Conflict Resolution in Community Governance Perspective: Social Capital Analysis on Land Tenure Conflict in Bebidas Village, Lombok

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ABSTRACT

Jurang Koak Indigenous Land Warriors (JKILW) or 'Pejuang Tanah Adat Jurang Koak' claimed that some of the conservation areas of Mount Rinjani National Park (MRNP) are the property of their ancestral heritage. The claim was considered biased by the MRNP manager, as it was very difficult to prove, and so was by JKILW in taking back the area claimed to be customary land that had violated the rules, encroaching the Rinjani forest. In response to the encroachment action, the government made some approaches by negotiation and compromise, but it was not successful, so that law enforcement efforts were carried out, in turn generating a lot of resistance from the community. This land tenure conflict illustrates how legal ambiguity is about handling forestry issues and explains how complex Indonesia's political history of land ownership is and its impact on the livelihoods of local communities. Using a qualitative method through a case study approach, this research aims to reveal how community conflicts are resolved, as well as to explore how community is connected to other stakeholders through social capital theory consisting of bonding, bridging and linking social capitals. The results of study explain that bonding social capital was getting stronger because of the role of community leaders who always help and nurture members in dealing with conflicts, so that community solidity is maintained. Meanwhile, bridging social capital was realized through the assistance of local NGO's and linking social capital through local authority to get support in conflict resolution.

Keywords: *customary land, conservation, forestry conflict, social capital, community governance*

1 INTRODUCTION

Indonesia has approximately a total of 125 million hectare forest area consisting of protected, conservation, production and other types of forests [1]. With the total forest area, Indonesia's forest is the third largest tropical forest in the world but ironically experiences the fastest deforestation rate in the world, - over 1000 km^2 per year [2]. A study by Fisher [3] conducting a survey in 2015 of 87 of 130 directors of The Forest Management Unit (Kesatuan Pengelolaan Hutan or KPH) found that the forestry problem most commonly occurring in Indonesia was forest encroachment conflict, followed with tenure disputes, conflict of forest boundaries with community or customary land and illegal logging problems; there were more than one hundred cases each year related to agrarian and forestry conflicts; as a result, the forestry conflicts aforementioned have contributed to the rate of deforestation.

Conflicts relating to forestry and the environment illustrate how complex the relationship between humans and nature is, because natural resources have significant value for people's life as a source of their livelihood, especially in agrarian countries [4], just like in Indonesia. FAO [5] stated the existence of natural resources including forests and other open land has a very intrinsic value in the context of social and cultural values, as a driver of economic activity, as a differentiator of social status and cultural practices related to nature that have been sent down for generations. Basically the balance between conservation efforts and the economic development of local communities is the key to an effective forest management, so that local communities can independently regulate and allocate their resources to protect and obtain livelihood sustainably from forests as a basis for the formal legal protection and recognition of customary forest [6]

Land and forest tenure conflicts occurring in Bebidas

Village, Lombok in 2015 led to forest encroachment in the Mount Rinjani National Park (MRNP) with about 100 hectare-wide area; this action of course also contributed to deforestation rate. Some villagers have done some actions prohibited by Law Number 41 of 1999 Concerning Forestry stating that everyone is prohibited from: a) illegally working and or using and or occupying forest areas; and b) encroaching on forest areas. In fact, some villagers have encroached or opened the forest area without the official or authorized agency's permission. The cleared forest area was then converted into small-scale agricultural land with several types of vegetables and fruits plantations. Because of its strategic location, bordering on public roads, the community took economic advantage from the area by building the Nature Tourism of the Jurang Koak Customary Land 'Wisata Alam Tanah Adat Jurang Koak' (Jurang Koak is one of the hamlets in the village of Bebidas). Likewise they occupied and controlled the forest area by building semi-permanent settlements where some people live there, and also constructing roads and bridges for tourism.

There are two main reasons of why this tenurial conflict occurred, leading the community to encroach the Rinjani conservation area. The first identified reason, as suggested by De Jong et al, Yusran et al and Riggs et al [7][8][4] who conducted research about forestry conflicts, is that land tenure conflicts generally occur because of the ambiguity of legal formal law generating long-term conflict that reflecting how the complex political history of land ownership and its impact on the livelihoods of local communities. In the context of the conflict in Bebidas village, what had happened was that local communities had not been historically involved in determining the boundaries of conservation area and the strategic attitudes affecting their livelihoods from land and forest use. The Mount Rinjani has been established to be a Wildlife Reserve area since the Dutch colonial era through Staatblad No. 77 of 1941 until its establishment as National Park through Minister of Forestry Decree No. SK.298 / Menhut-II / 2005 dated August 3, 2005. This establishment, in fact, was a form of top-down decision making, according to Rozaki [9], has intervened in the ownership of rights to land held by the community, and obscured the history of the existence of ancestors in Rinjani. Therefore, they 'feel they have the right' to reclaim the land they called 'tanah adat' based on the ancestral graves that have existed for decades in the Rinjani forest area. They named their community movement "the Jurang Koak Indigineous Land Warriors (Pejuang Tanah Adat Jurang Koak)". This condition explains the existence of economic factor as a second reason [10]; tenurial conflicts lead some families to seek formal and informal ownership of forest areas as a way to survive by meeting basic needs, and also to take short-term economic benefits [4][11]. The communities clear the MRNP forest area and then plant vegetables to meet their needs, and they also took economic benefits by building tourist attractions in forest areas that have been cleared.

