More Than Just Ownership
Ten Land and Natural Resource Conflict Case Studies from East Java and Flores

Samuel Clark (ed.)
| Cici Novia Anggraini | Luthfi Ashari | Saifullah Barnawi | Stanis Didakus |
| Yan Ghewa | Agus Mahur | Peter Manggut | Mohammad Said |

BANK DUNIA | THE WORLD BANK
More Than Just Ownership

Ten Land and Natural Resource Conflict Case Studies from East Java and Flores

Samuel Clark (ed.)

Cici Novia Anggraini
Luthfi Ashari
Saifullah Barnawi
Stanis Didakus
Yan Ghewa
Agus Mahur
Peter Manggut
Mohammad Said

December 2004

Conflict and Community Development Research and Analytical Program
Indonesian Social Development Paper No. 4

This report was prepared for the World Bank, Jakarta. The views expressed in the paper are the authors’ own and do not necessarily reflect the views of the World Bank.

The editor can be contacted at:
sclark@wboj.or.id
Papers in the Indonesian Social Development series are not formal publications of the World Bank. They are published informally and circulated to encourage discussion and comment between those interested in Indonesian development issues. The findings, interpretations, judgments, and conclusions expressed in the paper are those of the authors and should not be attributed to the World Bank, to its affiliated organizations, or to members of the Board of Executive Directors of the governments they represent.

Please direct comments to the editor: sclark@wboj.or.id

Copies of this paper are available from:

World Bank Office Jakarta
Jalan Cik Di Tiro 68A, Menteng
Jakarta Pusat
Indonesia
Tel: +62 (0)21 391 1908/9
Fax: +62 (0)21 392 4640

Design by Salomon Manalu
Cover photograph by Poriaman Sitanggang
Table of Contents

Glossary ....................................................................................................................... i
Acknowledgements ........................................................................................................ iii
Introduction ................................................................................................................... 1
Samuel Clark

Dang Lebar Land Dispute ............................................................................................. 15
Luthfi Ashari

An Inheritance Brings Misfortune ................................................................................. 22
Mohammad Said

When the Nanny No Longer Protects her Charge:
Civil Disobedience is Manifested through Burning down the Forest ....................... 32
Cici Novia Anggraini

Apparently the Estate Had Been Sold:
KDP Potentially Triggering Land Conflict ..................................................................... 51
Saifullah Barnawi

Not Just a Matter of Communal Land:
Land Conflict in Desa Golo Meni ..................................................................................... 63
Peter Manggut

Who Owns Mbondei Land?
A Case of Change and Ambiguity Triggering Conflict ................................................... 74
Agus Mahur

Hostility Between the Satar Teu and Kadung:
Lingko or “Protected Forest?” ....................................................................................... 83
Yan Ghewa

Conflict Over the Ownership of the St. Paulus Benteng Jawa SLTP Land ........... 104
Agus Mahur

Who is Entitled to the Land?
Controversy Over Land Ownership .............................................................................. 120
Stanis Didakus

Unrest on the Border:
Conflict Over Village Administration and Mass Registration of Land Claims .... 132
Stanis Didakus

References ...................................................................................................................... 144
## Glossary

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adat</td>
<td>Traditional/customary norms</td>
</tr>
<tr>
<td>AMPI</td>
<td>New Indonesian Students</td>
</tr>
<tr>
<td>BKKBN</td>
<td>National Family Planning Co-ordination Board</td>
</tr>
<tr>
<td>BP3</td>
<td>Agency for Educational Assistance</td>
</tr>
<tr>
<td>BPD</td>
<td>Village Parliament</td>
</tr>
<tr>
<td>BPN</td>
<td>National Land Agency</td>
</tr>
<tr>
<td>Bupati</td>
<td>Kabupaten (District) Head</td>
</tr>
<tr>
<td>Camat</td>
<td>Kecamantan (Sub-district) Head</td>
</tr>
<tr>
<td>Dephut</td>
<td>Department of Forestry</td>
</tr>
<tr>
<td>Dusun</td>
<td>Hamlet</td>
</tr>
<tr>
<td>DPP</td>
<td>Parish Pastoral Board</td>
</tr>
<tr>
<td>DPRD</td>
<td>Kabupaten Parliament</td>
</tr>
<tr>
<td>FD</td>
<td>Village Facilitator (KDP)</td>
</tr>
<tr>
<td>FGD</td>
<td>Focus Group Discussion</td>
</tr>
<tr>
<td>Kabupaten</td>
<td>District</td>
</tr>
<tr>
<td>Kades</td>
<td>Village Head (rural area)</td>
</tr>
<tr>
<td>Kampung</td>
<td>Sub-village/Hamlet</td>
</tr>
<tr>
<td>Kapolpos</td>
<td>Head of a Police Post</td>
</tr>
<tr>
<td>Kapolsek</td>
<td>Head of the Kecamatan Police</td>
</tr>
<tr>
<td>KDP</td>
<td>Kecamatan Development Project</td>
</tr>
<tr>
<td>Kecamatan</td>
<td>Sub-district</td>
</tr>
<tr>
<td>Kesbanglimas</td>
<td>Community Unity and Protection Office</td>
</tr>
<tr>
<td>Klebun</td>
<td>Village Head (Madura)</td>
</tr>
<tr>
<td>KM Kab</td>
<td>Kabupaten Management Consultant (KDP)</td>
</tr>
<tr>
<td>KPH</td>
<td>Forestry Managers Unit</td>
</tr>
<tr>
<td>KTP</td>
<td>Residence Identification Card</td>
</tr>
<tr>
<td>Kyai</td>
<td>Muslim Cleric</td>
</tr>
<tr>
<td>Lingko</td>
<td>Communal Forest</td>
</tr>
<tr>
<td>LKD</td>
<td>Village Council Head</td>
</tr>
<tr>
<td>Lurah</td>
<td>Village Head (urban area)</td>
</tr>
<tr>
<td>Mantri</td>
<td>Lower ranking civil servant</td>
</tr>
<tr>
<td>Musbangdu</td>
<td>Hamlet Development Council</td>
</tr>
<tr>
<td>OPK</td>
<td>Special Market Operation (for the sale of cheap rice)</td>
</tr>
<tr>
<td>P3DT</td>
<td>Infrastructure Development Program for Less Developed Villages</td>
</tr>
<tr>
<td>PDM-DKE</td>
<td>Regional Empowerment to Overcome the Impact of the Economic Crisis</td>
</tr>
<tr>
<td>Perhutani</td>
<td>Indonesian State Forestry Enterprise</td>
</tr>
<tr>
<td>Piikades</td>
<td>Village Head Election</td>
</tr>
<tr>
<td>PMD</td>
<td>Community Development Agency, now BPM</td>
</tr>
<tr>
<td>Polres</td>
<td>Kabupaten Police</td>
</tr>
<tr>
<td>Polsek</td>
<td>Kecamatan Police</td>
</tr>
<tr>
<td>Prona</td>
<td>National Land Certification Program</td>
</tr>
<tr>
<td>Puskesmas</td>
<td>Health Clinic</td>
</tr>
<tr>
<td>RPH</td>
<td>Forest Police Station</td>
</tr>
<tr>
<td>Acronym</td>
<td>Full Name</td>
</tr>
<tr>
<td>---------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>SD</td>
<td>Primary School</td>
</tr>
<tr>
<td>SDI</td>
<td>Presidential Directive Primary School</td>
</tr>
<tr>
<td>SDK</td>
<td>Catholic Primary School</td>
</tr>
<tr>
<td>SLTP</td>
<td>Junior High School</td>
</tr>
<tr>
<td>STAIN</td>
<td>State Islamic High School</td>
</tr>
<tr>
<td>TPK</td>
<td>Project Implementation Team (KDP)</td>
</tr>
<tr>
<td>TTD</td>
<td>Village Technical Assistant (KDP)</td>
</tr>
<tr>
<td>UDKP</td>
<td>Inter-village Forum (KDP)</td>
</tr>
</tbody>
</table>
Acknowledgements

The cases presented here were researched and written by Cici Novia Anggraini, Imron Rasyid, Endro Crentantoro, Saifullah Barnawi, Luthfi Ashari, Mohammed Said, Olin Monteiro, Don dela Santo, Stanis Didakus, Peter Manggut, Agus Mahur and Yan Ghewa. They were supervised in the field by Rachael Diprose (East Java) and Adam Satu and Jessica Gillmore (NTT).

The research was coordinated by Claire Q. Smith and Patrick Barron, with the guidance of Scott Guggenheim, Sri Kuntari and Michael Woolcock. Joanne Sharpe, Kristen Stokes and Suzan Piper translated the cases and provided editorial assistance. Olivia Rondonuwu translated editorial changes. Joanne Sharpe coordinated the collection of the newspaper data.

Others involved at various stages of the research included Vivi Alatas, Victor Bottini, Juana Brachet, Jozefina Cutura, Leni Dharmawan, David Madden, Kai Kaiser, Yatrin Kaniu, Sri Kuntari, Ben Olken, Junko Onishi, Menno Pradhan, Arie Purwanti, Sentot Satria, and Inge Tan. Funding came from DfID, AusAID, and Dutch trust funds.

Valuable comments on earlier drafts of this compilation were provided by Luthfi Ashari, Patrick Barron, Karrie McLaughlin, Adam Satu and Joanne Sharpe.

Note: The names of individuals in all cases have been changed to protect respondent anonymity.
Introduction

Land and natural resource issues are often cited as a “root cause” of communal or even separatist violent conflict. The common understanding is that land and natural resource scarcity causes increased competition, forced migration or frustration, which, in turn, creates organised actors and incompatibilities amongst existing actors. More ethnographically informed analysis of these conflicts and processes, however, indicates that land and natural resources are often embedded in complex socio-cultural practices, histories and identities. These accounts suggest that land and natural resources conflicts are as much about meaning and recognition as they are about simple economic control of scarce resources.

In Indonesia it is commonly stated in various forms that land and natural resources issues are what is really at stake behind the high-profile “ethnic” or “religious” conflicts that have erupted since the fall of Suharto. In Kalimantan the gradual dispossession and marginalisation of the Dayak people is said to have provided the conditions that finally exploded and took the form of an ethnic conflict. Similarly, in Central Sulawesi competition to secure access to land in a context of migration and changing land ownership and use patterns led to “insider-outsider” conflict, later taking on a more specific ethno-religious form. Again in Maluku, local land issues as well as military attempts to grab control of resources is often cited as the fundamental source of conflict, whereas in Papua injustices over the state’s control and management of the province’s rich natural resources is reported to have significantly contributed to tensions there. Consequently comprehending how land and natural resources are controlled and distributed, and how they can act as a base for wider communal mobilisation, is essential for understanding what are largely reported and conceptualised as ethno-religious conflicts in Indonesia.

Violent conflict results in the destruction of lives, livelihoods and material belongings, thus damaging the social and economic fabric of communities directly and indirectly implicated. This is true and significant not only for the large-scale conflicts in the ‘high conflict’ areas of Indonesia that have dominated headlines. Recently in Indonesia there have been a number of attempts to focus attention on, and to quantify, the extent and seriousness of conflict in areas normally thought of as being conflict-free. An analysis of the periodic Village Potential Statistics (PODES) dataset, collected by the

1 Homer-Dixon (2001); Swain (1993); and Markakis (1998).
2 Peluso and Watts (2001); Fitzpartrick (2002); Prior (2003); Ross (1995); and Salih (1999).
3 On Central Kalimantan see ICG (2001), Bertrand (2004) and Smith (forthcoming); on West Kalimantan see HRW (1997).
4 See Aragon (2001); ICG (2003), HRW (2002).
5 For Maluku, see ICG (2000); for Papua, see ICG (2002).
Government’s Bureau of Statistics, reports that 7.1 percent (a total of 4,872 incidents) of Indonesia’s rural and urban villages (desa and kelurahan respectively) experienced violent conflict in the year 2002.7

Clearly, the impacts of such conflicts are significant. The same report recorded that almost a quarter of these incidents involved fatalities and about half injuries. Although difficult to quantify, total material damage was estimated at Rp. 771 billion (approx. US$ 91.4 million). However land and natural resource conflict may also have a productive function. Like most forms of conflict, they are arguably an inevitable and, indeed, necessary feature of society, particularly in a country like Indonesia that is undergoing multiple social, political and economic transitions. Conflicts are not just an outcome of change but are also a catalyst to further change. If managed well, they can bring to light underlying tensions, as well as help reconfigure power structures and resource distribution in ways that, amongst other things, speed economic growth, consolidate democratization, improve welfare, and promote rights consciousness. In this way conflicts over land and natural resource ownership, as well as ontological struggles over how land and natural resources should be perceived and distributed can, when managed well, result in productive outcomes. Understanding—and reflecting upon—such changes, and how people negotiate and respond to them, is vital in helping to design effective, participatory, and non-violent development strategies.

Unstable and insecure land and natural resource ownership and management systems are widely considered to hinder economic development, foster inequality and encourage environmental exploitation.8 Thus the existence of widespread land and natural resource conflict is indicative of the failure or shortcomings of current land and natural resource administrative mechanisms and changes. Simultaneously these conflicts indicate the competing issues, norms, tensions, interests and actors that a stable system needs to incorporate and reconcile. If this complex of issues are not accommodated then existing and future mechanisms and development agendas run the risk of not only becoming redundant but also illegitimate.

The ten case studies in this edited compilation were selected from over 70 conflicts that were followed by fifteen researchers, who spent nine months living in villages in two Indonesian provinces (East Java and East Nusa Tenggara - NTT).9 They were collected as part of a large-scale mixed method research project (the KDP & Community Conflict Negotiation study) which aims to understand better the causes and pathways of local conflicts in Indonesia, and to help illuminate how interventions interact—for good or bad—with these processes. The study seeks to examine the relationship between

---

8 Deininger (2003); de Soto (2000).
9 In NTT, the research was limited to the island of Flores.
the Kecamatan Development Project (KDP), the Bank’s major community development project in Indonesia, and local conflicts, and to evaluate whether the program helps communities manage conflict in peaceful ways. As well as land and natural resource conflicts, case studies relating to, amongst other things, development, issues of domestic violence, vigilante justice, and village election disputes, were followed.\(^{10}\)

In collecting each of the case studies presented here, the researchers lived in the village where the conflict took place, conducting interviews, focus group discussions and employing other anthropological techniques such as participant observation. This localized and qualitative approach allows us to get a better sense of causation: why conflicts took the pathways that they did. Consideration of such pathways can help us in designing appropriate strategies for conflict resolution and prevention.\(^{11}\) The pathways of land and natural resource conflicts are particularly interesting as they help highlight the endogenous and exogenous events and dynamics which can cause specific incidents to contribute to, or escalate into, wider communal violence. This allows us not only to identify appropriate post-conflict interventions, but also helps us to monitor, and potentially prevent, such conflicts from escalating in the future.

In sum, these case studies contribute to both our understanding of how low-level land and natural resource conflicts can escalate into wider communal conflicts, as well as the complex issues development interventions must grapple with in the land and natural resource sector across Indonesia.

**Legal and Regulatory Context**

The cornerstone of Indonesian land law is the Basic Agrarian Law of 1960 (BAL), which is inherently unitary, centralised and modern. Designed to unify colonial land laws which had upheld a racially segregated system of ‘European’ and ‘Indonesian’ law, BAL converted Dutch and customary claims into a plethora of statutory western-style titles.\(^{12}\) These include *hak milik* (right to own), *hak pakai* (right to use), *hak sewa* (right to rent) and *hak guna bangunan* (right to build or develop).

*Hak milik* is the most “western” of the rights, in that it is individual, unlimited in time, registrable, and privately transferable. It is, however, only available to individual Indonesian citizens and certain corporate bodies sanctioned by the state, and not to state-owned or private corporations or co-operatives.\(^{13}\) These groups which cannot access *hak milik* must rely on the other state-sanctioned rights which operate more like a lease, giving the right holder exclusive use

---

10 See Barron, Diprose, Madden, Smith, and Woolcock (2004).
13 Corporate bodies sanctioned by the state include state banks, agricultural co-operatives and some religious and social bodies.
but for a limited period of time (generally between 25 and 30 years). This period can usually be extended (at least twice) through negotiation with bureaucratic officials. It is commonly recognised by legal, advocacy and development practitioners that there are some significant deficiencies with this law.

Perhaps the most serious deficiency of BAL is the weak recognition of customary claims. It is true that various references to adat (customary law/norms) are scattered through the document. The Explanatory Memorandum contents that the national land law is “based upon Adat principles” and recognises the ongoing role of adat law. However, this basis and recognition is heavily qualified: with regard to the former, Article 5 states the basis of BAL “is adat law as far as it is not in conflict with the National and State’s interests based on the unity of the Nation”; regarding the latter, Article 56 provides for adat recognition “as long as they [adat laws] are not in conflict with the spirit and the provisions of this law.” Similarly, in Article 3 the BAL recognises hak ulayat (communal rights) but does not allow for their registration. In the Indonesian context this weakness is significant because, as demonstrated in many of the case studies here, a large proportion of land is subject to some form of communal control. That only 11% of land outside Java, and 22% of land within Java, is formally titled under the BAL, starkly indicates how ineffective, and in many cases irrelevant, the law is.14

Similarly, the BAL does not recognise a form of ‘adverse possession’ where one can legally take ownership of land that has been occupied for considerable periods of time. Annullment of ownership is considered in Article 27, but the article is concerned with returning abandoned land to the state; in contrast Article 56 provides some form of default ownership based on local adat, but is heavily qualified and has in practice rarely been given legal effect. Indeed, as Fitzgerald (2002) contends, there are numerous examples where long-term occupiers were denied ownership, despite paying land tax for over 30 years.15 In sum then, BAL’s recognition of adat and other non-state sanctioned claims can be described, at best, as “hortatory and symbolic”, leaving communities, and other “informal occupiers”, in the weak position of bargaining through ad hoc processes with bureaucratic officials.16

Forestry law in Indonesia, a legal legacy of the New Order era, is similar, in that it largely upholds the interests of the central state and its developmentalist agenda (and whims). The New Order law of 1967 (No. 5/1967) contended in Article 5 that “all forests within the territory of the Republic of Indonesia, including the natural resources they contain, are to be controlled by the state.” Following the promulgation of this law, a mapping exercise determined that over 75 percent of Indonesia was deemed “forest” and therefore under the jurisdiction of

---

the Department of Forestry. It adopted a classification and licensing system so that individuals, co-operatives, and state-owned enterprises could exploit timber and non-timber products.

The new forestry law (No. 41/1999) largely retains the previous law’s licensing system and centralised nature, ensuring that decentralization laws introduced prior did not impinge on centralised control. The new law does recognise “adat communities” and “adat forests”. However, like the BAL, it allows for significant government discretion as to how these rights are to be assigned. The community-state relations regarding state control and management of local forest resources are typified in the case study *When the Nanny No Longer Protects her Charge* from East Java. In contrast, the case study *Hostility Between the Satar Teu and Kadung* from NTT depicts a very different state-society relationship regarding forests than that imagined in the national forestry legislation. In this case, the community firmly believes that (for over 50 years) the community has owned the *lingko* (communal forest) and, also, that this is implicitly acknowledged by the local *kecamatan* government.

In an operational sense, this ambiguity regarding, but not limited to, *adat* claims, adverse possession, classification, and jurisdiction provides significant scope for interpretation and administration by the courts and implementation bodies, the BPN (National Land Agency) and Dephut (Department of Forestry). In a sense this lends a certain flexibility to the law, necessary in such a culturally diverse society, and, indeed, one in transition. However, it also opens the door to corruption, serious conflict of laws, and, given the significant resources at stake, makes any change subject to tough rent-seeking politics.

However, rather than focus too closely on the written law, its limitations, contradictions, and hierarchies, in order to understand legal dynamics in Indonesia it is arguably more fruitful to focus on the role these laws play in practice in structuring and framing discourse and behaviour. The workings of the law are contingent on local socio-legal and political configurations, which are in themselves “volatile” and “ambiguous”. At the same time, of course, laws contribute to these configurations. This fluidity, not withstanding the vagueness in the law to begin with, can be largely contributed in the current context to the shift to regional autonomy. The “big bang” decentralization that followed the fall of the New Order regime devolved significant

---

17 This was achieved by classifying all “unoccupied” land as “forest” and therefore under the forestry departments jurisdictions.

18 The inclusion of *adat* claims in the BAL without any framework for implementation has created an interesting reform dynamic. Many civil society groups that admonish the state for its land law are reluctant to advocate replacing BAL for fear that the existing *adat* recognition will be lost altogether. The BPN office is also said to be reluctant to change, as the BAL is seen to epitomize the “nation spirit”, not to mention the opportunities for graft that its ambiguity creates.


control to the districts. At the same time, as noted above, both BPN and Dephut have managed to maintain their grip, in a legal sense, on key laws regarding the control and distribution of land and forestry resources. The tensions between this ongoing centralism, and the move to decentralization, adds another layer of potential contestation of resources and the power to influence their (re)distribution.

In the Indonesian context, this ambiguity and contestation has resulted in a number of distinctive socio-legal dynamics which relate directly and indirectly to land and natural resource conflict. This includes, for example, the “reclaiming movement”, ethnic elite politics, the “return to adat” movement, as well as local initiative and opportunism in the administration and control of land and natural resources at the sub-national level.

Generally though, the vagueness of the law itself, together with both the reluctance of the judiciary and the relevant administrative departments (BPN and Perhut) to interpret adat claims generously, in a climate of uneven decentralization, makes for a largely ambiguous and ultimately unhelpful legal and regulatory framework. This has thus led to a fluid playing field in which everyday “practice” has as much relevance as legal orthodoxy. The cases studies presented here contribute to understanding this on-the-ground practice, and the variety of ways in which it interacts with the legal and regulatory framework.

**Land and Natural Resource Conflicts in East Java and Flores**

Despite no widespread communal or separatist conflicts erupting in East Java and Flores violence as a result of land and natural resource conflicts, including death, injury and physical destruction, was common. In three years, from 2001–2003, 14 deaths, 82 injuries and 1 destroyed building were recorded in East Java; in Flores, 58 deaths, 85 injuries and 127 destroyed buildings were recorded. Table 1 indicates how these rates of conflict and violent conflict vary not just across but within the two provinces. Land and natural resource conflict was much more prevalent in Flores than East Java (27 percent of conflict compared to 6 percent) and was much more likely to have violent impacts and result in death (46 percent violent with 21 percent resulting in death for Flores; 13 percent and 4 percent for East Java). Alarmingly, Manggarai district accounts for over half of Flores’ land and natural resource conflicts that result in death.

---

21 The revision of the decentralization laws has subsequently given the provinces an enhanced role.
22 Wijardjo and Perdana (2001).
23 van Klinken (2002).
24 On West Sumatra see World Bank (2004b), and Central Kalimantan World Bank (2004c).
25 See the case study *Not Just a Matter of Communal Land* in this publication, as well as World Bank (2004c).
26 The data presented here was gathered as part of a newspaper mapping exercise in seven districts of East Java and across Flores. In each area data was complied from, and cross-checked by comparing, three local newspapers. Full results and an analysis of the strengths and weaknesses of this method are given in Barron and Sharpe (forthcoming).
<table>
<thead>
<tr>
<th>Province</th>
<th>Kabupaten (district)</th>
<th>General conflicts</th>
<th>Land and Natural Resource conflicts</th>
<th>That were violent</th>
<th>That resulted in death</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Total</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>East Java</td>
<td>Bangkalan</td>
<td>214</td>
<td>9</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Madiun</td>
<td>267</td>
<td>12</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Magetan</td>
<td>118</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Pamekasan</td>
<td>161</td>
<td>14</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Ponorogo</td>
<td>248</td>
<td>10</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Sampang</td>
<td>158</td>
<td>11</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Sumenep</td>
<td>226</td>
<td>24</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>1392</strong></td>
<td><strong>83</strong></td>
<td><strong>11</strong></td>
<td><strong>3</strong></td>
</tr>
<tr>
<td>Flores</td>
<td>Ende</td>
<td>83</td>
<td>16</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Flores Timur</td>
<td>104</td>
<td>25</td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Manggarai</td>
<td>108</td>
<td>44</td>
<td>24</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Ngada</td>
<td>76</td>
<td>24</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Sikka</td>
<td>82</td>
<td>14</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>453</strong></td>
<td><strong>123</strong></td>
<td><strong>56</strong></td>
<td><strong>26</strong></td>
</tr>
</tbody>
</table>

The cases studies presented here are generally representative of the land and natural resource conflicts present in the two research provinces. There are more cases from Flores than East Java simply because there are more land and natural resource conflicts in Flores than East Java: 123 compared to 83.\(^{28}\) Only two (from ten) of the case studies note violent impacts, which is generally consistent with the newspaper data, which recorded 13 percent and 46 percent of land and natural resource as violent in East Java and Flores (respectively). The case studies indicate that the police became involved only when the conflict became violent, a dynamic supported by the newspaper data which shows that in 100 and 76 percent (East Java and Flores respectively) of violent land and natural resource conflict the police became involved, compared to rates of only 28 and 25 percent for non-violent conflicts.\(^{29}\)

However there are some gaps in this compilation of case studies. Notably lacking are case studies of land and natural resource conflicts between individuals/groups and the state. There is one forest management conflict from East Java that directly implicates the state. However, the newspaper data indicates that in East Java and Flores 34 and 37 percent (respectively) of land and natural resource conflicts involved the state as a party to the conflict. Another noticeable difference between the case studies here and the newspaper data is the presence

\(^{27}\) There are now seven kabupaten in Flores, as during the research period (2001-2003) Kabupaten Lembata separated from Kabupaten Flores Timur and Kabupaten Manggarai Barat from Kabupaten Manggarai. To allow for easier comparison of conflict levels across kabupaten the data is analysed using the original five kabupatens.

