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## Efforts to Achieve Legal Justice in Social Conflict Resolution in Register 45 Mesuji Lampung

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### Abstract

This research focuses on efforts to provide solutions in resolving social conflicts that occur between the community and the company PT Silva Inhutani at Register 45 in Mesuji Lampung, which has been running for 14 years (2005-2019), but within that period there has not been a comprehensive settlement. This article is one of the solutions in realizing legal justice so that social conflicts in the Register 45 Mesuji Lampung do not cause futile casualties. We also found that monopolistic practices were carried out by the company in implementing the partnership policy issued by the government and the practice of intimidation by the company using thugs to ban and evict land that was worked on by the community at the Register 45 Mesuji Lampung. Some of the most successful references in resolving social conflicts found by journal authors, they are Pham Huu Ty et al (2013), Rafael Reuveny et al (2007), Franks et al (2014), Ismael Rafols et al (2012), Buijs et al. (2012) 2013), Lambin et al (2001) and Pauline E. Piters (2004), whose research was carried out in countries; Vietnam, Latin America, England and Africa. The approach used in resolving social conflicts is the "legal justice" approach between the community and the company.

**Keywords:** solution; social conflict; register land; societies; company.

### Abstrak

Penelitian ini berfokus pada upaya untuk memberikan solusi dalam menyelesaikan konflik sosial yang terjadi antara masyarakat dan perusahaan PT Silva Inhutani pada Register 45 di Mesuji Lampung, yang telah berlangsung selama 14 tahun (2005-2019), tetapi dalam periode tersebut belum ada penyelesaian yang komprehensif. Artikel ini adalah salah satu solusi dalam mewujudkan keadilan hukum sehingga konflik sosial dalam Register 45 Mesuji Lampung tidak menimbulkan korban yang sia-sia. Kami juga menemukan bahwa praktik monopolistik telah dilakukan oleh perusahaan dalam menerapkan kebijakan kemitraan yang dikeluarkan oleh pemerintah dan praktik intimidasi juga dilakukan oleh perusahaan yang menggunakan preman untuk melarang dan mengusir tanah yang digarap oleh masyarakat di Register 45 Mesuji Lampung. Beberapa referensi paling sukses dalam menyelesaikan konflik sosial yang ditemukan oleh penulis, mereka adalah Pham Huu Ty dkk (2013), Rafael Reuveny dkk (2007), Franks dkk (2014), Ismael Rafols dkk (2012), Buijs et al. (2012) 2013), Lambin et al (2001) dan Pauline E. Piters (2004), yang penelitiannya dilakukan di beberapa negara seperti; Vietnam, Amerika Latin, Inggris dan Afrika. Pendekatan yang digunakan dalam menyelesaikan konflik sosial adalah pendekatan "keadilan hukum" antara masyarakat dan perusahaan.

**Kata Kunci:** solusi; konflik sosial; pendaftaran tanah; masyarakat; perusahaan.

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## Introduction

Fourteen years have passed, land dispute Register 45 Mesuji Lampung has not been completed. The farmers hope for a fair legal policy in resolving disputes between farmers and the company as the holder of Cultivation Right Title (HGU) of the Register 45 Mesuji Lampung. Re-election of Joko Widodo as President of Indonesia hopes to acquire land at Register 45 are still open to the community. Indonesian President Joko Widodo has

compiled priority programs as outlined in the Jokowi-JK Nawa Cita Program in the 2014-2019 national economic development plan. In the fifth Nawa Cita program, it is stated that in his administration one of the priorities to be realized is the provision of agricultural land to each family head of 9 hectares.

To realize this program, it is indeed not easy, although some of the priority programs have been realized by BPN, in the use of state land which amounts to millions of hectares, the fact is that most of the country's land management rights are controlled by companies. For example, in Mesuji Lampung, land register 45 is owned by the state, mostly controlled by companies, such as PT. Sugar Group, PT. Gunung Madu, PT. GGP and others. Whereas the struggle for the ideals of justice is not solely for certain groups but is maximally intended for the welfare of the Indonesian people.

This article is the result of a study of the people who occupied the Register 45 Mesuji Lampung land, which was legally controlled by PT. Silva Inhutani as the holder of the Cultivation Right Title (HGU). After controlling 43,000 hectares of state land through the Cultivation Right Title (HGU), a portion of the land under its control was left as idle land and not processed into production forest plantations as promised by the company to the government. Whereas on the other hand millions of people who work as farmers in Lampung still do not have much land as a source of livelihood for farmers. To meet the necessities of life so far they only work on land owned by others, even most as farmers, who only depend on the results of their work, or they only expect wages to care for plants owned by landowners.

Cultivation Right Title (HGU) granted by the government to PT. Silva Inhutani is located in Mesuji Region of Lampung, based on the Decree of the Minister of Forestry of the Republic of Indonesia Number: 93/KPTS-II/1997. The Cultivation Right Title (HGU) which is currently controlled by PT. Silva Inhutani Lampung is a small portion claimed as customary land. As a result of this claim, in 2005 the land held by PT. Silva Inhutani, especially land that had not yet been treated as production forest plantations, was sold by indigenous people who claimed to be indigenous. The sale of land resulted in Register 45 land disputes in three areas of Moro-Moro, then the dispute was known as the "Moro-Moro case" (Morodewe, Morodadi, Moroseneng and Suka Makmur).

