

CHAPTER I

INTRODUCTION

A. Background of Research

In the past, local government was only the executor of the program from the central government. Nowadays, local government can exercise their autonomy rights. The community must also be aware of their rights and responsibilities related to their needs.

In OKU (Ogan Komering Ulu) Timur, South Sumatra there was a case that happened in 2007. It was a dispute between the local community of Semendawai Timur and PT LPI (*Laju Perdana Indah*) on the land ownership. Total area of the land is 21.502 hectares. The land was undercontrolled of PT LPI without any land certificate except the right to tenure the land. Later, the owners of PT LPI claimed themselves as the owner of the land.

Local community also inherited the right to cultivate the land from their ancestors. Thus they planted it with rubber and palm oil. Local community was not aware that land ownership is closely related to the right of a person to own, use, manage, and sell it to others. Local community has low awareness in this position but they will do anything to save their rights.¹

¹Raharjo, 2014, *Pengantar Sosiologi Pedesaan dan Pertanian*, Yogyakarta, Gadjah Mada Press. p. 115

The dispute arises from the destruction of rubber and palm oil plantations by PT LPI when they were harvested the sugarcane. One of local community member said that PT LPI had occupied their land since 2006 while the community has cultivated it since 1978 with the total width of ±600 hectares.² The community claimed that they inherited the land from heir ancestors but it was then owned by PT LPI since February 8th, 2002 based on HGU certificate No. 3 on behalf of PT *Laju Perdana Indah* (LPI). Total width of land own by this company is 21.502 hectares including the community land.³ Even though the certificate has been published, the community still claimed that the land was theirs.

On the July 1st, 2007, the first clash between local community and PT LPI could not be avoided. It was recorded that there were 1500 peoples who burned and looted PT LPI which caused the damage of one office, 12 units of employees' residence, 30 units of heavy equipment such as: tractors, nine units of four-wheeled operational vehicles, six units of motorcycles, mushala building, 300 acre of sugar cane plantation and other properties of employees in the cabins.⁴

²Konsorium Pembaruan Agrria, 2017, "Surat Terbuka: Hentikan Penyerobotan Tanah Masyarakat Mulyajaya OKU Timur Sumatera Selatan oleh PT LPI", <http://www.kpa.or.id/news/blog/surat-terbuka-hentikan-penyerobotan-tanah-masyarakat-mulyajaya-oku-timur-sumatera-selatan-oleh-pt-lpi/> accessed on Tuesday, December 5th, 2017 at 11.11 am.

³Ruslan Burhani, 2011, "Pengusaha Sumsel Adukan Indikasi Rekayasa Penyidikan Perkaranya", Antara News, <http://www.antaraneews.com/berita/254247/pengusaha-sumsel-adukan-indikasi-rekayasa-perkaranya> accessed on Sunday, October 15th, 2017 at 6.15 pm.

⁴Anonymous, 2007, "Otak Pembakaran Ditangkap, Karyawan PT LPI Trauma", <https://news.detik.com/berita/802770/otak-pembakaran-ditangkap-karyawan-pt-lpi-trauma> accessed on Friday, October 20th, 2017 at 2.18 pm.

The dispute is still going on until now. On the August 2nd, 2017 the community demanded PT LPI to stop the evictions of 200 houses and occupation of 600 acres of the land that has been cultivated by the local community. One of the representative of community said that they have been living on that land since 1978 and it was proved by the letters of the base pedestal (*surat pancung alas*). Meanwhile, PT LPI also has released HGU certificate on 2002.

The Regent of OKU Timur H.M. Kholid M.D. said that the land disputes between the community and PT LPI had been settled down. He had made a coordination meeting with an integrated team and PT LPI to resolve the issue. The results of the meeting were written down in a mutual agreement; it was began by giving compensation of Rp 10 million to 54 families of Linang's community with the employment guarantee at PT LPI. The community should follow the rules and regulations of the company and 1 acre of land was given to each families. The agreement, however, was rejected by the community because they did not involve in the process of negotiation. The community considered that the compensation given by the company is small.⁵

The decision from Supreme Court has made PT LPI as the legal owner of the land. The local government of OKU Timur regency also has given understanding to the community that they don't have a strong evidence to prove their ownership. The strong evidence of PT LPI is HGU certificate.

⁵Ahmad Supardi, 2017, "Bupati OKU Timur Diminta Hentikan Konflik Lahan di Mulya Jaya", Tempo.co, <https://nasional.tempo.co/read/897168/bupati-oku-timur-diminta-hentikan-konflik-lahan-di-mulya-jaya> accessed on Monday, October 23th, 2017 at 2.12 pm.

Local government also confirmed to the community that the certificate is valid and they have considered that the compensation given by PT LPI is good enough after calculating the amount of their losses. The community still insisted that the land is their belonging since their ancestors.

From the background above, the researcher is interested to know what is “The Role of Local Government in the Dispute Settlement of Land Procurement for Sugarcane Plantation in OKU Timur Regency, South Sumatera”.

B. Research Problem

Considering the research background above, the researcher has formulated two questions to be answered namely:

1. What are the role of local government in the dispute settlement of land procurement for sugarcane plantation in OKU Timur Regency, South Sumatra?
2. What are the obstacle factors of OKU Timur government in the dispute settlement of land procurement for sugarcane plantation in OKU Timur Regency, South Sumatra?

C. Objectives of Research

1. To understand the roles of local government in the dispute settlement of land procurement for sugarcane plantation in OKU Timur Regency.

2. To know the obstacle factors of OKU Timur government in the dispute settlement of land procurement for sugarcane plantation in OKU Timur Regency.

D. Benefits of Research

1. Theoritically

To contribute legal information materials in the field of law, especially regarding the implementation of land procurement. It is expected to be a material to add the legal knowledge regarding the public land.

2. Practically

To provide an input in the implementation of the dispute settlement of land procurement for sugar cane plantation in OKU Timur regency.