\(^{28}\) This difference is even more marked if we consider the much higher population of East Java.

\(^{29}\) The definition of involvement was wide; it may mean they were simply called at some point of conflict or that they were intimately involved in resolution.
of the Bupati (district head) in resolution attempts. The newspaper data indicates the Bupati as the single most frequently involved actor in resolution of land and natural resource disputes, being involved in approximately 34 percent of cases in East Java and 30 percent in Flores. However, this disparity between the case studies and the newspaper data could be a result of the tendency of newspapers to skew data in favour of incidents that reach higher levels of government, with the case studies being more locally focused.

The Cases

The first short and concise case study, written by Luthfi Ashari, looks at a typical inheritance land conflict in Madura, East Java (Dang Lebar Land Dispute). He contends that these conflicts often occur amongst neighbours, friends and family because of the communities’ reliance on unwritten informal land transactions. The author notes that these conflicts, including this one, seldom become violent and are normally resolved by the local kyai (Muslim cleric) and/or klebun (village head) at the village level. Mohammad Said describes a similar intra-village land conflict (An Inheritance Brings Misfortune) in Madura, which began as a dispute between two individuals and ended up involving the wider community. The dynamics are similar except that this case almost resulted in violence. It demonstrates the ongoing conflict management work the klebun carries out, which at times is more about placating parties than attempting to positively resolve the status of the land. Compared to Flores, particularly Manggarai, these case studies demonstrate how more easily ownership can be determined and adjudicated in East Java, both because of the existence of a legitimate community-based mediator, the kyai or klebun, and because of the smaller units (individual or family) of land ownership.

The case study written by Cici Novia Anggraini (When the Nanny No Longer Protects her Charge) focuses on an antagonistic relationship between a village in Ponorogo, East Java, and the Indonesian State Forestry Enterprise (Perhutani). The conflict at the centre of the case study is related to Perhutani’s policy of selecting tree types that are inappropriate for the geographic characteristics of the area and which have negative impacts on the villagers’ fields. This conflict is interesting in that it highlights the relationship between a state natural resource institution and the community, and indicates the limited ability a community has to influence institutional policy and demand “service delivery” in a constructive and peaceful manner.

Saifullah Barnawi considers a case (Apparently the Estate Had Been Sold) where land was refused to be freed for use in a KDP project in Madura, East Java. As detailed in many of the case studies, land transactions and ownership are often informal, unwritten and at times are obtained through local collusion and power politics, resulting in agreement by default rather than positive resolution. In this case, the current “owner” was unwilling to offer his land to KDP afraid that it would re-open the history of his land ownership. The case demonstrates
how development projects can potentially (re)trigger dormant land conflict and, conversely, how weak land administration can hinder needed change and development, as well as the KDP process.

The case study (Not Just a Matter of Communal Land) written by Peter Manggut looks at a land dispute that flared up when land originally “bequeathed” by clans to the then German mission in the 1950s was “re-zoned” by sections of the community to be used as a market, health centre and village office. In a similar “bequeath” case Agus Mahur investigates a land ownership dispute implicating the local seminary, a community group formed by a NGO, and the Motu Poso ethnic group (Who Owns Mbondei Land?). These case studies indicate the debates over land use and ownership rights in Manggarai, Flores and how they are subject/exposed to reinterpretation and are contingent on ongoing kinship/ethnic affiliations and agreements. The resolution attempts in the two cases differed. In Peter’s case an adat (customary or social norms/law) forum was established to resolve land disputes, as well as other disputes; however one key disputing clan was not invited and consequently the newly established forum was unable to find an accepted resolution. Later the Catholic Church was able to open dialogue and prevent violence. However, the status of the land remains ambiguous. In Agus’s case the kecamatan (sub-district) and kabupaten (district) governments became involved in resolution attempts. However, after initial success, consensus broke down.

The case study by Yan Ghewa describes a protracted conflict over a forest on the border of two kampung (residential area) within a village in Manggarai, Flores (Hostility Between the Satar Teu and Kadung). The status of the land and resource was questioned when a group of farmers from one village removed some trees to expand their rice fields. Initially the conflict focused on the use status or management of the forest, but as various attempts at resolution failed the core issue became one of ownership. The case details how the kecamatan attempted to resolve the status of the forest, and hence the conflict, by transferring ownership to the government. This “inventive” suggestion had some success, but was finally rejected by one disputant. Similar to many of the cases in Manggarai, a second case study written by Agus Mahur looks at a conflict (Conflict Over the Ownership of the St. Paulus Benteng Jawa SLTP Land) where historical claims, unwritten agreements, and ambiguity over land use and ownership rights, when politically manipulated, can facilitate a violent conflict. Interestingly the conflict was resolved not by determining the status of the land but by dissolving the managerial board of the education foundation so as to restore the relationship between the two institutions.

Stanis Didakus has written two case studies from Sikka, in collaboration with fellow researchers Don dela Santo and Olin Monteiro. The first (Who is Entitled to the Land?) describes an inheritance land conflict. The conflict was initially dealt with at the village level, involving elements of both the government and adat system. However it ended up in the courts in the provincial capital Kupang and the land was awarded, in what is described as dubious
circumstances, to one party. Interestingly, according to *adat* law neither party was entitled to the land. Rather the step-son who no longer lived in the area had an *adat* “right” to the land. This case indicates how, with weak norms and institutions, the stronger party is often able to influence outcomes. His second case (*Unrest on the Border*) looks at a long dormant inter-village administrative conflict that was triggered by one village’s mass land registration activities. These activities brought into question the status of a number of houses located along a village boundary, with the respective village heads and the households concerned claiming different positions for both pragmatic and normative reasons. The case study demonstrates the difficulty of ascertaining fixed agreeable boundaries, necessary for a “modern” land registration system. Further it shows how easily ascriptive identities can be manipulated so as to potentially incite violence.

Analysis of these ten case studies highlights three themes important for understanding why and how land and natural resource conflicts occur, how they unfold, and how and when they are successfully or unsuccessfully mediated.30

**Complexity**

Most apparent from these case studies is their complexity, evident in the variety of norms, interests, actors and institutions implicated in each conflict. Norms of *adat*, kinship, Islam (inheritance), the state, and “social justice” (among others) are often explicitly or implicitly present in each conflict, often at the same time. These norms are variously utilised to claim ownership and use rights, to interpret historical (oral) decisions and agreements, as well as elucidate appropriate resolution(s).31 Their normative jurisdictions overlap and their hierarchy over one another is often ambiguous and contingent on local political processes. In Flores, *adat* and kinship norms are relatively stronger than those in East Java, where Islamic and/or state law is relatively more likely, although by no means always exclusively, to be used. Complicating the matter, normative use and practices vary dramatically not just between provinces but within provinces (and, indeed, districts).

Norms generally “mask” more pragmatic interests and, unsurprisingly given the high economic stakes of resource disputes, significant interests are at stake. Interestingly, and most apparent in the Manggarai case studies, it is not only interests associated with land *ownership* that are contested but also land *use* and *management*. Where ownership and use interests/rights are implicated they are often conflated in resolution attempts; the one successfully resolved case of this type (*St. Paulus Benteng Jawa SLTP Land*) focused on

---

30 It should however be noted that these themes are those recognised by the editor. The case studies, themselves, are rich enough for readers to come to their own conclusions.

improving the relationship of the disputing parties, and hence the management of the land, rather than myopically focusing on ownership interests.

Further, as indicated by the newspaper data, violence associated with land and natural resource conflict is significantly concentrated in Manggarai, Flores. The qualitative fieldwork indicates that in this *kabupaten* the resources at stake, and hence interests, are often intimately intertwined with ethnic identities (see the four Manggarai case studies). This suggests that violence is more likely to result when ethnic identities are implicated and/or invoked in a bid to assert what amount to material interests.

Given the high stakes of these conflicts, the variety of normative systems, as well as (generally) the centrality of land and natural resources to social and economic life, it is unsurprising that there are a variety of actors and institutions involved in the cases. The various fora through which one’s interests can be represented and resolved—which include *adat* forums, community and religious assemblies, local village and *kecamatan* (sub-district) governments and state courts—makes for an ambiguous dispute resolution environment. Further, there is no accepted hierarchy of appeal so to speak, and although courts are normally tasked with this role, as demonstrated in the inheritance case from Sikka, they often unable to ensure enforcement.32

**Variance in Transition**

A second theme evident from the case studies, as well as from the broader newspaper data presented earlier, is the variance of land and natural resource conflict. If we take these conflicts as a lens through which to look at societal, economic and political change, this variance suggest that it is not just the pace of change that varies but also, and importantly, the forms and paths it takes. Indonesia is in multiple social, political and economic transitions, the result of a complex combination of local, national and transnational processes. Transitions that are particularly relevant to land and natural resource (conflict) include: the increasing individualisation (territorialisation) and state management of natural resources, including land; the decentralization of politics, policy-making and government services; and the deepening democratisation of politics and society.

The shift to individual ownership and state-managed administration regimes has received much attention, particularly with regard to land, but also other natural resources.33 Certainly this is

---

32 Which is not necessarily a bad thing given their susceptibility to corruption, see generally World Bank (2004a); and Asia Foundation (2001).

33 A conference held in October this year (2004), funded by DFID and organised by the KEMALA Foundation, directly tackled these issues: *Konferensi Internasional tentang Penguasaan Tanah dan Sumberdaya di Masa Indonesia yang Sedang Berubah : Mempertanyakan Jawaban-jawaban (International Conference on Land and Resource Tenure in Changing Indonesia: Questioning the Answers).*
something which is being pushed in Indonesia, somewhat controversially, by large donors including the World Bank. However the arrival at the transition’s hypothesised (and imagined) end is not a fait accompli. The case studies demonstrate not only the various local systems and mechanisms that the transition needs to accommodate (or supercede) but also the variance in how this transition, as a process, is being simultaneously accommodated and resisted by existing mechanisms and institutions.

The cases from East Java indicate that land and natural resource conflict is largely confined to individual or family units, ownership and use is conflated, and the state’s representatives, with exception of the kyai in inheritance cases, largely manage dispute resolution. However in Flores, and particularly in the more remote Kabupaten Manggarai, land and natural resources are often communally “held” with ownership and use rights distinguished, and the existence of a variety of norms and institutions “manage” dispute resolution. The case studies, and the newspaper data, suggest that these differences in the perception of land and natural resources have a significant impact on whether conflicts result in violence. In East Java, where land and natural resources are largely viewed for their material value, land and natural resource conflict is unlikely to turn violent. Whereas in Flores, and particularly the remote Kabupaten Manggarai, where land and natural resource use and ownership is commonly entwined with ethnic and communal identities, these conflicts are prone to communal violence. The cases also indicate great variance in the accessibility and appropriateness of the state’s management regime, whether it be the court system for settling land and natural resource disputes or the BPN (National Land Office) for certifying ownership. Luthfi Ashari in his case study from East Java suggests that the courts are often utilized for resolving land disputes, but that few people, although an increasing amount, have their land certified by BPN. In Flores the Court decisions and BPN certificates seem opportunistic and much less relevant than local systems.

Decentralization can provide indigenous communities with a (perceived) right and method to assert control over land and natural resources. In the case study Unrest on the Border, a local villager in Flores speaks with approval of the Sampit massacre in Central Kalimantan and the Dayaks’ reassertion of their indigenousness and right to govern. The allusion highlights the potential dangers of such powers.

When conceptualizing transitions (an inevitable task in the development business, whose very premise is change) it is tempting to adopt a narrative of modernisation. This allows one to easily grasp the aims of development (i.e. a pre-determined “modern” form) and explain variance (i.e. the pace of transition). However, as the case studies indicate, it is important not to see this ‘ultimate destination’ (for example a system of individualized land title, administered

35 Or use rights, in terms of zoning are held by the government.
36 On decentralization and its impacts on resource conflict see McCarthy (2004).
and enforced by the state) as fixed or of a singular replicable form. This simplistic train of thought, particularly if accompanied by designs and implementation strategies that are not locally grounded, encourages interventions that do not adequately consider either the ways of getting to a desired end, or whether there is actually a more appropriate destination. Such approaches fail to recognise the agency (and the right) communities have in selecting and resisting what they do and do not wish to adopt, and the extent to which local preferences and knowledge are a fundamental resource in designing better, more appropriate, systems.

Both the complexity of land and natural resource conflicts and their variance across Indonesia make it difficult to develop conclusions that are easily operationalised into broad policy (or project) interventions. However the case studies do offer hints of processes that are successful and unsuccessful and that should be taken into consideration.

Some implications for policy interventions

Broadly, the case studies suggest that if interventions are to be successful they must be consultative, engage with informal and formal mechanisms, and take into account power differentials. This is both relevant to interventions that form part of conflict resolution and prevention strategies as well as land and natural resource administration strategies.

Cases by Peter Manggut (*Not Just a Matter of Communal Land*) and Agus Mahur (*Who Owns Mbondei Land?*) indicate how land advocacy activities by a NGO and resolution attempts by an *adat* forum (respectively) failed, and triggered more conflict, because they were not fully participatory and did not involve all stakeholders. Further, Peter’s case study and another by Agus (*St. Paulus Benteng Jawa SLTP Land*), indicate that resolution interventions should not become too concerned with resolving ownership rights at the cost of wider and more implicit interests such as use or management rights.

Two cases from East Java, by Luthfi Ashari and Mohammad Said, indicate the successful role played by informal community mediators such as the *kyai* and *klebun*; similarly, but less successfully, in Flores the Church, *camat* (sub-district head), the *kades* (village head), as well as *tokoh masyarakat* (community leaders), were involved in resolution attempts.

However, participation does not automatically translate into “fair” agreements. In the case studies titled *Who Owns Mbondei Land?* and *Hostility Between the Satar Teu and Kadung*, weaker parties agreed, in inclusive meetings, to settlements proposed by third party mediators. Yet after the meetings, they withdraw their agreement, claiming that the meetings were biased, that they had felt pressured to comply, and that the agreements did not satisfy their interests.\(^{37}\) Without going into the strengths and weakness of the respective positions of the disputing parties, this suggests that in the absence of a legitimate third party mediator it is often unrealistic to believe that a participatory process in itself will defuse power inequalities, protect

\(^{37}\) For a general discussion see Edmunds and Wollenberg (2002).
disadvantaged parties and keep local politics outside mediation processes. Conversely, one can ask whether an outside intervenor has the legitimacy to meddle with local politics, norms or institutions.

There are often suggestions that land and natural resource disputes be resolved at the local village level, the rationale being that only highly localized interventions can adequately take into consideration local norms and interests. However the cases presented here indicate that, while many of the cases of have a local basis, land and natural resource conflicts often involve wider interests, norms and institutions. The case studies by Cici Novia Anggriani, Agus Mahur and Peter Manggut demonstrate the wider interests and agendas of the state, NGOs, and Church. The increasing mobility of people (see cases by Mohammad Said and Stanis Didakus), and an accompanying increase in the heterogeneity of populations, can also make highly localized processes redundant. Local decision-making does not automatically result in fair outcomes; local processes are just as likely to be glazed with power and inequalities.38

Almost every case study indicates some form of involvement by formal state actors. Often local communities voluntarily opt for “outside” state intervention in order to find mutually acceptable uninvolved third parties. This was the situation in the case study Hostility between the Satar Teu and Kadung, where the Village Head and Camat were both requested to assist in informally mediating the dispute, similarly in the case Unrest on the Border. The state’s responsiveness to these requests for assistance from the community is often key to whether a land and natural resource dispute will spread and become a wider communal conflict. The case study Not just a Matter of Communal Land notes that the Camat initially ignored requests, with the Bupati eventually making a visit and promising to send the Camat. The pervasiveness of land and natural resource conflict in Indonesia and its tendency, particularly in areas like Flores, to be resolved through informal (non-court) processes of negotiation, indicate that transparent and dedicated mechanisms that bridge informal and formal actors are required.39

The case studies collected here provide the careful reader with a complex understanding of land and natural resource conflict in Indonesia. More generally, they also indicate just how much can be learnt from qualitative and in-depth field research on problems and issues which are usually approached in technocratic and over-generalized ways. The editor acknowledges that these three broad themes are by no means exclusive; that the reader can, with insight from their own experiences, draw out from these rich case studies new themes, insights and conclusions.

38 See also, Bowen (2003).
39 A good example is the successful “Team 13” mechanism in Lampung. See Rinaldi (2003).
Dang Lebar Land Dispute
Dusun Dang Lebar, Desa Panagguan, Kecamatan Proppo, Kabupaten Pamekasan, East Java
Author: Luthfi Ashari

Dang Lebar Land Dispute

Summary

The Dang Lebar land dispute was a land conflict that involved friends. The conflict occurred due to the community’s habit of conducting verbal transactions and emerged in the second generation of landowners. Land conflicts, which often occur amongst friends and between neighbours, have caused these relationships to fray. As demonstrated in this case the local Kyai (Muslim Cleric) or Klebun (Village Head) play strategic roles in the resolution of these conflicts.

1. Land Conflict: The Most Common Community Conflict

Land conflicts are the most frequently occurring disputes at the village level in Madura.\(^1\) Usually these disputes are over land boundaries and inheritance disagreements and are often a consequence of three factors: the habit of conducting transactions without written evidence, the weakness of land administration at the village level, and disagreements over inheritance claims.\(^2\)

Violence does not usually arise from land conflicts in Desa Panagguan.\(^3\) This is the case due to the community’s sense that land is a matter of property, and it can be compensated for, and as a consequence there is no need to make an issue of land disputes with violence.\(^4\) Whereas a conflict over a woman will always give rise to violent carok\(^5\) (duel), as interfering with one’s woman is the most serious violation of a man’s tengka (pride).\(^6\)

When resolving land conflict the resolution mechanisms used by the community utilise or apply a variety of law or norms, including: faraid (the division of an inheritance according to

---

\(^1\) See Luthfi’s Diary, Palengaan Daya, 12 May 2003 and also Interview No. 724, Klebun, June 2003.
\(^2\) Interview No. 700, Former Pangbahu, Panagguan, 16 June 2003.
\(^3\) Interview No. 735, Dusun Head, Panagguan, 10 July 2003.
\(^4\) Interview No. 771, Kyai, Tattangoh, 1 August 2003.
\(^5\) Carok is a Madurese duel or challenge over a matter of offended pride, often fought to the death.

Researchers: Luthfi Ashari and Mohammad Said; Co-ordinators: Rachael Diprose and Saifuliah Barnawi
Translator: Joanne Sharpe
Islamic law), positive state law (relevant legislation), or village record books (Petok C). If agreement is not reached at the village level, the dispute will be pursued with the Camat. For this reason, land conflict is the type of conflict in the Madurese community which usually does not stop at the village level but often continues to the kecamatan (sub-district) administrative level, or even the courts.

The Kyai and the Klebun have central roles in land conflict resolution mechanisms. The Kyai plays a role by dividing the land according to the norms of Islam, known as faraid, while the Klebun are respected by the community for their wisdom in resolving problems and are viewed as teachers who impart knowledge to the community. The Klebun plays a role when people rely on his abilities and wisdom as a leader, further Klebun, according to Madurese philosophy, are perceived as elders. As a result, with their wisdom, the Klebun are responsible for protecting the people. As such, it is not surprising that one of the indicators of a Klebun’s success is their ability to resolve problems.

2. Exploration of the Case

The land dispute between H. Halim (landowner, Dusun Head) and Amir (H. Halim’s cousin) occurred in 2001 in Desa Panagguan. H. Halim and Amir’s parents are siblings. Amir made an issue of the status of a field of land owned by H. Halim, claiming that the land in question still belongs to his father (Bakir), and should be part of his inheritance. The history of the land currently owned by H. Halim was that it previously belonged to Amir’s father, but it had been sold or mortgaged to H. Julis (H. Halim’s father).

“Because he needed money at the time (1961), Bakir (Amir’s father) sold a portion (of inherited land) to Julis. Some (witnesses) say that at the time Bakir’s part was just mortgaged, while other witnesses said that the land was sold. Julis did not need to change the ownership of the land in village records because it was still in his name. Bakir’s and Julis’ parents did not think that they would fight over land…”

Klebun, Panagguan, 8 July 2003

---

8 Interview No 734, Community Figure, Proppo, 10 July 2003.
9 Interview No. 748, op cit.
10 Interview No. 732, 8 July 2003, Interview No. 734, 10 July 2003.
11 Interview No. 732, op cit.
In 2001, someone made a Rp. 8 million offer for the land purchased by H. Halim’s uncle without proof of the transaction. Hearing this news, Amir, who had just returned from Java, began to make an issue of the ownership status of the land.

“In 2001, someone made an offer for the land I owned for 8 million, whereas in 1961 my father (H. Julis) had already bought the land for 60 thousand from Bakiryah (Amir’s father). Amir’s neighbours slandered and provoked him, saying that the land actually belonged to his father. Many of his family and neighbours slandered him, and told Amir to take the land back… At the provocation from his neighbours to the right and left, in the end Amir came to my father. Amir questioned the matter of the land. My father told Amir that he had already given the land to me. In the end, Amir came to myself and asked whether it was true that the land had been bought from his father. If it had been bought then for how much? He asked for proof of the sale. I answered that there was no proof. In the past, the only evidence was a cassava tree that was planted in the middle of the rice fields. Amir wasn’t satisfied with my answer. According to Amir, at the very least there was usually a thumbprint as proof. I said that I did not have any proof, but that I had a witness to the land transaction.”

H. Halim, Landowner, Panagguan, 10 July 2003

The land conflict between H. Halim and Amir surfaced because nothing was put in writing, so the type of transaction, whether it was a sale or just a mortgage, was unclear. There was no proof of this land transaction, so that when it was made an issue of, the two conflicting sides were equally confused. Moreover, the witnesses to the land transaction were already dead, leaving only the second generation of witnesses on both sides.12

According to an informant, the background to the claim made by Amir was not just the jealousy and provocation of people around him, but rather there was a personal matter behind it.

“The land case emerged because the besanan (a relationship through marriage) between Bakir and H. Jalenani failed. This failure caused Bakir to open up old wounds…. When Amir visited his cousin’s house, he felt that he did not receive a warm welcome. His family said words there that hurt his feelings. Because of that, he dug up the past. He opened up the status of the land owned by his father.”

Klebun, Panagguan, 8 July 2003

12 See Luthfi’s Diary 15 May 2003, Palengaan Daya.

Researchers: Luthfi Ashari and Mohammad Said; Co-ordinators: Rachael Diprose and Saifullah Barnawi
Translator: Joanne Sharpe
3. Local Wisdom: The Klebun Resolves the Problem Sufficiently

As he had no proof of the transaction, and Amir continued to make an issue of it, H. Halim took the initiative to report Amir’s claim to the Klebun, to seek justice. However, before that, several mediations were held at the dusun level.

Box 1: The Resolution of the Dang Lebar Land Dispute

“Because Amir would not accept it, in the end I reported to the Pak Klebun. Amir came to me just once. Before that, I knew that Amir wanted to take the land. One week later, Pak Klebun called Amir and myself to him. The meeting was held at Pak Klebun’s house. The two divided sides attended. I brought H. Ali and Mubaid as witnesses, while Amir brought Mushar and Masrik … The meeting was held at 7 o’clock in the morning at Pak Klebun’s house. At the meeting I explained how the problem stood, and Amir did the same. On hearing the explanations, the Klebun made some considerations and decisions. After listening to the witnesses, in the end the Klebun decided that the land belonged to me. The meeting ended with taking thumbprints as proof that the problem had been resolved. Those who signed at the time were myself, Amir, Pak Klebun and witnesses.”

H. Halim/Landowner, Panagguan, 10 July 2003

“At the lower (dusun) level there were three meetings at H. Ali’s house (H Halim’s older brother). The agenda was to clarify the position of the land. Because [the problem] could not be resolved at the lower level, it was brought to the village level… In order to resolve the problem, I referred to the document I had in H. Julis’ name. Amir continued to just make an issue of the hereditary land that was only in H. Julis’ name. The witnesses’ explanations were somewhat confusing. They could not agree on a decision. It seems that [the land] was not purchased transparently back then. It seems that the land was sold when he needed money, and he wanted to redeem it if he had the money. It was certainly bought cheaply. Amir’s side acknowledged this. According H. Halim’s side, the transaction was a sale… There were many witnesses. The witnesses were ngambang (controversial). Because the two divided sides were both nephews… The atmosphere of the meeting was tense. Amir threatened carok in my forum. Then I divided the land. I returned part of it to Amir, part of it I did not [return]. Consider it divided in two. Amir got 25 percent. I put pressure on him. If he did not accept the solution, then the village would take the land. They were frightened. The community very much supported this method. The problem was resolved.

