



## The strategy of agrarian conflict settlement on land acquisition in activities of irrigation networks construction

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### Abstract

This study aims to examine the causes of conflict between owners land with the government in land acquisition activities for the construction of irrigation networks as well as the strategy for resolving conflicts in land acquisition activities for the building of irrigation networks in Balangan District, South Kalimantan Province, Indonesia. The research design was descriptive qualitative research. Data is collected through interviews, observation, and documentation. To help identify the causes of the problem, this study applied a diagram analysis tool of Fishbone. For problem-solving strategies, this study employed a SWOT analysis. The object of this research is community members whose land is affected by the irrigation network construction project but has not agreed with the government regarding the release of the land. The results showed that the cause of the conflict between members of the community affected by the development of the irrigation network with the government is the value of compensation that has not been appropriate, lost some livelihood, inherited land that has historical significance, the presence of standing water in the garden, damaged roads villages, miscalculations in plant inventories, and incorrect land markings. Efforts to resolve conflicts between landowners and the government in land acquisition activities are 1) the government can review the value of compensation provided as a substitute or reward for what has been lost by taking into account physical losses and on things that are intangible; 2) the government needs to carry out education and training for implementing land acquisition activities; 3) the government needs to carry out a mitigation or long-term movement that aims to reduce the likelihood of disasters affecting environmental damage due to the construction of irrigation networks, and 4) the government can prioritize consensus deliberations while still fulfilling a sense of justice for landowners and upholding human rights.

**Keywords:** conflict, land settlement, irrigation, construction

### 1. Introduction

Development is one of the activities carried out by the government concerning its duties and responsibilities to promote public welfare. The development in Indonesia is significantly increasing. Development activities include public roads, toll roads, tunnels, railroads, reservoirs, dams, irrigation, drinking water channels, water and sanitation sewers, ports, airports, markets, widening roads and so on requiring land as the primary means. The problem that then arises is how the process of taking community land will be used to procure development projects<sup>[1]</sup>.

The land has an essential meaning in human life because most of human life depends on the property. The ground is not only seen in economic relations as a factor of production in which people live on it, but the area is a means of social interaction among Indonesians for survival, besides that land is a capital factor in the implementation of development. With the increase in population, there is also a need for the property, both for settlements and for businesses. For the government, the area is also needed for the construction of facilities that will be beneficial to people's lives<sup>[2]</sup>.

After passing 2 (two) fiscal years, up to now, the implementation of the construction of irrigation networks in research sites has been hampered by some problems, including due to unfinished land acquisition for the project. Land acquisition for irrigation networks not only relies on land that

has been controlled by the state, but also requires private property, groups, legal entities, and others that are passed by the irrigation development plan.

Of the total land needed for the construction of an irrigation network, which is 30.64 hectares, there are still 0.67 hectares of land that have not been acquired, in the sense that there are still people who refuse ownership land to be compensated. The existence of a gap between the limited amount of property and human interests above the ground raises a variety of land problems; there is a conflict between the community members of landowners who are affected by irrigation development with the government.

Based on the above and the existing provisions, construction of irrigation networks in Balangan are still hampered because there is a conflict between members of the public as owners of land affected by the development of the relevant government land acquisition activities on the project. Thus, this study aims to find out, the cause of the conflict between landowners and the government in land acquisition activities for the construction of irrigation networks, and strategy for resolving disputes between landowners and the government in land acquisition activities for the development of irrigation networks in Balangan District.

### 2. Materials and methods

Design of this research is descriptive qualitative, which aims

to explain the problem thoroughly under study with the correct interpretation. Data collection was carried out by researchers with direct interviews with parties who were still in conflict with the government on land acquisition activities for the construction of irrigation networks in Balangan District. Researchers also collected data from relevant government agencies including the Land Office of Balangan Regency, the Kalimantan River Region Office, and the Office of the Village Head in Awayan and Batumandi Subdistricts, which were then processed for this study. To help identify the causes of the problem, in this study used the diagram analysis tool *Fishbone* [3]. For problem-solving strategies in this study utilized the SWOT analysis [4]. Furthermore, to find out the various possible strengths and weaknesses, an internal environmental analysis (IFAS) is needed by analyzing the external environment (EFAS) to find out multiple opportunities and threats [5].