This case study is chosen because of the persistence of the communities in defending what they claimed to be a part of their hereditary history, in turn generating conflict between them and the authorities for a very long period, so that the conflict broke out in 2015 as the culmination of their resistance against the authorities. This study explores the capacities and abilities the communities have in terms of how they strengthen the cohesion existing in the community and how they form and attract moral support and funds outside their community. Thus, community governance is needed to understand and explain this problem. The basic idea of community governance theory is the loss of government and market legitimacy that has increasingly encouraged the creation of neo-liberalism and communitarianism [12][13], that is because the authorities are unable to provide real solutions to the public problems for the community other than law enforcement efforts. Social Capital is a vital element of community governance concerning the way of making decisions from, by and on behalf of a group of stakeholders in the community [14]. The purpose of current study is to reveal how the conflict resolution is carried out by the community and authorities, their relationship with stakeholders using the social capital theory consisting of bonding, bridging and linking social capitals.

2   LITERATURE REVIEW

Community governance is used to empower society as a 'community' emphasizing on the community's involvement in joint decision-making between government, civil society and private sector [15], in order to achieve the common goals by identifying strategic capacities, integrating collective strengths among actors and balancing the power differences that strengthen the social cohesion system in the community [16]. It possibly happens if public policies initiated by one party only (e.g. the authorities) are perceived to be detrimental to the community and generating public conflict, so that this community governance bridges the resolution of conflict. Conflict resolution, according to Sudarmo [17], aims to find the causes of conflict so that a new lasting relationship can be established between the conflicting parties. As explored by many experts, conflict resolution, as an integral part of conflict management, can be accomplished in several ways, largely represented by Schemerhorn's thinking [18] classifying five approaches to conflict resolution often referred to the strategy in conflict management: 1) accommodation, 2) avoidance, 3) competition, 4) compromise and 5) collaborative or problem solving. Each of these types of conflict management has a different effect leading to three outcomes: lose-lose, win-win and win-lose approaches. [19].

In this concept of community governance, community becomes the center of discussion; therefore, understanding the meaning of community is useful to reveal who is bound in the community. Community is defined as a group of people in a group engaging in social interaction and are bound by one or more of the following 3 characteristics: territory-based, identity- based and

interests-based [20]. Indeed, there are still many debates and developments related to the definition and scope of community governance, but this study emphasizes on community governance refers to the involvement of stakeholder' actions in relation to the Jurang Koak Indigenous Land Warrior.

Putnam [14] explained that social capital is a very important element in community governance theory; therefore the analytical tool used in this research is social capital. This theory can reveal and analyze the capacity, identity and motivation of a community about the importance of a belief in collective action to solve social problems not surfacing [21][22]. Broadly speaking, there are three types of networks in social capital theory: bridging, bonding and linking social capitals [23].

Bonding social capital is a network in the form of homogeneous relation, in which each of individuals in the group has an equal position based on several similarities in terms of identity, area, purpose and type of network that can strengthen social cohesion between individuals. [24][23]. This model of social relations is the strongest one, because it tends to create exclusivity and sectarian pride among members of community [24], which according to Portes [25] can produce positive social capital fairly for its members from good social control, or can also generate negative social capital because the concept of exclusivity tends to be closed. Meanwhile, bridging social capital is a form of networks that is open in nature, as opposed to bonding, linking the communities with other not 'identical' communities with different ethnicities / races, education, goals and views. Thus, there is a reciprocal relationship of information, knowledge and mutually beneficial resources [24][26][27]. Linking social capital is a type of network created by a community to attract sympathy, resources and funds from external agencies such as local authorities. [28][23].