Klebun Panagguan, 10 July 2003

13 Interview No. 735, op cit.
“Before, the problem was not resolved here (at the Kyai’s house). The problem was resolved by awarding compensation. H. Halim awarded Amir an amount of money as compensation for his demands. So that the problem would not be drawn out, the Klebun asked H. Halim to pay compensation to Amir. [What is meant by compensation here is compromise money to resolve the problem, because the claimant’s side felt they had lost what was rightfully theirs, or because the land transaction had indeed been unclear].” Village Kyai, Panagguan, 16 July 2003

The resolution of the land problem began at the dusun level, where the two disputing sides met. If the problem was not resolved, it would be taken to the Klebun to obtain a resolution. In order to resolve it, the Klebun would consult the documents in the village, known as the Petok C book (the land ownership record book). The names of the owners of the land in the village are recorded in this book. This kind of resolution is sometimes unrepresentative (of reality) because the names noted are usually old owners, whereas the position of the land has changed hands several times in the community. It is this that often becomes the source of difficulty in resolving land cases. If this is the case, then the Klebun’s wisdom will be the deciding factor.

4. The Loosening of Family Ties

In land cases, conflict often occurs between family or neighbours. This can occur because in a land dispute case the conflicting parties are not strangers but family. In a land conflict relating to land boundaries, usually problems emerge between neighbours, landowners who are adjacent to one another. If this occurs, then the relationship between family and neighbours will be ruined.

“The relationship between them since this case has experienced a rift. Now Amir no longer lives here, he went to Java. Their relationship is now very distant. Their good relationship has begun to disappear, for instance the proof is that they do not visit one another, or they have reduced their meetings. If they meet in the street they still greet one another, but only in passing, the atmosphere is not as it used to be.” Klebun, Panagguan, 8 July 2003

---

14 Interview No. 732, *op cit.*
15 Interview No. 734, *op cit.*, Interview No. 748, *op cit.* and Interview No. 746, *op cit.*
16 Interview No. 734, *op cit.*, 10 July 2003, Interview No. 748, *op cit.*, Interview No. 746, *op cit.*

Researchers: Luthfi Ashari and Mohammad Said; Co-ordinators: Rachael Diprose and Saifullah Barnawi
Translator: Joanne Sharpe
Although a land conflict can damage social interaction between disputing parties, it very rarely causes violent conflict. This is the case because of the way the community views land itself.

“Usually land cases that do lead to carok occur in rural areas. In more advanced areas there are none, because people understand that it is not a matter of principle. Usually, arguing over land involves people within one family. Besides this, land problems have their limits; there are rules so that they can be resolved by the Klebun.”

Retired Teacher, Proppo, 26 June 2003

5. Conclusion

Conflict resulting from land is the conflict type that most frequently emerges in the Madurese community. Unlike other conflicts, this conflict usually does not lead to violent conflict.

Land conflicts emerge because there is a difference over a boundary, different views over the division of inheritance and different views over proof of ownership. Conflict can occur due to the weakness of land administration at the village level.

If a land problem arises, resolution will initially be attempted at the dusun level. If it isn’t resolved, it is brought before the Klebun or Kyai. In the resolution of a land conflict the Kyai or Klebun play very strategic roles.

Land conflicts usually involve conflict between neighbours and family. After the conflict the relationship between the disputing parties will fray, regardless of whether they have a family relationship or not.
**Case Chronology:**  
**Dang Lebar Land Dispute**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1961</td>
<td>Bakir sells (mortgages) land to H. Julis for Rp. 65,000.</td>
</tr>
<tr>
<td>2001</td>
<td>H. Halim is offered Rp. 8 million for the land.</td>
</tr>
<tr>
<td></td>
<td>Amir returns from Java and makes an issue of the status of H. Halim’s land.</td>
</tr>
<tr>
<td>2001</td>
<td>H. Halim reports Amir’s demands to the Klebun.</td>
</tr>
<tr>
<td></td>
<td>Negotiation at the Klebun’s house to resolve the dispute.</td>
</tr>
<tr>
<td></td>
<td>Dispute resolved.</td>
</tr>
<tr>
<td></td>
<td>Amir returns to Java. The relationship between H. Halim and Amir frays.</td>
</tr>
</tbody>
</table>
An Inheritance Brings Misfortune
Dusun Palengan Daja, Kecamatan Palengan, Kabupaten Pamekasan, East Java
Author: Mohammad Said

An Inheritance Brings Misfortune

Summary

“It was approaching afternoon, the rice was ready to eat, then suddenly they came from the north [Desa Poreh] and started to shout “Carok…carok…carok!...”1

Sanen, witness to the land dispute

This is a case which began with two individuals and ended up involving whole families. Nevertheless it is often described as an inter-village conflict. This is done in an effort to help differentiate between the two parties because they live in different villages. The dispute over the land goes back a long time and is a result of a disagreement between the elders from both families. There is no substantial evidence; rather it is based on the stories from the village elders who witnessed the past events. These village elders are becoming fewer and fewer. This is because people do not live forever. However, land disputes will continue until the earth is destroyed.

This is not a violent case, but it may have become violent, had the Klebun (Village Head) of Palengaang Daja not intervened when the two families met after their frustrations had reached a peak. Even though the conflict did not result in carok, the conflict still has not been resolved. This is because after the first resolution attempt there were no further efforts to overcome the conflict. The Klebun invited both parties to a meeting on two occasions, but neither ever turned up. As a result, the case was just left alone. Efforts to resolve the dispute were carried out at the village level by both formal and informal community leaders. Higher levels of government and other groups were not involved.

1 Carok is a duel or challenge between two or more people, using sickles as their primary weapon. In a number of cases, one or more of the actors in the dispute are killed

Researchers: Mohammad Said and Luthfi Ashari; Co-ordinators: Rachael Diprose and Saifullah Barnawi
Translator: Kristen Stokes
1. Introduction: A Reflection of the Unhealthy State of Land Administration in Madura

Nowadays, if somebody inherits a piece of land, they may not only be inheriting wealth but they may also be inheriting a dispute as a result of the unclear status of the land. The following box reflects the unhealthy state of land administrative affairs in Madura, especially in the villages.

**Box 1: Land Administration in Madura**

“There is a connection to the purchases and sales. It was sold by the men in the past, land used to be swapped for corn, but now their children are claiming their land back, stating that the land had been swapped for corn. The ones who bought the land are not willing to give it back, if you want it, try buying it at the market price now.” “It’s not the inheritance which has caused the problems, it is generally the sale and purchase of the land in the past, tana sa lokke’ eorob jagung saganthe’ (plots of land were swapped for an armful of corn). If you look at the situation nowadays, a plot of land and an handful of corn doesn’t compare, but, in the past they were equivalent because it was hard, it was difficult to even eat, and therefore, even land would be swapped for corn.”

“In the past land wasn’t all that valuable here, therefore, two plots of land would be swapped for a basket of cassava.” “Land could be swapped for coffee. If you drink coffee everyday and you can’t pay for it, eventually you’ll have to hand over your land.”

*Mens FGD participants, 5 May 2003*

Land has become like a thorn in Madurese community life as there are a number of land disputes in Madura. Land disputes in Madura are a consequence of the unhealthy state of land administrative affairs in rural Madura. Had the Madurese elders known and understood the regulations and processes involved in transferring land ownership rights then it is likely there would not be so many land disputes amongst the current generation.

“People who claim that their ancestors owned a certain plot of land will ask the person who has inhabited the land if they have proof of ownership. When they are unable to provide evidence which indicates that they are the owner, a dispute will begin”

*Abdul Makmur, Village Elder, 2 May 2003*

Normally there is no formal evidence which can be used as a point of reference in almost all land disputes. This is because the Madurese generally rely on trust and a

---

2 See Men’s FGD No. 4, 5 May 2003.
witness who will vouch that the plot of land has been purchased or sold.3 This, however, causes difficulties later because human beings do not live for hundreds of years, and therefore, the only form of proof which existed is lost.

“During the Dutch era, the ancestors of the people who are involved in current land disputes bought and sold land based on a sense of trust. They had no formal proof [of the transaction]”

Abdul Makmur, Village Elder, 2 May 2003

2. The Beginning Stages of the Conflict Over the Inherited Land

Seven years ago, around 1996, Sammat, from Desa Palengan Daja, claimed that he actually owned the land that Sardiman, from Desa Poreh, was using.4 He reasoned that the land belonged to his aunt who had no heirs.

“The background to the dispute is like this. There was a person from Poreh [Sardiman’s father] who married a person from Palengan Daja [Sammat’s aunt], but he had no children from the marriage. Then his wife passed away. Throughout their relationship as husband and wife, the wife was in possession of a plot of land which she had inherited from her parents. After the wife died, her husband continued to work the land. Then the husband married for a second time. He had a child from this second marriage. And now Sammat [nephew of the first wife] wants to take the land, but the child from his second wife who inherited the land has prohibited him from doing so because he [Sardiman] believes that the land belonged to his parents”

Rahmat, Witness, 3 May 2003

Sardiman, accompanied by his cousin (Jaelani) refused to hand over the land, saying that he had inherited the land from his parents.5 According to Sardiman, the land indeed used to belong to his aunt, but Sardiman’s parents bought the land with a cow.6 Because the land was unable to be redeemed in a set amount of time Sardiman’s parents [from Desa Poreh] became the owners. However, in Land plot C, the disputed land is still in the name of the party from Palengan Daja, and there has been no steps taken to transfer the names even though it was apparently sold.7

3 Interview No. 043b.
4 Interview No. 050.
5 Interview No. 050.
6 Ibid.
7 Interview No. 039B, op cit.

Researchers: Mohammad Said and Luthfi Ashari; Co-ordinators: Rachael Diprose and Saifullah Barnawi
Translator: Kristen Stokes
“The names of the party from Palenga’an Daja are still on the Land Plot C. The names haven’t been transferred even though the land was apparently sold. Therefore, the Palenga’an Daja party [Sammat] are in a stronger position in the eyes of the law.”

Marsuid, Klebun, 5 May 2003

Sammat was unable to reclaim the land after he had met with Sardiman, therefore, he went and reported the case to the Klebun, saying that the land in Dusun Tenggina Dua had been seized by Sardiman, who lives in Desa Poreh. Before reporting the case, Sammat put some stakes in, marking the boarders of the land to indicate that it belonged to him. This resulted in an argument.

“It was like this approximately 2pm and raining lightly, Sammat and Husen [Sammat’s relative] dropped by at my [Sanen] house and invited me to help them put in the red bamboo market stakes … a dispute occurred as a result of the marker posts.”

Sanen, Witness, 5 May 2003

3. They Even Brought their Sickles to the Meeting to Resolve the Dispute

In an effort to resolve the case, the Village Head summoned the two disputing parties to attend a meeting, but Sardiman never turned up. The meeting was going to be held at the Klebun’s house. The meeting did not resolve the problem. The second meeting was held at the actual location [disputed land]. The two sides were unable to reach an agreement because they both had a very different understanding of the case.

“Five meetings were held in total to resolve the case. The first one was held at the Klebun’s house, but nobody was able to reach an agreement. The second meeting was held at the disputed site with the Klebun, but still no resolution was found.”

Rahmat, Witness, 3 May 2003

The third meeting was held in Dusun Tenggina Dua so that both parties could attend. Dusun Tenggina Dua is located right in the middle, between Palenga’an Daja and Poreh. The

---

8 Interview No. 050, op cit.
9 Interview No. 054, op cit.
10 Ibid.
11 Interview No. 054, op cit.
12 Ibid.
13 Interview No. 050, op cit. and 039b, op cit.
meeting took place at the house of a respected community figure, Pak Hamid, who also used to be the head of the dusun (hamlet).\textsuperscript{14}

The meeting at Pak Hamid’s house was held in the middle of the day. However, the party from Poreh did not arrive until the afternoon.\textsuperscript{15} When the forum was just about to sit down for lunch, the Poreh party suddenly arrived shouting “carok”\textsuperscript{16} Approximately six people had come to Pak Hamid’s house, but after taking a closer look, the numbers had grown. Each of them was bearing a sickle.\textsuperscript{17} According to another respondent, there were approximately twenty people.\textsuperscript{18} It is unclear just how many people were there, but from the information collected, it would seem that there were at least twenty because it was not just the Poreh party who brought the masses, but also the party from Palengaan Daja. The Palengaan Daja supporters had been waiting outside Pak Hamid’s fence since the morning.\textsuperscript{19}

> “It was approaching afternoon, the rice was ready to eat, then suddenly they came from the north [Desa Poreh] and started to shout ‘Carok…carok…carok…there was approximately six of them carrying sickles’
>
> Sanen, Witness, 5 May 2003

> “…it has it that about twenty people came from Poreh wielding sickles, the masses just kept coming…”
>
> Marsuid, Klebun/Mediator, 5 May 2003

Both parties shouted and argued at each other during the meeting.\textsuperscript{20} Had the Klebun not have been there and immediately stepped in and pacified the two groups, which were not prepared to compromise, there is a strong possibility that the carok would have taken place.\textsuperscript{21} Even from the time that the Poreh people arrived, they had been shouting ‘carok…carok…carok!’ the Klebun showed that he understood their situation and then requested that they not go ahead with the carok, but instead try and resolve the matter peacefully.\textsuperscript{22} The Klebun requested that they all surrender their sickles to show their good

\textsuperscript{14} Ibid.
\textsuperscript{15} Interview No. 050, \textit{op cit.} and 039b, \textit{op cit.}
\textsuperscript{16} Interview No. 054, \textit{op cit.}
\textsuperscript{17} Ibid.
\textsuperscript{18} Interview No. 039b, \textit{op cit.}
\textsuperscript{19} Interview No. 054, \textit{op cit.}
\textsuperscript{20} Interview No. 050, \textit{op cit.}
\textsuperscript{21} Interview No. 039b, \textit{op cit.}
\textsuperscript{22} Interview No. 039b, \textit{op cit.} and Interview No. 054, \textit{op cit.}

Researchers: Mohammad Said and Luthfi Ashari; Co-ordinators: Rachael Diprose and Saifullah Barnawi
Translator: Kristen Stokes
intentions and then leave. Eventually, they were broken up and the carok was prevented. This indicates the Klebun’s authority and power over the villagers.

“Finally, the Klebun seized their sickles and got rid of them in the forest”
Sanen, Witness, 5 May 2003

“…then I ran into the crowd of people who were going to carok …at that time the people from Desa Poreh were standing directly in front of the Palengaan Daja supporters. Just as they were about to carok, I jumped into the crowd of people who were all shouting carok-carok!. Finally, I was able to seize their sharp weapons, for example, their sickles and knives, and take hand of the situation”

“After I met with both parties, they finally decided to go home, they didn’t go ahead with the carok, I collected all their sickles…a whole pile of them”
Marsuid, Klebun/Mediator, 5 May 2003

A representative from the kecamatan, Pak Rangga, the kecamatan government secretary, also attended the meeting, although he was not formally invited. According to the Klebun, Pak Rangga only came to the meeting because he is his good friend.

“The police, Kyai (Muslim Cleric), Camat and Land Administration Agency (BPN) were not involved in the resolution process. Only the village was involved.”
Rahmat, Witness, 3 May 2003

“There was no police around when the incident took place”
Sanen, Witness, 5 May 2003

Neither the kecamatan nor any higher administrative units were involved in the conflict resolution process. The whole process was handled by the village government, and involved informal village leaders, for example, respected and trusted village elders who knew and understood the history of land ownership in Palengaan Daja.

---

23 Interview No. 054, op cit. and Interview No. 039b, op cit.
24 Interview No. 039b, op cit. and Interview No. 054, op cit.
25 Interview No. 039b, op cit.
26 Interview No. 050, op cit. and Interview No. 054, op cit.
27 Interview No. 050, op cit. Pak Abdul Kramat is a respected informal leader within the community, who has been handling land affairs in Palengaan Daja for tens of years. He was involved in land affairs when he was village secretary, and ever since the community has requested his help to resolve land disputes.

Researchers: Mohammad Said and Luthfi Ashari; Co-ordinators: Rachael Diprose and Saifullah Barnawi
Translator: Kristen Stokes
Efforts to resolve the land dispute continued even after the incident took place. The Klebun summoned the two parties to another follow-up meeting, but the Poreh party paid no attention to the summons, and therefore the case has yet to be resolved. After the incident the Klebun sent invitations for two more meetings.

“The forth and fifth meetings did not take place because the parties did not want to attend … after they had been summoned twice and they didn’t turn up, nothing else was done about it …”

Rahmat, Witness, 3 May 2003

This case did not involve the Klebun of Poreh because the disputed land is located in Desa Palengan Daja. It is only the people from one of the disputing parties who live in Desa Poreh. Also, this is not an inter-village dispute so both Klebuns did not need to become involved.

The dispute is yet to be resolved (see Box 2). The party from Poreh [Sardiman] still has control over the land. However, there are rumours that Sardiman divided the land up amongst himself and his cousin [Jaelani]. Apparently, Sammat (from Palengan Daja] did not receive any of the land whatsoever.

Box 2: The Current State of the Conflict

“After that I didn’t follow up the case, both parties didn’t take follow up action. Now I’ve found out that the land is being worked on by the party from Poreh … “There was nothing at all from the two disputing parties. News has it that the land was divided into two by the Poreh party”

Marsuid, Klebun/Mediator, 5 May 2003

“Until today the dispute has yet to be resolved. Sardiman has taken the land” Sanen, Witness, 5 May 2003*After both parties had been summoned twice by the Klebun and neither of them attended, nothing else was done. News has it that Sardiman divided the land between himself and Jaelani [Saliman’s cousin who helped him defend his land]. Sammat didn’t get anything, and even now the case has yet to be resolved …”

Rahmat, Witness, 3 May 2003

---

28 Interview No. 050, op cit..
29 Interview No. 039b, op cit., Interview No. 050, op cit. and Interview No. 054, op cit..
30 Ibid.
31 Interview No. 039b, op cit., Interview No. 050, op cit. and Interview No. 054, op cit.
After the third meeting, when the situation almost got out of hand, the disputed land was vacated, leaving nobody working the land. However, this was not for long. The Poreh party went back to working the land. In fact, Sardiman divided the land between himself and Jaelani, both of whom are from Desa Poreh.

The Klebun and village elders were unable to resolve the land dispute because the two disputing parties would not attend the planned meetings. The Klebun made considerable efforts to resolve the land dispute; however it would have been very difficult for the Klebun to force his villagers to resolve the dispute when they themselves had no real desire to resolve the land dispute. The issue will be discussed again if, in the future, one of the disputing parties requests the help of the Klebun to resolve the problem.

4. Conclusion

A number of land disputes in Madura are the result of a weak land administration system, particularly in the villages. This is not only the fault of the Land Administration Agency, but is also because past methods, understandings and awareness of village land administration.

Conflict resolution mechanisms often face difficulties because of the lack of hard evidence. For a long time, the Madurese have carried out land transactions, relying only on trust and the word of a witness. While the witness is still alive and can testify, problems rarely arise, but we have to remember that a human’s life span is nothing compared to a piece of land, however disputes often occur once these key figures pass away.

Land disputes are difficult to resolve if both disputing parties claim land ownership and will not back down. Perhaps it would be better to resolve such cases using the formal legal system, but this can cause one party to harbour resentment as the formal legal system may come to the wrong conclusion. Often courts base their decision on formal evidence which often does not all record all transactions, including, for example, sale and informal mortgages of a given piece of land.

In the opinion of the author of this case study, they should continue to use the informal resolution mechanisms because the case is extremely complicated. They not only have to trace the history of the land, but they also need to collect proof and identify the elders who can be used as witnesses and who know the history of the disputed land in the case.

---

32 Interview No. 039b, op cit.
33 Ibid.
### Case Chronology:
**An Inheritance brings Misfortune**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tens years ago</td>
<td>A wedding took place. The land owned by the wife, which she had inherited from her parent, was taken by her husband when she passed away. There were no children from the marriage.</td>
</tr>
<tr>
<td>Seven years ago</td>
<td>Sammat tried to reclaim the land from Sardiman, claiming that he should have inherited the land from his aunt. Sardiman refused to hand over the land.</td>
</tr>
<tr>
<td>One day after initial incident</td>
<td>Sammat reported the case to the <em>Klebun</em>, stating that Sardiman had taken his land.</td>
</tr>
<tr>
<td>A few days after initial incident</td>
<td>Sammat put stakes in the ground, indicating the borders, around the land which he was claiming. This resulted in an argument.</td>
</tr>
<tr>
<td>Time period unknown. Probably a few days or weeks later.</td>
<td><em>Klebun</em> held a meeting at his house but no agreement was reached.</td>
</tr>
<tr>
<td>Unknown</td>
<td>Second meeting. This meeting was held in Dusun Tanggina II, not far from the disputed land. The party from Poreh [Sardiman] did not attend, and therefore the meeting was unable to be continued.</td>
</tr>
<tr>
<td>Time period unknown. Still approximately seven years ago</td>
<td>The third meeting was held in Dusun Tenggina II at Pak Bahria’s house. There was no opportunity to try and find a solution to the dispute in this meeting because the party from Poreh arrived and challenged the others to a fight. It did not result in <em>carok</em> because the <em>Klebun</em> was able to pacify the two parties. No resolution was found.</td>
</tr>
</tbody>
</table>
Location Map:
Desa Palengan Daja, Kec. Palengan, Kab.

EXPLANATION:

A: Desa Tlambah
B: Desa Blu’uran
C: Desa Bulmatet
D: Desa Poreh
E: Desa Pangsanggar
F: Desa Palengan Laok

1: Dusun Londalem
2: Dusun Tareta I
3: Dusun Laccaran
4: Dusun Tareta II
5: Dusun Angsoka Barat
6: Dusun Angsoka Timur A
7: Dusun Angsoka Timur B
8: Dusun Tenggina I
9: Dusun Tenggina II

: Dusun Border
: Border of another village

: Disputed land

An Inheritance Brings Misfortune
Dusun Palengan Daja, Kecamatan Palengan, Kabupaten Pamekasan, East Java
Author: Mohammad Said

Researchers: Mohammad Said and Luthfi Ashari; Co-ordinators: Rachael Diprose and Saifullah Barnawi
Translator: Kristen Stokes
A forest is a natural resource susceptible to becoming the object of conflict. One such conflict is the case of the forest fire that took place in Desa Dayakan, Kabupaten Ponorogo, East Java. This conflict is related to the Perhutani (Indonesian State Forestry Enterprise) policy of selecting tree types which are inappropriate for the geographic characteristics of Desa Dayakan, as the trees were causing negative impacts on villagers’ fields. This case is interesting in that it highlights the relationship between a State institution and the community, and particularly the limited ability a community has to influence institutional policy and demand “service delivery” in a productive and peaceful manner.

This particular conflict was compounded by an ongoing hostile relationship between the village and Perhutani as well as the socio-political dynamics surrounding the Pilkades (Village Head Election) seven months earlier. The impact of the conflict has been the reduction of alternative sources of livelihood for the Dayakan community, who rely on the income from farming dry fields, as well as the destruction of Perhutani forest resources. At present the conflict remains unresolved, without anyone knowing who the actors in the forest fire were.

1. The Nanny Must be Pried Loose in Order to Attract her Attention: The Relationship Patterns Between Perhutani and the Community

Dayakan is a village in Kecamatan Badegan, Kabupaten Ponorogo, located at the southern end of the border with Kabupaten Pacitan and Wonogiri. Besides having relatively dry land, Desa Dayakan also covers a large area of forest, 694 ha. from a total area of 1203 ha., meaning that more that fifty percent of Dayakan is forest. Economically, the existence of the forest provides those who live around it with a source of livelihood. It is not clearly known when the Dayakan inhabitants began using the forest for their livelihoods. In fact, there are several dusun or environs whose locations are surrounded by forest and are almost isolated from other dusun and environs. This condition has provided a great opportunity for the inhabitants of Desa Dayakan to seek their livelihoods in the forest.

1 Sekarputih is located in a flat area, Kliyur is partly flat and partly gently sloped, while Jurangsempu and Watuagung are largely mountainous and forested. This is conveyed by Totti (a community figure) in an FGD in Dusun Jurangsempu, Desa Dayakan, 29 July 2003 (see Interview No. 854).
Due to the pattern of dry field farming that relies on rainwater, there are more and more productive farming activities being carried out in the wet season. In the dry season, some inhabitants collect pine tree resin that grows in the forest as an alternative source of income. Others work the cleared forest land, growing various food crops such as cassava, corn and others, which subsidize the food reserves for the dry season. Local inhabitants call this land *baon*, the land left after logging which has been turned into fields. Besides this, the residents who own livestock rely on the forest for feed for their domesticated animals. Almost every day, usually at midday or in the afternoon, the residents gather the grass that grows in the forest beneath the trees.

Even so, the people are not legal owners of the forest, although historio-culturally, the people who live near the forest have a ‘closeness’ with the area that supports their lives. Legally, the forest in the Dayakan area is the property of *Perhutani*.

Based on the structure above, the forest in Desa Dayakan comes under the authority of the Watubonang Forest Police Station (RPH), which is structurally included in the Lawu Forestry Managers Unit (KPH). The management of the forest in Desa Dayakan is directly handled by Pak Ali, the Watubonang RPH Head, who is better known by the title Pak *Mantri* (lower ranking civil servant), assisted by several overseers.

The last thirty years illustrate the lack of harmony in the *Perhutani*’s relationship with the government and community of Desa Dayakan. One informant relates several cases which indicate this less than harmonious relationship. Following is an extract that tells of one case, namely the case of trading government land for private land in the Ogal-Agil area.

