

The Study of Land Conflict of Mining Activities in The Forest Areas in Morowali Regency

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ABSTRACT

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This research aims to describe the chronologies of land conflicts of mining activities in the forest (Borrow- to- Use Permit for Forest Area of PT. Mahligai Artha Sejahtera), identify the dominant factors that cause conflict, and provide an overview of conflict resolution efforts. This research was conducted by collecting information from the public, the permit holder, in this case, PT. Mahligai Artha Sejahtera and related parties. This research was a qualitative descriptive method in terms of subject and history study and facts of the field. The data of this research was collected from August to October 2020. Based on the decree of the Minister of Forestry and Plantation No. SK.757 / Kpts-II/ 1999 on September 23, about the designation map of Forest and Territorial Waters in Central Sulawesi Province, the land location of Buleleng communities was an area for other use but in 2013 (No. SK.635 / Menhut-II / 2013 on September 24, 2013) and 2014 (SK.869 / Menhut-II / 2014 on September 29, 2014) turned into Forest Areas. However, PT Mahligai Artha Sejahtera has an approval license, an environmental feasibility license, an Increase Exploration Mining Business to a Production Operation Mining Business License, and a borrow-to-use permit from the local Government and the Ministry of Environment and Forestry. The function change of the areas in Buleleng village has resulted in conflicts. It is necessary to resolve land disputes by revising the RTRWP/K and establishing forests.

1. INTRODUCTION

Forest areas in Indonesia have the potential for diverse biodiversity [1]. Moreover, forest areas also have mining potential underneath [2]. The community has long accessed forest as a livelihood for the community. It was designated as a forest area. Several forest areas managed by the community in several places have been issued by the Government of Mining License, which before the issuance of the Mining License. The community had previously owned or carry out management activities on the land to meet their daily needs.

Forest area users are more seen in their legal and illegal status, which is a principle in the rights mechanism [3]. It is legal if the user gets a permit from the Minister of Environment and Forestry, while illegal status does not have a license or is not by the rules. Access structures are positioned to be at an unlawful rate because there are no land use permits. They have been in the forest area long before the land became a forest area.

Problems in forest resource management in Indonesia that need to be addressed with concrete actions are a) fear from local communities to claim their rights to existing forest resources, b) disagreement in the meaning, values, and objectives of forest resource management between local communities and local forest exploitation actors, and c) the Government does not have the capability and skills to become a facilitator in resolving every forest management conflict

(Golar et al., 2020; Manushevich et al., 2019; Endah Ambarwati et al., 2018; Handoko & Yumantoko, 2015)

Indonesia's forestry problems cannot be solved by one party or actor alone. The Government, the private sector, and the community cannot work and try on their own to solve these problems (Hidayat, et al., 2020; Bonsu et al., 2019; Golar et al., 2019). The above situation has created land conflicts between the community and Mining License holders who have obtained a Borrow and Use Forest Area Permit. Thus, it is deemed necessary to conduct a land conflict study at the location of the lease-to-use forest area permit for DMP Nickel production operations covering an area of 119.91 Ha in the limited production forest area, which is located in Morowali Regency, Central Sulawesi Province.

This study describes the chronology of land conflicts in mining activities in forest areas (Forest Use Permit Area of PT. Mahligai Artha Sejahtera), identifying the dominant factors causing land conflicts and finding out alternatives to land conflict resolution.

2. METHOD

This study is a descriptive qualitative study that was carried out employing a case study in the area of the Borrow-to-Use Permit for the Forest Area of PT. Mahligai Artha Sejahtera in Buleleng Village, Bungku Pesisir Subdistrict, Morowali Regency. This study was conducted for 3 (three) months, from August to October 2020.

In this study, the population involved or had an interest in knowing the historical community land area that has been burdened with a borrow-to-use permit for the forest area and its surroundings. Sampling was carried out purposively consist of The Buleleng Village Community, community leaders, or the Government of Buleleng Village, PT. Mahligai Artha Sejahtera; UPT KPH Tepeasa Maroso, UPT Ministry of Environment and Forestry BPKH Region XVI Palu, BPN Morowali Regency/BPN Central Sulawesi Province, and Forestry Service of Central Sulawesi Province, and other parties who are aware of the land conflict were involved in this study.

Data collection was carried out through observation and interviews with several key informants. Key informants understand the chronology of land and land conflicts in the borrow-to-use forest area of PT. Mahligai Artha Sejahtera. The key informants in this study consisted of the Buleleng village community (10 people), community leaders (1 person) and the Buleleng village government (1 person), the Company (1 person), the UPT KPH Pepeasa Maroso (1 person), UPT Ministry of Environment and Forestry BPKH Region XVI Palu (1 person), BPN Morowali Regency (1 person), BPN Central Sulawesi Province (1 person), and Forestry Service of Central Sulawesi Province (1 person).