### 3. Results & discussion

Based on the results of in-depth interviews conducted with parties involved in the procurement of irrigation network land in Balangan District, it is obtained several problems that occur between members of the community affected by irrigation development with the government. The following is a breakdown of the issues resulting from the analysis using the fishbone diagram presented in the following table.

**Table 1:** Factors Causing Conflict

Factors	Description
Economy	<ul style="list-style-type: none"> <li>▪ value of compensation that has not matched</li> <li>▪ loss of a part of the livelihood</li> </ul>
Socio-local culture	<ul style="list-style-type: none"> <li>▪ inheritance</li> <li>▪ norms, values, and beliefs</li> </ul>
Environment	<ul style="list-style-type: none"> <li>▪ stagnant water in community gardens</li> <li>▪ damage to village roads</li> </ul>
Human	<ul style="list-style-type: none"> <li>▪ error counting the plant inventory</li> <li>▪ appointment of erroneous land boundaries</li> </ul>

Based on the table above it can be seen that the factors that cause conflict in the land acquisition activities of irrigation networks in Balangan Regency are economic factors, socio-cultural factors, environmental factors, and human factors. The following are the details of the problems of these factors:

#### 3.1 Economic factors

##### a. The value of compensation that is not yet appropriate

The most dominant problem in land acquisition is the value of the benefit that has not reached an agreement [6]. In determining the amount of compensation, there must be an agreement between the landowner and the land acquisition committee, in this case, the government; both parties hold deliberations to reach an agreement. The compensation value is not only to the land, but also takes into account objects related to the land, such as buildings, plants, and others [7]. Determination of the compensation value is carried out by the assessment team; the amount of compensation determined by the assessment team will be the basis for the deliberation between the land acquisition committee and the landowners. However, the landowners' expectation is still not fitted because they also take into account immaterial losses, such as

the cost of moving, the cost of finding replacement land, and so on.

##### b. Loss of some livelihood

Inland acquisition for the construction of an irrigation network in Balangan District, most of the land affected by development is soil planted with rubber. Sadly, the community around the location, in general, is rubber tapping farmers who rely on the rubber plantation as their main livelihood, with the feeling of their rubber trees to be used as irrigation networks, the community loses its source of income. One landowner who was affected by land acquisition for the construction of an irrigation network wanted a replacement land in the form of a rubber plantation to return to work as a rubber tapping farmer. Even though the rules in such a manner are permitted [8], the land procurement committee has difficulty finding replacement land that meets the criteria. Landowners hope that the replacement land location is not far from the land they owned before, because they still want to live and work in the environment around their original place of residence. Loss of livelihood will make it difficult for the economy of the landowner, and if the landowners who are affected by land acquisition will face a lower life than before their land is acquired, there will undoubtedly be a conflict to maintain their viability.

#### 3.2 Socio-cultural factors

##### a. Inheritance land

Generally, when a person has passed away, his assets will fall to heirs who have a family relationship or close relationship, including assets in the form of land. Land inheritance is an obstacle in land acquisition because several parties must participate in making decisions on the sale of the property. If one party does not agree, the government cannot take over the land for the construction of an irrigation network. Inheritance land also has a relationship for landowners with the area itself, because the property was once occupied or owned by their parents. Thus, the nominal compensation money for them will not replace the non-material value above the land.

##### b. Local values and beliefs

One of the norms, values, and beliefs of local rural communities in Balangan District if there are relatives who die, then the bodies are buried around the yard of the house, not in the public cemetery. So that there is one of the graves affected by the irrigation network, the family who also owns the land does not want to move the tomb to another place. The landowner believes that for the person who has passed away, never disturb his grave in the sense that it is not dismantled and moved, and if it is transferred to another place it will be difficult to make a pilgrimage.

The family or heirs of the tomb owner before approving the transfer of the tomb, according to the findings of the study also first ask for opinions of religious leaders in the area where they live. The view of religious leaders is a matter of consideration for landowners in releasing their land.