“The *Perhutani* problem is certainly complex. Before the permission for the matter of road construction [meaning the building of the road to Dusun Jurangsempu in 1998], the community here had already experienced...”

---

3 Interview 865, *op cit.* and Interview No. 869, Boinem, ordinary villager, Dusun Jurangsempu, 29 July 2003.
5 The traditional community who live around the forest have a tendency to use the forest wisely – ‘taking just enough from the forest to fulfil their daily needs’. With this pattern of living, the community’s basic needs are fulfilled and forest’s sustainability is protected.
7 Ogal-Agil is the name of an environ (residential area) in Dusun Jurangsempu. See Desa Dayakan Map.
problems with *Perhutani*. The problem involved the land to the east of Ogal-Agil, which was to be exchanged for land belonging to *Perhutani* in the area below here [to the west of Pak Sardiman’s house in Dusun Kliyur]. The plan has been there since the seventies but to this day there is no letter of explanation that says that there is an agreement between *Perhutani* and the community. The term is that there is no *ijab kabul* (Statement of Agreement). Whereas from the seventies until now is already more than thirty years… I remember it well, I was still a *hansip* [Civil Defence, civilians with military training as village security forces], and the Village Head was Pak Saraf… Pak Saraf came before Pak Karya, Pak Kardi [the current Dayakan Village Head] came after Pak Karya. The land belongs to the village, but no one is working it, it has been left bare.”

*Sardiman, Bayan (neighbourhood security guard), Dusun Kliyur, 26 July 2003*

The Ogal-Agil case was a seed in the lack of harmony of *Perhutani*’s relationship with the government and community of Desa Dayakan. The quote above indicates the community’s distrust of *Perhutani* in handling the matter of the land exchange. *Perhutani*’s offer to exchange land on a mountain slope8 was a source of hope for the village community, whose primary source of income is farming. However the ambiguity of how this offer would be implemented made the community lose hope. Even more saddening is that in the end neither the Desa Dayakan government or community have worked their land that they were to exchange with *Perhutani* because they are still holding out to exchange it for more productive land. Before the matter of the Ogal-Agil land exchange was over, *Perhutani*’s relationship with the Desa Dayakan community frayed further with the case involving the clearing of a road leading to the southern part of Dusun Watuagung.9 This time, the case added to the tension between *Perhutani* and the Desa Dayakan community, especially the southern Dusun Watuagung community (see Box 1).

---

8 The Ogal-Agil area is located in a steep mountainous area. The farmland is located on the slopes of hills, so that the farmers frequently experience difficulties in working or gathering and transporting their crops.

9 The locals call this area South Watuagung, which covers the areas of Dusun Spring, Mbecici and Krincing. However, these three areas are more frequently called by their respective names (Spring, Mbecici and Krincing) rather than South Watuagung. This differs to North Watuagung, because although there are also several areas there (Watuagung, Watu Irung, amongst others), people more frequently refer to them all as North Watuagung.
Box 1: The Case of Clearing a Road to the Southern Part of Dusun Watuagung

“The story goes that at the time there was no road to south Watuagung. If you wanted to go there, you had to pass through the forest [meaning the Perhutani forest]. The Watuagung people had wanted to build a road for a long time. Moreover, once there was a woman in labour who suffered bleeding, she had to be taken to the Puskesmas (Health Clinic), Wah angel tenan nggawane (it was very difficult to carry her), because we had to go via the forest. In the end the community negotiated to build a road. They felled Perhutani forest trees. The road is quite long, almost a kilometre. Wah, things were immediately geger (lively, tense). The Bupati (Regent), the Polres (Kabupaten Police), the ADM (Perhutani Administrator) from Madiun came too. Perhutani felt that there had been a great deal of theft of their teak wood. Several Watuagung residents were approached by the police and asked all sorts of things…Actually, we had already spoken [meaning asked permission] twice, to the Overseer as well as to the Mantri. But at the time we did not yet have permission. We waited for a long time and there was no explanation, when in fact the permission had already come from Madiun… I know this from the ADM. But if you asked them, the overseers and the Mantri said that they didn’t know anything… I do actually understand why the Overseer and the Mantri were dissatisfied, because dozens of teak trees were involved. If, for instance, the people above them knew what happened then the Overseer and the Mantri would have been dismissed, at best transferred. At worst, they would have been removed from their positions. But in the end it was the community who took the blame. Now, after that the community didn’t like Perhutani much. The community thought their people had lived around the forest for decades, but even just clearing a road was made difficult. They had asked nicely for permission, why were they then blamed?”

Sardiman, Bayan, Dusun Kliyur, 26 July 2003

From the case description presented in Box 1 we can see that there were three factors that caused tension between Perhutani and the community. First, the slowness of Perhutani’s response to the community’s need to build a road to the south of Dusun Watuagung. The community’s initiative in applying for land clearing permission is a positive aspect worth noting. It indicates that the community was aware that the forest through they wished to clear a road belonged to Perhutani. However, their request did not result in a response from Perhutani. Ultimately, the community went ahead and cleared the road without waiting for permission from Perhutani.

The second factor is the strength of the authorities’ prejudice that the people living around the forest are timber thieves, pushing Perhutani as well as other government bodies to take incorrect action towards resolution. This was manifested in the actions taken by Perhutani, the Ponorogo District Government as well as security agencies. Because they felt that dozens of logs had been stolen, Perhutani went to the Ponorogo Polres (Kabupaten Police) as

---

10 The Informant had difficulty in giving a definite number of trees felled in the clearing of the road. He just estimated the number of trees felled to clear a road almost a kilometer long. See Interview No. 866, op cit...
well as some intelligence agents. The police interrogated several southern Dusun Watuagung residents. Moreover, one Dusun Kliyur villager who participated in the land clearing was even approached by intelligence agents. Following is the admission of the informant regarding his experience when an intelligence agent approached him.

“... Several Watuagung residents were approached by the police and asked all sorts of things. Then an agent came to my house. I certainly did work to clear the land, and I worked in the name of the Watuagung community. The agent was preman (street thug) style; his hair was this long [indicating his shoulder], he wore a jacket, but he was still different. The way a preman and an agent speak differs. I was pretty nervous too at that point ... I knew that he was an agent from the way he questioned me, moving from the unfocused to the detailed. Moreover, I could see his tape recorder. The recorder was in his jacket, like that. But visable. So I was even more frightened. I thought, wow, I had better be careful here. The thing was that later my voice would be played at the police station. Wow, then I would really be the main player! [Q: What did he ask?] ‘Who told you to do it?’ I answered, ‘No one, it was the Watuagung people’s own desire to clear the road. ‘Oh really?’ he said disbelievingly. ‘Honestly’ I said. Then the agent asked again, ‘Where did the timber go?’ ‘The residents who helped with the work took it, it was counted as payment for those who worked together’. ‘Don’t tell me it’s been sold!’ said the agent. ‘No, it was taken to the resident’s homes.’ ‘Who took it?’ the agent kept asking. Well, if you asked me to name them individually, that would have been difficult. Almost everyone in Watuagung helped with the work. And indeed, a great deal of timber was felled. It [the timber] was all divided up between the residents. They – yes, the Bupati, the Police, the ADM - thought that the timber had been stolen and sold.”

Sardiman, Bayan, Dusun Kliyur, 30 July 2003

Perhutani’s actions in approaching the police have had an uncomfortable psychological effect on the Dusun Watuagung community.

The third factor which made the situation worse was the attitude of the Overseer and the Mantri, who shielded themselves from attack by saying that they never received an application for permission to clear the road from the Dusun Watuagung community. The villagers deplored the Overseer and Mantri’s attitude because the community was blamed as the result. This had the impact of worsening Perhutani’s relationship with the Desa Dayakan community.11

Almost ten years had passed since the conflict between Perhutani and the Desa Dayakan community over the case of the Dusun Watuagung road when a very similar case was

---

11 Interview No. 865, op cit.
repeated in 1998 (see Box 2). At that time, the Dusun Jurangsempu community wanted to widen the single-file track leading to their dusun.

Box 2: The Case of the Widening of the Road to Dusun Jurangsempu

“… There had been a road to Dusun Jurangsempu for sometime, but just a single-file track. Before, long before KDP (the Kecamatan Development Project) came here, the community widened the road, they funded it all themselves. The single-file track was widened to around two meters … The road they built was certainly in Perhutani territory, but because the community really needed it, the road was widened. Previously, the village authorities had tried to ask for permission from Perhutani. However, having waited for months, the funds did not come down, and the news was the letter had already been written in Madiun, KPH Madiun, but had not been given to the community. Because the community could wait no longer, they just widened the road. So, there were many teak trees in the middle of the road at the time. To the left and the right of them the road had been built, but the trees had not been felled because we were still waiting for permission from Perhutani. The people would often dig out the trees, and were grateful if they fell down. So there was no reason for Perhutani to blame the community because the community did not log the trees. The trees that fell down were sawn up and then left just like that at the side of the road in front of my house. No one wanted to take the trees because the people needed a road, not trees. The people did not need timber. Seeing the number of trees that fell, in the end Perhutani gave us permission …”

Sardiman, Kliyur, 26 July 2003

As with the Dusun Watuagung road case, Perhutani was again slow to respond to the application for permission to widen the road to Dusun Jurangsempu. Learning from the experience of the Dusun Watuagung case, the people did not immediately cut the trees down which obstructed the road being cleared. They used a more delicate method, digging out the tree roots in the hope that they would fall by themselves. The community also agreed not to take the fallen trees home, they just left them by the side of the road. From then on the teak timber was secured by the Mantri and taken to the Watubonang RPH office located in Dusun Sekarputih. What was Perhutani’s reaction to the digging up of the teak trees? Looking at the Perhutani’s handling of this Dusun Jurangsempu road case, it seems that Perhutani had begun to learn from the Dusun Watuagung case, where the lack of positive response from Perhutani caused the brutal actions of the people and disadvantaged Perhutani itself (see Box 2).

What is also interesting to observe from the case of building the road leading to Dusun Jurangsempu is that there were no acts of violence, like the felling of trees, such as occurred

---

12 Interview No. 865, op cit.
13 Interview No. 865, op cit.
14 Ibid.

Researchers: Cici Novia Anggraini, Imron Rasyid and Endro Probo Crenantoro; Co-ordinators: Rachael Diprose and Saifulah Barnawi
Translator: Joanne Sharpe
in the case of the clearing of the road to the south of Dusun Watuagung. Although at that time, in 1998 the reform movement had begun to flare up, the Dayakan community was not suddenly influenced to carry out violent or anarchic acts. The traumatic psychological experience of the Dusun Watuagung case was an important lesson for the Dusun Jurangsempu community, and this was behind their choosing not to fell the trees the length of the single-file track in an anarchic manner.

Aside from the above three cases that occurred in Desa Dayakan, there have been several other cases in Kecamatan Badegan that highlight the weakness of Perhutani’s conflict resolution mechanisms. The case of the timber demonstration in Desa Biting is an example. RPH Badegan’s inability to facilitate the tension between the Desa Biting government, the people of Dusun Kresek, and the people of Dusun Brangkal contributed to the demonstration that took place in 1999. Another case that also took place in Desa Biting was the tension between the Biting community and the KDP (Kecamatan Development Project) Facilitator at the kecamatan level (Badegan), as well as between the KDP Facilitator at the kecamatan level (Badegan) and at the kabupaten level (the District Management Consultant, KMKab). This tension began with a debate over the status of Perhutani land to be used as the location for the Kucur Tourism Market development. Perhutani’s indecisiveness regarding the application for land use permission caused conflict between the actors named above.

The several cases above (Ogal-Agil, Watuagung, Jurangsempu, the timber demonstration and the Kucur Tourism Market Kiosks) illustrate the Perhutani’s weakness in considered the people who live around the forest. This differs greatly from Perhutani’s mission, which aims to work together with and give protection to the people who live around the forest so that they can guard the conservation of the forest together. In fact this inconsistency disappointed some of the Desa Dayakan community, whose lives depend on the forest. The following sections focus on how the community has more recently advocated their disappointment with Perhutani.

15 For complete information see Case Study “Timber Demonstration in Desa Biting”, not included in this compilation, but available upon request from the Conflict and Community Development Research Project, World Bank Office Jakarta.

16 For complete information see Case Study “Kucur KDP Kiosks”, also not included in this compilation but available upon request.

17 Interview No. 879, *op cit.*

Researchers: Cici Novia Anggraini, Imron Rasyid and Endro Probo Crenantoro; Co-ordinators: Rachael Diprose and Saifullah Barnawi
Translator: Joanne Sharpe

38
2. Then Fire Dances at the Feet of the Pine Trees

One day in September 2002\textsuperscript{18}, between around one and two o’clock in the afternoon, the people of Dusun Jurangsempu and Dusun Kliyur were astonished at the heat of the afternoon. Several people went to find out what was going on.\textsuperscript{19} Two people from Dusun Kliyur, Sardiman and Johan saw the teak forest above their house on fire.\textsuperscript{20} However it did not last long for it did not spread far and in a short time was put out. Some time after that, Pak Sardiman saw the pine forest above the teak forest also on fire.\textsuperscript{21} Santo, who directly witnessed the forest fire, says the same thing. Following are excerpts of their testimonies.

\begin{quote}
"… The forest fire last year [2002] occurred when STAIN [State Islamic High School] was doing their KKN [Field Work Experience] here, in around the ninth month [September]. At the time, the KKN boys and I saw it from the road in front over there. The fire was huge, so that you could feel the heat from here…. The area burned was very great, from down there to the top of the hill. If you look at them from the yard, the burned trees now look blackened… [Q: At approximately what time did the event take place?] About one o’clock or two o’clock. At the time it was the dry season and there was a lot of wind."
\textit{Santo, Dusun Jurangsempu, 29 July 2003}
\end{quote}

\begin{quote}
"The fire occurred in the dry season last year, in about the ninth month [September]. In the beginning, it was the teak forest up there that was burned, but that was extinguished. It did not spread further. After that there was another fire at the top, in the pine forest above the teak forest. The fire occurred around about this time [the interview took place between 1 and 2 o’clock.] The pine forest was burning, the fire was very great, and you could feel the heat from here. It sounded like a truck going by on the bitumen over there, \textit{grudug-grudug} [imitating the sound of a truck going by on bitumen]. The pine forest above the teak forest was all burned down…. That night the pine forest to the east of [Dusun] Sekarputih was also set alight. Mas Jun [Johan] and I were looking to the middle of the\textit{
\end{quote}

\textsuperscript{18} Some informants only remembered that it happened in September 2002, but they forgot the exact date and day of the incident, see Interview No. 865, \textit{op cit} and Interview No. 870, \textit{op cit}. Some informants only remembered that it happened in 2002, see Interview No. 860, \textit{op cit}. However, some other informants noted that there had been forest fires for the last two years, see Interview No. 869, \textit{op cit} and Interview No. 881, \textit{op cit}.

\textsuperscript{19} Amongst them were Sardiman (\textit{Bayan}) and Johan (Community Transformation Agent) for PLAN International in Desa Dayakan) who were looking towards Dusun Kliyur (See Interview No. 865, \textit{op cit}), as well as Santo (ordinary villager) and a Ponorogo STAIN KKN group who were looking from Dusun Jurangsempu (Interview No. 870, \textit{op cit}).

\textsuperscript{20} Sardiman’s house is located in Dusun Kliyur, around 25 m. to the south of the Dayakan Village Hall.

\textsuperscript{21} Interview No. 865, \textit{op cit}. 

---

Researchers: Cici Novia Anggraini, Imron Rasyid and Endro Probo Crenantor; Co-ordinators: Rachael Diprose and Saifullah Barnawi
Translator: Joanne Sharpe
When the Nanny No Longer Protects her Charge
Desa Dayakan, Kecamatan Badegan, Kabupaten Ponorogo, East Java
Author: Cici Novia Anggraini

rice fields [to the east of Pak Sardiman’s house]. The flames were very high, so that the rice paddies here were lit up.”

*Sardiman, Dusun Kliyur, 26 July 2003*

Fires in several other locations also broke out simultaneously. Sudarmo, a livestock herder, related that the year before there had been simultaneous fires on Elephant Mountain (one of the mountain peaks in the Jurangsempu area that looks like an elephant) and in the eastern part of the teak forest in eastern Desa Dayakan.22 Besides that, fire also broke out in the baon (cleared forestland) located between Dusun Kliyur and Jurangsempu.23

In fact, the forest fire in the pine forest did not occur just that one time. Several informants noted that fires in the pine forest had been occurring for the last one to two years, every dry season. They noted that the water reserves around Jurangsempu had begun to fall. Their conversation follows.

“Now the fields are planted with cassava, but the harvest is not as much as it used to be… [Q: Why?] Not enough water, *Mbak* (term of address for a woman). The water source is shrinking, there is only enough to fulfil daily requirements… [Q: How long has the water available been lacking?] For the last year, since the forest was burned down, *Mbak*”

*Boinem, ordinary villager, Dusun Jurangsempu, 29 July 2003*

“…Since the forest was burned down, many of the water sources have been lost. Before, even in the dry season it wasn’t as bad as it has been in the last two years. The water was still there, even if it was only a little. However, since the fire, many water sources have been lost…”

*Juri, community figure, Dusun Kliyur, 2 August 2003*

3. Pine Trees are the Masters!

What is interesting about the fire is that a large part of the forest that was burned was planted with pines. The question that follows is what is it about pine trees? From the admissions of several informants, based on their experiences, pine trees have had a negative impact on the water table. Pine trees are a type of tree that draws lots of water.24 Why is this so?

---

22 Interview No. 860, *op cit.*

23 Interview No. 869, *op cit.* and Interview No. 873, *op cit.*

24 Interview No. 860, *op cit.*; Interview No. 865, *op cit.*; and FGD Dusun Jurangsempu, 30 July 2003 (see Interview No. 871). However, this is disputed by Pak Mantri. According to him this is just an assumption and requires further research (See Interview No. 879, *op cit.*).

Researchers: Cici Novia Anggraini, Imron Rasyid and Endro Probo Crenantoro; Co-ordinators: Rachael Diprose and Saiful Hambali
Translator: Joanne Sharpe
Due to the pine tree’s characteristic of taking up lots of water, the result is that the water table around the pine forest goes down. What were once large sources of water are now just a trickle, and some sources even go dry in the dry season. The clean water supply from the water source is only enough for daily requirements, and can no longer meet farming irrigation requirements. As a result, the harvest has fallen. Facing this serious environmental situation the Dayakan community, especially those living around the pine forest, complained about the matter to the village government. Responding to the community complaint in 2002 the Dayakan village government, fulfilling a request from the kecamatan government and Perhutani, held a meeting between the community and Perhutani.

Those who attended the meeting included officials from Perhutani Badegan [RPH Badegan], the Badegan Camat and his staff, Desa Dayakan officials as well as other community representatives. At this meeting, the community suggested that the pine trees be replaced

25 Interview No. 869, op. cit. and Interview 881 op cit.
26 Interview No. 869 op cit.
27 The community chose to make their complaint to the village government even though at that time the BPD (Village Parliament) had already been formed. The BPD is a new body in Desa Dayakan, indeed during the Pilkaides in March 2002, the BPD had yet to be formed. The BPD was formed after the elections and as such the community was not used to this representation model. The community preferred the old representative model, where the village government involved the Dusun Heads, Neighborhood Association Heads and other community representatives in resolving a problem or creating policy at the village level (See Interview No. 871, op cit.).
28 The informant could not remember the precise date or day of this meeting. This meeting was held before the forest fire (Interview No. 865 op cit.). If the meeting had responded to the community’s complaint about the dryness of their water source in the dry season, it could be logical that the complaint was made in the dry season. After that, the meeting was held. The dry season on 2002 fell between April and October. However, along with this, a Village Head Election was held March 13 2002, and the Head inaugurated on 1 May 2003 (see Imron’s Diary, 30 July 2003). The internal consolidation of the village government required about two months. If the forest fire occurred in September 2002, the most logical estimation of when the meeting was held is between May and August 2002.
29 On clarification from the Pak Mantri, he said that what he meant by ‘Badegan Perhutani’, which attended the meeting, was RPH Watubonang, because administratively, the forest in Desa Dayakan actually comes under the supervision of RPH Watubonang.
30 Interview No. 865 op cit.
with teak or *alba*. If planted with teak trees, the community could guarantee their conservation because the source of water would also be conserved, and would even increase. Also, besides this, the land would not be ruined if it were planted with teak or alba. Conversely, if the land were planted with pines, then it would become as dry as dust. The sources of water would also run out because the pine trees would draw it up.

*Perhutani* did not immediately react positively on hearing the community’s complaint at the meeting in the village hall. In fact, they responded in a way that gave the impression of being mocking.

“…The thing is, in the Sarangan area the forest is all pine trees, but the water source there never runs out…”

_Ali, Forest Mantri, Dusun Sekarputih, 1 August 2003_

[Q: Has this been conveyed to *Perhutani*?] Yes, I have said that the pines are causing the water source to run dry… But they just replied, “the Sarangan Lake is also surrounded by pines, but it has a lot of water.”

_Wagimun, Dusun Head, Dusun Jurangsempu, 29 July 2003_  

Pak Totti, a community representative from Dusun Jurangsempu, explains that he received information that a pine tree plantation must pay attention to the height of the land above sea level. If it does not comply with the height condition then the pine plantation is not optimal and can even interfere with the water table. In an interview, the Pak Mantri acknowledged that in fact the height of the land in the Dayakan area does not comply with the height condition for a pine plantation. The best quality pine trees can be obtained if they are grown at a height of 500 – 1000 meters above sea level, while the Dayakan forest is located 231 meters above sea level.

So why then was the pine plantation still defended if in fact the Dayakan area is not at the optimum height, besides the fact that the pine plantation had used up Dayakan’s water supply? The answer is: “It was a decision from above [meaning from the central *Perhutani* office].”

The Dayakan forest comes beneath the RPH Watubonang, which comes in under KPH Lawu,
which is classed as a pine enterprise. For this reason, pines are obliged to be grown in the RPH Watubonang area, including part of the territory in Desa Dayakan. The Mantri acknowledged that in fact the character of the land in Dayakan is very suited to teak trees. However, due to the rules of that type of local Perhutani enterprise, Dayakan was planted with pines. In the end it was decided at the meeting that Perhutani was not yet able to replace the pine trees. The reason for this, aside from that the pine trees were not ready to be logged, was that their sap could still be collected. As a result, this meeting did not reach a satisfactory solution or resolve the problem the community was facing.

Perhutani’s attitude above indicates the government’s lack of attention to the needs and conditions of the local community. The Mantri has explicitly acknowledged that the regulations of the pine plantation in Dayakan were not in keeping with the character of the land. However, Perhutani chose to follow the letter of the law, even though it was not in context with the needs of the local community, and indeed had impacted negatively on them. Another background reason for the pine plantation policy was to reduce the amount of timber theft that happens more frequently in teak forests. People are not too interested in stealing pine timber, unlike teak timber, which has a higher sale value. The Mantri admitted this when he said that the level of timber theft is relatively low in the RPH Watubonang area because of the different varieties of tree, they are not homogeneously teak.

4. Who and Why? Seeking the Actors and Motives for the Forest Fire

Perhutani’s lack of attention to the needs and conditions of the local community is strongly suspected to have been the trigger for the forest fire, especially in the pine forest. The interim theory put forward is that the fire was deliberately lit by people who were disappointed in Perhutani’s policy in order to attract Perhutani’s attention. Even more specifically, it points towards the people who live around the pine forest. This theory has emerged based on field observations and by listening to the confession of youth from Dusun Jurangsempu who knew
the ‘modus operandi’ of the fire.\textsuperscript{42} Besides this, the Dusun Jurangsempu community’s efforts to cover up the fire case further strengthen the theory of the actor(s) in this forest fire.\textsuperscript{43}

Up until now, there have been three theories on what and who caused the burning of the forest. The first, as set out above, is the community’s disappointment at \textit{Perhutani}’s policy of maintaining the pine trees, even though they had actually proven that the pine trees were interfering with the water source and the lives of the people living around the forest. With this theory, it is possible that the fire was started by those living around the forest. They did it as a form of protest, \textit{civil disobedience}, towards \textit{Perhutani}’s policy which paid no attention to local concerns.

Another theory is that the \textit{nglagari} activities carried out by the pincesap tappers caused the forest fire.\textsuperscript{44} \textit{Nglagari} is the burning of rubbish below the pine trees. Aside from producing fertiliser\textsuperscript{45}, it also aims to produce more pinesap.\textsuperscript{46} Following are several interview extracts that state that the pinesap tappers were the cause of the fire.

“…It was actually the people who cultivate land in the forest, who aren’t careful… I mean that they \textit{nglagari} but it spreads… \textit{Nglagari} is burning waste in the forest to be used for fertilizer. But yes, as I said before, it breaks its boundaries so that the trees are burned too…”

\textit{Tlenik, Kindergarten Teacher, Dusun Kliyur, 30 July 2003}

“The forest fire was lit by the people who tap the sap. It’s as though they don’t think that a fire will disadvantage many people. In the beginning, they just burned the underbrush beneath the trees. If the site is clean, the tapping of the pinesap is better. They say that there is also more pine resin after the tree has been burned”

\textit{Juri, community figure, Dusun Kliyur, 1 August 2003}

Unlike the theory that the pine forest was burned deliberately out of disappointment at \textit{Perhutani}’s policy, the quotes above indicate that the forest fire may have started from the \textit{nglagari} activity of the pinesap tappers. The tappers’ incautiousness in burning rubbish underneath the trees caused a fire to spread. Here, we can see that there was no element of premeditation; all that happened was that rubbish was being burned and the fire got out of control.