During the four years of taking preventive measures, overcoming the Moro Moro case has not been completed, then in 2009 carried out law enforcement with the act of forcibly arresting and detaining nine suspects namely; Suspects Hadi Sugeng, Nyoman Suko, and Taryadi were arrested on March 19th, 2009; Suspect Jailani was arrested on September 28th, 2009; Suspect Karsidin was arrested on October 7th, 2009; suspect Jumar, Sunoto, Slamet Sukir was arrested on October 22nd, 2009. Then he was put on trial at the District Court of Menggala on charges of having committed a crime as regulated in article 55 paragraph (1) to 1e of the Criminal Code jo article 50 paragraph (3) of RI Law Number: 41 In 1999 jo Article 78 Paragraph (2) of RI Law Number 41 of 1999 which has been amended by RI Law Number 19 of 2004 which states "conducting, committing or participating in committing criminal acts, working on illegally occupying forest areas in Forest Register 45

Mesuji Lampung ". In the decision of the Panel of Judges, the District Court of Menggala handed down a 1-year prison sentence and a one million rupiah fine to nine defendants each; Hadi Sugeng, Nyoman Suko, Taryadi, Jailani, Karsidin, Jumar, Sunoto, Slamet, and Sukir. Decisions are divided into three, namely; Decision Number: 09/Pid.B/2010/Pn.Mgl; Number: 10/Pid.B/2010/Pn.Mgl; and Decision Number: 11/Pid.B/2010/Pn.Mgl. And after the convicted serving a sentence for 7 (seven) months, then free on the basis of conditional leave (CB).

After the repressive efforts of the Moro-Moro residents in 2009, the settlement of community disputes with the company PT. Silva Inhutani was increasingly difficult and the community continued to occupy the Register 45 area managed by PT. Silva Inhutani Mesuji Lampung. Solving the problem tends to be more biased because it becomes a political consumption by politicians. Knowing consciously, that the people were assisted by politicians, the community continued to occupy the Cultivation Right Title area controlled by PT. Silva Inhutani. While the Moro-Moro area has now become an area that is well organized like a village in general.

After the situation and condition of the Moro-Moro region were safe, in 2010 indigenous people who claimed that indigenous people were returning to speculative action, by selling unused land and even those that had been planted by PT. Silva Inhutani located in the Pelita Jaya region and in 2011 encroached on to Register 45 in the Concentrated area. The land occupation was carried out by buying from indigenous people (indigenous people) who claimed to be the landowners. At the beginning of the land occupation of Register 45 in the Pelita Jaya and Pekat Mesuji areas, it caused anarchic social conflict, so that the security forces intervened to stop the anarchist actions of the people who cut down PT. Silva Inhutani Lampung and after being cut down then occupied, then processed into cassava land.

Repressive actions carried out by security forces in the Pelita Jaya and Pekat areas were triggered by the aggressive behavior of a resident in the Pelita Jaya region named I Made Aste, when on Saturday November 6th, 2010, the Chairman of the AKBP Lampung Forest Protection Working Team Priyo conducted security coaching at the Pelita Jaya location and conveyed that community member should clear the Register 45 area in the Pelita Jaya region. At that time a mass of about 200 people refused, and even a commotion occurred, which was provoked by a woman named Adelia, who later the woman secured by the Police. For the actions of the police, then came Made Asta and Nyoman Sumerte while carrying a machete that intended to help women who were secured by the police. The anarchist situation that occurred at that location, turned brutal, at which time Made Aste tried to hack the team leader with a machete he was holding, was suddenly paralyzed by Bripda Septiawan, a team member near AKBP Priyo and the shot hit the right groin, then, Made Aste collapsed. After being taken to the Lampung Gala Hospital, Made Aste died on his way.

The land dispute at Register 45 Mesuji is interesting to be investigated, especially when examined from the aspect of legal justice, because in the resolution of disputes

between the community and PT. Silva Inhutani, the central and regional governments seem to side with PT. Silva Inhutani, on one hand, the government has given the widest opportunity for PT. Silva Inhutani to cultivate land in Register 45 as Industrial Plantation Forest, while on the other hand, the government does not give equal rights to farmers to be able to cultivate Register 45 Mesuji's land. When examined economically, the granting of HPHD to the public will not harm tax revenues, because the community will continue to carry out its obligation to pay annual taxes to the government if HPHD is given by the government to the people in Register 45 Mesuji Lampung.