#### 3.3 Environmental factors

##### a. Waterlogging in community gardens

Mainly every development is expected to improve the quality of life or improve the welfare of the community, but besides that, every event will also produce positive and negative

impacts. Development activities will affect humans and their environment. The effect on the environment is an increase or decrease in natural carrying capacity that will support human survival. For the construction of the irrigation network, it is required landfill height of approximately 2 meters, resulting in the rainy season the water does not flow well because it blocked soil, backfill the water that flooded rubber plantation residents nearby. Another problem that occurs in Bramban Village, Awayan Subdistrict, is that there is open and closed system irrigation that is not going well, resulting in stagnant water in the community gardens because of the full capacity of the irrigation network.

On the one hand, the irrigation network is beneficial for agricultural areas, like flood control and fish farming, but for rubber farmers whose gardens are located around the irrigation network area, the presence of stagnant water in the garden will reduce the quality of rubber, thereby reducing the selling price of the rubber.

**b. Damage to village roads**

Another component of the environment affected by the construction of irrigation networks is road damage. In infrastructure development projects, it is inevitable that the mobilization of goods for development needs is transported using large trucks, so that village roads that are not able to withstand heavy loads will be damaged by the passing of vehicles that are not following road capacity.

Following the findings of the study, repairing village roads damaged by material mobilization, the irrigation network construction contractor will be responsible for improving and maintaining the road. For the implementation of the irrigation network development to run smoothly, and there will be no rejection from the community due to damage to the village road, the contractor will work as soon as possible in repairing the way before the irrigation network construction is completed.

**3.4 Human factors**

**a. Errors in calculating plant inventories**

Every growing crop that is above the land affected by the

construction of the irrigation network is also compensated. A list of the number and type of plants is carried out by the land procurement committee, in some cases, there is an error of officers in the calculation or inventory of the number of plants owned by the community whose land is affected by development. The impact of this miscalculation caused conflict between landowners and the government <sup>[9]</sup>.

The factor of human resources in the land acquisition committee is an essential factor in the implementation of smooth and successful land acquisition activities. Therefore, the land procurement committee should improve the quality of human resources, enhance skills and minimize errors in the implementation of events, because it will avoid conflicts.

**b. The appointment marks of a false boundary**

Land procurement committee to identify and inventory the object and the subject of the land is affected by the irrigation network path. For the land object itself to be carried out cadastral measurement and mapping, the analysis takes into account the land boundaries according to the owner's designation. Determination of the location of the land boundary is carried out by landowners that produce contradictory results. Measurements should be made after the principle of contract has been fulfilled, in the sense that all parties between landowners and adjacent neighbors approve the measurement results and agree within the boundaries of their land. However, in the land acquisition activities of the irrigation network in Balangan Regency, there was an erroneous designation of land boundaries by the landowners, so that the neighboring neighbors filed an objection and rejection because due to the error in the next land ownership borders reducing in size.

Findings from the research can make some conditions which are the strengths, weaknesses, threats, and opportunities for conflict over land acquisition activities analyzed by SWOT analysis. The results of the SWOT analysis are presented as follows:

**Table 2:** Study of SWOT Strategies

<b>Internal</b>	<b>Strength (S)</b> 1. Supporting regulations 2. Availability of costs for land acquisition activities 3. The existence of community empowerment programs after irrigation network development	<b>Weaknesses (W)</b> 1. Members of the Land Procurement Committee are not careful and thorough 2. Assessment Non-optimal non-physical losses 3. Less harmonious relationships with landowners
<b>External</b>		
<b>Opportunities (O)</b> 1. Landowners can still be invited to negotiate 2. Communities around hoping for an increase in income 3. Technological progress	 1. Conducting consensus deliberation 2. Mentoring and training to improve community skills 3. Technology utilization	 1. HR capacity building Land Acquisition Committee 2. Assessing re-assessment of non-physical losses 3. Renegotiating
<b>Threats (T)</b> 1. The existence of land speculators and unscrupulous provocateurs 2. Community members who have lost their livelihood 3. Environmental damage around the construction of irrigation networks	 1. Tax regulations to avoid land speculators 2. Utilization of irrigation networks as a source of new businesses 3. Using environmentally friendly methods	 1. Forming problem handling teams 2. Forming information and complaints places 3. Socialization of the benefits of the irrigation network

OS (*Opportunities-Strengths*) strategy is determined based on the organization's mindset by utilizing all the power to seize and make the most of opportunities. Strength strategies can take advantage of opportunities. Land acquisition is an activity to obtain land by providing compensation to those who release or surrender land, buildings, plants, and objects related to land <sup>[10]</sup>. The implementation of land acquisition is a complex issue because various stages and processes must be passed and there are conflicting parties' interests. Consultation is an integral part of the land acquisition process because all parties sit together to get an agreement, especially for compensation. With explanation on a reasonable prices, the landowner will usually receive his land used for the construction of a public interest project. The road to settlement through the courts is the last resort if all communication negotiation efforts have been made but have not been successful <sup>[11]</sup>.