\textsuperscript{42} See Endro’s Diary, 27 July 2003.
\textsuperscript{43} See Cici’s Diary, 29 July 2003, Imron’s Diary 23 July 2003, and Endro’s Diary, 29 July 2003.
\textsuperscript{44} Interview No. 870, \textit{op cit}, Interview No. 873, \textit{op cit}, Interview No. 881, \textit{op cit}.
\textsuperscript{45} Interview No. 873, \textit{op cit}.
\textsuperscript{46} Interview No. 881, \textit{op cit}.

Researchers: Cici Novia Anggraini, Imron Rasyid and Endro Probo Crenantoro; Co-ordinators: Rachael Diprose and Saifullah Barnawi
Translator: Joanne Sharpe
The third theory suspected of being behind the forest fire was the Village Head Election (Pilkades), which brought disappointment for the supporters of the losing candidate. Indeed, looking at the time frame, the forest fire took place six months after the Pilkades.

“… That fire definitely had deliberate element, so it wasn’t just that it caught alight by itself. Someone burned it down! Here (in Desa Dayakan), the biggest forest fire occurred in October 2002 along with the end of the Pilkades in Dayakan. There were several motives for the burning, because of the person they backed in the Pilkades, meaning that many lost their bets. Another is due to social jealousy, [people are] pegel karo tanggane merga iso tuku wedhus teko hasile (peeved because their neighbors could buy goats with the proceeds) from pine resin…”

Ali, Sekarputih, 1 August 2003

The Village Head Election was held in March 2002, with Andi and Kardi as candidates. Andi’s support base was in Dusun Jurangsempu and the southern part of Dusun Watuagung (Krincing and Mbecici), while the majority of the residents of Dusun Sekarputih and the central and northern parts of Dusun Watuagung supported Kardi. Kardi won the election. If the suspicion of the culprits points to the supporters of the losing Village Head candidate, this means that it points to the people who live in Dusun Jurangsempu and the southern part of Dusun Watuagung (see Appendix Desa Dayakan Map).

If we analyse the three theories further, it is the first and third that are most likely to have been the motive for civil disobedience in Desa Dayakan. The second is not a strong enough cause for the forest fire. Farming and tapping sap in the forest are activities that have been passed down the generations of the Desa Dayakan community living around the forest, and have been carried out for decades. This means that the community’s capability of working the forest, including carrying out nglagari, is not in doubt. The possibility that the forest farmers could have made a mistake or been careless in nglagari is low. Even if it – an accident which caused the forest to burn down – did happen, it would not have been large-scale and would certainly have been extinguished immediately. Whatever happened, the forest is what the lives of most of the Dayakan people who live in the edge of the forest depend on.47

As discussed in the first section, in the last thirty years the history of the relationship between Perhutani and the Dayakan community tends to be negative. The most basic thing is the
Perhutani’s lack of attention to local needs and conditions, both socially and geographically. The community’s disappointment with Perhutani’s policy, which had interfered with a basic living requirement and the availability of clean water, was enough to be a strong reason for the local community to carry out protest action.

The third factor, the disappointment of the supporters of the losing Village Head candidate, is also a strong reason to carry out the forest fire action. There are two possibilities as to why the losing candidate’s supporters might have done this. Firstly, the action could have been taken as a protest action towards the Village Head Election process that was considered to be unfair. Secondly, the supporters were seriously disappointed and wished to undermine the chosen Village Head’s authority by performing destructive acts which caused damage to some of the residents of Desa Dayakan. If the village government, lead by the chosen Village Head, is unable to resolve this problem, it is not impossible for his legitimacy to be weakened.

5. Some Attempts at Conflict Management

Forest fires occur every dry season. However, the forest Mantri and his staff cannot do anything. Aware that a potential cause of fire is the nglagari activity, the forest overseer has reminded the sap gatherers and forest farmers several times to be careful when lighting fires. However, in reality they continue to nglagari, and this often spreads to locations which do not need burning off.

After the fire, Perhutani, primarily the Mantri and the Overseer, pro-actively carried out a search, through investigation as well as by asking the residents living around the forest directly. According to several informants, no one knew who did it. They suspect that there were many actors, because the area burned was very great and it would have been impossible for just one or two people to have done it. Another effort the Forest Mantri made was to approach a community figure in Desa Dayakan in the hope that the community would pay more attention to him.

48 For complete information, see Case Study “Bom, Democracy a la Dayakan: Tensions in the Village Head Elections” by Endro W. Probo, not included in this compilation but available upon request from Conflict and Community Development Research Program, World Bank Office Jakarta.
49 Interview No. 869, op cit.
50 Interview No. 873, op cit.
51 Interview No. 865, op cit. and Interview No. 870, op cit.
52 Interview No. 860, op cit. Interview No. 869, op cit., Interview No. 873, op cit.
53 Interview No. 860, op cit.
“... I immediately took preventative measures by coordinating with community figures and village authorities to extinguish the fires... The community figure I usually approach is Pak Said [Dayakan LKD (Village Council Head)], I also often go to the homes of the community around the forest to talk to them so that they understand, and to socialize existing Perhutani programs.... Usually when I’m socializing forest programs I don’t wear office clothes, if I go into a community I instead wear ordinary clothes to be the same as them, yes, I hand out cigarettes even though I don’t smoke myself. If I don’t do it like this then the community cannot be invited to work together (with us) to conserve the forest...”

Ali, Forest Mantri, Dusun Sekarputih, 1 August 2003.

From Pak Mantri’s methods, it would seem that co-operation between formal and informal leaders is needed to make an approach in order to settle down the conflict. Besides approaching the actors, Pak Mantri also touched the community through the ‘basic needs’ issue, in that the forest can support the food needs of the community around the forest, so the community should join in to conserve the forest.55 In handling this forest fire case, Perhutani did not involve the police. The Pak Mantri did not answer explicitly, but the suspicion arises that Perhutani has learned from the Watuagung road case, where the attendance of the police befouled Perhutani’s image in the eyes of the Dayakan community. For this reason, Perhutani has minimised taking the case to the police.

There have been no pro-active efforts from the Desa Dayakan government to handle the matter of the forest fire. What is certain is that the village government is currently still facing the problem of the weakness of the legitimacy of its power in the eyes of the community, primarily in the eyes of the supporters of his political opponent in the last Pilkades. This can be seen in several villagers’ expressions of dissatisfaction towards Lurah Kardi’s performance and leadership style.56 On the other hand, the Desa Dayakan government also ‘condoned’ the actions taken by the community because their well intentioned attempt, that is the meeting in 2002, did not yield positive results.

54 Interview No. 879, op cit.
55 Ibid.
56 Interview No. with Miseri (RT Head), Dusun Watuagung, 28 July 2003 (see Interview No. 867) and FGD Krincing, Dusun Watuagung, 30 July 2003 (see Interview No. 875).
6. My Forest has Burned Down, My life is Cut in Half: Impacts that Must be Borne Now and in the Future

One thing that the forest fire lighters may not have considered was the consequences of the burning of the forest. Some residents’ lives are supported by their work tapping pinesap. If the pines are burned and they die, it means that the opportunity to tap their sap is lost. When the fire spreads to the cleared land, it means that the cassava or corn fields that have been worked diligently, that are expected to make up food reserves for when the dry season comes, are also lost (See Box 3).

**Box 3: Impact of the Forest Fire**

“Actually, the people been disadvantaged by the fire because they can no longer tap pine sap. Usually a hot season like this is good for tapping sap because it isn’t mixed with water. However, on the other hand, the burned land has become *baon* which can be planted with cassava, corn and beans, like the *baon* up there.”

*Sardiiman, Bayan, Dusun Kliyur, 26 July 2003*

“[Q: Meaning that the people who used to tap pinesap can now no longer work?] They still can, but the harvest has been greatly reduced. There are still trees that were not burned, but there are very few in total. Perhaps the harvest they gather land isn’t much.*Santo, ordinary villager, Dusun Jurangsempu, 29 July 2003*”…Moreover, since the fire many villagers have sold their goats because they cannot feed them grass, you see the grass in the forest was also burned.”

*Ali, Mantri Hutan, Dusun Sekarputih, 1 August 2003*

“The loss is borne by the whole community, some people whose work was as pine sap tappers can now no longer tap the sap because most of [the forest] was burned. Besides this, an impact of the fire was to make the drought even worse, water is more and more difficult in the dry season…. The problem of the lack of water now I think is certainly related to the forest fire. Since the forest was burned, much of the water has been lost. Before, even though it was the hot season, it wasn’t as bad as it has been for these last two years. The water was there, even if it was just a little.”

*Juri, community figure, Dusun Kliyur, 1 August 2003*

“…Cassava is being grown in the fields now, but the harvest isn’t as much as it used to be… [Q: Why?] A lack of water. The water source is shrinking, there is only enough to fulfil daily requirements.”

*Boinem, ordinary villager, Dusun Jurangsempu, 29 July 2003*

In the mid-to-long term, another impact that has begun to be felt is the lack of water sources around the forest. This will increasingly interfere with the life desires of even more people. Even without the fire many water sources around Dusun Jurangsempu and Krincing had run dry, so if the forest that functioned as a reservoir has gone, so too will this water of life run out.

Today, this case is still floating. The efforts to find the fire lighters have not come to fruition. This case is a big piece of homework for *Perhutani*. The acts of violence that have caused...
this material loss must be overcome immediately, because they have already disturbed the resoluteness of the lives of the locals who live around the forest. Aside from this, if the tension between Perhutani and the Dayakan people who live around the forest is not immediately overcome and a solution found, it is not impossible that a similar case will repeat itself and have an even more seriously negative impact.
### Case Chronology:
**Dayakan Forest Fire**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Since the 70s</td>
<td>The exchange of land (<em>ruislag</em>) in Ogal-Agil (the name of an area in Dusun Jurangsempu) between the Dayakan village government and <em>Perhutani</em>.</td>
</tr>
<tr>
<td>1989</td>
<td>Clearing of a Road to Dusun Watuagung Case</td>
</tr>
<tr>
<td>1998</td>
<td>Widening of the Road to Dusun Jurangsempu Case</td>
</tr>
<tr>
<td>March 2002</td>
<td>Village Head Election</td>
</tr>
<tr>
<td>May–August 2002</td>
<td>Meeting at the Village Hall between the Dayakan village government, <em>Perhutani</em>, the <em>kecamatan</em> Government and community figures.</td>
</tr>
<tr>
<td>September 2002</td>
<td>Forest Fire.</td>
</tr>
<tr>
<td>(October 2002)</td>
<td></td>
</tr>
<tr>
<td>After the fire</td>
<td>The Plantation Supervisor and Forest <em>Mantri</em> seek the culprit(s).</td>
</tr>
<tr>
<td>Following search</td>
<td>The culprit(s) are not caught, and until now remains unknown</td>
</tr>
<tr>
<td>efforts</td>
<td></td>
</tr>
</tbody>
</table>
Apparently the Estate Had Been Sold:
KDP Potentially Triggering Land Conflict

Summary

“Why did H. Rusdi refuse to allow his land to be affected by the aberan (retaining wall) project? … in my opinion one of his reasons was the troubled status of his land ownership. Perhaps he was worried that the project would open the problematic history of his land title …”

Armani, Former FD, Desa Padelegan

In 2000 Desa Padelegan received approximately Rp. 60 million in funds from KDP (Kecamatan Development Project). The funds were intended to build an aberan (a retaining wall) stretching along the kampung road between Dusun Laok Tambak and Dusun Muara, as well as culverts along the road. When the construction was about to commence, it transpired that H. Rusdi, a Dusun Laok Tambak inhabitant, refused his land to be affected by the project. Despite his attending the previous Musbangdes (musyawarah pembangunan desa - village development deliberative meetings) and not raising any objection to the project. Finally the aberan site was moved from Dusun Laok Tambak to Dusun Daya Tambak, whilst the aberan site at Dusun Muara remained as originally planned. Behind the refusal lay a troubled history of land ownership. This case of the land owner’s refusal of the KDP project is an extremely interesting one for us to examine because the case demonstrates that the deliberation processes used in KDP can be captured by elite. Further, it indicates how development can potentially trigger dormant land conflict and how conversely how land ownership can hinder development needs.

---

1 H. Rusdi is a native inhabitant of Desa Padelegan. It was he who refused for his pond land to be affected by the aberan construction project. The pond land he owns stretches along the kampung road in Dusun Laok Tambak where the aberan was to be built.

2 Initiated in 1998, KDP is a massive Government of Indonesia/World Bank community development project, the largest in Southeast Asia, operating in over 20,000 villages across Indonesia. Through block grants given directly to kecamatan (sub-districts) and villages for small-scale infrastructure, social and economic activities, it aims to alleviate poverty and improve local governance.

3 Land cases, compared to other cases, are the most prominent ones in Desa Padelegan.
1. A Sketch of Desa Padelegan

Desa Padelegan is located on the south coast of the island of Madura, bordering directly on the Madura Straits to the south, and is situated about 7 kilometres from the centre of the kecamatan and about 15 kilometres from the kabupaten capital. Desa Padelegan consists of five hamlets. Three of the hamlets (Dusun Laok Tambak, Dusun Daya Tambak and Dusun Muara) are located close to the beach; in these hamlets there is much “pond land” and most of the inhabitants work as fishermen or pond workers. The two other hamlets (Dusun Bangkal and Dusun Modung) are located rather far from the beach, their region being dominated by rice fields and rain dependent dry fields and consequently most of the inhabitants work as farmers. In addition to farmers, pond workers and rice/dry field farmers, many of the Desa Padelegan inhabitants work as employees.

In the rainy season (October - March) the pond lands are used for fish cultivation and in the dry season (April - September) they are turned into salt fields. As for the rice/dry fields they are used for planting rice and corn in the rainy season and are turned into tobacco fields in the dry season. There is an interesting practice linked to the economic life cycle of the fishermen in Desa Padelegan as told by the following informant:

“When it’s the dry season (there are no fish in the waters around Desa Padelegan) like now the fishermen go and seek fish at Dungkek (the name of a fishermen district in Kabupaten Sumenep). There they stay 3-4 months and will return home when it’s already fish season here again…. That’s why the kampung here is quiet now, there are lots of widows [a joking term for fishermen’s wives deserted by their husbands’ departure for Dungkek] … There are some wives who also go to Dungkek.”

Armani, Former FD, 15 December 2003

---

4 See Demographics Report, Desa Padelegan.
5 Interview No. 1216, Former FD, 15 December 2003. In another interview the Desa Padelegan Village Head said that before 1989 the economic life of the fishermen was extremely distressing. Around 1989 there were several investors who established a fish-processing factory in the village buying the fish caught at sea by the fishermen. After that the economic life of the fishermen sharply increased (see Interview No. 1210, Padelegan Village Head, 13 December 2003).
2. Background to the Land Dispute: KDP as the Trigger

In 2000 Desa Padelegan received about Rp. 60 million in funding from the KDP. The funds were to be used to build an aberan (a retaining wall along the pond) stretching along the kampung road between Dusun Laok Tambak and Dusun Muara. Plans to repair the existing culverts along the retaining wall were included.

“Through the Musbangdes II in Desa Padelegan (in 2000) it was agreed that the proposal to be prioritised in submission to the second UDKP II (Kecamatan Development Forum) would be the construction of the aberan and culverts in Kampung Laok Tambak and Dusun Muara. The two kampungs are on the coast, facing the sea. The plan was to build the aberan along the kampung road that bordered directly onto the ponds/sea.”

Armani, Former FD, 15 December 2003

In accordance with existing mechanisms in the KDP, decision making at the village level about various other matters linked to the KDP is carried out through the Musbangdes forum. This is what occurred in Desa Padelegan. Nevertheless, the Village Head has a determining role in the final decision, as was simply expressed by the following informant:

“…The proposal was determined by the Village Head in the Musbangdes forum, yet beforehand each hamlet had been asked to submit their proposal but we spread the word that the proposals would not necessarily be agreed to. And, if they weren’t agreed to, the hamlets shouldn’t be disappointed…. There was a fierce debate in the forum, and then subsequently each hamlet submitted their final decision to the Village Head. Procedurally there is no difference in decision making between the KDP and what is usually done by village communities, all the processes are decided through deliberations although the final decision rests in the hands of the Village Head…”

H. Sukarman, Former FD, 14 December 2003

---

6 Desa Padelegan twice received KDP assistance, in 2000 and 2001 (KDP year two and year three in Kecamatan Pademawu). In 2000 the village received about Rp. 60 million in funds for the construction of the aberan (retaining wall along the pond and beach) and in 2001 it received Rp. 79 million in funds for the supply of clean water (the installation of piping for clean water).

7 Interview No. 1210, op cit.


Researchers: Saifullah Barnawi and Endro Probo Crenantor; Co-ordinators: Rachael Diprose and Saifullah Barnawi
Translator: Suzan Piper
Desa Padelegan is not the only place where the Village Head dominants role decision making. The same thing occurs in many other villages.9 For this reason it is not just coincidence KDP projects are often in the vicinity of the Village Head’s residence, or related to the interests of the Village Head. In 2000 for example, the KDP project in Desa Padelegan was the construction of the aberan located along the road in front of the Village Head’s house, and in 2001 the clean water supply project was also located in the vicinity of the Village Head’s residence. There is always a rational justification for each program; but nevertheless the prioritisation of these projects is due to the influence of the Village Head.10

Women and the poor of the community are amongst those who are least enthusiastic about taking part in the deliberation processes and they often do not attend for various reasons. The former FD partially describes this:

“… In the beginning all the members, both the poor and the women, were invited to the Musbangdus (Hamlet Development Council) and the Musbangdes forums, but … these people didn’t come, eventually they got sick of inviting them. Perhaps the poor and the women didn’t attend the forum because they were busy looking for fish at sea …”

H. Sukarman, Former FD Year Two, 14 December 2003

The reluctance of the poor, women, and ordinary village members to join the deliberation forums was not only because they were busy working. The tendency in deliberation forums such as these for the discussions and decision making to be dominated by the village government elite and community leaders is also a reason. They are reluctant to attend because in the end the decisions are made by the village elite and community leaders. Proposals from ordinary village members just become notes in the forum minutes without any follow-up.11

Sometimes the Musbangdes forum just becomes a means to obtain community legitimisation, because the decisions have already been previously agreed to by a number of parties. This following comment from a former FD describes this:

---

9 See KDP implementation report covering several villages in Kecamatan Proppo in Phase 2B.
10 Interview No. 1217, Padelegan community figure, 15 December 2003.
11 Interview No. 1209, Head BPD (Village Representative Council), 13 December 2003; Interview No. 1214, Former FD year two, 14 December 2003; Interview No. 1217, Padelegan community figure, dated 15 December 2003; and Interview No. 1218, Dusun Modung Head, 16 December 2003.
“… Before the Musbangdes was held, a meeting had already been held between the FD, TPK (Project Implementation Team), TTD (Village Technical Assistant) and the Village Head to seek a solution to the problem. The Musbangdes forum only agreed to [the results from] the previous forum…”

H. Sukarman, Former FD, 14 December 2003

The community also participated in project implementation. Apart from participating as labor force, they also carried out gotong royong (voluntary labor on village community work) helping by sending food and drinks to the people working. Not all the labor force came from amongst the local villagers; some of them came from outside the village, especially the professionals (tradesmen). Building materials in the form of rocks were bought from the Village Head because at the time he happened to be the rock merchant for the KDP program.12

Apparently there were irregularities in the implementation of KDP, especially regarding the spending of funds. Box 1 below provides a rough explanation of this matter. Project funding cuts by various parties has apparently become a kind of open secret, and in certain contexts has even become a “general custom” and is considered to be “something natural” not an error or irregularity.

Box 1: KDP Funding Irregularities that Became an “open secret”

“… Both the KDP and other parties are just the same, the funds the community received are never whole, they’re always cut here and there … everyone asks for a share. In KDP the reality is that kecamatan parties and even the FK also ask for a share … there is a ‘contribution’ to the kecamatan and FK parties. The sum is not precisely determined … but it’s not done openly … well, we must be sensitive. If it’s not done like that, then our village won’t get projects…”

“Actually it’s wrong, but what else can I do … it’s already become a general custom … well, we have to take part in the prevailing general customs, don’t we? If we don’t, then we ourselves could face difficulties … People here say ‘Well it not a problem if it’s just to wash your face, provided it’s not to bathe in’ [meaning if it’s only small or petty corruption it’s still tolerable, provided it’s not excessive]”

Village Head Desa Padelegan, 12 December 2003

12 Ibid.

Researchers: Saifullah Barnawi and Endro Probo Crenantor; Co-ordinators: Rachael Diprose and Saifullah Barnawi
Translator: Suzan Piper
“... It’s the conduct of the *Pemda* (Regional Government) people through the *kecamatan* staff that makes me confused about reporting on program fund spending ... because those people who are asking for ‘invisible funds’ (a term for funds without a clear expenditure entry, in this context the funds used as illegal fees for *kecamatan* staff) as much as 3 - 5% of the total assistance received by the village. This is common for all the villages in Pademawu, they say it’s an instruction from the *Pemda*. When I wrote about the fee for *Pemda* staff who came to the village, they got angry and asked me to change it by writing it up as an entry for purchase of construction materials for an amount that was a little over the actual price ... I tried to ask the Village Head’s opinion about these invisible funds, his reaction was “Just leave it because we’ll also need access to the *kecamatan* people if there any further programs so this village is prioritised...”

“... nobody dared to question the FK about these matters because I thought the FK was sure to know already because they have an office in the *kecamatan*, you see…”

*H. Sukarman, Former FD, 14 December 2003*

“…the former KDP implementation was affected by a KDP funding cut of 3% from the *kecamatan* parties which was collected by the Kepala Desa Murtajih, who said it was a procedure that had been determined by the previous *kecamatan* [authorities] …” “...there was a manipulation of foundation material supplies …Perhaps the tradesmen had a deal with the [project] implementers.”

*Sumina and Wanda, Program Users, 15 December 2003*

The construction of the *aberan* and culverts was eventually completed on schedule, but at the time a critical problem occurred which caused the *aberan* construction to deviate from plan. What caused the problem was the project for Dusun Laok Tambak. H. Rusdi, whose land was to be affected by the project, suddenly objected. He was unwilling for his pond land to be touched by the project.

“Without any clear reason H. Rusdi suddenly refused for his land to be affected by the *aberan* project. And without H Rusdi’s willingness the *aberan* construction located at Dusun Laok Tambak couldn’t possibly be implemented because the site happened to be along the land owned by H. Rusdi… I myself don’t actually know why H. Rusdi’s refused …”

*Sardi, Village Head, 13 December 2003*
3. Land Owner Refuses - the Construction Site is Moved

H. Rusdi is a native inhabitant of Desa Padelegan. His main occupation is prebus (fish merchant) and he is one of the richer men of his hamlet. His house faces the Dusun Laok Tambak kampung road where the aberan was to be built. His pond land is located precisely in front of his house, stretching along the Dusun Laok Tambak road for almost 300 metres in length. He is a close neighbor of the Village Head.

H. Rusdi also attended the Musbangdes II, where it was agreed inter alia that the aberan construction was a proposal to be prioritised in submissions to the UDKP II forum. At the time he raised no objection to the construction that would cross the pond lands he owned. H. Rusdi’s refusal emerged after the UDKP II, when it had already been confirmed that Desa Padelegan would receive funding. Naturally H. Rusdi’s refusal created confusion for many parties because, if he were unwilling, then it was impossible for the aberan to be built in Dusun Laok Tambak.

“After undergoing the Musbangdes and UDKP process it was finally agreed that Desa Padelegan would obtain KDP funds to build the aberan and culverts. In the beginning there weren’t any problems with the construction plans … When the implementation team [TPK, TTD and Verification Team] began to conduct surveys, suddenly H. Rusdi refused/ was unwilling for his land to be crossed by the aberan project. .. whilst in fact apparently at the Musbangdes H. Rusdi had attended and hadn’t raised any problems about the planned aberan construction.”

Sardi, Village Head, 13 December 2003

It is not particularly clear what were the real reasons why H. Rusdi refused. According to information obtained from several informants, there are at least two possible reasons for the refusal. Firstly, H. Rusdi refused due to concerns that the aberan project would disclose the history of his land title that remains problematic. If he were to sign the statement bequesting part of his land, he was worried that this would trigger the emergence of problems with the beneficiaries of the land he now controlled.

“Why did H. Rusdi refuse his land to be affected by the aberan project? … in my opinion one of his reasons was the troubled status of his land title. Perhaps he was worried that the project would disclose the history of his land title which was actually still a problem … In physical infrastructure construction projects at KDP, you see, one of the conditions is that there be a bequest statement or a statement of willingness from the
 owners of land affected by the project, well here apparently H. Rusdi was concerned that the bequest statement would be protested by the land beneficiaries because indeed the history of the land title actually still had problems.”