In settling land dispute Register 45 Mesuji Lampung, there must be a fair legal policy from the government, and in favour of the people, especially the ministry of forestry, in order to give equal rights to the people to manage land register 45 with a planting pattern of 20:80 by giving HPHD (Village Forest Management Rights) to the people the management of which is carried out independently through cooperatives. During this time the legal policies issued by the government, are considered not in favour of the farmers, the legal policy with a partnership pattern between farmers and companies is only profitable for the company. The results of interviews with several heads of farmer groups who occupied the Register 45 land in Mesuji stated as follows:

Made Ompong Made Ompong said that the partnership between farmers and PT. Silva Inhutani had only benefited the company first, in the partnership agreement for the entire financing of cassava planting to a harvest of 7.7 million rupiah; second, it turns out that in its implementation there are other costs which are not insignificant, including security costs, land clearing cost up to two or three times in a single harvest; third, there is a cut at the time of weighing the yield of 10 to 20%; fourth, the maximum yield received by farmers every hectare is only 500 thousand rupiah (Interview, 2019).

Trubus explained that farmers felt insecure because they were intimidated by thugs, by measuring the land they had planted. If they do not follow the orders of the thugs, the planted land will be evicted by the tractor. Trubus suspected that this was done by the company so that the farmers were afraid and left the land that was already occupied. As a result of this brutal intimidation, the farmers were afraid, because the thugs did not hesitate to use force and firearms.

When I asked about the social conflict that occurred between Register 45 residents and groups of thugs who came to the Register farmers group and hacked peasants blindly on Wednesday, July 17, 2019 at 2:00 PM WIB, Trubus as chairman of one of the supervisors and supervisors of the cooperative formed in partnership pattern explains:

Physical clashes that occurred between the register community group with a group of thugs from Mesuji Raya led by Dali along with 8 other people, began with Joseph's land which was plowed by the plowman on the orders of Imo and Roni, then stopped working by the register residents, then came Yudi and Cungkring to took the plow, and was unsuccessful, then came the group of Dali et al which numbered 8 people, hacking residents register, then there was a clash between the register residents with Dali et al. In the clash, 3 people died on the spot and 10 register residents who were injured. According

to Trubus, it has something to do with the company, because the register residents who are good to the company are not disturbed, those who do not obey will be disturbed by the thugs (Interview, 2019).

The statement of Made Ompong and Trubus mentioned above represents the aspirations of the farmers who felt unfairly treated by the actions of the leader of PT. Silva Inhutani Lampung. The farmers cannot do anything, because of PT. Silva Inhutani in disguise used security forces intimidated farmers at the Mesuji Register 45, so there was no protest, despite the fact that farmers experienced unfair treatment on the part of the company. These findings are expected to be used as consideration in overcoming the land Register 45 Mesuji social conflict, through a fair legal policy, that is giving farmers the same rights to obtain HPHD, such as Cultivation Right Title (HGU) rights granted to PT. Silva Inhutani. To give a constructive picture to the reader, the results of our research will be presented in a journal entitled "Efforts to Achieve Legal Justice in Social Conflicts Resolution at Register 45 Mesuji Lampung".

The problem in this study is that the people experienced unfair treatment from companies related to the management of the Register 45 land in Mesuji. Injustice experienced by Moro-Moro residents (Morodewe, Morodadi, Moroseneng and Suka Makmur), Pelita Jaya and farmers in the Pekat region, related to cassava yields of partnership patterns received by farmers a maximum of 500 thousand rupiahs; farmers are also intimidated by thugs suspected of being ordered by the company. This problem must be investigated in-depth, why the yields received by farmers are so low, and why there are thugs who intimidate farmers, then evict their crops if they do not comply with the orders of the thugs. The problem faced by farmers in the Mesuji Register 45 is the problem of social life and humanity, this needs to be addressed in a fair and balanced government.

This article is a scientific description of the problem of social conflict at the Register 45 Mesuji Lampung, which has not been able to be resolved by the government. For 14 years (2005-2019), farmers who occupied the land at Register 45 were treated unfairly by the company. The last legal policy issued by the government is the resolution of land disputes with a partnership pattern, which conceptually benefits the farmers, but in fact, the policy is very detrimental to farmers and is very unfair, because this legal policy is used by companies as a means to pressure farmers. Through this article, we hope that the government will know clearly about what is experienced by Moro-Moro farmers (Morodewe, Morodadi, Moroseneng and Suka Makmur) Pelita Jaya and Pekat, with the hope that farmers obtain their social rights in a balanced and fair manner as citizens of Indonesia. In resolving social conflicts in Register 45, there must be a legal policy from the government in favor of farmers, so that they can be used as a reference in resolving disputes between farmers and companies in Indonesia.

## Research Problems

Based on the problems mentioned above, the problems examined in this paper are: *first*, how is the juridical-empiric aspect and normative-juridical aspect in Register 45

Mesuji Lampung Conflict. *Second*, how are the government's efforts in realizing legal justice in Register 45 Mesuji Lampung Conflict.