3   METHODS

This study was a qualitative research with a case study approach. Interviews were used to collect data from informants by revealing descriptions of their life, interview was conducted with MRNP managers (two people serving as law enforcement officers), the JKILW community (two community members), law enforcers, and NGOs. The authors conducted observations as non-participant observers to understand the conflicts occurring both within the community and in their relationships with other stakeholders, especially with MRNP managers. Primary and secondary data were mixed to compile the research so that understanding emerges from various interpretations. Relevant documents were also collected through several documents archived by the MRNP manager, including both electronic and printed newspapers, as well as several studies also discussing this conflict.

4   RESULTS AND DISCUSSIONS

As a conservation area, Mount Rinjani has a long history, starting from the Dutch colonial era when the boundaries of the Rinjani area (RTK.1 'Register Tanah Kehutanan' or Forest Land Register) had registered and was designated to be a Wildlife Reserve area through Staatblad Number 77 of 1941, and the forest boundaries have been determined through Decree No. 1 on 9 September 1929. The boundaries of the area are allegedly in the form of a pile of stones or commonly called 'Gumuk'. The areas included into Mount Rinjani Wildlife Reserve (MRWR) include West Lombok, Central Lombok and East Lombok districts covering a 40,000 ha wide-area.

It was believed that at that time, the ancestors were already in MRWR area, as indicated with a place of worship called 'Tetangkong Inaq Ukit', which was periodically visited and given offerings by the community to commemorate their ancestors. Other ancestors whose names were identified were baloq Imah, papuq Banun and papuq Putrasih (papuq baloq is the term for ancestors for Lombok people) who were believed to have lived there before Indonesian independence. The community believes that these ancestors were already in the MRWR area, and carried out their main activities in agriculture.

The rearrangement of the area's boundaries was carried out in 1979 with the issuance of Minutes of Boundary Arrangement dated July 23, 1979. The rearrangement was in accordance with the boundaries stipulated in Staatblad Number 77 of 1941. The area of MRWR was still the same as when it was designated as a conservation area in the colonial era covering 40.000 hectare. Mount Rinjani, which used to be a Wildlife Reserve, was changed for its status into a Mount Rinjani National Park (MRNP) based on the Declaration of the Minister of Forestry Number: 448/Menhut-VI/90 on March 6, 1990, and confirmed with the Decree of the Minister of Forestry Number 280/Kpts-VI/1997 about the designation of MRNP as large as 40,000 hectare in West Lombok, Central Lombok and East Lombok Regencies. In 2005 a Decree of the Minister of Forestry Number: SK.298/Menhut-II/2005 was issued, stipulating that the MRNP forest has a 41,330 hectare wide-area. Up to now, the MRNP area has increased by around 1,330 hectare from its original designation as a Wildlife Reserve.

It is due to the stipulation aforementioned, the community felt dissatisfied and marginalized with the determination of Rinjani as a conservation area [29], some of the lands that the community had been working on, have become an MRWR area, so that they find difficulty to access the fulfillment of their daily needs due to limited land for planting crops. Their discontent was getting greater and greater when the claims of customary land indicated with the existence of ancestral graves in the Rinjani forest was not responded to positively by the government, in which the authority considered it to be a fabricated claim because it was difficult to prove. Until 2015, this accumulated dissatisfaction leading to a conflict resulting in the forest encroachment by a group of people. At first, the area of forest encroached was 50 hectare, but

their movement was getting greater so that the wider area was encroached, over 100 hectare. In addition to using traditional methods (with machetes, hoes, sickles), they also rented heavy equipment for excavators to clear the forest areas. The forest area cleared was then converted into cultivated and agricultural one, as well as a tourist destination called "Wisata Tanah Adat Jurang Koak" (Jurang Koak Indigenous Land Tourism). Additionally, they also lived in the encroached area. Due to their illegal activity, the authorities also argued what the community has done (encroaching conservation area) was wrong, not reflecting the characteristics of indigenous peoples, so that the claim was considered invalid.

In facing external pressures, particularly from MRNP managers who want them leave the encroached land, this community builds solidarity between its members through social capital bonding. Solidarity and cohesiveness between individuals were increasingly strengthened by the role of the community leader always holding regular member meeting to discuss strategic attitudes and to take stance to the government, followed with imposing sanctions to its violating members. The role of group leader was very prominent, as he always protects and helps overcome the conflicts, particularly confronting bravely the pressure from the authorities. With the chairperson's attention and capacity, the group members remain to fight for what they claimed to be their right solidly. Due to the shared fate, territory and purpose and through constructing social capital bonding, this homogeneous community created an atmosphere of co-existence and responsibility representing the group's sense of identity and collective purpose. By developing social bonding capital through regular meetings and approved terms, it encourages the formation of common values, principles, and binding rules to empower its members by sharing attitudes and joint activities strengthening the relationship among members in achieving the group's goals, to take the land they have claimed to be their ancestral heritage.