Armani, Former Female FD, 15 December 2003

Secondly, there was conflict over the boundaries between the pond land and the kampung road. According to explanations from informants, the kampung road used to be quite wide but it was eroded by pond water until it narrowed. When the aberan project was to be built, there was a plan to widen the road to its old size and that is when conflict emerged over land boundaries between the pond lands and the kampung road. H. Rusdi did not approve of the kampung road widening which - in his opinion - would consume his pond land.

“... The problem was over the boundary of the land to be freed up for the aberan [retaining wall] project …. It had been agreed in the Musbangdes to widen the road where the aberan was to be built because the road has narrowed now, eroded by pond water, so the initially the road was to be widened to its former state. Several other landowners agreed to allow several parts of their land to have earth piled on top to widen the road, but H. Rusdi didn’t agree because it would certainly use up his pond …. [As FD] I found myself arguing with my own Uncle, H. Rusdi … so I said to H. Rusdi that it wasn’t the road eating up his pond but his pond that had eaten up the road because the road was previously very wide. Perhaps H. Rusdi was offended by my words …”

H. Sukarman, Former FD, 14 December 2003

When we examine the explanations of the two informants above, the two stated reasons emerge simultaneously, each strengthening the other. Both the conflict over the land boundaries as well as the land title status triggered H. Rusdi’s refusal of an aberan construction project that would cross his pond land. It was a crucial problem because Desa Padelegan had been confirmed to receive KDP funds and the funds were ready to be released, whilst H. Rusdi still stubbornly refused for his land to be crossed by the aberan project. After deliberation attempts and personal approaches failed to change H. Rusdi’s stance, finally the aberan construction site had to be moved from its original one in Dusun Laok Tambak to Dusun Daya Tambak for the same construction value and volume. Box 2 below describes the landowner’s refusal, the conflict resolution process and the decision to move the construction site.
Box 2: Refusal of Land Owner and Move of Construction Site

"The KDP officials, including the FD, FK, PJOK (Project Managers) and TPK assisted by the Village Head and local community figures tried to make approaches to H. Rusdi, but he still refused… Finally the aberan construction site was moved … from Kampung Laok Tambak to Kampung Daya Tambak. And as for the site at Kampung Muara it remained as before, unchanged."

Sardi, Village Head, 13 December 2003

"The Klebun [Madurese term for Village Head] and community leaders made approaches to H. Rusdi. They provided explanations and the like to H. Rusdi about the importance of the aberan [project] … but apparently the efforts were unsuccessful. H. Rusdi still refused [to allow] the aberan construction to affect his pond land …Thus because the KDP funds had already been agreed to and had begun to be released, eventually the aberan constructed was moved… ”

Armani, Former FD, 15 December 2003

"… Finally it was decided it was better not to cross the land owned by H. Rusdi rather than have problems arise with his own relatives. So the project passed by [avoided] H. Rusdi’s land in the hope that one day H. Rusdi would change his mind after seeing the advantages of the aberan construction project.”

H. Sukarman, Former FD, 14 December 2003

The move of the aberan construction site on the one hand was able to swiftly overcome the problem, but on the other hand this led to community grumbling and dissatisfaction. Dusun Laok Tambak and Dusun Muara adjoin each other. The kampung road where the aberan was planned to be built runs in straight line from east to west. Dusun Laok Tambak is located to the east of Dusun Muara and is the gateway to Dusun Muara. Therefore when the aberan in Dusun Laok Tambak was not built, road conditions remained narrow and grubby-looking, in great contrast to conditions at Dusun Muara after the aberan construction with its wide and neat looking road. The community blamed H. Rusdi who was considered to be the cause of such conditions.

“… The project plans had to be changed because [the construction] was interrupted in front of the house of H. Rusdi… so the results weren’t perfect.”

H. Sukarman, Former FD, 14 December 2003

“Jalan Kampung Laok Tambak and [Kampung] Muara they’re on the one route, so once the aberan at Kampung Maura was finished and the kampung road looked clean and neat, immediately it seemed dirty, the view at Kampung Laok Tambak… Consequently many in the community

Researchers: Saifulnah Barnawi and Endro Probo Crenantoro; Co-ordinators: Rachael Diprose and Saifulnah Barnawi
Translator: Suzan Piper
grumbled and blamed H. Rusdi who was considered to be the cause of the failed aberan construction at Kampung Laok Tambak… “
Sardi, Village Head Desa Padelegan, 13 December 2003

Whether it was due to the grumbling of his neighbors or other concerns, what is clear is that one year later H. Rusdi at his own expense constructed an aberan at the site he had earlier refused. The Village Head related that it was he who had encouraged H. Rusdi to build the aberan. H. Rusdi happened to be planning to marry his daughter, a student of medicine at a university in Surabaya, to a cadet from a military academy. This forthcoming marriage was used as entry point to encourage H. Rusdi to build an aberan so the kampung road out front would not appear dirty when he received his invited guests. Apparently the Village Head’s efforts were quite effective.

“About one year later H. Rusdi built himself [at his own cost] an aberan along the Kampung Laok Tambak road, exactly at the site that he’d earlier refused…. With the construction of the aberan, the kampung looks clean and tidy.”
Sardi, Village Head Desa Padelegan, 13 December 2003

4. The Estate Land Was Sold Secretly

In relation to the history of the troubled status of H. Rusdi’s land title, a former female FD said that the pond land used to be her family’s estate and she was one of the beneficiaries. Box 3 below briefly explains the problem.

Box 3: History of Land Estate Controlled by H. Rusdi13
"The land owned by H. Rusdi may well become a land dispute in the future... The land used to be owned by my family, so actually I still have inheritance rights over that land... Initially the land was worked on by my cousin’s family. After my cousin died the children rented the land to H. Rusdi"
"I heard the news that apparently the oldest child of my cousin often borrowed money from H. Rusdi. He’s unemployed and his wife likes to ask for all sorts of things. Perhaps to meet his wife’s demands finally he often borrowed money from H. Rusdi... Finally his debts got bigger and bigger. Perhaps because he wasn’t able to pay his debts, the land was finally sold to H. Rusdi"

13 This information was conveyed by Ibu Asmaiyah, former FD for Desa Padelegan, who happens to be one of the beneficiaries of the pond land which is now controlled by H. Rusdi which is considered to be under dispute.
"I myself and also my family only knew the land had been bought by H. Rusdi after the case of the refusal of the aberan construction happened…. Actually grandfather had made a will saying the land should not be sold, but now it's already been done…. Strangely H. Rusdi now says he has a land deed, declaring ownership over the land whereas the beneficiaries, including myself, have never been informed of, much less given agreement to, the sale of the land, moreover the village authorities too have never been aware of the transaction…. Once I said to H. Rusdi's wife that one day the land would become a problem … she stayed silent."

Armani, Former FD, 15 December 2003

Land problems are the most frequently occurring ones in Desa Padelegan. H. Rusdi’s control of the pond land is just one example. Generally issues emerge due to poor land administration. It is not uncommon for people to carry out land transactions or transfer of rights over land without providing the legal evidence, so that this triggers conflict later, especially when the land beneficiaries demand their rights. It is not uncommon also for the BPN (National Land Agency), as the government department responsible for issuing land certificates, to act rashly. They issue deeds without careful checking of the land’s history in the field, so that when the deed is issued by the BPN this in fact triggers conflict over the ownership status of the land.

5. Conclusions

- Although the aberan and culverts construction project in Desa Padelegan could be completed on schedule, it had to be changed from its original plans. The construction site was moved from Dusun Laok Tambak to Dusun Daya Tambak as a result of the landowner’s refusal.
- There were two reasons underlying the refusal: firstly the concerns of the land owner that the aberan project would disclose the troublesome history of his land, secondly, the conflict over the boundaries of the pond land and the kampung road which was to be widened in connection with the aberan project.
- The role of the Village Head and the village elite dominated the decision making process. Often decisions were made outside the forum by the village elite before the Musbangdes took place so that the Musbangdes forum gave the impression of only being a means to justify and legitimise the decisions of the village elite.
- There were irregularities in the KDP implementation, both at the village and kecamatan levels.
- KDP was the trigger - not the cause - of the land dispute conflict.

---

14 Interview No. 1211, Village Secretary, 13 December 2003.
Case Chronology:
KDP Triggering Land Conflict

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td><em>Musbangdes</em> prioritises an <em>aberan</em> along a coastal road between two of the village hamlets</td>
</tr>
<tr>
<td>2000</td>
<td>H. Rusdi refuses to have the aberan built on his pondage land</td>
</tr>
<tr>
<td>2000</td>
<td>Formal and personal attempts are made to convince H. Rusdi of the benefits but nothing transpires.</td>
</tr>
<tr>
<td>2001</td>
<td>H. Musdi builds the road on his section of land himself and at his own expense.</td>
</tr>
</tbody>
</table>
Not Just a Matter of Communal Land: Land Conflict in Desa Golo Meni

Summary

The conflict over the land allocated for the school and village office involved the Manus clan from Desa Rana Mbeling and the Mukun clan from Desa Golo Meni, as well as the Government, SDK (Catholic Primary School) Mukun I, SDK Mukun II. This dispute has been latent since 1972 and remains unresolved. The plan to move the market from the football field to a site just east of the football field inflamed the dispute and resulted in the Manus people carrying out acts of terror and threatening to kill the AMPI (New Indonesia Students) members who were preparing the new market site in 1991. Further, the establishment of the Mukun Adat Forum in 2003, without the involvement of the Manus people resulted in the possibility of a full fledged war between the Manus people and the Desa Golo Meni community on 4 January 2003. The tension between the two groups has been temporarily stifled by the mediation efforts of the Catholic Church and various other parties. Nevertheless, if the problem cannot be resolved peacefully using participatory adat processes, then the shedding of blood will be almost unavoidable.

1. Introduction: History and Kinship System

In 1991, the Village Head of Golo Meni made a plan to move the Mukun Market (which is held every Friday) from the football field to a location further to the east. His plan coincided with the arrival of 38 members of AMPI (New Indonesia Students) from Kupang, who had come ready and willing to perform a public service. The Village Head, therefore, requested their assistance to clean and construct a terrace at the location east of the football field in preparation for the construction of market stalls. On the second day, when they were all working, a large gang of Manus people turned up at the site.

“They came wielding machetes, hoes and spades and then immediately went and terrorized the AMPI members, threatening that they would murder them if they continued their work. The AMPI members scattered, trying to seek protection where they could find it. The Manus people who had turned up at that time were led by Avent Padu and some other adat [customary] leaders as well as members of the Manus community, for example, Paul Ndarung (Avent Padu’s father) and Martinus Ghasa. They ridiculed the Village Head of Golo Meni for making a fence, planting
In order to understand the events outlined above, we need to understand the history of Wau Pat. Wau Pat are the four patrilineal clans, namely, Ngusu, Manus, Mukun and Deru, which all share the same ancestry, that is Meka La. Meka La is said to be a courageous figure, who helped the Rembong people (original ethnic group) murder Lusa and Lagor. In an effort to show their appreciation, the Rembong people presented land to Meka La.¹

These four wau have their own areas which they rule. Wau Ngusu and Wau Manus reside in the area east of the Wae Mokel River, or Ata Awo Wewo (See Box 1). Meanwhile, the Wau Mukun and the Wau Deru reside in the area west of the Wae Mokel River, or Ata Sale Wewo.²

Box 1: The Wae Manus’ Land

The land belonging to the Wau Manus includes the area between Wae Ruwuk, east of Wae Mokel, up to Susang Naru at Wae Mokel, and then west of the Wae Mokel River, into Wae Redong near the Keok, Waru Leok and Pong Taga rice fields, as well as the section east of Kampung Ketal, Parimaza and then into Wae Weer, and along Wae Weer right up to Wae Mokel. From there it continues east to Wae Mokel towards Ngngga, Tango and Taor and covers all the Lodok (ethnic group area) MOBONS (Mokel, Bolur, Nangge and Sewul).³

According to the administrative land borders determined by the government, Kampung Manus and Kampung Ngusus are included within Desa Rana Mbeling. Kampung Rembong and Kampung Mukun are included in Desa Golo Meni. Meanwhile, Kampung Deru, Pedak and Podol are included in Desa Mokel. The composition of each of these three administrative villages is not determined by geographical divides; rather they are based on ancestral links (clans). As a result, the Manus clan’s actions (outlined above) were opposed by the Deru and Mukun clans as well as Kampung Rembong which is located within Desa Golo Meni.

¹ Interview No. 27, Yosef Juni, Head of BP3 (Agency for Educational Assistance) and Mukan Adat Forum, and Interview No. 20, Flavianus Garing, Resident.
² Interview No. 27, op cit.
³ Interview No. 20, op cit.

Researchers: Agus Mahur, Peter R. Manggut, Yan Ghewa; Co-ordinators: Adam Satu and Jessica Gilmore
Translator: Kristen Stokes
2. School Land – Community Health Centre Land – Village Office Land

When Manggarai was still ruled by a King (King Bagung), the Dutch East Indies Government worked alongside the Catholic Church to clear away an area of land to build an elementary school (See Box 2).

“The elementary school was built in Taga and the teacher’s name was Major. However, it was later moved to Songi.”

Yosef Juni, Head of BP3, SDK Mukun II and Mukun Adat Forum

Box 2: 16th Century Administration

Around the 16th century, when Sultan Goa and Bima had authority over Manggarai, the following system was used to distinguish administrative units: Kingdom – Kedaluan – Gelarang – Kampung

At that time, Manggarai was ruled by King Todo. There were 39 kedaluan under the king, each of which was ruled by a dalu. Meanwhile, the gelarang was below the kedaluan, and had the task of bridging the gap between the interests of the kedaluan and the interests of the community. The kampung was below the gelarang, and were led by a kampung head. This was also the case for Kedaluan Manus.

In 1921, the Manus clan relinquished some of their land and handed it over to Dalu Nderas. As a result, the elementary school was moved from Songi to Mukun. However, according to another respondent, it was not just the Wau (clan) Manus, but all four wau, namely, Manus, Ngusu, Mukun and Deru who relinquished the land.4

This land was relinquished during a “Kepok Adat Ceremony” using the Rosang law (Rosang: spit which has already left your mouth cannot be licked again). This is a type of adat oath, and at the same time a curse: “Sei lait kole ngaseng mata ribok” [whoever tries to lick it up will die of a curse]. Only after the land had been relinquished and handed over could they start to construct the Mukun elementary school on it. The Mukun elementary school became the main school in Kedaluan Manus.5

On 22 April 1956, the Manus clan relinquished a piece of their land for the construction of a community health center. This piece of land measured 65 x 51m and was located east of the foodball field (See Box 1). In 1957, Dalu Manus (Domi Perenta) moved the Hamente Manus office from Ketal to the location which had been set aside for the construction of the community health center, just east of the football field.

4 Interview No. 27.
5 Ibid.
On 19 May 1974, Father Frans Galis, the Mukun parish priest and Head of one branch of SUKMA (Foundation for Catholic Schooling in Manggarai), held a meeting with the Head of the Board of Parish Priests, Ande Anggal, the Head of POM SDK Mukun I, Yan Dima, the Head of POM SDK Mukun II, the manager of the Mukun Health Center, as well as respected community representatives. During this meeting they decided that the land for the school and the land for the Community Health Center would be swapped over.6

The land was swapped because the German missionaries had only been given 65 x 51m of land to build the community health center, yet they required one hectare of land.7 As a consequence of this decision, on the 29 May 1983, the Golo Meni Village Council held a meeting with the parish priests as well as 41 Golo Meni community leaders. In this meeting they decided that the land which had been relinquished on 22 April 1956 would be used for the Mukun market. In addition, they proposed that the land measuring 65 x 51m be divided into two parts, one measuring 47 x 45 m which could be used for a market and the other measuring 45 x 18m which could be used for the Golo Meni Village Office. However, it was eventually decided that the whole 65 x 51 m would be used as a market space; meanwhile, the Golo Meni Village Office would be moved to Bukit Golo Meni, next to the Community Health Center.8

But the process of switching the land allocated for the school with the land allocated for the community health center, and also the proposal whereby the land allocated for the school be used for a market and Village Office did not involve the Manus people who originally relinquished the land. Thus this is the complex background to Desa Golo Meni land conflict.

3. The Conflict Over the Land for the School, Desa Golo Meni Village Office and Market

On 26 April 1991, a number of respected figures from the Manus community, namely, Yohanes Maras, Martinus Ghasa, Anton Mandur and Yosef Patang signed a statement, relinquishing the land just east of the football field (the land used for the school) so that it could be used for a market. However, on 4 May 1991, Avent Padu, an adat leader, wrote a letter rejecting the relinquishment of the land. This matter came to a head made into a market. when the AMPI members were clearing the land just east of the football field to be Right in the middle of clearing the area, a whole gang of Manus people arrived.

---

6 Interview No. 20.
7 Interview No. 23.
8 Interview No. 38 and Interview No. 21.
After this incident, the Village Head of Golo Meni made a report and sent it to the Camat of Kota Komba, but he did not respond. He then made a second and third report, but there was still no reaction from the Camat.

During his Easter visit in 1992, Gaspar Ehok, the Bupati of Manggarai made a visit to the disputed land. After surveying the site, he made no comment at all. He just promised to send the Camat of Kota Komba to Mukun. The Camat, Ben Lahur, did make a visit to the location, but he only measured the land for the Village Office.

“When Barnabas Jangga replaced Yosef Jama (who was sick) as Task Manager in Desa Golo Meni, they had just received funds to renovate the Village Office. Just after the renovation had got underway on 14 October 2002, Nyonya Sofia Bro arrived on the scene with some of the Manus people. They immediately intercepted the laborers who were working and even stopped them from continuing their work.”

Barnabas Jangga, Task Manager in Desa Golo Meni

In an effort to follow up their sabotage effort, Sofia Bro and a number of Manus people constructed a wall against the front of the Village Office.10

The Golo Meni community was angered by the actions of Sofia Bro and her Manus associates, and therefore decided that they wanted to meet them face to face, but Barnabas Jangga, the Task Manager to the Village Head prohibited them from doing this.11

The task manager of Golo Meni reported Sofia Bro and a few of the Manus people, including, Martinus Ghasa, Yan Natas and Agus Jamung, to the Head of the Police in Wae Lengga. After receiving the report, Silvinus Jerandu, the Head of the Wae Lengga police came and carried out an investigation. He met with both parties and then he made the following statement:

“Indeed something was damaged, and a fence was constructed in the vicinity of the Village Office.”

9 Nyonya Sofia Bro is the widow of Lambert Landung. Lambert Landung was the son of Sapang, the man who signed the declaration to relinquish the land for the community health center on 22 April 1956.
10 Barnabas Jangga reported that “The Manus people, alongside Sofia Bro also broke down the wall that they had made and built a fence inside the Village Office,” Task manager for the Village Head, Interview No. 22.
11 Interview No. 22.
He also requested that the two parties (Desa Golo Meni and Sofia Bro) produce some sort of evidence to prove their ownership of the land. Sofia Bro was able to show several pieces of evidence proving ownership of the land. Nevertheless, the Village Head of Golo Meni was unable to prove that the land where the Village Office has been built was actually public land, because Nobert Anggal and Ande Anggal were still looking after the two original maps used in the relinquishment of the land on 22 April 1956.\(^\text{12}\)

Years later, Barnabas Jangga started to meet with respected community figures from Golo Meni to discuss alternative dispute resolution mechanisms generally. At this time problem over the land for the village office as well as the land for the market had still not properly been resolved.\(^\text{13}\) These discussions became the impetus for the formation of the \textit{Mukun Adat Forum}, which aimed to resolve all different kinds of disputes, including, disputes which take place within the family unit. Therefore, at the beginning of January 2003, the \textit{Mukun Adat Forum} was established.\(^\text{14}\)

This \textit{adat} forum did not involve the Manus and Ngusu and as a result the Manus people concluded that “this must be a land matter!”\(^\text{15}\) One of the Manus’ most respected figures, Paulus Ndarung, stated:

> “On 4 January 2003, we almost made it into a problem like the one in Lendo.\(^\text{16}\) We prepared our machetes, spears and weapons to go to war on the disputed land. But, the Manus people were still scared of the law. They are not of the same opinion as me or don’t think the same way as me.”

\textit{Paulus Ndarung, former Village Head, Community Leader and Manus land owner}

---

\(^\text{12}\) See Diary, Peter R. Manggut, May 6, 2003.

\(^\text{13}\) Interview No. 23.

\(^\text{14}\) The structure of the Forum is as follows: Head: Yosef Juni; Deputy Head: Yan Pawo; First stand-by Deputy Head: David Ngge; Second stand-by Deputy Head: Nobert Anggal; Secretary I: Petrus Alo Dando; Secretary II: Dion Din Sait; Treasurer I: Simon Sulu; Treasurer II: Emanuel Darmo. The Forum structure also includes a Financial Division, Human Relations Section and Security Division. See Interview No. 27.

\(^\text{15}\) Interview No. 23.

\(^\text{16}\) Conflict over the Lait-Lendo land in Desa Gunung, Kecamatan Kota Komba which occurred on 2 November 2001. A verdict was announced in court, but after this it was also resolved through a war which left three people dead.
Meanwhile, Yosef Juni reported

“On that same day (4 January 2003), the Mukun and Rembong people (Desa Golo Meni) as well as the Podol people (Desa Mokel) were ready. We were determined. But, the Manus people didn’t come.”

_Yosef Juni, Ketua BP3 SDK Mukun II, Head of Mukun Adat Forum_

As a result of the situation, the Golo Meni community, who had been fired up by the people from Kampung Rembong, prepared themselves and went on the alert, ready for an attack by the Manus people. They said:

“Just let it be known. When the Manus people arrive, then we will attack”

_Father Tarsi Atok, Assistant Parish Priest, Director of Mukun School_

Then on 6 January 2003 the Teno elders and Manus Community Leaders, representing the Manus people, wrote a statement which was sent to the Head of the Mukun Catholic Primary School BP3, which ordered the Mukun I and Mukun II Catholic Primary School houses, situated on “land owned by Manus people”, to be destroyed. They were given one month, until 6 February 2003, to destroy the houses.

4. The Efforts of the Church to Act as a Mediator

The tension which emerged in January 2003 caused the Mukun, Rembong and Podal groups to challenge the Manus people but simultaneously urged the respected Golo Meni community figures to hold meetings and find a peaceful solution.

Father Tarsi Atok (Assistant Mukun Parish Priest) initiated the mediation process in an effort to avoid bloodshed. He invited several respected Mukun community members to try and find a solution to the dispute. During their discussions they decided that it would be best that several of the respected Mukun community figures go and meet with the Manus community. As a result, three Mukun representatives and Father Tarsi Atok left to find Paulus Ndarung (the most respected Manus figure and _adat_ leader). The three Mukun figures greeted Paulus Ndarung using the _adat_ practice of _Kepok_, an _adat_ tradition whereby _tuak_ (a homemade alcoholic drink) is presented as a gift. They

---

17 Interview No. 23.
18 Interview No. 28, Paulus Ndarung, former _Kades_, respected community figure and Manus land owner.
19 Interview No. 23.
were also received with the appropriate adat procedure. Father Tarsi opened the conversation by saying:

“I am a priest. We want to know exactly what it is that the Manus people want.”

Ande Anggal, Head of Mukun Parish, community leader

Paulus Ndarung answered this question in an interview held on 17 May 2003.

“We only want the Mukun people to acknowledge the communal land of the Manus people according to the borders which were determined by our ancestors. We want to know why the land that our ancestors relinquished for public use is being misused? And, finally, if the Mukun people don’t acknowledge that we have the communal rights to the land, then one day we will attack”

Paulus Ndarung, former Village Head, Community Leader

Paulus Ndarung’s answer highlights three key issues in the Desa Golo Meni land case:

First, the land which was relinquished in 1921 was the communal land of the Manus people. Therefore, it would seem that by not inviting them to the meetings, whereby decisions as to how the land would be used, indeed undermined their authority.

Second, the Manus people did not agree with the decision made by the Golo Meni community because the land was not going to be used in the way that the Manus people had intended it to be. This means that they did not agree that the land for the community health center be swapped with the land designated for the Village Office and market.

Third, Desa Golo Meni is not the sole owner of the Mukun market.²⁰

Father Tarsi Atok returned to Mukun and held a meeting with the respected Mukun figures. Father Tarsi showed them Paulus Ndarung’s letter dated 6 January 2003, and explained that:

“This is what the Manus people want; acknowledge their communal rights!”

Ande Anggal, Head of Mukun Parish, Community Leader

²⁰ See interview with Father Tarsi Atok, 17 May 2003 as well as Adam Satu’s informal interview with Avent Padu in Ruteng, 11 May 2003.
There was no long and detailed discussion at that time. Everybody who was there and participating in the conversation acknowledged the Manus people’s communal rights to the land, and then everybody returned to their own homes, each with their own perspective on the discussion.  

Following this, Father Tarsi, Geradus Radu and Frans Akam met with Paulus Ndarung in Pam (Desa Rana Mbeling), to announce that:

1. The people of Desa Golo Meni acknowledged and accepted the Manus people’s communal rights to the land.
2. They are prepared to sit down together to renegotiate the market levies.

After hearing that the Golo Meni community had recognized the Manus people’s communal rights to the land in Desa Golo Meni, Paulus Ndarung said:

“The land in Desa Golo Meni which our ancestors relinquished in the interest of building a school only measured 100 x 75m.”

