



## The Ideal Model for Resolving Land Disputes between Rice Farmers and Industrial Companies in Karawang Regency

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### ABSTRACT

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Conflicts over agricultural land in Karawang Regency often occur between communities cultivating rice fields and companies. This conflict was triggered because Karawang Regency is one of the areas in West Java that is an investment destination, so the need for land is getting more significant for developing investment, especially in the industrial sector. This need then has implications for the transfer of land functions and the occupation of land owned by rice cultivators in Karawang Regency. This condition then creates an unavoidable conflict between sharecropper communities and companies that invest in the Karawang district. One ideal option for resolving conflicts between the community and the company is mediation. The choice places the parties in a balanced way to secure the interests of each, which can provide guarantees of legal certainty for the parties.

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### 1. INTRODUCTION

The increase in investment growth in Karawang Regency then impacts the conversion of agricultural land functions by depriving farmers' rights to land that has become rice fields which have been a necessity of life for farmers and community members in Karawang Regency. This creates a conflict between the farmers and the company as an investor who invests in Karawang.

Land management in Indonesia is not good enough and often causes social upheaval in the community (Octaleny et al. 2020). Social unrest in the land sector is caused by an imbalance between the amount of land and the size of the community's demands, such as housing, agricultural land, mining land, industrial land, and road building as a means of distributing community needs. According to Astuti (2011), land disputes exist in nearly all regions of Indonesia, including Java, Sumatra, Kalimantan, and Papua. The land dispute takes the form of reclaiming or regaining ownership of land by granting a right to cultivate (HGU) to entrepreneurs on land that has been controlled by the

people for generations. Similar concerns were expressed by (Larson 2012). Due to legal pluralism, land tenure in Indonesia overlaps. Legal pluralism is the interaction of two or more legal systems within a single social life (Hooker 1975).

According to Alting (2013), the resolution of land disputes is tailored to the nature and characteristics of the issue. According to him, the original cultural perspective of the Indonesian people prioritizes peace, harmony, mutual cooperation, mutual assistance, and tolerance. As a result, when resolving a dispute, the parties do not go directly to court (litigation), but rather utilize a family-based alternative, namely mediation. The mediator facilitates agreement between the parties. The parties alone formulate their agreement. Riskin et al. (2014) categorizes the mediation process as an informal process. Mediation is an informal procedure in which a neutral third party assists others in resolving their issues without the ability to impose a solution (Riskin et al. 2014).



Workers with heavy equipment bury rice fields to be converted into housing areas.  
Dock. ANTARA/Asep Fathulrahman

Some examples of cases in land tenure disputes involving cultivating communities and companies included the conflict between the cultivating farming communities of the Republic of Indonesia Veterans Legion (LVRI) and PT. Pertiwi Lestari, located in Margakaya Village, Telukjambe Barat District, Karawang Regency, ended with relocating 50 heads of Families (KK) (Hasan, Arianto, and Nugroho 2019). Likewise, in the case of disputes between district farmers. Karawang with PT. Agung Podomoro Land (APL), which occurred in 2018. This case took a long and tiring time, ending with a court decision in favor of PT. APL (widapratama and Dervish). However, the farmers remained determined not to accept the court's decision.

In the two cases mentioned above, the options for resolving disputes differed through non-litigation and litigation channels. Of course, the choice of dispute resolution between the two parties must be according to the wishes and agreements of the parties. Therefore, this paper seeks to examine and provide understanding for community members, especially for cultivating farming communities, about the ideal pattern of dispute resolution in the event of a land dispute between cultivating farmers and companies or investors investing in Karawang so that the interests of cultivating farmers remain intact. They are protected without hindering the implementation of investment in the Karawang regency. The research aim is to describes the ideal model for resolving land disputes between rice farmers and industrial companies in karawang regency.

## 2. METHOD

This research is the second of the previous writings as the output of the results of research and community service carried out by the research and community service team from the Faculty of Law, National University of Jakarta by taking research and community service locations in Karawang Regency. It can be seen that Karawang Regency, West Java, is still a destination for investment,

especially investment in the industrial sector. In fact, Karawang Regency is one of the largest industrial areas in Southeast Asia and is the area with the largest investment value in West Java.