The data analyzed included: (1) Change in the status of the Mining License area, (2) Potential Land Conflict, (3) conflict studies, and (4) efforts in conflict resolution. Data were presented in quotations (direct or indirect) from the results of in-depth interviews conducted. In addition, the data presented were in the form of qualitative descriptive analysis text. Qualitative descriptive analysis is a descriptive analysis of qualitative data.

3. RESULTS & DISCUSSION

Community and Land Ownership

The community has controlled the land of Buleleng Village since 1968, utilizing shifting cultivation. As for the legality of land ownership, then the proofs of ownership for land management in Buleleng Village were issued, as follows:

1. The Regent of Morowali issued a decree to grant permission to open land to the "Agathis" farmer groups in Buleleng Village, covering an area of 1,200 ha to 600 people who are members of Agathis farmer groups, each with an area of 2 ha to be allocated for rice/agriculture and plantations.
2. The Morowali Regent issued a recommendation on a 1,200-ha plot of State land location in Buleleng Village, South Bungku Subdistrict, to be affirmed as a land reform object that has been cultivated/worked on by smallholders from 2005 to the present. Therefore, the land is to be redistributed to farmers/cultivators on behalf of Kamaruddin, P. et al. They meet the requirements referred to in Article 8 and Article 9 of Government Regulation Number 224 of 1961.
3. The Head of the Land Office of Morowali Regency issued a land registration certificate for a plot of land covering 1,200 hectares in Buleleng Village, South Bungku Subdistrict, which is a requirement for the proposal to affirm that State Land becomes the object of land reform.
4. The Head of the Land Office of Morowali Regency issued a Land History letter with the status of the land being State Land. It was opened directly in 2005 on behalf of H. Kamaruddin et al. covering an area of 1,600 Ha located in

Buleleng Village, South Bungku Subdistrict, Morowali Regency, Central Sulawesi Province.

5. The Head of the Social, Manpower, and Transmigration Office of Morowali Regency issued a Certificate that the area reserved for the transmigration settlement development plan in Buleleng Village. It does not overlap with the location planned for the Village Land Reform Object (PPAN) certification activity, Buleleng, South Bungku Subdistrict, Morowali Regency.
6. The Head of the Land Office of Morowali Regency issued a letter of recommendation for the status of forest areas at the location of the PPAN activity plan in Buleleng Village, South Bungku Subdistrict. Coordinates accompany this letter to determine whether or not the activity site is included in the forest area as a recommendation/ information.
7. The Head of the Morowali Regency Forestry and Plantation Service issued a forest status letter for the location of PPAN in Buleleng Village which stated that the location of the coordinate points for the PPAN activity location was in the Other Use Area (*Areal Penggunaan Lain*, abbreviated as APL) covering an area of ±1,200 Ha referring to the Forest and Waters Area Map of Central Sulawesi Province with a scale of 1: 250,000
8. The Head of the Land Office of Morowali Regency issued certificates (proof of rights) to 600 families of land cultivators based on the 2011 PPAN Program Land Road Map in Buleleng Village, Bungku Pesisir Subdistrict, Morowali Regency.

The stages of community land ownership are visualized in Figure 1.

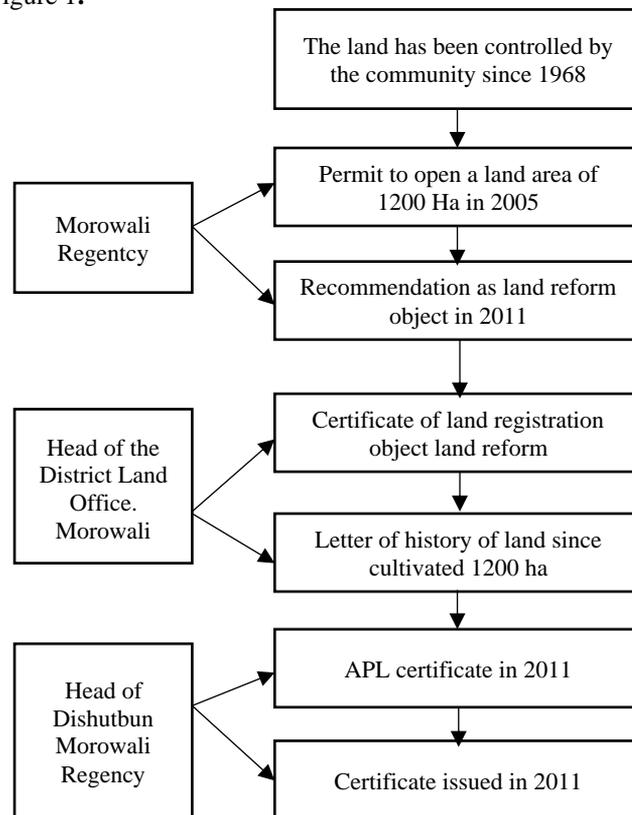


Figure 1 Stages of community land ownership

Legality/ Mining Business Permit of PT Mahligai Artha Sejahtera

Besides the legality of community land ownership issued by the Morowali Regency Government and the Morowali Regency Land Office in 2005, and from the Morowali