Pater Tarsi Atok, Assistant Parish Priest, Director of Mukun School

With this change of heart, Father Tarsi immediately responded, “I can only listen to your demands Bapak, it is up to the head of the local diocese to accept or reject your demands.”

On 9 May 2003, Paulus Ndarung sent a messenger to meet with Father Tarsi to ask how his discussion with the head of the local diocese was progressing. Father Tarsi responded, “You’ll have to wait for a while because I am currently busy organizing the Junior High School National Exams. I have left the matter in the hands of Priest Kanis at SUKMA.”

Father Tarsi promised that the meeting would be held after Easter 2003, but until now there has not taken place.

---

21 Interview No. 23.
22 Ibid.
23 Interview No. 39, p. 3
24 Interview No. 23, p. 15

Researchers: Agus Mahur, Peter R. Manggut, Yan Ghewa; Co-ordinators: Adam Satu and Jessica Gilmore
Translator: Kristen Stokes
Presently, the Manus people can go to Golo Meni without any problems, and the same goes for the Golo Meni people visiting Manus. There were no signs of tension at the Easter celebrations in 2003. The Manus and Mukun communities are still waiting for the meeting which will determine whether the hostilities between them will be resolved once and for all. Everybody is waiting for a meeting whereby the respected figures from both the Manus and Mukun community sit down together and solve the dispute over the public land and the land allocated for the school, finally reaching a solution where both parties are happy.
## Case Chronology: Not Just a Matter of Communal Land

### Date | Event
--- | ---
1921 | The Manus clan relinquished some of their land and handed it over to *Dalu Nderas* to be used for a school.
22 April 1956 | The Manus clan relinquish a piece of their land for the construction of a community health center by German missionaries.
19 May 1974 | The Mukun parish priest and manager of the Mukun Health Center, as well as others meet to swap the school land for the Community Health Center land.
29 May 1983 | The village council decides to use the land relinquished in 1956 for a market, as well as the village office. However, in the end it was decided the 1956 land would be used for the market only, and the village office would move next to the Community Health Center.
26 April 1991 | A number of respected Manus community figures relinquished land (again) for the market.
4 May 1991 | Avent Padu, an *adat* leader, rejected this relinquishment.
Easter 1992 | *Bupati* of Manggarai visits disputed site and promises to send the *Camat* to resolve the land dispute.
Around Easter 1992 | A number of Manus people construct a wall around the disputed land.
Around Easter 1992 | The Head of Police in Wae Lengga carries out an investigation.
4 January 2003 | Respected community figures from Golo Meni meet to discuss alternative dispute resolution mechanisms generally. These discussions were interpreted as a hostile attempt to grab land by the Manus people, and prepared for war.
6 January 2003 | Manus leaders order that the school land be destroyed in one month.
January 2003 | Father Tarsi Atok initiates mediation to avoid bloodshed.
9 May 2003 | Manus leader request status of the negotiations from Father Tarsi. Father Tarsi responds, saying they will have to wait until he is finished organizing the high school national exams.
17 May 2003 | Manus people demand that their communal rights to the land are acknowledged.
Who Owns Mbondei Land?
Kelurahan Tanah Rata, Kecamatan Kota Komba, Kabupaten Manggarai, Flores
Author: Agus Mahur

Who Owns Mbondei Land?
A Case of Change and Ambiguity Triggering Conflict

Summary
The Mbondei land ownership dispute involves the Kisol Seminary Pius XII, a community group from Kelurahan Tanah Rata who had joined together with an NGO named HIMASTAN\(^1\), and the Motu Poso ethnic group land owners. This dispute was triggered by the actions of members of HIMASTAN, lead by Anggalas, who distributed and began cultivating the land in June 2002 without the knowledge of the Motu Poso ethnic group, that is the land owners; and the Kisol Seminary Pius XII, who have been the physical holders of the land since 1967. Although interestingly this owner-holder status is hotly debated and seems to change depending on the current local political climate. The Mbondei land ownership dispute resulted in unrest and fear amongst the wider community, land owners, cultivators, the Kisol Seminary as well as other community members in Tanah Rata. The \textit{adat} functionaries and both the Kelurahan Tanah Rata, as well as the Kecamatan Kota Komba governments have made a number of attempts at resolving the dispute. However, their efforts have failed to satisfy all parties, including the Kisol Seminary Pius XII as well as the group of cultivators and the wider community in Kelurahan Tanah Rata.

1. HIMASTAN: Revealing the Ownership of Mbondei Land
The Mbondei land conflict began in 2002 which also sparked debate over the status of the Mbondei land which had been relinquished to the Kisol Seminary Pius XII by the Motu Poso land owners John Sari and Hubertus Dua in 1967.

In June 2002, 137 members of HIMASTAN and nine other community members from Tanah Rata under the leadership of Anggalas distributed and began cultivating Mbondei land, which had up until that point been used for herding livestock owned by the Kisol Seminary Pius XII. This land was distributed and cultivated without informing and consulting with the Motu Poso

\(^1\) HIMASTAN is a working group which was formed to facilitate occupations and develop cooperation to ensure that people do not act on their own wishes and instead follow regulations. The acronym is derived from its members, that is: (1) The Tanah Rata Association of Farmers in Search of Justice and Brotherhood; (2) Association of Farmers in Search of Justice; and (3) Association of Farmers and Tanah Rata Adat. HIMASTAN was established in 2002 with the following organisational structure: Head, Anggalas; Deputy Head, Kanis Samin; and Secretary Vinsen Jiu.

Researchers: Agus Mahur, Peter R. Manggut, Yan Ghewa; Co-ordinators: Adam Satu and Jessica Gilmore
Translator: Kristen Stokes

74
ethnic group land owners or the Kisol Seminary Pius XII who had controlled and utilised the land since 1967 for herding livestock owned by the Kisol Seminary Pius XII. The Motu Poso ethnic group land owner, Tony, perceived the activities of the group of cultivators lead by Anggalas as a violation of adat and government law. Meanwhile, the Kisol Seminary Pius XII considered the activities of Anggalas’s group to be an illegal occupation of livestock land owned by the Kisol Seminary Pius XII. As a result, on 19 June 2002 Tony, Priest Albertus Simon from the Kisol Seminary Pius XII, Anton and Dus ordered the cultivators to cease their activities and return to their homes.

“Cease your activities and return to your homes; we will hold a meeting on 22 June 2002 because your activities violate adat law and government law.”

Tony, Motu Poso land owner and Luruh Secretary

In addition to this verbal warning, on 25 June 2002 Priest Albertus Simon from the Kisol Seminary wrote a letter to the Tanah Rata Lurah (Village Chief) reporting the actions of the group's actions (see Box 1). In the letter, Priest Albertus Simon described the activities being carried out by these people and expressed a desire for the problem to be resolved.

**Box 1: Priest Albertus Simon’s Letter to the Lurah, 25 June 2002**

“As the head of the area at the kelurahan level we would like to inform you of a problem we are experiencing which relates to a number of people illegally occupying our (Kisol Seminary Pius XII) livestock land in Bondey. These people have marked out our livestock land and cut down trees which were planted there. Their actions are clearly increasing. We have not talked directly to these people. We believe that you as an elder to us all who live in the Tanah Rata area can assist with resolving this problem. Therefore, we strongly hope that the actions of these people will cease as soon as possible. We believe that a firm approach and strong action from you can resolve this conflict.”

In Response to this series of events the Tanah Rata Community Empowerment activity was held by the Motu Poso land owners and adat functionaries.

“We don’t have to go through the adat legal process and we acknowledge the status of Tony as the Motu Poso ethnic group land owner; this applies whether our activities at Mbondei are right or wrong.”

Anggalus, Head of HIMASTAN

Researchers: Agus Mahur, Peter R. Manggut, Yan Ghewa; Co-ordinators: Adam Satu and Jessica Gilmore
Translator: Kristen Stokes
However, the cultivators lead by Anggalas did not want this and continued to cultivate the land. Moreover, in 2003 they enjoyed crops produced from the cultivated land in Mbondei. This encouraged other members of the community to mark out and distribute Mbondei land. According to Wilhelmus Anggal, in December 2002 a group of residents from Dusun Leke, Kelurahan Tanah Rata went to Mbondei and marked out land. Then, in March 2003 another group of residents from Dusun Kisol, Tanah Rata did the same thing. In contrast to the group before them, these two groups are related to the Motu Poso ethnic group land owners. In addition, some of the people among these two groups were Motu Poso land owners. However, not all the members of the two groups have cultivated the marked out land. However, according to Anggalas they cultivated the land at Mbondei because they were ordered by the Motu Poso ethnic group land owner, that is Tony.

The motivation and purpose of each group (HIMASTAN, Leke group and Kisol group) for marking out and distributing the livestock land varies. The motivation of the Leke and Kisol groups is not just to own the land in Mbondei but more importantly to prevent people from outside Kelurahan Tanah Rata from distributing and cultivating land in Mbondei. Therefore many of the members of the two groups just marked and distributed Mbondei land but have not yet cultivated or put it to use. In addition, the recent marking out and distribution of Mbondei land by these two groups (Leke and Kisol groups) is due to the fact that they do not agree with the actions of HIMASTAN who continue to cultivate and work Mbondei land even though the Kota Komba Kecamatan Government has forbade them to (see Box 4 below). The future effect of the presence of these two groups in Mbondei is tensions and possible bloodshed between the groups involved in this land dispute.

The distribution and cultivation of Mbondei land by HIMASTAN aimed to demand the realisation of the 2000 Motu Poso Adat House Deliberation. In the 2000 deliberation Tony, as the Motu Poso Land Owner, clarified the status of Mbondei land as follows:

“Around 1967 Mbondei land was relinquished by adat elders, John Sari and Ignas Ingga to the Kisol Seminary Pius XII with Usage Loan status not Ownership status remembering that a discussion had not been held with and agreed upon by the community in the sub-village (kampung). This land was to be divided to the community for “Ana-Mbu kita sedhi” (for our grandchildren). Therefore it is not wrong for the Mbondei land to be distributed to the community.”

---

Researchers: Agus Mahur, Peter R. Manggut, Yan Ghewa; Co-ordinators: Adam Satu and Jessica Gilmore
Translator: Kristen Stokes
In the deliberation it was agreed that each member who received land would pay a registration fee of Rp 80,000 and one chicken. However, the agreement reached between 2000 and June 2002 is yet to be realised, even though 21 members of HIMASTAN have paid their registration money. Furthermore it contradicts the later statement by Motu Poso land owners, in a meeting with the Camat that reconfirmed the relinquishment of land to the Seminary (see Box 4 below).

Box 2: HIMASTAN’s Reasons for Distributing and Cultivating Mbondei Land:

a. Because in 2002 part of the Mbondei land was distributed by the Motu Poso ethnic group land owners to people from Kota Ndora, Kecamatan Borong. Why were people from outside Kelurahan Tanah Rata given land while we (HIMASTAN) weren’t? Similarly according to Yan Piala the occupation of the livestock land owned by the Kisol Seminary in Mbondei relates to the relinquishment of land owned by the village of Tanah Rata to people from the village of Kota Ndora (Kecamatan Borong) by the Camat (Tanah Rata was controlled by Karol R at the time).

b. The expansive piece of land owned by the Seminary is for raising cattle, while we need cultivation land to increase our family income.

c. We want to ascertain the ownership status of the Kisol Seminary livestock land; the boundaries, what year it was relinquished and by whom.

d. On 9 January 2000 we went to house of the Motu Poso land owner, Tony, to request land and were told we would be given land around Mbondei. However, this is yet to happen.

2. Ownership or Usage Rights?

“This land is not owned by the Seminary, but rather they have short-term usage rights: there is a large population here (Watunggong) and the land will be distributed to the community regardless of their origins”

Tony, Motu Poso land owner

---

4 Interview No. 12.
5 Interview No. 13.
6 Anggalas in Notes from the Clarification Meeting Regarding the Cultivation of Livestock Land Owned by the Kisol Seminary in Mbondei and the surrounding area, with Anggalas and his friends on 5 August 2002, at the Kota Komba Camat Office Hall.
7 Ibid.
8 Vinsen Jiu in Notes from the Clarification Meeting Regarding the Cultivation of Livestock Land Owned by the Kisol Seminary in Mbondei and the surrounding area, with Anggalas and his friends on 5 August 2002, at the Kota Komba Camat Office Hall.

Researchers: Agus Mahur, Peter R. Manggut, Yan Ghewa; Co-ordinators: Adam Satu and Jessica Gilmore
Translator: Kristen Stokes
The land was relinquished to Seminary Pius by the Motu Poso ethnic group land owners John Sari and Ignas Ingga as a place for the Kisol Seminary Pius XII to herd their livestock. The relinquishing of Mbondei occurred as a result of a request from Brother Arnol, who represented the Kisol Seminary Pius XII, though “Kapu Manuk Kele Tuak” to a Motu Poso ethnic group land owner. Brother Arnol asked for usage rights to Mbondei land for herding cattle owned by the Kisol Seminary Pius XII (See Box 3).

Box 3: The Land in Question

The land relinquished for the seminary livestock was approximately 50 hectares. However one hectare for the cattle yard was relinquished as an area to be under the ownership of the seminary. The relinquishing was carried out through adat. The boundaries were: East: Alo Wae lako; West: Tinggi Mboe; North: edge of Poco Ndeki forest; and South: Sawu Ocean.

The parties involved in the Mbondei land relinquishment to the Kisol Seminary Pius XII process in 1967 are set forward by Yan Piala as follows:

“At the time I was still the Rongga Koe region and witnessed the relinquishment of the land to the seminary through adat. The land owner was John Sari. In addition, community members such as the Village Head of Dalu Bintang, Sub-Village Head, Motu Poso land owners and Sui ethnic group land owners also attended the ceremony. Rona (wife-giver) and Wina (wife-receiver) were also present at the adat ceremony.

Yan Piala

Priest Lorens Sopang stated:

“Because the relinquishment was carried out through adat there is no written documentation as has been demanded by certain parties. Adat in Manggarai still has legal power and is official”

Priest Lorens Sopang

---

9 Kapu Manuk Kele Tuak means to bring a Chicken and Palm Wine in order to make a request to a respected person through adat
10 Interview No. 14.
11 Informants such as Yan Piala (former Head of Rongga Koe witnessed the relinquishment in 1967), Kanisius Kaja and Priest Lorens Sorang were not definite about the size of the land relinquished.
12 Interview No. 12. Compare with Yan Piala, Interview No. 13; Kanisius kaja, Interview No. 14, Priest Lorens Spang, Interview No. 15, FGD, Interview No. 17 and Tony, Interview No. 35.
Regarding the status of Mbondei land, Kasi stated:

“We know that Mbondei land is from our elders, relinquished to the Seminary by our elders to be used for herding cattle. Mbondei is not just for the Seminary’s animals but also for the animals owned by the people of Tanah Rata. The Seminary can, the community can put their animals on Mbondei land. The usage status does not make the Seminary the owner of 700 hectares. It is not possible that 700 hectares was relinquished to the Seminary.”

Kasi

In contrast to Tony and Kasi, Yan Piala who witnessed the relinquishment of Mbondei land to the Seminary in 1967 by the Motu Poso land owner said:

“I will reiterate that the relinquishment was legal. There is no two ways about it. The land is owned by the Seminary full stop”

Yan Piala

From the above statements it is clear that the status of Mbondei land is very important to the Kisol Seminary Pius XII as well as members of HIMASTAN lead by Anggalus and other community members from Kelurahan Tanah Rata, such as the Leke group and Kisol group. For the Kisol Seminary if the Land Relinquishment in 1967 by the land owners includes the Relinquishment of Ownership Rights to Mbondei Land then the Seminary would have been given full power to utilise the land without restriction. According to Law Number 5, 1960 regarding Agrarian Regulations, Ownership Rights is the strongest and most complete right. In contrast, for HIMASTAN and other members of the community if the status of the land is Usage Rights, as stated by Tony and Kasi, then there is an opportunity for them to own and cultivate the land. The question is only when this opportunity will arise. The reason for this ambiguity is because when the land was relinquished to the Kisol Seminary Pius XII by the Motu Poso land owners in 1967 the time period was not stipulated, the agreement was not written, and the people who relinquished Mbondei land have passed away. This latter position that the Seminary only has claim to usage rights is increasingly difficult to maintain as in the Meetings facilitated by the kecamatan government the Moto Poso heirs reaffirmed, in written form, the relinquishment of land (see Box 4 below).
3. The Role of the Adat Functionaries and the Government in the Resolution of the Dispute

The Mbondei land ownership dispute between HIMASTAN and the Kisol Seminary Pius XII has resulted in unrest and fear among the community and the Kisol Seminary, as well as the Motu Poso Land Owners and members of HIMASTAN. Therefore, various parties including adat functionaries and the government, that is both the Kelurahan Tanah Rata government and the Kecamatan Kota Komba government, have attempted to resolve the problem.

At the Adat Community Empowerment meeting on 22 June 2002 at the Kelurahan hall, the adat functionaries and Motu Poso land owners requested that the cultivators lead by Anggalas write a statement announcing that they would not continue their activities so that the utilisation of the land could be ordered. The cultivators rejected this idea. According to the Motu Poso land owners Tony and Kanisius Kaja, and the adat functionaries Anton and Dus, it was extremely important that they had a Statement from the Cultivators so that they could order the land for the community and the herding of cattle owned by the seminary. However, in a harsh tone Anggalas stated: “we don’t need to write a statement and we will continue to work. We will ignore the warning from the lurah and Motu Poso adat functionaries.” Therefore, Tony ordered the illegal occupiers of Mbondei land: “please cease your activities at Mbondei and leave.”

Because the dispute could not be resolved at the kelurahan level, the problem was taken to the Camat of Kota Komba (see Box 4).

<table>
<thead>
<tr>
<th>Box 4: The Steps Taken by the Kecamatan Government were as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. On 22 July 2002 a warning letter was issued to the group of cultivators demanding that they immediately cease all cultivation on the livestock herding land owned by the Kisol Seminary Pius XII and wait for further resolution to this problem at the kecamatan</td>
</tr>
</tbody>
</table>

---

13 Interview No. 35.
14 Ibid.
15 Ibid.
16 Camat Report regarding the Handling of the Mbondei Herding Land Problem between the Kisol Seminary Pius XII and Anggalus, and his friends (group of cultivators); Notes from the Clarification Meeting about the Cultivation of Cattle Herding Land Owned by the Kisol Seminary Pius XII in Mbondei and the surrounding area, with the Kisol Seminary and other parties involved; Notes from the Mbondei Land Problem Resolution Meeting Between the Kisol Seminary and the group of cultivators/Anggalus’s friends; Wilhelmus Anggal, format 11, Anggalus, format 12, Kasi, format 14 and Tony, format 35.
level. However, according to Albertus Simon’s report through a letter dated 29 July 2002, the group of cultivators did not adhere to the warning.

2. On 5 August 2002 a meeting was held with the group of cultivators to clarify the cultivation of Mbondei land and the surrounding area.

3. On 7 August 2002 there was a meeting with the Kisol Seminary and other parties involved such as the Motu Poso land owners and Tanah Rata adat functionaries. During the meeting an agreement was reached which was set forth in a form of a Statement from the Motu Poso Land Owner Heirs confirming the relinquishing of land in 1967.

4. On 10 August 2002 there was a meeting held between the Kisol Seminary Pius XII, the Motu Poso land owners and Tanah Rata adat functionaries Kasi, Frans, Tony, the Tanah Rata Lurah Secretary, Bene, Klemens, Oris, Peter, Dus and the group of cultivators lead by Anggalus. In the meeting the group of cultivators wrote a statement which said:
   a. The group of cultivators will adhere to the letter of warning from the Camat
   b. The land will be returned to its original state
   c. The group of cultivators will find a solution through the correct channels in line with prevailing legal norms/procedures.

5. However, the statement from the group of cultivators was later withdrawn by the group of cultivators with the reason that they only wrote the statement because they were forced to by the Camat. In addition, the group of cultivators rejected the statement of affirmation about the relinquishment of land which was written by the Motu Poso land owner heirs on 7 August 2002.

Following this, the Kecamatan Kota Komba and the Kabupaten Manggarai governments also attempt to resolve the Mbondei land problem. The Civilian Police and Staff from the National Unity and Social Protection Agency as well as the police went to the location on several occasions to meet with the HIMASTAN leader. However, up until now the cultivators are still working the land. This has opened up the opportunity for other members of the community in Tanah Rata to mark out and distribute Mbondei land in line with their own wishes.

Thus as it stands with the dispute unresolved there are multiple groups attempting to claim, distribute and cultivate the land, including the HIMASTAN group as well as the more recent Leke and Kisol groups. Similarly the Kisol Seminary Pius XII is concerned that by not asserting their right to have the land returned tension and conflict could occur amongst those community members that did not receive land and those that did. Therefore it seems that some legitimate intervention is required in order to prevent bloodshed between the various community groups in Tanah Rata.
# Case Chronology: Who Owns Mbondei Land?

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1967</td>
<td>The Kisol Seminary Pius XII began using the land for herding livestock.</td>
</tr>
<tr>
<td>2000</td>
<td>The Motu Poso Adat House Deliberation. This was agreed but is yet to be implemented.</td>
</tr>
<tr>
<td>June 2002</td>
<td>Members of an NGO, HIMASTAN, occupy land used for herding livestock by the local seminary.</td>
</tr>
<tr>
<td>19 June 2002</td>
<td>Priest Albertus Simon from the Kisol Seminary Pius XII, Anton and Dus ordered the cultivators to cease their activities and return to their homes.</td>
</tr>
<tr>
<td>22 June 2002</td>
<td>At the Adat Community Empowerment adat functionaries and Motu Poso land owners requested that the cultivators, lead by Anggalas, write a statement announcing that they would not continue their activities. The cultivators reject this idea.</td>
</tr>
<tr>
<td>25 June 2002</td>
<td>Priest Albertus Simon sends a letter to the Lurah expressing his objection to HIMASTAN’s actions.</td>
</tr>
<tr>
<td>22 July 2002</td>
<td>A warning letter was issued to the group of cultivators, by the kecamatan government, demanding that they immediately cease all cultivation and wait for further resolution to this problem at the kecamatan level</td>
</tr>
<tr>
<td>5 August 2002</td>
<td>Meeting held by the kecamatan government to clarify the land in dispute.</td>
</tr>
<tr>
<td>7 August 2002</td>
<td>A meeting including the Kisol Seminary and other parties such as the Motu Poso land owners and Tanah Rata adat functionaries is held. During the meeting an agreement was reached confirming the relinquishing of land in 1967</td>
</tr>
<tr>
<td>10 August 2002</td>
<td>A meeting is held which includes all disputing parties, a statement is agreed upon that the cultivators will abide by the kecamatan’s letter, (see Box 4 above).</td>
</tr>
<tr>
<td>Shortly after December 2002</td>
<td>The cultivators reject this previously agreed upon statement. A different group of community members begin marking out land for themselves.</td>
</tr>
<tr>
<td>March 2003</td>
<td>Again another group begins marking out land.</td>
</tr>
</tbody>
</table>
Hostility Between the Satar Teu and Kadung: 
*Lingko*¹ or “Protected Forest?”

**Summary**

“...We [the Kadung and the Satar Teu] argued at length in front of the Kapolsek [head of the kecamatan police] because there was nobody [from Satar Teu] who could clarify exactly when *lingko* Liang Muit² [owned by the Kadung] was made into a forest reserve and when *lingko* Watu Aji³ became the possession of the Satar Teu...”

Anton Sear

This case describes a protracted conflict over a forest on the border of two *kampung* within the one village, Desa Satar Pundaung. The status of the land and resource was questioned when a group of farmers from one village removed some trees to expand their rice fields. Initially the conflict focused on the use *status* of the forest but as various attempts at resolution failed the core issue became one of *ownership*. Attempts were made by various respected institutions, including the Village Head, the church, the *Camat* and the *Bupati’s* office. Although maintaining dialogue and thus preventing open violence, they largely failed due to perceived biases and lack of commitment of the intervener. Less than full participation in the process and an inability to simultaneously address both the use and ownership interests of the disputing parties were other important factors. The dispute has not completely polarized the two communities against each other; with some residents seeing the issue as administrative dispute, whereas others identifying with their *kampung* in an “us versus them” sense. In addition the conflict has had negative environmental impacts, causing erosion on the steep slopes between the *kampungs*.

---

1. **Introduction: The Two *Kampungs* Share a Border**

Satar Teu and Kadung are two *kampung* (hamlet) in Dusun Wae Rea, Desa Satar Punda, Kecamatan Lamba Leda, Kabupaten Manggarai.⁴ Kampung Satar Teu is situated in a fertile

---

¹ See Box 1.
² *Lingko Liang Muit* is the communal land (part of the protected forest) which the Kadung people claim to own.
³ *Lingko Watu Aji* is the communal land (same piece of land in the protected forest which the Kadung people claim to own) which the Satar Teu people claim to own. The *Kecamatan* Lamba Leda government know the area as *Watu Aji*. In short, *Lingko Muit*, *Lingko Watu Aji* and *Watu Aji Forest/Mountain* are all used to refer to the same piece of land.
⁴ Satar Teu and Kadung are the names of the *kampung*. They are also used to refer to the people who live in the *kampung*.
valley which has an asphalt road running through it, connecting Reo, Satar Punda, Dampek, Golo Mangung, Golo Munga and Benteng Jawa, the capital of Kecamatan Lamba Leda. Meanwhile, Kampung Kadung is located on the top of a limestone mountain; 2.5 kilometers west of Kampung Satar Teu. A small river, Kali Satar Teu, separates the two kampung. There is a steep and narrow path which connects Kampung Satar Teu with Kampung Kadung.

