

# Land Conflict in Tourism Destination Development at West Halmahera Regency:

A study at Tuada and Bobanehena Villages, Jailolo District

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**Abstract**—Hindrances are also tackled by the villages in the implementation of their development program, mainly the communities located in West Halmahera Regency, namely: *first*, there are conflicts or land disputes related to the development in tourism objects and destinations between the Village Government and the local villagers. *Second*, the weak ability of actors at the village level in planning or developing program plans that are appropriate to the needs of the region. *Third*, a lack of knowledge, a lack of writing ability or conceptualizing, and delivery of opinions possessed by the village discussion participants. This research aims to understand in depth about the Land conflict in Tourism Destination Development in West Halmahera Regency. This study uses a qualitative approach, while the type of research is called constructivism. The results of this study indicated that there is no mutual understanding between the village government and community members regarding the settlement of land disputes or conflicts at the Tourism Objectives and destination area. In addition, there are differences of beliefs, regarding the ownership of the legal status of the land and can be proven by the certificate of ownership for the property that is utilized as a tourist attraction.

**Keywords**—land conflict; tourism; village apparatus and society

## I. INTRODUCTION

Village development program aims to improve the welfare of the village community and the quality of human life and poverty reduction through the provision of basic needs, development of facilities and infrastructure, development of local economic potential, and sustainable use of natural and environmental resources. As a consequence, the Village prepares development planning in accordance with its authority with reference to Regency / City development planning.

The Village's Development plan document is the only planning document in the Village, and it is the basis for the Village's Budget preparation. Development planning is organized by involving Village Community through Village Development Planning Meeting. The Village's Development Planning Meeting sets out the priorities, programs, activities, and the Village Development needs which is funded by the Village's Income and Expenditure Budget, village's community supports, and / or the Regency / City Regional

Revenue and Expenditure Budget based on an assessment of the needs of the village community.

Problems in the enactment of village development were also confronted in West Halmahera Regency. The issuance of Law Number 6 the Year 2014 about Village, has raised several serious problems at the village level of community, namely: *first*, the existence of conflicts or land disputes related to the development of tourism objects and destinations between the Village Government and the villagers inheriting the location. *Second*, the village's actors that do not have proficient knowledge and ability in planning or developing program that is appropriate to the needs of their own region. This happens because even if the village has the authority to formulate a program that is in accordance with the village's objective conditions, it must be inline with the priorities of the Regency / City program and activities (vide article 79 of Law Number 6 the Year 2014). *Third*, limited knowledge, ability to write or conceptualize, and articulation of opinions or opinions from village discussion participants, especially in terms of program planning, including the issue over disputed tourism objects in their village.

With the distribution of village funds and village fund allocations totaling Rp168,382,047,000 for one hundred seventy villages in West Halmahera Regency in 2016 which is one of the Regencies designated as underdeveloped regions in Indonesia (Presidential Regulation Number 131 of 2015), as well as Article 12 of the 2015 Ministerial Regulation that " local authority at the village-scale in the field of village's local economic development as referred to in article 9 letter C includes, among others; Village Tourism Development outside the Regency / City Tourism Development Master Plan (letter P article 12 *Permendes* number 1, 2015), researchers intended to understand more deeply about "Land Conflict in Tourism Destination Development in Tuada Village and Bobanehena Village, Jailolo District, West Halmahera Regency."

Development in the city cannot be separated from the reality faced by the community. Therefore, in its implementation there is always an accompanying conflict, it can be in the form of rejection from certain groups or disagreement from another group. Based on the description above, problems can be formulated as follows; 1) how is the

Land Conflict of Tourism Objects in Tourism Destination Development in Tuada and Bobanehena Village, Jailolo District, West Halmahera Regency? 2) what are the factors that led to the Land Conflict of Tourism Objects and the completion models offered in Tourism Destination Development in Tuada and Bobanehena Villages, Jailolo District, West Halmahera Regency?

## II. METHODOLOGY

This research uses a constructivism approach. In the explanation of the ontology of the constructivist paradigm, the reality is a social construction created by an individual. However, the truth of social reality is relative, which applies according to the specific context that is considered relevant by social actors [1].

