

Land Reclaiming Movement against Palm Plantation Corporation: Case Study of Koling Village Community, Central Kalimantan, Indonesia

Joni Rusmanto

Doctoral Degree Program in Social Science,
Universitas Airlangga, Indonesia
rusmanto_joni@yahoo.com

Abstract:

The dispute between indigenous communities and oil palm plantation companies in Central Kalimantan, Indonesia is caused by different legal claim of land management and utilization. Villagers of Tumbang Koling East Kotawaring in Regency as indigenous farming communities' subsystem claimed their land legality based on indigenous management rights which concerns land social functions. On the other hand, palm oil plantation corporate claimed their legality truth based on basic perspective on normative and positivistic state agrarian law. Differences in legal claims regarding land management right created legal gap. An interesting phenomenon occurred when land dispute issue is addressed by citizens. It is done by reclaiming movement in order to demand and fight for traditional rights of disputed land through the utilization of local cultural features known as tahinting. Social resistance movements' cultural framing took place on two levels of social action. Expressed through ritual performances, and expressed through concrete action. This paper shows the distinctive characteristics of reclaiming movements done by citizens compared to dynamics and characteristics of farmer resistance which in general dominated by the influence of structural perspective (structural framing).

Keyword: legal gap, reclaiming, resistance movement and cultural framing

1. BACKGROUND

Forest resources extractive activities, in palm oil industrial sector (CPO) in Central Kalimantan Indonesia, are rife since the enactment of regional autonomy law on 2009. The impact of regional autonomy resulted in 13 regencies and one city opened new rooms for local government authority to create economic development programs that exploit forest resources and community land.

Out of 12 regencies in Central Kalimantan, the most successful district in developing palm oil plantation project is East Kotawaringin. Based on local districts Plantation Office data, the number of plantation companies reached more than 53 units possessing land permit from local Regent up to the relevant ministries and the central BPN with 771,024.87 hectares (ha) exploited land. Regarding PBS total amount, based on temporary estimate that PBS is considered problematic at 3 units of PBS has been conducting activities in separate wide areas. Since those companies possess double operational permit, stakeholders experience difficulty monitoring the field. This issue resulted in overlapping licensing for coal companies and other forest concessions.

Utilizing land for development projects such as expanding plantations into forest areas owned by indigenous peoples. On the other hand, these forests are their sole source of economic support for daily needs. For example, Tumbang Koling Village East Kotawaringin in Regency majority population subsystem is traditional hereditary farmers whose only economic source relies on the availability of forest resources and forest land. Benefit for villagers, not only for farming activity (farming) but also to fulfill daily needs. Since land occupation occurred in structure, systematic and massive manner for the benefit of plantation industry businesses (corporations), it impacts directly on villagers' economic welfare because they gradually lost forest resources and the land itself (Landless).

Land expansion induced by large corporations eventually gives rise to community frictions. It commonly occurs in various regions in Indonesia, plantation land dispute problems that occurred in Tumbang Koling also involved political policies regarding agrarian systems. It would cause inequality in managing agrarian resources within indigenous communities.

According to Nailus (2010:14) land disputes occurrence derived from complex roots and dimensions, including weak recognition of indigenous rights or communities traditional law inside Indonesian positive law construct. According to Zakaria et al (2015:3) the dispute occurred due to allocated region licenses overlapping, region occupation and deprivation, corruption, expansive behavior of companies' figure, and those are classic problems in each plantation projects.

Based on overall data obtained regarding land dispute occurred in Central Kalimantan province, 122 cases are scattered in every regency spread in 59 villages and 44 districts (WALHI, 2013).

2. METHODOLOGY

The study used qualitative approach, focused on ethnography. An ethnographic study in this article's context involved method used to explore social meaning and life activities. It involved researchers participating directly in ongoing social life during observation (Brewer, 2000:10).

Social Movement Perspective

Taking into account ethnographic postmodernism perspective and subaltern social status in indigenous farmer community Koling village, two fundamental issues for new version of ethnographic sociological form of relationship with social change, social action (social action), and practical representation scope of cultural reality. Villagers was to understand and cope with the changes taking place around them

In order to explain the reality of changes faced by communities Cempaga Hulu District East Kotawaringin in Regency, according to Burawoy (1992:9), researchers need to collect ethnographic data freely and role of extension case methods. Mainly to guide researchers as ethnographer regarding political context of agrarian state policy, which indirectly favor oil palm companies in the region which encourages unfair control and land management in Koling society.