## Research Methods

The method of data collection uses the Socratic dialectical method (Russell, 2004: 111), with the Meir Fridmen Legal-Cultural Lurance approach (Firedman, 2001: 9) and Barda Nawawi Arief's Nonpenal policy (Arief, 2005: 37). Empirical data was obtained from sources directly related to land disputes, and legal policies issued by the government. In addition to these theories, in the settlement of disputes between farmers and companies, a "legal policy" approach is used, which is the findings of previous researchers in resolving social conflicts in other countries. The results of scientific research are obtained based on the publication of the international journal Scopus. In presenting the results of our research, we focus on the data examined from the aspects of empirical juridical, normative juridical, political policy, which uses interpretive analysis methods. Almost all of the data obtained in this study were in the form of information from the head of the community group, the verdict of the Menggala Lampung court that tried the Moro-Moro case. In addition to this, field data were obtained from interviews with community group leaders at Register 45. In this article, we would like to give an idea of the resolution of social conflict between the community and PT. Silva Inhutani Company at Register 45 Mesuji Lampung by considering the expectations - wishes conveyed by farmers to us as social conflict researchers at the Mesuji Lampung 45 Register.

## Discussion

### Juridical Empiric and Normative Juridical Aspect in Register 45 Mesuji Lampung Conflict

The handling of social conflict in the Register 45 Mesuji Lampung, which had not been resolved for 14 years (2005-2019), was caused by a monopoly by the company PT. Silva Inhutani, who ordered thugs (*jawara*) to intervene the farmers. Based on the facts collected, both through investigators and farmers, the motive of the farmers to occupy the land of Register 45 in Mesuji is simply because they do not have land to be cultivated to provide for their livelihoods. The farmers only control two to four hectares/head of the family, by buying from native people who claim to own the land at a maximum price of 7 million rupiahs per plot (1 plot = 2 ha). So, farmers occupy Register 45 land not by seizing, but by buying from indigenous people.

During this time the settlement of the Register 45 is only limited to law enforcement by the Police, there have been no other steps, for example, a fair and impartial legal policy for farmers, by giving equal rights to farmers to cultivate land register 45 legally in accordance with applicable regulations, namely by "granting Village Forest Management Rights (HPHD) to farmers". If this policy is carried out by the government, the people's trust in the government will be better and the target of Jokowi-JK's 5th Nawa Cita program will be realized. The 5th Nawa Cita program is:

Improving the quality of life of Indonesian people through improving the quality of education and training with the "Indonesia Pintar" program, as well as improving the welfare of the community with "Indonesia kerja" and "Indonesia sejahtera" programs by encouraging land reforms and 9-hectare land ownership programs, housing programs for row houses or houses low-cost subsidies and social security for the people in 2019 (Kompas, 2019).

The protracted land dispute register 45 in Mesuji since 2005 has taken up time and costs incurred by the government, especially law enforcement officials, the Forest Service, Lampung Provincial Government, and the central government, to find solutions in handling the land dispute Register 45 Mesuji Lampung. However, the steps were taken by the government so far have not been able to properly resolve the land dispute between farmers and the company PT. Silva Inhutani, because the company did not implement the legal provisions stipulated in the partnership pattern issued by the government, because it wanted to maintain the HGU given by the government to PT. Silva Inhutani Lampung.

Research by Pham Huu Ty et al of the Vietnamese government which has the highest authority over the acquisition of state land to be owned by the community shows that many improvements in land acquisition policies have been made, but poor implementation cannot be prevented, or reduced the adverse impact on the community (Ty, 2013). Refugees, especially regarding ineffective compensation, lack of production lands and alternative livelihoods, close alliances between local governments and investors are considered "interest groups". The results of his research were published in an international scientific journal entitled "*Compensation and Resettlement Policies after Compulsory Land Acquisition for Hydropower Development in Vietnam: Policy and Practice*", concluding: The majority of families are disappointed with compensation and plans to resettle on the grounds of infertile land, poor soil quality, loss of income, employment and access to forests, and inadequate compensation. To resolve complaints from these families, the state must issue a legal policy. By issuing better land laws and guidelines for land acquisition for hydropower dam construction, it is not enough to produce compensation and good policies to resettle effectively. The process of investment and land acquisition for the Luoi hydropower dam shows that the local government is taking a top-down approach to the compulsory acquisition of land owned by families by imposing decisions on planning and construction, compensation for losses by affected people and re-choosing new settlement locations (Ty, 2013).

The conclusion of this research can be taken into consideration in the settlement of land dispute Register 45 in Mesuji Lampung, wherein the resolution of disputes between the community and the company PT. Silva Inhutani, the government should issue legal policies in favor of farmers. Although the legal policy on partnerships has been issued by the government, in its implementation the policy was misused by the company PT. Silva Inhutani as a tool to benefit the company, this can be proven in the formation of cooperatives that form the basis of partnerships, the managers are company people, not farmers, this is confirmed by the statement of Trubus, Harum Jaya Cooperative Supervisory member as follows:

In accordance with the provisions stipulated in the partnership pattern, the farmers in the Register 45 Mesuji region must form a cooperative that will carry out a collaborative partnership with the company PT. Silva Inhutani. In fact, the Chairperson of the Cooperative is Danil (the company's right hand man) who is given responsibility by the company's Abeng. In managing the partnership between the farmers of PT. Silva Inhutani, the farmers only get the remaining yields of the garden owned by the farmers up to 530 thousand rupiahs, even though the yield cassava garden harvest reached 24 tons at a price of Rp.900,000 / ton = Rp.21,600,000, - explaining the cost of planting cassava per hectare Rp.7,545,000, -So farmers should have the remaining yield of Rp.14,550,000, -Where brought by the management of the cooperative (Interview, 2019).