## III. THEORY AND CONCEPTS

### A. Policy Formulation Theory

According to Guy B. Peters, "a great deal of policy formulation is done by inertia, by analogy, by intuition". Consequently, because they (feel) or consider them self as the experts in a policy maker, the official does not need to carry out a policy analysis process that is appropriate and accountable. It means that is, not a few professional bureaucrats have the mission to make public policy without going through policy formulation. They have changed, from "public policy professionals" to "public policy witchdoctors" [2].

1) *Comprehensive rational theory*: The main elements of a comprehensive rational theory are as follows; a). Decision makers are confronted with a particular problem, which can be distinguished from other problems or at least assessed as problems that can be compared with each other. b). Objectives, or values, or goals that provide guidance to decision makers are very clear and can be ranked according to the order of its significance, c). Various alternatives for solving these problems are examined carefully, d). The consequences (cost-benefit) generated by each selected alternative are examined. I). Each alternative and each consequence that accompanies it, can be compared with other alternatives. f). Decision makers will make alternatives and their consequences, which can maximize the achievement of the goals, values, or targets that was outlined. Rational-comprehensive theory: gets sharp criticism from various experts. Yanow, D, this economist and mathematician explicitly stated that the decision makers were actually not dealing with concrete problems and clearly formulating. Instead, they must first identify and formulate the issues, and from here on they make a decision [3]. Incremental Theory: Incremental theory in decision making reflects a theory of decision making that avoids many problems that must be considered (as in comprehensive rational theory), and at the same time is a theory that more often describes the ways in which government officials take everyday decisions. The points of incremental theory can be described as follows; a).

the selection of goals or objectives and analysis of empirical actions needed to achieve them are seen as something that is interrelated, rather than as something mutually separate. b). decision makers are considered to only consider several alternatives that directly relate to the subject matter, and these alternatives are only considered to be different incrementally or marginally when compared to existing policies. c). For each alternative, only a small number of basic consequences will be evaluated. d). the problems faced by decision makers will be redefined regularly. The view of incrementalism gives the possibility to consider and adjust the objectives and means, as well as the means and objectives so that the impact of the problem is more manageable. e). There is no right decision or solution for each problem. The test stone for good decisions lies in the belief that various analysts will eventually agree on certain decisions, even without agreeing that the decision is the most appropriate as a means to an end. f). Incremental decision making is essentially a minor improvement.

2) *Integrated observation theory*: A promoter of this theory is the organization sociologist Amitai Etzioni who agrees to the criticisms of incremental theorists who are directed at comprehensive rational theory. However, he also shows that there are some weaknesses in the incremental theory. For example, decisions made by incremental adherents will better represent or reflect the interests of strong and established groups, as well as groups that are able to organize interest in the society. Meanwhile, the interests of weak groups economically and politically will be ignored. Furthermore, by focusing on short-term interests or goals and only trying to pay attention to the limited variation in current policies, the incremental model tends to ignore opportunities for the need for fundamental social innovation. Therefore, according to Yehezkel Dror, the incremental style of decision making tends to result in sluggishness and maintain the status quo so that it impedes efforts to perfecting the decision-making process itself. For experts such as Dror who is basically one of the advocates of leading rational theory, this incremental model is actually considered a strategy that is not suitable to be applied in developing countries because, in these countries, small (incremental) change is not sufficient to achieve massive improvements [4].

### B. Conflict in Program Formulation

Ralf Dahrendorf explained, "Classes, understood as conflict groups arising from authority structures, conflict in conflict. The standpoint of the social order, conflict is viewed from two positions [5]: {a) it may be destructive of social stability and bad because it is a proof of the breakdown of social control and therefore the symptomatic of underlying instability in the social order. "Express a value preference for social stability" positions.

Related to conflict or class conflict, Dahrendorf further confirms two important things, "first, I should not hesitate, on the level of value judgments, to express a strong preference for the concept of societies that recognizes the conflict an essential feature of their structure and process. Secondly, and quite apart

from value judgments, a strong case can be made for groups of conflicts having consequences which, if not "functional," are utterly necessary for the social process. This case is the difference between the two faces of society - a distinction which underlies our discussions. It is the ultimate proof of the necessity of distinguishing these two faces that conflict itself, the crucial model, the two faces, i.e., that contributes to the integration of social "systems" and that of making for change" [5].