Data from the Karawang Investment and Integrated Services Service, investment realization in Karawang district in the third quarter of 2022 has reached IDR 10.4 trillion. Such a large investment brought Karawang to the first place in the largest investment in West Java. Whereas in previous years Karawang was in second place after Bekasi. Investment in Bekasi in the third quarter of 2022 “only” reached IDR 7.8 trillion (Khumaini 2022).

## 3. RESULTS AND DISCUSSION

The causes of the emergence of land conflicts can be historical injustice, wrong government policies and governance, conflicts of interest, and corrupt leadership and management (Karol Boudreaux, Darryl Vhugen, and Nicole Walter 2017). The increasing need for investment in a region and the development of infrastructure projects for industrial activities can lead to conflicts in land tenure. On the one hand, the investment interest needed to increase state or regional income is currently essential. However, on the other hand, the need for land by investors is a threat to the continuity of land tenure by farmers cultivating rice fields in the Karawang Regency.

Some of the characters that trigger land conflicts in the community, the general causes of which can be identified are as follows:

1. Increase in population; As cities and villages grew, people began to compete for increasingly scarce land and resources. This can cause the younger generation to worry about their future and their families to fight over land ownership.
2. Expand development to suburban areas. Some business communities expand their business to new areas to obtain cheap land for industrial purposes. Such displacements can increase land values, pressure resources, and create tensions between ethnic groups. This displacement impacts the loss of housing or eviction of residents' homes, and the community loses their livelihoods and access to natural resources that promise to sustain their lives.
3. There is an increase in land value. Increased land value or resource availability can cause conflict if ownership is unclear. Officials and public figures may be tempted to take unfair advantage of the increase.
4. Information regarding the land status in the area needs to be clarified. Administration systems regarding land may need to be updated, inaccessible, or missing, and

boundaries of land status cannot be accurately mapped. Community knowledge about land boundaries may also need to align with the government's official understanding.

The description of the characters that trigger land conflicts mentioned above can be seen concretely in the case of land disputes between farmers and PT. Pertiwi Lestari due to mutual claims of land ownership, which resulted from the Indonesian government's confiscation of former Dutch colonial land, namely the private land of Tegal Waroe Landen, in 1958. After this private land turned into state-owned land, people began to flock to work on the former land, privately according to government instructions, in which the people who will work on it are guaranteed legal certainty in Article 46 of the Basic Agrarian Law No. 5 of 1960. The community then opened agricultural land and plantations as a means of community survival.

Then, in 1968, a conflict arose, namely the existence of individual manipulation to control land privately through the application for Cultivation Rights (HGU). In this case, individuals cannot apply for HGU because local people have been recorded as having paid taxes in 1967, and the 1960 BAL has provided a guarantee that farmers who have cultivated for more than ten years have the right to own the land. However, there was manipulation by individuals, namely creating a community assistance program in which the people were given fertilizer and seed assistance by signing a document stating that the residents surrendered the land. Finally, in 1973 PT appeared. Tanjung Krisik Makmur, who succeeded in obtaining HGU on an area of 861 Ha with a period of 30 years ending on December 31, 2003. Then on January 16, 1995, PT. Pertiwi Lestari signed a sale and purchase agreement with PT. TKM for the purchase of all HGU No.1 through Notary Deed No. 77.

After that, the conflict reappeared when in 2013, the company deployed heavy equipment to carry out construction at the HGB location and locations controlled by the community. The aggressive attitude of the company to expel the community was met with natural resistance by sharecroppers towards development, and the community continued to control and work the land as the object of the conflict. The cultivating communities that are members of LVRI have begun to develop efforts to resolve land conflicts through demonstrations, urging the central government to immediately help resolve the conflicts that have occurred (Septiani 2017). The LVRI community then took legal action by filing a lawsuit against the Head of the Karawang Regency Land Office against the State Administration Decree in the form of HGB

Certificate No. 5/Desa Margamulya, which is registered in the name of PT. Pertiwi Lestari to the State Administrative Court (PTUN). This legal effort reached the level of judicial review at the Supreme Court, but the decision did not benefit the sharecropper community. Because the Supreme Court rejected the LVRI Community's lawsuit.