Results of research by Rafael Reuveny et al. (Reuveny et al, 2007) who examined the impact of climate change on migration by exploring the effects of environmental problems on migration in the last few decades, concluding that everyone can adapt to the problem in a way; stay in place or do nothing, or leave the affected area. The choice of these options depends on the level of problem and ability. People who live in developed countries are likely to leave the affected area, which causes conflict in the receiving area. The findings of Rafael Reuveny, published in the *International Political Geography Journal* entitled *Climate Change-Induced Migration and Violent Conflict* which states, public policy can reduce environmental migration. Related to the findings in this study, the starting point is "state policy" in the form of provisions governing migration activities. In line with this in resolving social conflicts at Register 45 Mesuji, between farmers and the company PT. Silva Inhutani, the government should issue a legal policy that gives equal rights between farmers and companies to cultivate the 45 Mesuji land register (Reuveny et al, 2007).

Franks et al. states that global developments, and transitions are highly dependent on the private sector and the impact of development, which is market-based and controls policy instruments, together with companies bringing sustainable development prioritized in private sector decision making (Franks et al, 2014). Research by Franks et al. identifies conflicts as a means of knowing how much social risk can be translated into business costs and decision making. The findings of this study are betting financial value when there is conflict in the local community. The calculation of the cost of social conflict is very influential on the continuing professionalism of corporate decision making, especially when this is related to the economic value of the company. The cost of social conflict with a company will determine how the company interprets social conflict and explains their response to the conflict. Franks' et al conclusion is; the main impacts of project implementation are; there is a large influx of workers from other geographical locations; then the construction phase is a period of local communities and civil society organizations, which if mobilized will have a major impact on the continuation of the project. Conflicts between companies and communities related to mining which tend to increase starting from campaigns and procedural actions, among others; complaints filed with the government-company-court, to physical protest. This revealed that the opportunity for dialogue indeed existed in overcoming the problem before escalation increased.

However, the significance of the proportion of these cases has shown an increase in the form of conflict (Franks et al, 2014).

The results of the study of Rafols Ismael et al. published in the Research Policy scientific journal entitled "how journals ranking can suppress interdisciplinary research: A comparison between Innovation Studies and Business & Management", based on various mapping and metrics, concludes; first, the Innovation Study Unit is interdisciplinary more consistent, than their research in the School of Business & Management; second, the top-ranked journals in the Business School association which covers a less diverse set of disciplines than lower-ranked journals; third, the research carried out results in a more favorable assessment of the performance of the School of Business & Management, which is more focused on scientific disciplines. This investigation illustrates how ranking-based journals "seem to" be able to show a systematic study, which supports mono-discipline. The discussion of this paper is the implication of the phenomenon, how negative evaluations tend to affect the financial situation related to interdisciplinary research organization resources that result in researchers becoming more in line with disciplinary authority over time (Ismael, 2012).

Finally, Rafols Ismael et al. concluded the Innovation Study Unit (IS) was more interdisciplinary than the Business & Management Study (BMS), based on three different perspectives from related metrics. As an illustration of the representation of Rafols' findings in the analysis of the general differences between the three IS units (including ISSTI) and the three comparison BMS (including LBS). The IS unit is cognitively more different and in more diverse publications, because it quotes more broadly in the Subject category far from BMS. ISSTI (Edinburgh) has a more flowing quote between management and biomedical science SPRU (Sussex) between economics and planning. This is proof that the units (IS) are not only diverse, but directly link them specifically. They play a role in bridging the natural sciences and social sciences. But on the contrary, BMS is not only less distinct, but also more fragmented (less coherent) in terms of discipline, this means they tend to be more specialized in scientific disciplines. For example, Imperial is the most diverse of BMS (Ismael, 2012).

Arjen Buijs & Anna Lawrence research on social conflicts around forests or foresters framed by conflicts of rational differences related to different knowledge, values, and interests. Where in the past century forest areas became the main area of urgent livelihood. This provides a powerful model for explaining disputes. For stakeholders including local communities, environmental campaigners, foresters, emotional feelings become a relevant component of conflict. The debate over a tendency to "rationalize" nature and forests, pushing emotions out of their view and delegitimization. Some examples of studies conducted by Buijs in the Netherlands and the United Kingdom conclude; that feelings need to be seen correctly to overcome the underlying causes of social conflict. Therefore, in this study there are four aspects of forestry conflict, where emotional feelings are included in research, connected to literature from outside forestry; different emotional sources in forest management, and emotional influence during the

information process, the power of emotional motivation for social movements and the role of emotions in the escalation of protest. Conclusion of Buijs; that there is an emotional attachment experienced by people with forestry and places that need to be taken into account to supplement matters related to forestry conflicts, at least for three reasons, namely; a. Emotional relation is important to know the causes of conflict; b. Emotion influences people's understanding of knowledge and information; c. Emotions affect the transformation of disputes from simple to conflict; d. From minor conflict to the big ones (Buijs & Lawrence, 2013).