OW Strategy (*Opportunities – Weaknesses*) is a strategy that is determined based on the utilization of existing opportunities by minimizing weaknesses in the organization. The willingness of landowners to be consulted in resolving conflicts is an opportunity for the government to be able to obtain land rights to community ownership for the construction of irrigation networks. There is a need to renegotiate between the government and the landowners who still reject the land acquisition; each party can express what they want. Both parties must agree that the construction of irrigation is in the public interest, in the sense that if one of the parties disagrees, it will have a disadvantage for many others, so that they can find common ground so that the conflict resolution process is completed sooner <sup>[12]</sup>.

The TS Strategy (*Threats - Strengths*) is a strategy that is determined based on the strength of the organization to overcome detected threats. To build an irrigation network, many trees are cut down, uncontrolled deforestation, a landfill that covers waterways and mobilization of goods that damage the surrounding environment. With such conditions, there will be a significant decline in the quality and carrying capacity of the environment. Therefore the arrangement and management process of irrigation network development needs to be planned carefully with environmentally friendly methods. Mitigation or long-term activities need to be done which aims to reduce the likelihood of disasters due to the development <sup>[13]</sup>.

For landowners who lose their livelihood as rubber tappers, they can use irrigation for other businesses. But besides this function, irrigation networks can also be used to improve and empower rural communities in the form of freshwater fish farming, livestock, and so on.

Rural communities are people who are very vulnerable to land-related problems. So to avoid this conflict, it is necessary to understand the mechanism or procedure of land acquisition for the public interest by all parties involved in the land acquisition, especially knowledge of the rules or provisions concerning the methods for calculating compensation determined by the appraisal to be socialized to all parties so that transparency can be obtained.

The TW (*Threats - Weaknesses*) strategy is a strategy that is applied in the form of activities that are defensive and try to minimize existing weaknesses and avoid threats. The land procurement committee should form a place of information

and complaints to accommodate the aspirations and grievances of the community so that the problems that arise can be immediately addressed. In the means of information and claims, the team handles the issue of land acquisition activities that can accommodate questions from the community so that people get clear answers to their questions from accurate and reliable sources. This is to avoid parties who want to take advantage of the situation to take advantage and make the land procurement activities unfavorable.

It is known in the matrix that the conflict resolution strategy for land acquisition activities for irrigation development in Balangan District can be prioritized using OW (*Opportunities-Weaknesses*) strategy, which is a strategy determined based on the utilization of existing opportunities by minimizing weaknesses in the organization. The approach that can be done is by renegotiating between the government and the landowners who still refuse to release their land; each party can express what they want. Both parties must agree that the construction of irrigation is in the public interest, in the sense that if one of the parties disagrees, it will have a loss for the other community, so that they can find common ground so that the conflict resolution process is completed sooner <sup>[14]</sup>. It should also be considered to develop and improve the capacity of the human resources of the land procurement committee so that it can be used to the maximum extent of land acquisition activities. And the government should study the assessment of non-physical compensation using a non-market approach, and make a regulation regarding clear standards regarding losses that are non-physical or immaterial.

#### 4. Conclusions

The causes of conflict between members of the community affected by the development of irrigation networks with the government are the value of compensation that has not been appropriate, loss of part of livelihood. Also, inheritance land that has historical significance, the presence of puddles in community gardens, damage to village roads, a miscalculation in the inventory of plants, and incorrect designation of land boundaries.

The strategy for resolving conflicts between landowners and the government on economic factors, the government can review the value of compensation given as a substitute or reward for what has been lost by taking into account physical losses and things that are intangible, such as emotional loss, loss due to loss of business or work and expense of moving costs.

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