This conflict then stopped when the decision of the Supreme Court. The community continued to fight in various ways because they firmly believed they had the right to the land. In the end, dispute resolution is pursued through non-litigation channels settlement of land cases between the community and PT. Pertiwi Lestari is carried out through a mediation channel facilitated by the Ministry of ATR/BPN and the Regional Government of Karawang Regency. The mediation carried out by the two parties ultimately led to a peace agreement between the two parties, which was manifested in the signing of a memorandum of understanding by representatives of PT. Pertiwi Lestari and Representatives of DPD LVRI West Java Province.

The solution agreed upon by both parties in this peace agreement is PT. Pertiwi Lestari replaced the land of the cultivating community by relocating as many as 50 Heads of Families (KK) of the LVRI community by obtaining certainty of tenure, ownership, use, and utilization of land on the new land (Hasan et al. 2019).

Based on the description of the case above, it clearly shows that the settlement of land disputes between sharecroppers and the company is ideally pursued through non-litigation channels so that dispute resolution can find an agreement that is beneficial for both parties. Of course, the justice portion for both parties can be found through mediation. If only the dispute resolution process were pursued through litigation, then the portion of justice for both parties would not be realized because court decisions always end with a winner on one side and a loss on the other.



Karawang farmer demonstration. The land conflict claimed 15 victims-Dock. Antara

The process of resolving land disputes involving the interests of community members through court

decisions only sometimes resolves the problem. Through mediation forums, problem-solving processes must understand the parties' characteristics in litigation and seek mutual agreement by setting aside cases.

### The Ideal Dispute Resolution Model

Based on the description of the case and the pattern of settlement adopted in resolving land disputes between cultivating communities and PT. Pertiwi Lestari, mentioned above, shows that the ideal model in resolving land disputes involving the wider community can be pursued through non-litigation channels. In dealing with land disputes, effective and efficient land conflict resolution options are necessary. Settlement of land conflicts can be done through non-litigation channels, which can be done through deliberations, conciliation, mediation, and arbitration (Mokhtar 2016). This non-litigation path can be taken as an option for the community in facing significant obstacles to accessing justice in the formal justice system (Litigation) (Sarjita 2005). Courts are often expensive and slow, requiring geographic and cultural barriers.

The choice to pursue dispute resolution through mediation not only considers the practical interests of the two parties involved in the conflict but must have a more substantive understanding of the negative impact of the conflict on community land tenure. Through the mediation channel, the Company and the government can take reasonable steps to identify the dispute, determine the extent to which the community can influence the project's sustainability, and then, if possible, do what can be done to facilitate dispute resolution. Investigations into community land conflicts should be part of a more extensive process and are critical to identifying all the legal land title holders on land taken over by companies.

The overall process for identifying community land disputes in the conflict resolution phase through thorough mediation can be taken through the following analytical steps:

- (1) Research on regional history, economy, culture, and politics;
- (2) Develop an understanding of the national legal framework relating to land and dispute resolution;
- (3) Review formal land records, court records, reports, and research papers on land disputes in the area;
- (4) Direct involvement of companies and government with affected communities (by

far the most critical step in identifying land disputes).

The steps mentioned above must involve community participation. Communities should be part of a broader consultation process aimed at identifying rights holders over land, land, and resource use and the potential impacts of projects to be developed on land that is the object of dispute. Information about conflicts should be disclosed during participatory stakeholder mapping, which helps identify all who use the land, how they use it, geographic boundaries, and the nature and source of their rights. Publicly displaying the mapping process results can help identify disputes and facilitate resolution.

In the case above, it is clear that the choice to pursue peace through mediation can produce effective results through an agreement between the parties. The agreement outlined in the form of a peace agreement contains points of agreement that must be committed by the parties to adhere to and implement. One of the agreements outlined in the agreement is the ability of PT. Pertiwi Lestari to compensate for the loss of LVRI community land by relocating 50 LVRI community families to other areas with the same conditions and land characteristics for community living and farming. The Karawang Regency Land Office resolved this problem with the Land Consolidation format. Land Consolidation is carried out to appreciate the LVRI community, who will be resettled on a replacement land location. It aims to reorganize control, ownership, use, and utilization of land to create a good and healthy living environment by the spatial plan and the availability of land for public use accompanied by legal certainty of land and space rights in the form of a certificate of Land Consolidation results.