Regency Forestry and Plantation Service in 2011, the Morowali Regency Government also issued the legality of mining business permits on certified land for the Buleleng Village Community. The stages of the issuance of the PT MAS permit are presented in Figure 2.

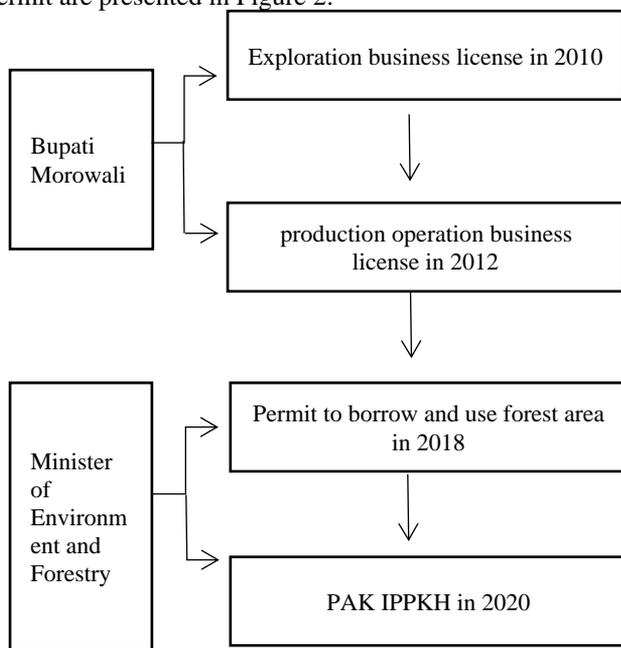


Figure 2 The stage of issuance of the PT. MAS permit

Legality/ Mining Business Permit of PT Mahligai Artha Sejahtera

Besides the legality of community land ownership issued by the Morowali Regency Government and the Morowali Regency Land Office in 2005, and from the Morowali Regency Forestry and Plantation Service in 2011, the Morowali Regency Government also issued the legality of mining business permits on certified land for the Buleleng Village Community. The stages of the issuance of the PT MAS permit are presented in Figure 2.

Land Status Based on Forest Area Map

From 2005 to September 23, 2013, the location of Buleleng Village community land had the status of Other Land Use based on the Decree of the Minister of Forestry and Plantation No. SK.757/Kpts-II/1999 dated September 23, 1999, concerning Map of Designation of Forest and Waters Areas of Central Sulawesi Province, September 24, 2013, to September 28, 2014. Buleleng Village community land with Other Land Use status based on the Decree of the Minister of Environment and Forestry No. SK.635/Menhut-II/2013 dated September 24, 2013, concerning change of designation of forest areas to non-forest areas of $\pm 94,759$ Ha. Change of function of forest areas covering $\pm 8,409$ Ha and identifying non-forest areas to forest areas of ± 91 Ha in the Central Sulawesi Province. In 2014, the land of the Buleleng Village community had the status of a Limited Production Forest area based on the Decree of the Ministry of Environment and Forestry No. SK.869/Menhut-II/2014 dated September 29, 2014, concerning Forest Area and Marine Conservation in Central Sulawesi.

The location land of the Buleleng Village community is known to have a document on the Bungku Forest Group boundaries for the south and the Middle East with a length of 142.7 Km on September 21, 1994, and the paper was legalized on June 20, 1995. Therefore, the land was returned to its

function from Other Land Use to become a limited production forest area on the attached map of Minister of Environment and Forestry Decree No SK.869/Menhut-II/2014 dated 29 September 2014. Therefore, in 1995, the implementation of forest area boundary demarcation was still using the manual method to determine the starting point of measurement still using solar observations (Buosle correction). Thus, the measurement results of forest area boundaries showed that if the forest is converted into GIS, there will be a shift. The impact causes the vulnerability of changing forest areas from Other Land Use to limited production forest areas, as happened in community land in Buleleng Village. In 1999, Other people's Land Use was turned into a forest area in 2014.