Context of communities affected by unjust state political policies is social community subordinate called traditional farmers as social culture subsystem in the countryside. It hosts observed events and issues both in the form of fundamental questions regarding domination and social resistance.

Case study employed in this research implies an emphasis on processes and meanings have not been examined closely. The author emphasizes the nature of socially built reality, close relationship between writer and studied subject as well as pressure on situations which initiated the investigation.

Robert E. Stake suggested that most of the case studies (case study) possess qualitative trait, while the rest employs quantitative. This research positioned the case of social resistance through tahiing culture as a model of resistance movement employed by indigenous farmers (pamalan) of Koling village. This research emphasized greater alignment with the interests of naturalistic, holistic, cultural and a few phenomenological elements.

3. FINDINGS

3.1 Difference in Legal Claim of Land Management and Utilization

Land dispute started after plantation corporation BGA Group Estate Ltd., one of RSPO (Roundtable on Sustainable Palm Oil) member with registry number 1-0043-07-000-00, possessing Location Permit (LP) from East Kotawaring in Regent Ref. Number 803/460.42 Date 15 Agustus 2005 dan Ref. Number 525.26/678/EKBANG/2005 Date 28 November 2005 with total land concession more than 14.000 hectares. Location permit for plantation was initially conducted for Nabatindo Karya Utama Ltd. but NKU Ltd. affiliated with BGA Ltd. which is registered and its central management based in Singapore.

Plantations expanded and breached into areas possessed by indigenous people. Issue that steals public attention is the process of land acquisition in rural areas. Plantation company settle indigenous peoples claims by providing compensation. Compensation process is only granted towards cultivated plants (GRTT) instead of compensating land management in both economic and cultural aspects which has been governed by local communities. Land acquisition process is regarded by local residents as a detrimental practice, because plantation companies only reimburse public lands if local communities could provide legal proof recognized by positive state law such as property ownership certificates (SHM) or SKT / SPPT.

However in reality, Koling village communities are only able to demonstrate claim traditional rights of their land legality simply due to land function and social benefits since 1970, as former agricultural area called petak bahu. Local communities also conduct foraging in the area. Based on past management, local communities regards the land as indigenous forest supported by SKTA No: 79/SKL/Kadus-TBK/X/2000, issued by dusun (hamlet) head and acknowledged by Pundu village head, witnessed by indigenous leader Cempaga Hulu District East Kotawaringin Regency on October 4th, 2000.

Indigenous land has weak bargaining position regarding land legality which could only be proven using ownership certificate or legal land ownership documents. State agency authorized to issue land certificate both in national and local level is BPN alone. Therefore justifying land management rights in Indonesia became a source of problem resulted in dispute (legal gap) with the interests of indigenous people.

3.2 Cultural Frame in Land Reclaiming Movement

Koling Village residents' efforts in demanding and fighting on the ground of indigenous right started in early March 2007. Villagers' action is represented by several local indigenous leaders. The citizen representatives staged a prosecution for the first time informally against NKU Ltd. management representative. During which representatives do not use acts of mass violence, instead favor peaceful approach and engage the discussion in warm atmosphere. In Oommen perspective, said citizen action are categorized as a form micro mobilization protest without violence, temporary and unorganized (Oommen, 1990:392).

By choosing the open protests activity, the prosecution movement on the indigenous land right did not end as expected. Their demands were not responded positively by NKU Ltd. management. Based on circulated information, company's management reasoning in rejecting citizen demand against company's action in not complying to field map outlined in Izin Prinsip or Principle Permit (IP) previously issued by East Kotawaringin Government.

In early December 2007, Koling village representatives continued their movement by reporting plantation companies and East Kotawaringin Regent to Governor of Central Kalimantan Province in Palangkaraya City. Governor issued official letter No. 593.83/153/TAPRA instructed the Regents to conduct concrete action in settling land disputes. As of July 8th 2008, open meeting was conducted at Office / Central East Local Government at Sampit City East Kotawaringin Regency.

The meeting was facilitated by local government which was represented by Regent First Assistant, Provincial Secretary who was represented by the Head of public administration, Head De-concentration and Relief Effort, Head of Forestry Data Central Kalimantan Province, Deputy Head of Plantation Central Kalimantan, Regency Plantation Office, Head of BPN, NKU Ltd. Management and attended by Koling village representative. The meeting produced important conclusions as recommended to both parties. Plantation companies are required to reimburse indigenous communities land, but only 50 hectares were recognized for reimburse. The 4,000 hectares proposed by representatives could not be proved for their legal rights formally.