While Gabriel Lele, in Subarsono, explains, in addition to the value dynamic, the increasing complexity in the policy process is also triggered by the character of a value. Some of the values possessed by actors are material-instrumental while others are fundamentally ideological. An actor can ignore the value of his material if there is a compensation mechanism to cover his loss or damage. Conversely, for fundamental-ideological values the agreement or compensation will be difficult to achieve and if the policy maker insists on continuing the agenda, the conflict will definitely occur. The conflict surrounding the conversion of the Mbah Priok Cemetery in Jakarta is the clearest example [6].

### C. Tourism

Tourism has different definitions referring to the very multidimensional concept. Based on their respective perspectives according to the goals to be achieved, practitioners and experts also define tourism differently [7]. Mathieson and Wall define tourism as a series of activities in the form of temporary movement of people to destinations outside their usual residence and workplace, activities they do while living in that destination, and the ease of convenience provided to meet their needs during on the road or at the destination [8].

The World Tourism Organization (WTO) defines tourism as a travel activity to a place and lives outside of their everyday environment not more than a year and aims to rest or have fun, business, and other purposes that are not related to their daily activities as long as they are in tourist destinations. There are four aspects that must be considered in tourism offers. The factors that influence tourism offerings are as follows Yoeti, Attraction (attraction), tourist destination area (hereinafter referred to as DTW) for it to be attractive for the tourists, it must have an attraction, both the attraction of nature or the society and culture; 2) Accessible (transportation), intended so that domestic and foreign tourists can easily reach the destination to tourist destinations. Amenities (facilities) are indeed one of the requirements for tourist destinations so that tourists can stay longer at DTW [9].

## IV. RESULTS AND DISCUSSIONS

The management of *Tanjung Pejuang* tourism object in Tuada Village is inseparable from the conflict behind it. Amran Bayau, Chairman of the BPD Tuada Village, said; "Indeed, there has been a land conflict between the head of the Hilman Malik Tourism Awareness Group with the family of the late Haji Abdullah. It is true that the origin of the land belongs to them, but it has been granted, but then again, the grant letter does not exist.

According to Amran Bayau as the Head of the Village Consultative Agency, the land where tourism was developed in Tuada Village belonged to the family of Haji Abdullah and his heir, but the land had long been granted to the Government of Tuada Village. Unfortunately, when the researcher asked for proof of the handover of the intended land grant, both the board of the Village Consultative Agency and the officials of the Tuada Village Government could not show evidence of the handover of the intended land grant.

Whereas Hilman Malik, Chairperson of the Tuada Tourism Awareness Groups (*Pokdarwis*), said: "It is true that there has been a land conflict. At that time in 2013, I was thinking about tourism, I coordinated with his younger brother Dr. Baharuddin Hi. Abdullah. I asked his brother to coordinate with Pak Doktor, but apparently, as time went on it was not delivered, so it was a complaint by Dr. Baharuddin". Hilman continued; Regarding the management of *Tanjung Pejuang* tourism objects, whether managed by Tourism Awareness Groups that I lead or managed by the Village-Owned Enterprises (*BUMDes*) Maku Ise Village-Owned Enterprise that managed by Udin Bakar, I am in both side, I agree, as long as the management give benefits to the community.

As with Amran Bayau as Chair of the Village Consultative Agency, Hilman Malik as the Chair of the Tourism Awareness Group long ago has been coordinated with the heirs of the land claimed by the Village Government as a tourist land that the family had granted to the local Village Government. Even though later came protests from the family of Haji Abdullah as heirs, according to Hilman, this happened because the initial coordination with the younger brother of Dr. Baharuddin was not forwarded to his brother's side, resulting in a misunderstanding.

In addition, Dr. Baharuddin as heir when asked for his opinion by researchers said: "The land belongs to the family of Haji Abdullah, and I am his great-grandson. The land has not been granted yet so that people only have the right to use, but they cannot make certificates. Iksan as the elected village head never contacted the family for the use of as a tourist attraction. For us as the heir families, it was not a problem using our inheritance land for tourism objects, even though initially without any notice to us as the heir families, we only requested that tourism management can be transparent and accountable, meaning when there is income from the tourism, some of it needsto go to the village treasury and some designated to the community for development"

For the heirs of the land that used for tourism development, Dr. Abdullah said in principle that it was not a problem with the use of the property, provided that the certificate of ownership was not made, the management of the retribution funds was transparent, and the excess funds were also used to help develop the village's facilities and infrastructure for community or public interest in general.

