be resolved. Ammatoa and the traditional officials want openness and honesty in dealing with this conflict. but the fact that at this time there was no customary law communication that brought together PT Lonsum and Ammatoa and their customary officials, this is what caused the conflict to occur due to overlapping communications.

Conclusion

Obstacles that occur in the Kajang tribal customary land dispute are that there are several individuals who take advantage of the conflict for personal gain, on the other hand there are several parties who claim to be Ammatoa's arms to resolve land dispute conflict issues but in fact no solution has been found to resolve the issue. Then it was the lack of communication between PT Lonsum and the Kajang community that made (Misunderstanding) this conflict continue to prolong so that the Kajang indigenous people died which was caused by the ongoing conflict to this day, where PT Lonsum wants the Kajang indigenous people to prove

state law which requires showing ownership certificates for land, while the indigenous people of Kajang request that a settlement be carried out according to customary law by bringing together PT Lonsum, the government, and Ammatoa along with stakeholders and members of the indigenous people of Kajang. Lack of communication is one of the causes of ongoing conflict, and many third parties who enter into the conflict are precisely the information obtained between PT. Lonsum and Ammatoa overlap. On the other hand, the indigenous people feel that the land managed by PT Lonsum is the customary land of the Kajang customary community and they demand that the land taken by PT Lonsum be returned, while PT Lonsum considers that the land that has been used for a long time is land that has an HGU certificate granted by government.

References

- Beck, U. (2002). The terrorist threat: World risk society revisited. *Theory, culture & society*, 19(4), 39-55.
- Bodtker, A. M., & Jameson, J. K. (2001). Emotion in conflict formation and its transformation: Application to organizational conflict management. *International journal of conflict management*.
- Bungin, B. (2004). *Metodologi Penelitian Kualitatif*. Jakarta: Bayumedia Grafindo Persada.
- Chomzah, H. A. A. (2003). *Hukum pertanahan*. Prestasi Pustaka Publisher.
- Miles, H., & saldana. (2014). *Qualitative Data Analysis, A methods Sourcebook*, Edition 3. Sage Publication. USA. Terjemahan Tjetjep Rohindi Rohidi, UI-Press.
- Saad, W., Han, Z., Poor, H. V., & Basar, T. (2012). Game-theoretic methods for the smart grid: An overview of microgrid systems, demand-side management, and smart grid communications. *IEEE Signal Processing Magazine*, 29(5), 86-105.
- Von Benda-Beckmann, F., von Benda-Beckmann, K., & Spiertz, H. L. J. (1997). Local law and customary practices in the study of water rights. *Water rights, conflict and policy*, 22-24.
- Zoomers, A. (2010). Globalisation and the foreignisation of space: seven processes driving the current global land grab. *The Journal of Peasant Studies*, 37(2), 429-447.