Research by Erick F.Lambin et al. in the scientific journal *Global Environmental Change*-11 (2001) 261-269 entitled *The Causes of Land-use and Land Cover Change: Moving Beyond the Myths* ". The problem examined by Erick F. Lambin et al. is the "Environmental Development Policy" due to land-use changes in land cover dominated by simplification. Erick F. Lambin et al. was tracing some of the main myths about the driving force for a change in land cover and proposing a better alternative path of change, supported by case study evidence. The conclusions of the research of Erick F.Lambin et al. are; not only population or poverty are the main causes of land cover change throughout the world, but are the result of community responses to economic opportunities, mediated by institutional factors; opportunities and constraints for new land use determined by the market; local and national policies. In addition, there are global forces that determine changes in land use cover, because they are strengthening or weakening local factors (Lambin, 2001).

In the Normative Juridical aspect, based on the provisions of the legislation related to the Prevention and Eradication of Forest Destruction in Indonesia, regulated in Law Number: 18 of 2013, taking into account the continuation of the lives of future generations, namely; ecological, social and economic functions. That in Indonesia there has been massive destruction of forests, caused by the use and use of forests that are not in accordance with statutory provisions. Forest destruction was done by humans, in the form of illegal logging, mining, plantations without permits resulting in-state losses, damage to socio-cultural life, the environment and increasing global warming which is a national, regional and international issue. This is an extraordinary, organized crime and threatens the survival of the community's life system, so in preventing and eradicating forest destruction effectively and being able to provide a deterrent effect to the perpetrators, in its implementation a strong legal basis is needed in order to enforce the law, namely carrying out effective eradication of organized forest destruction crime.

Community participation in the prevention and eradication of forest destruction as stipulated in Article 58 paragraph (1) of Law Number: 18 of 2013, states: "the community has the right": (a) good environment, including the quality of the environment produced by the forest; (b) forest utilization in accordance with statutory provisions; (c) community empowerment efforts; (d) outreach about the importance of forest sustainability and the negative impact of forest destruction. In addition to having these rights, the community

also has obligations as stated in article 59, namely: (a) maintain and preserve forest sustainability; (b) manage forests in accordance with statutory provisions.

Related to rights and obligations as outlined in Article 58 paragraph (1) and Article 59 of Law Number: 18 of 2013, where the community has the right to "utilize the forest in accordance with the laws and regulations and community empowerment efforts as stipulated in article 58 paragraph 1 b, c and article 59 ', so in resolving the Register 45 Mesuji between the farmer and PT. Silva Inhutani, based on the aforementioned provisions, the right to use the forest must be given to farmers, as the forest utilization right has been given to PT. Silva Inhutani.

Provisions governed by the joint regulation of the Minister of Environment and Forestry Republic of Indonesia Number: P.83/MENLHK/SETJEN/KUM.1/10/2016 concerning Social Forestry, in its consideration states, that this joint regulation is issued as an effort to provide legal access to the community to manage village forests, community plantations, community forestry business permits with a pattern of forestry partnership or recognition, protection of indigenous and tribal peoples in the context of community welfare and the preservation of forest resources. After the issuance of Law Number 18 of 2013, the Minister of Forestry issued Ministerial Regulation Number: P.88/Menhut-II/2014, concerning Community Forests and Minister of Forestry Regulation Number: P.89/Menhut-II/2014, concerning Village Forests , and empowering the local community through partnerships (vide: Ministry of Forestry No: P.39/Menhut-II/2013). On the basis of the regulations that have been issued, encourage the Indonesian Minister of Forestry and the Indonesian Minister of Environment to issue joint regulations in Social Forestry.

Provisions regarding Village Forest Management Rights (*HPHD*), Community Forests, Community Plantation Forests, Forestry Partnership Patterns and Customary Forests, have been explicitly stipulated in the Law, regarding the community's right to manage forests. In applying for a permit regarding forest management, it is compulsory to use a Cooperative Business Entity or Village Owned Enterprise. However, until now the government has only given the 'management rights' to the company (in this study PT.Silva Inhutani), in practice the Register 45 Mesuji Forestry Partnership program, it did not work properly, because it was the cooperative manager, not the farmer, but PT. Silva Inhutani Lampung and the cooperative body were used as a tool to intimidate the farmers, which in the end the farmers remained oppressed by the company.

To give the community access to the Village Forest Management Rights (*HPHD*), the government should provide the *HPHD* to Register 45 Mesuji, through an independently managed Cooperative Legal Entity. Based on the information of 2 Heads of community groups named Made Omping and Trubus, if this can be realized by the regional government and the central government, then the community will be very obedient to the policies issued by the government and people's trust in the government will be very high.