Regarding the conflict of management of *Tanjung Pejuang* tourism object between the Tourism Awareness Group and the Maku Ise Village Owned Enterprise, Ayub Bayau as the Community Leader gave his opinion. He said; "I saw the Chairman of the Tourism Awareness Group brother Hilman Malik had a different choice in the Village Chief election

yesterday. The choice is not for Mr. Iksan Faruk (the elected village head). Moreover, about eight months to he is the one who took care of these tourist attractions, the Chairperson of the Pokdarwis is not accountable. My suggestion, if possible, there is a financial accountability report every month to the Village Chief. Moreover this is a financial matter."

The management conflict of *Tanjung Pejuang* tourist attraction between the Tourism Awareness Group and the Maku Ise Village Owned Enterprise also received a response from Ayub Bayau as a community leader. According to Ayub Bayau, conflict management in the Tuada tourist village has a political interest. The difference in choice in the 2016 Pilkada resulted in the handing over the management for the Chairman of the Hilman Malik Tourism Awareness Group to Udin Bakar as the chairman of the Maku Ise Village Owned Enterprise. Udin Bakar, Chairperson of the Tuada Village-Owned Enterprise, provides a solution as follows: "the solution to conflict or interest in managing the interests of *Tanjung Pejuang* tourism attractions between Tourism Awareness Group (*Pokdarwis*) and the Village-Owned Enterprises (*BUMDes*) is clearly stated in the regulation, that later the Tourism Awareness Group will be under the Village-Owned Enterprises (*BUMDes*) to manage the tourism objects."

Management of tourism objects in the village of Bobanehena is also inseparable from conflict. The conflict that occurred was related to the management of the Bobanehena beach hot spring, Sofyan Labuha as the Chairperson of the Tourism Awareness Group said; "There has been a conflict between those who own the land and us as a tourism conscious group and people who are using some land as vendor, but in 2016, the district government paid off the land and is now act as the district asset. Since then there has been no conflict. "

Unlike the land status in Tuada Tourism Village, in Bobanehena Village, the land used for tourism development by the Tourism Awareness Group chaired by Sofyan Labuha is the land owned by the Government of West Halmahera Kabupaten. The area was purchased by the Government of West Halmahera Regency after a conflict with landowners. Mrs. Feny Kiat, S.STP., M.Sc., as the Head of the West Halmahera District Tourism Office confirmed Sofyan Labuha's statement. According to her; "The land which is a tourist attraction in Bobanehena Beach has indeed been purchased by the West Halmahera Regency Government and has now become the asset of the Halbar Regional Government. If the Bobanehena Village Government develops or builds several facilities on the land it is also not a problem because there is a Cooperation Agreement between the Ministry of Tourism and the Ministry of Village Number *PK.87 / KS.001 / DPDIP / KEMPAR / 2017 and Number 009 / DPPMD / PKS / IV / 2017* About Development of Tourism Villages through Development and Empowerment of Village Communities."

In line with Feny Kiat, S.STP., M. Sc, the Head of the Legal Section of West Halmahera Regency Deny Gunawan Kasim, SH. MH also commented on the status of the tourist attraction in Bobanehena Tourism Village, according to him; "Until now, there has been no complaint from the Government of the Regency of West Halmahera about the facilities development built by the Village Government on the land

owned by the West Halmahera Regency Government. Later this cooperation can be made between the district government and the village government " .

Ideally, the asset use of West Halmahera Regency Government by the Village Party needs to get approval or at least a written notification to the Regency Government. But until now there has been no complaint from both parties so that there is no dispute. Later a cooperation agreement will be made between the Government of West Halmahera Regency and the Bobanehena Village Government in order to minimize and at the same time reinforce what activities that are agreed upon and not by both parties in order to develop the Tourist Village.