The Root of The Land Conflict Problem

The identification process results are the root causes of land conflicts in the case study of the Borrow-to-Use Forest Area Permit for PT. Mahligai with the community is that there is no synergy between sectors in utilizing or using the land. Therefore, overlaps occur between industries, and conflicts are brutal to avoid. The interests of various parties to forest resources neglect community rights, causing disputes in fighting over specific resources (Martínez-Espinosa et al., 2020; Fisher et al., 2017)

Efforts to Manage Land Conflicts

In the proposal to change the function of the limited production forest area to other land use in the context of the Revision of Spatial Zoning Plan of Central Sulawesi Province in 2019. The Government proposes a change in the function and designation of forest areas to the Minister of Environment and Forestry. In the Context of Revision of the Regional Spatial Plan of Central Sulawesi Province on Central Sulawesi Regional Regulation Number 8 of 2013, the proposed revision of the Spatial Zoning Plan of Central Sulawesi. Due to the development in Central Sulawesi Province, which is dynamic and natural disasters, especially earthquakes, liquefaction, and tsunamis, causing the allocation of space in Central Sulawesi Province to be considered less. It is relevant in accommodating development needs areas with good spatial quality, namely safe, comfortable, productive, and sustainable rooms [13], [14].

In a letter No. 600/109/DPUPRD/III/2020 dated March 23, 2020, regarding the proposed additional change in the function and allocation of the forest area of Morowali Regency, Regent of Morowali appealed to the Governor of Central Sulawesi for a proposal to change the position and distribution of a forest area of 992 Ha, namely from limited production forest to other land use. Governor of Central Sulawesi responded to it with a letter No. 522/142/DBMPR dated March 27, 2020. It is regarding the proposed change in the function and allocation of forest areas in the Central Sulawesi Spatial Zoning Plan (Proposition 7). The suggesting an area of ± 992 Ha including the Limited Production Forest area into Other Use Area, is rural community land for Buleleng community who has been certified and has also been burdened with a Borrow-to-Use Permit of PT. Mahligai Artha Sejahtera.

The Integrated Team did not accommodate the proposed change in the function of the location from Limited Production Forest to Other Land Use. The proposed 7 (seven) sites were not subjected to field inspection by the Integrated Team due to delays in the proposal by the Regent of Morowali to the Governor of Central Sulawesi. Furthermore, the integrated team suggested, related to the land problems in

Buleleng Village, to go through the procedure for Regulation of Ministry of Environment and Forestry No. P.44/Menhut-II/2012 dated December 11, 2012, concerning Forest Area Affirmation.

Mining License area of PT. Mahligai Artha Sejahtera (MAS), from 2005 to September 23, 2013, showed that there was land for the people of Buleleng Village with the status of Other Land Use. Furthermore, in 2014 the community land in the Mining License of PT. MAS changed its position to Forest Zone. The change in the quality of Other Land Use land to the Forest Zone is the root of the land conflict of the Buleleng Village community, which is under the Mining License of PT MAS. Disagreements or disputes involve community members with PT MAS and involved government agencies, in this case, the Forestry Service and the National Land Agency. In other words, land conflicts or disputes, which are currently forest areas, are structural in nature and horizontal.

Conflicts related to land and natural resources control are called tenure conflicts [6], [14], [15]. Natural resource conflicts occur due to increasingly scarce natural resources, while those with fixed interests have increased [16]. Land tenure conflicts arise from the different perceptions and interpretations that parties have of their rights to land and forest resources [17]. Tenure conflicts that occur in forest areas mean that there is a conflict in control of land and resources in forest areas, such as conflicts between forest managers and communities who use forest areas for residential areas, roads, rice fields, fields, and gardens [18].

The conflict resolution efforts carried out by the bureaucracy did not touch the actual substance of the problem. Compensation is often identified as the cause of conflict [9]. Therefore, the settlement efforts are limited to providing compensation for used community land [19]. Meanwhile, the substance of the problem is the different "perceptions of land ownership" between the community and the Government and the Company, besides the pain of loss of community livelihoods caused by not substituting people's livelihoods with other options that should be provided by the Company [20].

4. CONCLUSIONS

The chronology of land conflicts in mining activities in forest areas (the borrow-to-use forest area of PT Mahligai Artha Sejahtera) is the issuance of PT MAS mining licenses. It is on the land that has been controlled by the Buleleng village community and has been certified, the publication of a map of the forest area of Central Sulawesi Province in 2014, and the issuance of borrow-to-use forest area permits by the Ministry of Environment and Forestry on community lands. The dominant factor causing the conflict is that there is no synergy between sectors in utilizing or using land, resulting in overlaps between industries. An alternative for conflict resolution has been implemented is the proposal for changes in the designation and function of forest areas by the Governor of Central Sulawesi to the Minister of Environment and Forestry through a review of the spatial plan for Central Sulawesi Province in 208. However, Buleleng village land is not accommodated for the changes. Furthermore, the alternative that might be carried out is to resolve the gazettement of forest areas.

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