Associated with law enforcement policies Wayne Lafavre states that the nature of law enforcement is the discretion of the legal decision-makers, law enforcement is not

strictly regulated by law, but there must be a policy between law and social ethics applicable in society. In line with Wayne Lavafre's opinion, Barda Nawawi Arief in his view stated that in realizing a prosperous, just and prosperous state, a conducive atmosphere is needed in all fields including law, in this regard the state must issue policies in realizing social welfare and protection policies social (Arief, 2005; D.S.T. Ikama, Saefudin, Rusito, 2019).

Based on the views of the legal experts, in resolving social conflicts that occur in Indonesia, as stated in the Act is not absolute, but there are still legal policies that are applied by considering social ethics that apply in society. In the Indonesian social interaction system, customs and ethical norms are still upheld as a law that lives in society, among others; mutual cooperation, attitudes of social behavior and human values are highly valued.

Referring to the theory of Wayne Lafavre, Soerjono Soekanto and Barda Nawawi Arief above, in article 42 paragraph (1) joint regulations of the Minister, namely the Minister of the Environment and the Minister of Forestry Number: P.83/MenLHK/Setjen/Kum.1/10/2016, stated requirements for obtaining HPHD permits, one of which is identity card (KTP) issued by the local village area. If this is required for Register 45 farmers, farmers will find it difficult to find a KTP for the local area, while the farmers already have a KTP in their original area, which applies to all regions of Indonesia. With these conditions, the government must issue a legal policy in favor of the farmers, so that the Nawa Cita program launched by President Jokowi will run well.

### **Government's efforts in realizing legal justice in Register 45 Mesuji Lampung Conflict.**

The effort to prosper the Indonesians compiled in the national development program is a political decision of the country, which at the time of the General Election campaign became the platform for every pair of candidates for President and Vice President of the Republic of Indonesia who were contestants. In every campaign carried out by election participants, the pair of candidates for President and Vice President said they would fight for justice, welfare and employment for the people. Likewise regarding state wealth will be utilized as much as possible for the prosperity of the people. In the 2014-2019 National development program, President of the Republic of Indonesia Jokowi-JK has launched 9 flagship programs called the Jokowi-JK Nawa Cita Program. The nine programs are oriented towards the goal of "achieving justice, prosperity, security and a better life for the people of Indonesia" (Raharjo, Kalbuadi, Saefudin, 2018).

An evaluation of the success of the Jokowi-JK administration for the 2014-2019 periods, economic observers provided comments summarized by Ameidyo Daud in his article entitled "*Menakar Rapor Kinerja 4 Tahun Pemerintahan Jokowi-JK*" (Measuring the 4-Year Performance Report of the Jokowi-JK Government). Economists said entrepreneurs gave blue report cards to Jokowi-JK's four-year performance, although there are still a number of Nawa Cita targets that have not been achieved". The statement of the eco-

nomists is evidenced by the positive and negative notes that accompanied the journey of the administration of the President of the Republic of Indonesia Jokowi-JK in his 4<sup>th</sup> year of government. The red and blue values are pinned towards the realization of the Nawa Cita Program Target, reflected in the 2015-2019 National Medium-Term Development Plan (RPJMN).

Evaluation of Bhima Yudhistira Economist from the Institute for Development of Economics and Finance (INDEF) which states, many of the RPJMN targets are missed because almost most of the economic targets are not achieved unless inflation is relatively more controlled. Jokowi also targets economic growth of 7% in 2019, even in the RPJMN target of economic growth in 2019 will be increased to 8%. However, since President Jokowi was sworn in as President of the Republic of Indonesia, until now economic growth has never touched 6%. Last year (2018) new economic growth reached 5.07%. INDEF predicts that this year (2019) economic growth is only in the range of 5%.

Note from the Chairperson of the Indonesian Entrepreneurs Association (Apindo) Chairman Board, Hariyadi Sukamdani, stated that the weakness of the Jokowi-JK administration lies in poor inter-agency coordination, especially between the central and regional governments. As a result, pro-business policies included in the 16 economic packages encountered difficulties in implementation. Infrastructure works by the Ministry of Transportation in the railroad construction project which was originally 3,258 km was cut to 1,349 km in 2019 and the realization of the process only reached 735.1 km. Port development in the 2015-2018 period only reached 104 ports of the target of 172 ports. These are the weaknesses of the Jokowi-JK administration for the 2014-2019 period.

Besides the red report card, economists also gave a blue report card in the Jokowi-JK government, including the realization of the construction of a new airport that was very good, even the most successful was considered infrastructure development by the Ministry of Public Works and Public Housing (PUPR). In the cumulative completion target for 2019 Toll Road is 1,000 km, which has been built is 941 km. Then the President added more new toll road targets along 911 km. Thus the target of the new Toll Road that must be built until 2019 is 1,852 km. PUPR Minister Basuki Hadimuljono is optimistic that the target can be achieved because some of the toll roads have already been under construction. This target is supported by several toll roads outside Java, such as Behind the Samarinda-Samarinda 99 Km board, Manado-Bitung 40 Km, Pekan Baru Toll Road-Dumai 140 Km (Daud, 2019).