Various forms of accumulated frustration and led the struggle over land rights continued utilizing tahinting culture started on 5th to 16th September 2013. Cultural action was carried out secretly by the citizens undetected by plantation companies. They started by conducting plantation land cover utilizing cultural approach by tightening rattan ropes (Jereh uwei), about 10 to 20 meters, mounted transversely above the plantations under dispute. Rattan rope (Jereh uwei) or called mounted hinting, equipped with various symbolic attributes in advance. Sawang leaves (sacred leaves), betel leaves and fruits obtained from the surrounding environment were used as sign that the land is under dispute.

3.3 Tahinting Dawen Sawang

Symbolic action acts as a ban or prohibition, especially for plantation company, not to break into blocked land temporarily. Should attempts were made to move or destroy symbolic items called hinting pali on land, they will be directly penalized according to indigenous law called melanggar hinting pali (customs violations hinting pali). It is considered a "taboo" should the other party violate the law. Cultural symbols appear on a rattan rope as warning to plantation company in order not to continue / temporarily discontinue activities associated with land management, until consensus is reached with citizens who claim customary rights to the land.

According to local communities, hinting pali customs violations is equivalent to society norm violation. Violation is understood as an action that does not respect the values upheld in society. Norm violation was described by below he bahadat (life does not heed the norms) term which is upheld by communities in the region.

According to local culture understanding, a life is considered not ideal should a living entity does not recognize the values upheld, which is similar to description of animal behavior (kilau metu). Opposite to life pattern below dia bahadat is below bahadat (life appreciates value of life). Said human behavior is considered decent by community and should be rewarded.

Pali Hinting violation would cause a reaction. According to Scott (1977), such violation is considered as a form of desecration of dominant community ideology violation. Communities, who take offense from said violation, would take defensive stance to fight against it. According to Mashud (2008), insult to cultural symbols in a particular society would offend and disappoint local community.

Each tahinting events contain ritual elements, all of which is done depending on the local imam (priest or religious leader) called pisur adat who performs series of traditional rituals. Places where rituals occurred are traditionally called hinting. Pisur adat entrusted to lead ritual, possess have sufficient knowledge related to basic life values associated with the history of the origin and existence of the land which is claimed traditional objective rights for the community.

In addition to understanding the land's origin of existence values, pisur adat must possess adequate experience in Sangan and Sangiang (sacred language) mastery. It is needed to communicate and explain reason and purpose of community's action. This includes understanding ritual sequence associated with process and meaning of said ritual to ensure the community actions goes as planned. By using sacred language, pisur adat as religious leader in ritual serves as a means of communication in order to link the knowledge and experience of transcendentals in correlation to real world (material) and the non-material world (a world conceived in accordance to ideal). In addition, pisur adat role (imam) was the person in charge of selecting and determining locations where hinting (rope rattan) should be placed or installed.

Fundamental matter in conducting the ritual involves pisur adat perform manyaki or menampung tawar (purifying attendees) using following materials; chicken blood (dahan manok lewu), free ranged chicken egg (tanteloh manok lewu), yellow and red rice (behas taheta) placed in glass container. Rice mixed with other materials were spread/sprinkled over the attendees (takuluk~kalaguet) joining the activity.

Various symbolic attributes involved in the ritual was aimed to instill spirit to attendees and ensure solidarity during the activity. According to Jasper (in Klandermans et al., 2007) ritual function in said context, utilizing a number of symbolic attributes in order to instill group focus and emotional energy as well as zeal (Collins, 2001). It is done to strengthen internal solidarity spirit in performing mutual activity performed in certain rituals.

Community member involved in tahinting rooted from relatives or relationship called kapakat kawan pahari or tunda kula. It involved around 40 people in total, 30 people from Koling Village, 4 from Tumbang/Sanak Village, 3 relatives from Seluncing Village, and 3 representatives from Pundu village. Built solidarity in tahinting activity as each member's moral awareness, aside for being fellow victim in losing land management rights but also caused by agrarian farmer cultural subsystem. Therefore egalitarian and communal culture has been long in practice. Forementioned culture is called handep haroyong~hambairing (gotong royong or solidarity culture spirit) which emerged as dominant character and It influences both community actions' situation and condition.