Furthermore, the conflict in the development of Bobanehena Tourism Village was explained by the Village Head Bobanehena Iswan. According to Iswan: "There is no conflict in tourism management because I present all the citizens and I explained that to manage tourism needed institutions, then Tourism Awareness Groups (*Pokdarwis*) was formed but only as management, because Tourism Awareness Groups (*Pokdarwis*) did not deal with technical matters such as selling fried bananas, chips, food, etc. This is where the involvement of mothers of the community (women empowerment) needed.v"

To minimize conflicts between residents in the tourist villages management, especially in the economic or trade sectors, the Village Head, Bobanehena Iswan, invites villagers to attend and discuss the forms of management for economic potential or trade business deliberatively. This means, institutionally all types of trading business are managed or run by Tourism Awareness Groups (*Pokdarwis*), but the technical affairs remain managed directly by each involving party. In addition to the Village Head Bobanehena, Chairman of the Bobanehena Village Consultative Body Risal Abdurrahman also said, "As for the management of tourism there is no conflict because all are managed by Tourism Awareness Groups (*Pokdarwis*) to be more directed."

Regarding conflicts in the management of *Tanjung Pejuang* tourism objects in Tuada Village and hot spring water tourism objects on the coast of Bobanehena, there are two conflicts that have developed. First, land conflicts that occur between landowners who are used as tourism objects and the managers are Tourism Awareness Groups (*Pokdarwis*). In disputes related to land values, the values possessed by actors can be material-instrumental or fundamental-ideological. An actor can ignore the value of his material if there is a compensation mechanism to cover his loss or damage. Conversely, for fundamental-ideological values, the agreement or compensation will be difficult to achieve, and if the policymaker insists on continuing the agenda, the conflict will undoubtedly occur.

Land conflicts in Tuada and Bobanehena villages fall into the category of material-instrumental values rather than ideological fundamentals. An actor can ignore the value of his material if there is a compensation mechanism to cover his loss or damage. Conversely, for fundamental-ideological values, the agreement or compensation will be difficult to achieve, and if the policymaker insists on continuing the agenda, the conflict will definitely occur. The conflict surrounding the conversion

of the Mbah Priok Cemetery in Jakarta is the clearest example [6].

Thus, when there is a talk of compensation or the purchase of disputed land, the conflict can immediately be overcome. Because it is material-instrumental, the compensation or reimbursement mechanism offered can immediately resolve the conflict. This happened in land conflicts between the Bobanehena Village Tourism Awareness Group and land owners who were eventually bought by the West Halmahera Regency Government. For land disputes in the Tuada Village tourism object, the land value is instrumental because it can be purchased by the Village or Regency Government if there is a suitable price, but it is also ideological fundamentally because the Banau and Po'en fighters once made the place a movement base resistance to the Dutch invaders. Therefore, even though someday there will be a purchase or compensation for land, the community can still enjoy the place of "independent struggle" because it developed into a tourist object attraction.

Second, management conflicts that occur between Tourism Awareness Groups (*Pokdarwis*) and the Village-Owned Enterprises (*BUMDes*) in Tuada Village. Approximately eight months were managing TanjungPejuang tourism object, the Chairperson of the Tourism Awareness Group has not provided an accountability report for the management of the tourism object. Therefore, the Village Head hand over the management responsibility for Tanjung Pejuang tourism objects to the Village-Owned Enterprises (*BUMDes*) which will oversee and supervise the work of Tourism Awareness Groups (*Pokdarwis*).

#### V. CONCLUSIONS

Research on Land Conflict of Tourism Objects in Tourism Destination Development In Tuada and Bobanehena Village, Jailolo District, West Halmahera Regency has several important notes which can be summarized as follows; 1) there is no mutual understanding between the village government and community members regarding the settlement of land disputes or conflict in Tourism Objects in developing tourism destinations in Tuada Village and Bobanehena Village, Jailolo District, West Halmahera Regency; 2) there is a difference of opinion regarding the ownership of the legal status of the land and can be proven by the certificate of ownership that is used

as a tourist attraction so that it can be a barrier in developing tourism destinations and will be resulting in the visitors' inconveniences.

#### VI. RECOMMENDATIONS

Some recommendations related to research on Land Conflict of Tourism Objects in Tourism Destination Development in Tuada and Bobanehena Village, Jailolo District, West Halmahera Regency are as follows; 1) the need to facilitate and mediate the society in a formal forum such as the *Musrembang Desa* or informal hearing between the Village Government and the Government of West Halmahera Regency and the community in resolving disputes over tourism objects; 2) the need for the active roles of local village facilitators, village assistants, technical assistance, and community empowerment experts gathered in the advisory consultant to always proactively coordinate and make breakthroughs on all problems that occur at the village, sub-district and district and provincial levels.

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