Although there are evaluations of development programs conducted by economists that provide a red report card to Indonesian President Joko Widodo, the community qualitatively gives a positive assessment or blue report card to President Jokowi Widodo, this is caused by the impact of infrastructure development, especially the construction of toll roads and sea toll infrastructure which connects between islands in the territory of Indonesia very smoothly which has an impact on the stable price of fuel, nine staples and building materials. The people's trust in President Jokowi Widodo has been proven by announcing the results of 2019 Presidential and Vice President Elections of the Republic of Indonesia, which was held on April 17, 2019, Jokowi-Maaruf Amin who took part in the

political contestation won the political contestation by winning 55.50% of the votes compared to 44.50%, Jokowi Widodo's and Maaruf Amin's win was 11% or 16,957,123 votes (Tribunnews, 2019).

The implementation of Jokowi-JK's 5<sup>th</sup> Nawa Cita program which is one of the targets is the development in the Field of Agriculture, within 4 years President Jokowi has handed over 11.4 million land certificates to the people with details; in 2015 there were 967,490 certificates, in 2016 there were 1,168,095 certificates, in 2017 there were 5.4 million certificates and up to September 2018 there were 3.96 million certificates. With the maximum achievement of the 5<sup>th</sup> Nawa Cita program, the farmers in the Register 45 Mesuji Lampung are optimistic, the government will give the Village Forest Management Rights (HPHD) to the people. This is highly expected by farmers so that there is a new legal policy issued by the President of the Republic of Indonesia through the Ministry of Forestry (detik.com, 2019).

In resolving social conflicts at the Register 45 Mesuji Lampung, practical efforts that must be made are realizing legal justice in implementing joint decisions between the Minister of Environment and the Minister of Forestry of the Republic of Indonesia regarding the partnership pattern as follows:

- (1) The government must give village forest management rights (HPHD), by releasing the land use rights (HGU) of PT. Silva Inhutani Lampung as wide as already occupied by the farmers.
- (2) Farmers in the Register 45 Mesuji Lampung, who obviously already control land in the area, must form an independent cooperative whose managers are farmers' groups, not employees of PT. Silva Inhutani.
- (3) The partnership pattern between farmers and companies must be carried out by both parties in a transparent and fair manner, as outlined in the partnership agreement signed by both parties before a notary..

As formal legality of village forest management given to farmers who control the land of Register 45 Mesuji Lampung, the government must issue a legal policy by issuing a Decree on Village Forest Management Rights (HPHD) to farmers, by paying the obligations required in a Ministerial Decree.

## Conclusion

This study raises the idea that can be used as one model for resolving disputes between communities and companies, in this case related to social conflicts between communities and companies PT. Silva Inhutani at Register 45 Mesuji Lampung, with reference to the patterns of social dispute resolution found by previous researchers, especially those relating to land rights disputes. In this study, we found the factors that drive the dispute resolution process, in addition we also found facts that hinder the resolution of land disputes between farmers and the company PT. Silva Inhutani in Lampung Province. As for the facts that are driving the dispute resolution, such as the obedience of Register 45 farmers to the Joint regulation of the Minister of Environment -

Minister of Forestry Number: P.83/MENLHK/SETJEN/KUM.1/10/2016 issued by the government; community demands for Village Forest Management Rights (HPHD) for land that is already occupied by the community, are stipulated in a joint regulation; Indonesian President Joko Widodo's 5th Nawa Cita Program, which has promised to give 9 hectares of land to the people. In addition to these findings, we also found inhibiting factors in resolving the Mesuji Register 45 land dispute, such as; the absence of a government "legal policy" that has completely resolved land disputes at Register 45, this is evident in the implementation of the joint regulation of the Minister of Environment and Minister of Forestry Number: P.83/MENLHK/SETJEN/KUM.1/10/2016, researchers found the facts of the partnership pattern monopolistic practices, such as; cooperative management controlled by company people; we also discovered the practice of intimidation by the company PT. Silva Inhutani Lampung using thugs and covert security.

## Suggestion

The findings in our research can be used as empirical, juridical and practical considerations by the government, in issuing legal policies in order to bring about legal justice in resolving social conflicts at Register 45 Mesuji Lampung, with various social considerations, so that people and companies have the same rights in managing the land Register 45 in Mesuji Lampung. By giving HPHD to farmers, the resolution of land disputes at Register 45 between the community and PT. Silva Inhutani Lampung company will be the safest settlement model, and in accordance with the 5th Nawa Cita program launched by President Joko Widodo. In addition to the security impact, a cooperative that becomes the center of the country's economics resource will revive with the people. This policy, on the one hand, will harm the company, because the land managed by the company will be reduced, but on the other hand the community will feel, that they are protected by the state and feel the legal justice issued by the State, and we feel confident, that they will always run every government program through cooperatives formed by farmers.

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