Strong group solidarity in community subsystem culture facilitated the members building collectivity in land reclaiming movement using tahinting culture. Therefore, kinship social ties are very influential in gaining movement members support. Kinship aside, emotional and affective aspects regarding similar fate (losing land management rights) played important role in influencing members awareness to join community coalition.

Being disgraced or ashamed (mahamen) and other moral aspects became primary reason why the community members involved themselves into the movement. Disgracefulness or shame feeling (mahamen) would emerge should someone refused to be actively involved in community movement, due to fear of minimal possibility of being not considered as family members or being ignored by community. Therefore, majority of movement attendees generally came from close relatives possessing strong kinship in the community.

Social solidarity represented in culture moral value called handep has been transformed into collective moral awareness. Therefore a person would voluntarily join in tahinting land reclaiming movement. Individual objectives and motivations would emerge as potential threat to collective movement. In event such threat appears, it would be resolved as a group in the community.

Cultural figure in Koling Village is considered apt and capable as well as well regarded. Forementioned cultural figure is generally called uluh bakas lewu (elder). Community's central figure appears as someone respected, in his own family in minimum. This community figure's role and experience should not be questioned. Aside from their vast knowledge regarding claimed land, they also act as moral guidance in conduct and action.

In ancient Dayak Ngaju community, uluh bakas lewu from family members usually automatically appointed by local communities to be formal custom figure called damang, or mantir adat. Cultural figure existence functions representatively to upheld moral values in the form of social norms in the community. This cultural figure was appointed by the community based on their vast cultural knowledge and adequate life experience (are kuman uyah). Often they act as representatives or mediator in order to resolve issues in the community daily life.

In tahinting movement, there are several influential figures involved in land reclaiming movement. The figures are Mr. Lawin Tihang (95), Mr. Stone Kristopel Sahabu (81), Mr. Siber T. Isa (75), Mr. Paul T. Isa (78). The four gentlemen aren't formal community figure as explained above. The function of mentioned figures are to plan the movement actions, such as determining approaches used in claiming their rights. The approach used was informal persuasive (open protest movement to NKU Ltd., Regent, Governor and DPRD or Province Legislative) and cultural approach.

In mass mobilizing, the cultural figures play an important role in gaining support from relatives or family member to be involved in tahinting movement. Due to their strong influence in the family, mobilization process through a network of relatives' members ensures the movement members participate consciously and voluntarily in the community. Regarding the importance of cultural figure's role, according to Mashud (2008:271) they are considered as conceiver and primary initiators of land reclaiming movement done by the community.

During the movement activities, the figures are required to control members' mental and emotional condition. Therefore the figures words and orders possess strong influence in maintaining members'

psychological condition. The cultural figures play an important role, ensuring community movement could be conducted as planned.

The movement members did not conduct their activity using anarchic actions, such as destroying palm trees in the plantations. Despite non-existent violence, tahinting was conducted for 11 days, it delays companies routine activities to transport fresh fruit bunches (TBS) harvested on site to be delivered to raw palm oil processing plant CPO. There were broken and expired palm fruits as a result in delay.

As a reaction of the movement, Koling villagers conducting tahinting received direct response from NKU Ltd. management. During discussion, despite difficulties occurred, both parties could agree on two important issues: first, settling community claim over land would be continued in Management Representative Office NKU Ltd. in Koling Village. Second, due to previous agreement, company management requested for the community movement to be concluded, because it delays palm fruit (TBS) transport from plantation site to processing plant.

During the meeting, attending villagers could only present their claim over land in the form of Surat Keterangan Tanah Adat or Indigenous Land Certificate (SKTA) issued by Lembaga Adat or Indigenous Institute of Cempaga Hulu District. It is ironic considering member of communities are in bargaining position in the process of defending their traditional rights. In short, the villagers were in weak party in their endeavor in claiming recognition over their claim over disputed land.

Weak bargaining position faced by Koling villagers, resulted in them accepting bitter truth: losing their social, economy, and cultural rights over land ownership/ management in their own region. The most important issue for Koling Village communities that their endeavor in claiming their right over disputed land utilizing tahinting, granted them a degree of satisfaction. Unfulfilled previous expectation could bring the issue through approach that is appropriate to their cultural value construct.