Submission of material on legal protection for farmers by the Research and Community Service Team in Karawang Regency. Dock. Research Team, 2022

The LVRI community strongly agrees with the settlement results through a mediation forum with an agreement to relocate community clans with guaranteed certainty of land ownership through the issuance of ownership certificates for the newly occupied land. Having a certificate ensures that the community has legal certainty over the land they

occupy. First, certainty about the type of land rights required. Second is the subject's certainty to protect legal actions regarding land carried out by the subject of land rights. Third, the object of land rights regarding the location of the land and the boundaries of the land parcels is to avoid disputes in the land sector. Fourth, there is legal certainty regarding the rights and obligations of subjects who control land rights objects (Guntur, IGN & Soeradji, 200).

#### 4. CONCLUSION

One of the goals of the land dispute resolution process through litigation is to obtain legal certainty regarding the ownership status of the land that is the object of the dispute. However, this process takes a very long time and is very expensive, and the final result of a court decision may only sometimes provide equal benefits for the two parties to the dispute. Therefore, the ideal legal steps to resolve land disputes between cultivating communities and companies are through non-litigation channels using mediation or condolences. Mediation forums to resolve land disputes can provide satisfactory results for both parties. The community has easy access to arguments and can also provide legal certainty over land ownership status for land-cultivating communities.

#### REFERENCES

- Alting, H. 2013. "Konflik Penguasaan Tanah Di Maluku Utara: Rakyat Versus Penguasa Dan Pengusaha." *Jurnal Dinamika Hukum* 13(2).
- Hasan, Ismail, Tjahjo Arianto, and Aristiono Nugroho. 2019. "Penyelesaian Kasus Pertanahan PT. Pertiwi Lestari Dengan Masyarakat Margakaya, Telukjambe Barat, Karawang Melalui Resettlement." *Jurnal Tunas Agraria* 2(3).
- Hooker, M. B. 1975. *Legal Pluralism: Introduction to Colonial And Neo-Colonial Law*. London: Oxford University Press.
- Karol Boudreaux, J. D., J. D. Darryl Vhugen, and M. A. Nicole Walter. 2017. *Community Land Conflicts: How Local Land Disputes Affect Private Sector Investments and Development Projects*. Landover: The Cloudburst Group.
- Khumaini, M. Al. 2022. "Menjaga Areal Lahan Pertanian Di Tengah Laju Investasi Di Karawang." *Antarnews.Com*, November 5.
- L, Septiani. 2017. "Analisis Konflik Lahan Antara Petani Karawang Dengan PT. Pertiwi Lestari (Kasus Pada Petani Desa Wanajaya, Kecamatan Telukjambe Barat, Kabupaten Karawang, Provinsi Karawang)." Institut Pertanian Bogor.
- Larson, A. M. 2012. *Tenure Right and Access to Forests: A Training Manual for Research*. Bogor: CIFOR.
- Mokhtar, Khairil Azmin. 2016. "Institutions and Mechanisms for Internal Conflict Resolution: Legal and Non-Legal Means in Resolving Dispute and Attaining Justice in Malaysia." *Jurnal Media Hukum* 23(2).
- Octaleny, E., E. Larasati, S. Suwitri, and Kismartini. 2020. "Mediation of Land Disputes between PT Perkebunan Nusantara (PTPN) VII Cinta Manis and Rengas Village Farmers, Ogan Ilir Regency Sumatera Selatan Province." *Management and Entrepreneurship: Trends of Development* 4(14):43-54.
- Riskin, L. L., J. E. Westbrook, C. Guthrie, R. C. Reuben, J. K. Robbennolt, and N. A. Welsh. 2014. "Dispute Resolution and Lawyers." in *American casebook series*. Amerika: West Academic Publishing.
- Sarjita. 2005. *Teknik & Strategi Penyelesaian Sengketa Pertanahan*. Yogyakarta: Tugujogja Pustaka.