Bridging social capital built by the community has created a network to Agrarian Reform Movement Alliance (*Aliansi Gerakan Reforma Agraria/AGRA Nusa Tenggara Barat*), an organization supporting the agrarian reform movement and peasants, as in the case of the village of Bebidas. AGRA's involvement in this case has a snowball effect generating sympathy among other organizations to voice their interests. Those organizations are, among others, the Front of the People's Struggle (*Front Perjuangan Rakyat/FPR*) and the National Student Front (*Front Mahasiswa Nasional/FMN*). They (particularly AGRA) were quite active in voicing defense of the struggle of the Bebidas customary land community to the general public and also participating in protesting against the local government to demand the authorities to do fair treatment, so that the rights of the communities that have been intervened with were returned unilaterally. The organization urged that the law enforcement efforts were not excessive, and promoted public discussions that involve many stakeholders.

The community also created linking networks to be connected to central and local governments. They wrote an official letter (on behalf of the community) to ask for confirmation and legalization of customary land to the president with a copy of the letter addressed to the minister, governor, regent and MRNP manager in 2015. The community also wrote an official letter to ask permission from the local Village Head to carry out land management by building roads and bridges for tourism purpose. This means that in a coordinated manner they were attracting moral support and legal legitimacy from the government so that their existence will be recognized as indigenous people and they will be given the freedom to manage the land they claimed to be their inheritance. However, such network was not successful yet because the government's concern is to protect forests, although in practice local people likely feel disadvantaged with the presence of forestry policies.

To solve this problem, the parties involved actually adopt a combination of conflict management styles by means of solving problem through negotiation and mediation as well as a compromise style, although there was also a confrontational style (both from the community and local authorities). The conflicting parties have ever conducted mediation (the legislature became the mediator), and likewise negotiated to provide solutions useful to resolve the conflicts. These parties (especially the MRNP management and the JKILW community) participated directly and made decisions that could be agreed upon together, and conflict resolution was put forward with a win-win approach. In reality, an agreement was difficult to reach, because JKILW remained to be adamant to cultivate, occupy and convert conservation areas into their property, so that the authorities were forced to engage in a confrontational style with law enforcement to put the community in order, on the other hand to provide alternative solutions. Finally, conflict resolution could be reached, despite a very long process actually facing a lot of resistance from the community itself. The result of the conflict resolution was that residents were asked to leave the encroached area so that reforestation efforts could be implemented in that area. Also the conflict resolution resulted in the formation of two new communities that replaced the 'Jurang Koak Indigenous Land Fighters' community. The newly formed communities were 'Kelompok Sadar Wisata' or 'Pokdarwis' (group aware of tourism) and 'Kelompok Sadar Lingkungan' or 'Pokdarling' (group conscious of environment), some members of both groups are those who used to encroach on the Rinjani forest (ex member of JKILW) but now participate in forest conservation, and moreover the community is involved in economic empowerment by utilizing forest sustainably, rather than by destroying it.

5 CONCLUSION

The top-down approach to policy by the authorities has left problems, because it is difficult to see the real reality of what has happened historically within society. The community had demonstrated its capacity to respond to

conflict resolution with their social capital through bonding, bridging and linking social capital.

The chairperson play a prominent role in building solidarity and cohesiveness of group members, because the he was able to be the first person to confront the authorities and providing his members with a feeling of secure, so the community becomes solid in fighting for what they believe to be belonging to their ancestors. In terms of building networks outside their communities, the JKILW community is connected to several NGOs really concerned with the farming and forestry fields, so that through involving these NGOs they provided moral support to the community, particularly in the terms of conflict resolution by prioritizing peaceful methods. In the context of seeking for support from powerful groups (i.e. those with legitimacy in making public policies), the community had formally corresponded to several local and national authorities requesting legalization of land they believe to be customary land. In reality, the capacity shown by the community was not sufficient to resolve the conflict completely, because the legitimacy of what the community has done was not strong for the social capital linking that was being carried out was not supported by the government viewing the encroachment activities as violating the law. As a result, it left some problematic condition to the encroached area leading to the destruction of Rinjani forest and the social life disruption to the surrounding society. Thus, the government used their authority to settle this conflict and provide solutions in order to eliminate the detrimental effect on the encroachment activities.

This research has its limitation, as it is not able to explore this encroachment conflict inclusively because of the limited scope of community governance. It means that if the escalation of conflict increases, the involvement of wider stakeholders cannot be explored in depth through this theory. Community governance can see the settlement from the community's side only, so further studies are recommended to conduct on this case (or similar research) using more comprehensive theory, which can explore conflict resolution from many sides to produce an effective conflict resolution.

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