The endeavors are believed by local communities to be a rational approach, therefore obtained success to produce result or, in another word, reclaiming their rights over land, was not the primary message of the movement. According to their belief, community movement exhibits their good will and hope as social community that should be considered.

Despite the movement were conducted in simple manner and form in order to claim traditional rights, they possess moral awareness that ought to be highly valued. According to Scott (1985:38), the resistance form exhibits human individual as animals who are capable of thought process and possess social spirit. Therefore their awareness should not be ruled out which involves meaning behind communities actions.

4. CONCLUSION

Utilizing local cultural features in reclaiming movement conducted by Koling village community is a form of struggle against the moral principles of economic justice. Economic justice resistance is a very basic form which involves more than land dispute in material sense, but also as sole asset of social community subaltern.

A form of resistance conducted by indigenous farmer subsystems community in Tumbang Koling village was very simple, unpretentious, did not require formal and sophisticated strategies as demonstrated in a large social movement in general. The resistance was conducted is only through an indigenous culture action called tahinting.

Cultural framing occurred in Koling villange community resistance contains fundamental elements presented as action, among which are ritual elements that aids in building positive energy for binding internal group solidarity in primordial group.

In addition to resistance movement which is expressed through symbolic actions, the course of cultural movement is also determined by social support from relative members in primordial network called (pandohop friend pahari). Members involvement in the movement arises from individual awareness instead of self-motivation to seek material gain.

Relative members awareness to get involved in the movement caused by disgraced feeling or shame (mahamen). There are relative members who fear being ignored or disregarded by community members as consequence of their refusal to join the movement. Collective morality is a cultural construction subsystem which address problems faced done as a group. Moral awareness collectiveness is called handep hapakat haroyong ~ hambairing (cultural communnality) in local language.

There are a number of matters to be understood in light of Kolling village customs and traditions. Those customs are unique and make more sense as their party desire to gain guarantee in regards to protecting their traditional subsistence life as farmers.

Implications of theoretical results in this study, in addition to strengthen social resistance, especially in the perspective of moral economy, but also challenging mainstream perspectives for farmer resistance movement using structural approach (structural framing) is dominantly influenced by social movement paradigm. This perspective views farmer resistance as a rational movement. They possess objective in their decision which prioritize selective incentive in calculating cost and benefit. Utilizing mathematic calculation as the base, motivation and purpose affected farmers taking part in the collective movement. In other words, farmers as individuals are free to develop their own creativity rationally (Popkin, 1979).

But in case of resistance movement conducted in Cempaga Hulu District, the resistance didn't exhibit motives and goals based on cost and benefit calculation. Although Kolling village community used tahinting movement which could be connected and related material objects in question and fight for reclaiming rights over communal land, the cultural action could not be merely valued in its material aspect. It is a struggle to demand justice for rights on land controlled by unilateral NKU Ltd. Land controlled by PT. NKU is the source of production tools which is not merely a matter of economic rationality. Land is associated with every lives existence and socio-cultural identity of the people who for a long time to build their lives as traditional farmers in the village.

Motivation and purpose of movement utilizing tahinting in endeavor to reclaim land rights refers to values shared moral collectiveness. The members involved in the action are individuals struggling for primordial community interests in group movements. They should be seen as a whole in considering kinship network based on strong bonds of solidarity. Disgraced feeling, shame, and other ethical considerations become key principles for people to join tahinting land reclaiming movement. Therefore efforts focused on cultural element in resistance movement will allow ensure participants gaining satisfactory result, instead of maximizing profits in pure economic value. Thus a key element in the resistance culture teaches best conducts in uncertain conditions. Although there are no rationally correct solution is available, a decision must still be made

Moral economy approach to understand farmers' movement contains a weakness. It ignores the collective awareness and moralities exist in subaltern communities residing in countryside. This assumption based on community daily activity. There are individuals prepared to live and act in solidarity groups built.

Land reclaiming movement conducted by Kolling communities in the form of tahinting is a form of farmer collective awareness in giving meaning to their behavior as well as ideology elements. Those elements included symbol, norm, rituals, and other basic ideological forms. Those ideological elements could not be separated from community behavior. However partial or incomplete public understanding regarding the situation, they are basically inspired by faith, values and objectives that conditioned their actions. Value based society bases itself on the principles of normative and understanding of social praxis existence. Thus, social resistance must also be seen as the logical outcome of the imperfect social stratification structures in which the resistance movement takes place through the interplay between values, ideology and action / social actions (Gore, 1993: 19).

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