Kampung Satar Teu is the government administration, economic and educational center for the southern part of Desa Satar Punda. The village head of Desa Satar Punda is an original Satar Teu resident. He still lives in Satar Teu and carries out all his official government duties from home. It could be said that his house doubles as his office. The bustling kiosks which line both sides of the road and the melodic voices of the children from the local SDK (Catholic Primary School) in Satar Teu enhance the lively atmosphere which is evident throughout the day in the kampung.

Meanwhile, Kadung is a small kampung, with a population of around 200 people, or 40 households. There are not any kiosks in the kampung, nor is there a school. For this reason the Kadung people buy their daily requirements in Reo, and the children from the kampung go to school at SDK Satar Tue or the primary school in Reo.

The Satar Teu and Kadung people know each other well. They are not only neighbors, but they are also related to one another:

“... the Satar Teu and Kadung people are very close. If there is an adat (traditional/customary) ceremony in Satar Teu, the Kadung people are invited as meka ceki (honored guests).”

*Katrina Imo, Women’s FGD in Satar Teu,*

“... the Kadung and Satar Teu are still related through woe nelu (inter-marriage)”

*Deddy Sear*

**Box 1: Lingko – a piece of communal land.**

This specific piece of land resembles a spider, with a round circle in the middle, and then what looks like the legs of the spider around the edge. The leg parts, known as moso, have been divided up amongst the villagers. A protected forest is a forest which has been set aside for conservation. Both the flaura and the fauna are protected, and therefore cannot be chopped down or taken out of the forest.
Unfortunately, in 1998, the intimacy and strong bonds which had been forged between the two neighboring kampung were suddenly broken when the Kadung people drew their swords and challenged the Satar Teu people to a fight.

“You [the Satar Teu] have no right to prohibit us from clearing and dividing up the lingko [Lingko Liang Muit] because the Kadung people own this lingko. For this reason, we have the right to clear and divide...”

Deddy Sear and Anton Sear

Meanwhile, the Satar Teu people also claimed that they were the owners of the same piece of land.

2. History of the Kampungs

The Kadung people explained that their ancestors are from Teker, near Benteng Jawa, the capital of Kecamatan Lamba Leda. Their ancestors left Teker in 1918 and moved to Mencaer for several years. Indeed, Mencaer offered a prosperous livelihood and a positive future for the Kadung people’s ancestors who had for years lived in crowded and wearying conditions in Teker. Mencaer suddenly offered them a large expanse of fertile land.

However disaster struck in Mencaer. People began to die without any good reason, as did their livestock. Mencaer no longer provided the opportunities of previous years. Mencaer was no longer a pleasant place to live. It had become too kolang (hot). The Kadung people’s ancestors therefore decided to move Watu Lempe, only a ten minute walk to the west of Mencaer. In Watu Lempe, the Kadung people’s ancestors established their new kampung. They named their new kampung Kadung. Nowadays, the kampung is better known as Kampung Kadung Lama (Old Kadung Kampung). It is no longer inhabited because between 1937 – 1940, the Kadung people’s ancestors moved to the top of the hill and established a new kampung which they also named Kadung. They moved to the top of the hill for strategic reasons, allowing them to monitor their land that was made up of thirty lingko. In addition, the Satar Teu people would often come and kill the livestock in their old kampung.

The Kadung people moved their kampung 500m away from the Kampung Kadung Lama because they realized the importance of surveillance, and they were also resentful of the fact that the Satar Teu people would often steal their livestock.

5 Kadung derives from a name of a type of resin tree which covered the majority of the Watu Lempe landscape at the time.

6 Interview No. B5-525, Anton Sear.

7 Ibid.
Meanwhile, respondents from Satar Teu explained that in 1936 some of their ancestors, left Kampung Nawang, Desa Nampar Tabang, Kecamatan Lamba Leda, and headed towards Laci. From Laci they moved to Weleng, where they stayed for a while, before moving to Nderu, and then Satar Teu. They have remained in Satar Teu ever since. In the same year, five of the Satar Teu’s ancestors bought the rice fields in Satar Teu from the Bimanese.

“The south part of the rice field backs onto the forest [Watu Aji] which constitutes the border between the Kadung people’s lingko [and the Satar Teu peoples’ rice fields].”

Deddy Sear

One Satar Teu respondent explained that before 1936, one of the Kadung people’s ancestors, Hokka, left Teker and went to Nawang where he requested gendang (drums) and lingko in Satar Punda.8

The forest covered slopes of Watu Aji mountain are extremely steep (75 degrees in places), and therefore in the 1940s, in an effort to prevent erosion and protect the water source which is located on the mountain:

“... Lopo Pantar and Lopo Sambu, representing the Kadung people, and Hendrik Bagung, Yasintus Anok, Lopo Joka and Yahya Tambo, representing the Satar Teu people, made an agreement. They agreed that the Kadung people owned the part of the Watu Aji forest which backed directly onto the cicing (border of a lingko), meanwhile the Satar Teu’s rice fields were part of the forest reserve...”

Deddy Sear

The agreement was validated by the Kecamatan Lamba Leda Mantri Kehutanan9 in the 1980s. From that time, until Hendrik Bagung passed away in 1993, both the Satar Teu and Kadung people obeyed the agreement made to protect the Watu Aji forest. They never once tried to clear or divide the forest land for agricultural purposes.

3. All that is Left of the Watu Aji Forest is a Memory: A Result of the Nio Locang?

A barren slope is all that remains of one part of the Watu Aji mountain side, which was once covered in thick forest and various types of vegetation which were green as emeralds. White

---

8 Interview No. B5-513, Markus Doraemon.
9 Mantri kehutanan – forest conservation official at the kecamatan level.
sedimentary rocks which sparkle under the sun’s rays and unordered tracks where water used to flow in the rainy season lie agape, replacing what used to be lush green forest.

In the past the Kadung and Satar Teu people did not chop down the big old trees which grew on the slopes of the Watu Aji Mountain because they knew that had they cut them down the Satar Teu River would have dried up and their rice fields would have died. The forest has been protected for a number of years in an effort to preserve the villager’s water source which comes from the mountains and flows down the Satar Teu River.

“The Watu Aji forest is a forest reserve which belongs to Desa Satar Punda. The ancestors of the Satar Teu and Kadung people agreed to make it into a forest reserve tens, or even, hundreds of years ago”

Comment from Women’s FGD

According to Sem Badui, a respondent from Kampung Satar Teu, an agreement had been made to ensure that owners of the rice fields would not cut down the trees on the edge of the forest in an effort to prevent erosion and damage to their fields. The owners of the rice fields were only allowed to cut the bushes down in a 100m radius around their fields to prevent mice from eating their crops and deter wild pigs.10

However, in 1998 the Satar Teu people began to cut trees down in the Watu Aji forest. The same forest which the Kadung people call Lingko Muit, the communal land of the Kadung people.

The Kadung leaders did show any hostility after they heard about what the Satar Teu people had done to the Kadung lingko. During the same year, three messengers from Kampung Kadung were sent to meet with the Satar Teu tua teno11 (ritual land leaders) and request that they instruct the Satar Teu villagers who had cut down the trees and cleared parts of Lingko Muit to pay the nio locang to the Kadung tua teno (See Box 2). The Kadung people waited

---

10 Interview No. B1-511.
11 The tua teno are the ritual land leaders. They have the right to divide up the lingko land between the residents. They are also represent the kampung in land cases [against another kampung or at court] which involve a lingko.
three years, yet the Satar Teu villages still did not pay the nio locang. For this reason, the Kadung people reacted:

“...in 2001, the Kadung people began to cut down the trees from the top of the mountain in Lingko Muit [Watu Aji forest]...”

_Anton Sear_

The Satar Teu people witnessed the Kampung Kadung residents clear away the trees from the top of Watu Aji mountain. All the adult males in Kadung went and cut all the trees down, both big and small, with their axes and machetes, leaving the slopes open and bare. The Kadung tua teno, Kornelis Koko, arranged and led the tree felling expedition. The Satar Teu people, especially, the rice field owners at the bottom of the Watu Aji Mountain, were frightened by their actions.

“The forest reserve was chopped down by the Kadung people and made into agricultural plots. We were scared that our rice fields would be affected by erosion.”

_Michael Dua Setara_

It was quite natural for the Satar Teu villagers to worry about the possibility of erosion because their rice fields are located right at the bottom of the Watu Aji Mountain, and therefore, if the slopes were to erode, it would be their rice fields which would suffer.

“... the hill has started to erode with the recent rain. Stones have fallen down and collected at the edge of the rice fields, including mine ...”

_Garius Simpu_

The rice field owners were worried by the possibility of erosion, and therefore, they went and saw the Satar Teu tua teno to request his advice on what to do. The Satar Teu tua teno suggested that the land owners report the Kadung people to the village head of Satar Punda for cutting down the trees in the nature reserve.

“... the three of us who own the rice fields ... discussed and reported the tree lopping [by the Kadung residents] to the village head of Satar Punda ...”

_Markus Doraemon_
4. Resolution for the Sake of Reconciliation: First Attempt

After receiving the report, the Village Head of Satar Punda summoned the two Kadung tua teno to a meeting. The summons sent to the two tua teno requested that they come and make a statement regarding the felling of trees in the forest reserve, as reported by the Satar Teu rice field owners. Those field owners who had reported the case did not attend but were represented by their kampung’s tua teno. The Satar Punda village secretary facilitated the meeting, and requested statements from the two Kadung tua teno.

The statements given by the two Kadung tua teno contradicted the statement given by the Satar Teu tua teno. The Kadung tua teno said that the Satar Teu people had been working the land in Lingko Liang Muit, which is owned by the Kadung people. The Kadung tua teno therefore asked the Satar Teu tua teno for the Satar Teu rice field owners to admit that the land, which they made into rice fields (at the edge of their old fields), actually belongs to Kadung people. For this reason the Kadung people expected them to pay the nio locang each year. Nevertheless, the Satar Teu tua teno disagreed. They said that the Kadung people had chopped down trees in the forest reserve, and therefore, the Kadung tua teno are obliged to put a stop to the tree felling.

Both sides made accusations about each other during the meeting. No agreements were made, therefore:

“At the end of the meeting, the village secretary told them all to stop cutting down [trees in] the forest reserve (Watu Aji) because their ancestors from Kadung and Satar Teu had for years never cut down or disturbed the forest.”

Garius Simpul

The meeting was unsuccessful because a resolution was not found. In fact, it made the Satar Teu people increasingly nervous because the Kadung people just continued to fell the trees along the northern slope. In 2001 the Village Dead sent a letter to the Kecamatan Lamba Leda police in Dampek to report that the Kadung people had continued to cut down trees in the Watu Aji forest reserve.

5. Second Attempt

The head of the Kecamatan Lamba Leda police summoned the two Kadung tua teno and the Satar Teu tua teno to the kecamatan police station in Dampek. The summons also mentioned the names of the Satar Teu and Kadung people who were obliged to come to the
Hostility Between the Satae Teu and Kadung
Desa Satar Punda, Kecamatan Lamba Leda, Kabupaten Manggarai, Flores
Author: Yan Ghewa

police station with the tua teno. The head of the Kecamatan Lamba Leda police requested statements from the Kadung and Satar Teu tua teno, and then proceeded to ask them a number of questions. The Head the police asked the two Kadung tua teno about the history of the Lingko Liang Muit and the reasons why the Kadung people had cut down the trees in the forest reserve. The Satar Teu tua teno were asked why they had tried to stop the Kadung people. The Kadung tua teno, with the support of their Kadung representatives, answered the head of the police:

“...we cut the trees in the forest down because it’s our lingko [the Kadung people’s lingko], and we therefore have the right to clear and divide the land into agricultural plots as we like. If it is a nature reserve [protected forest], when was it decided? ...how big is it? Where are the borders? And who made the decision?”

Kornelis Koko

The head of the police did not answer the Kadung tua teno’s questions, but turned his head towards the Satar Teu tua teno as if to request a response from them. The Satar Teu tua teno answered the questions, explaining that the Kadung people had annexed the Satar Teu’s lingko, namely, Lingko Watu Aji.12

The Kadung people strongly disagreed with the Satar Teu tua teno on this matter, because according to their opinion, there was no such thing as the Watu Aji lingko. Although the Kadung people refuted their allegations, the Satar Teu people maintained that the Kadung people had not only cleared the Watu Aji forest, but they had also expropriated their land. The head of the kecamatan police was unable to do anything. He only appealed for the Kadung and Satar Teu people to sit down together and negotiate the matter peacefully. The Kadung people immediately rejected his suggestion:

“... because the dispute was getting more and more heated, the head of the kecamatan police separated us and then asked us to resolve the dispute peacefully. Those of us from Kadung didn’t want to resolve it peacefully. Meanwhile, the Satar Teu just remained quiet.”

Garius Simpul and Anton Sear

From that point onwards, the dispute between the Satar Teu and the Kadung people escalated. It started as a dispute over the felling of trees in the Watu Aji forest reserve, but then turned into a dispute over the ownership of the lingko. The Kadung people maintained that the land where the forest reserve is located was actually the Lingko Liang Muit which belongs to the

12 Interview No. B5-526, Kornelis Koko.

Researchers: Agus Mahur, Yan Ghewa, Peter R. Manggut; Co-ordinators: Adam Satu and Jessica Gilmore
Translator: Kristen Stokes

90
Kadung people. Meanwhile, the Satar Teu people maintained that the same piece of land was the Lingko Watu Aji which belongs to the Satar Teu.

Even though the head of the kecamatan police was unable to calm the two parties down, he was able to compose a concept for a peace treaty which he hoped both parties would sign. The Satar Teu delegates signed the declaration which declared peace between the two disputing parties. However, the Kadung people once again rejected their efforts to make peace by refusing to sign the treaty.

“Because an agreement wasn’t reached, the head of the kecamatan police told us to go back to our kampung and negotiate the allocation and usage right of the disputed land...”

Kornelis Koko

The Kadung people interpreted the police’s appeal as a sign for them to continue clearing the land at the disputed location. Therefore, the Kadung villagers who received the moso at the disputed location:

“... continued to cut down the shrubs and fell the trees on the lingko [Liang Muit]”

Kornelis Koko

The Satar Teu villagers became even more confused when they saw that the Kadung people had returned and continued to clear the land and fell the trees in the Watu Aji forest. They just kept cutting down the trees until almost the whole eastern slope was bare. For this reason, in September 2001, Radus Jammy, a resident of Satar Teu went to the Kecamatan Lamba Leda police station in Dampek and reported that the two parties had started to attack each other in the Watu Aji forest.

6. Apparently There is Meant to be a Fight Going On!

On hearing the oral report from the resident of Satar Teu, the head of the kecamatan police got his staff together and headed towards the Watu Aji forest. Once at the bottom of the Watu Aji mountain, the police head and his staff sounded the alarm, firing a warning shot into the air, but there was no response from the forest. Everything was quiet with the exception of the sound of an axe against wood.

The head of the police waited for a few minutes, but still everything remained quiet. He looked around the area, but he saw no signs to suggest that a scrimmage was taking place.
He saw the Satar Teu residents working in the rice fields as normal, and the school children playing about in the playground as they would on any other day. For this reason he decided to go into the forest. Just as they approached the steep slopes of the Watu Aji Mountain they saw two Kadung residents, namely, Fancy Odong and Simon Jorro, cutting down trees. The police head called the two over to where they were standing and asked,

“There is apparently meant to be a fight going on between the Kadung and Satar Teu residents?”

*Kornelis Koko*

“… take a look for yourself, there are only two of us here doing what we are doing.”

*Kornelis Koko*

The head of the Kecamatan Lamba Leda police appeared disappointed and started to walk towards Fancy Odong and Simon Jorro’s hut to take cover from the sun. There, the police head appealed to the two men not to get involved in a violent outburst, but instead, to try and find a peaceful resolution to the dispute. After this, the police head and his staff returned to Dampek.

After hearing that the kecamatan police had only requested that the two Kadung men try to avoid a brawl breaking out, the Satar Teu residents felt disappointed and just waited to see whether the police were going to take further action. They wanted the police to arrest the two Kadung men, and if need be, beat them till they were black and blue. But, the police head thought differently. He thought that the Satar Teu residents had lied to him, and even tricked him. The news that the police head had not taken serious action against the two Kadung men, who were caught red-handed cutting down the trees, spread rapidly. Apparently, he accepted a bribe from the two Kadung men.

7. **Third Attempt: Village Head Proposes Ownership Transferred to Government**

Meanwhile, the Kadung men said that after they returned from the Kecamatan Lamba Leda police station in Dampek, the Village Head of Satar Punda wrote a letter requesting the two Kadung tua teno and their kampung representatives attend a meeting with the head of Desa Satar Punda. The Kadung tua teno, accompanied by their representatives, immediately left for Satar Teu. Once they arrived at the house of the village head of Satar Punda, the head of the kecamatan police proceeded to give them the concept document for the peace treaty and then requested that they sign it. The document declared that Lingko Liang Muit would be
handed over to the government, and it would continue to be preserved as a protected forest. The Kadung tua teno and their five representatives, again, refused to sign the document and call a truce. They then returned to Kampung Kadung.

The Village Head of Satar Punda was offended by the behavior of the Kadung tua teno. He felt angry, and therefore, he threatened to send the concept document for the peace treaty back to the head of the Kecamatan Lamba Leda police. The residents of Satar Teu insisted that he resolve the case between the Kadung and the Satar Teu residents as soon as possible. He only gave a brief response to their pleas:

“...the problem is out of my hands ... it’s already in the hands of the kecamatan police, and therefore, I can’t do anything.”

Garius Simpul

After hearing his response, the Satar Teu residents went back to the Kecamatan Lamba Leda police station in Dampek and asked about the progress of the case with the Kadung residents.

8. Forth Attempt: Kecamatan Police

In September 2001, the head of the kecamatan police once again summoned the Satar Teu and Kadung tua teno to a meeting. The Kadung tua teno, along with four other representatives left to go to the meeting in Dampek, as did the Satar Teu tua teno and their community representatives. It was the second time that the tua teno and their representatives had to attend a meeting to discuss the same matter at the police station in Dampek. This time the police carried out an investigation. The police requested that tua teno from both kampung explain how the peaceful negotiations which he recommended in the last meeting were going. The Satar Teu tua teno still wanted to make peace, agreeing to the police’s suggestion to carry out peaceful negotiations. Yet, the Kadung tua teno remained adamant that peaceful negotiations were not going to work. What’s the point of making peace when the Satar Teu tua teno are not going to admit that the land being used by the Satar Teu residents actually belongs to the Kadung residents. Negotiations once again failed because the Kadung tua teno continued to reject the peace treaty, and what more, they were not willing to part with Lingko Muit. The head of the Kecamatan Lamba Leda police allowed the two parties to return home and wait for further action to be taken.13

---

13 Interview No. B2-528.

Researchers: Agus Mahur, Yan Ghewa, Peter R. Manggut; Co-ordinators: Adam Satu and Jessica Gilmore
Translator: Kristen Stokes
9. Fifth Attempt: Matters Goes to the Camat

In the last week of September 2001, the Satar Teu tua teno, with the help of Philip Demma and Huber Lokas, wrote a letter to the Camat of Lamba Leda, reporting what the Kadung residents had done to the Watu Aji forest. On 1 October 2001, the Camat facilitated a meeting with the Kadung and Satar Teu residents in Benteng Jawa, the capital of Kecamatan Lamba Leda. The Camat chaired the meeting which was attended by the kecamatan secretary, section head of the kecamatan government, section head of, what was then, the PMD (Community Development Agency), the head of the kecamatan police and the Kapolpos (Head of Police Post) in Benteng Jawa.

The Camat opened the meeting by explaining the benefits of the forest reserve for the community. He then asked the Kadung residents why they had chopped the trees down in the Watu Aji forest reserve. The Kadung residents responded to the Camat’s question in the same way that they responded to the head of the Kecamatan Lamba Leda police’s question in Dampek:

“...we never chopped down the trees in the forest reserve, we only cleared the bushes and trees in our lingko, namely, Lingko Liang Muit. If for example Lingko Liang Muit has been made into a forest reserve, when was this decided and by who? Also, how big [is the forest reserve] and where are the borders...”

Kornelis Koko

The Camat did not answer their questions. Instead, he requested the Satar Teu tua teno provide their opinion on the matter. The Satar Teu tua teno told the Camat how in the 1940s, an agreement was made between the ancestors of the Satar Teu and the ancestors of the Kadung. They agreed to make the Watu Aji forest into a reserve, which would be preserved

<table>
<thead>
<tr>
<th>Box 3: The 1 October 2001 Declaration:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) That the disputed land, which is the forest reserve, would be handed over to the Kecamatan Lamba Leda government voluntarily, and following this, the land and any of its by-products would belong to the government.</td>
</tr>
<tr>
<td>(2) That both the residents of Kampung Kadung and Kampung Satar Teu would ensure that future generations would not fight over, disturb or claim the land.</td>
</tr>
<tr>
<td>(3) That the Kadung residents could plant crops for one season (planting season 2001/2002) on the parts of the disputed land which they had cleared. After the 2002 harvest [approximately August 2002], the Kadung residents would automatically relinquish the land to the Kecamatan Lamba Leda government.</td>
</tr>
<tr>
<td>(4) That the residents of Kampung Kadung would not be permitted to cut down the trees which remain standing on the disputed land.</td>
</tr>
<tr>
<td>(5) That the Kecamatan Lamba Leda government would fence off the land as of October 2002 to indicate its borders.</td>
</tr>
</tbody>
</table>
by both parties. Yet, the Kadung residents had since gone into the forest and chopped down a large number of the trees.

According to the Kadung residents, the Satar Teu resident also told the Camat that the land which the Kadung people used for crops was actually part of Lingko Watu Aji, which belonged to the Satar Teu:

“the whole problem suddenly changed, it was no longer a matter of chopping down trees in the forest reserve, but a problem of land ownership between the Kadung and Satar Teu people”

_Kornelis Koko_

10. Did the Camat of Lamba Leda Act Wisely?

The Camat could see that each party was not going to budge, and therefore, he threatened to take serious action against the Kadung residents who had violated the law. The Kadung residents who thought they had done nothing wrong were disappointed with the Camat. They were of the opinion that the Camat had a tendency to take sides with the Satar Teu residents:

“It was as if the Camat’s statement confirmed that the Kadung people had committed an offense by cutting down the trees. It was just like what the village head of Satar Punda reported.”

_Kornelis Koko_

To them the threat to take the matter confirmed these, whereas meanwhile, the Satar Teu residents supported the Camat, thinking that it would be best to resolve the case in the courts.

The Camat came to a dead end because the Kadung and the Satar Teu residents each believed that they were in the right, and therefore, were not going to change their stance. The Camat gave the Kadung residents a moment to think about the best way to resolve the dispute. After five minutes the Kadung residents came back into the meeting room with a proposition,

“... in order to avoid blood being spilt, in other words, a duel to breakout between the Kadung and the Satar Teu residents, the delegates from Kadung have decided to hand the land over to the kecamatan government ...

_Kornelis Koko_
They made this decision because they had heard a number of stories about how several land cases in Manggarai which had been taken to the courts had ended in a duel. They did not want their families and relatives to suffer or meet their death in battle.

The *Camat* put the agreement in writing and made both the Kadung and Satar Teu delegates sign it. The declaration was witnessed by the *Camat* and his staff, the head of the Kecamatan Lamba Leda police, and the *Kapospol* from Benteng Jawa. The *Camat* and the Satar Teu residents were satisfied with the results of the meeting. Meanwhile, the Kadung delegates returned to their *kampung* and reported what they had done.

“… none of the [Kadung] residents agreed with the decision. Therefore, the Kadung residents wrote a letter to the *Camat* in an effort to reverse the agreement which they had already signed in front of the Head of the Kecamatan Lamba Leda police and the *Camat*.”

*Kornelis Koko*

The Kadung people assumed that the dispute had come to an end because the *Camat* of Lamba Leda did not respond to their letter, nor did he build the fence as outlined in paragraph five of the 1 October 2001 declaration.

11. Two Years Later

On 11 January 2003, the Kadung people built a fence between Lingko Liang Muit, which they claimed to be their land, and the Satar Teu resident’s land. They inserted wooden fence posts all along the western side of the Satar Teu resident’s rice fields, meaning that the Satar Teu rice fields were included in Lingko Liang Muit. The residents of Satar Teu were busy with a reception for the Bishop, and therefore, they could only watch from afar as the Kadung residents seized their fields.14

The Satar Teu residents could not bear to watch what was happening, and therefore, the Satar Teu *tua teno* ran home, took the gong from the *rumah gendang*15 and began to hit it repeatedly, signaling for the Satar Teu residents to gather round. In the blink of an eyelid the Satar Teu residents had filled the back yard of the Satar Teu *tua teno*’s house. They gathered

---

14 Interview No. B5-513, Markus Doraemon.
15 *Rumah gendang* – a house or hall where the *tua teno* and the respected *adat* figures have their meetings and make important decisions, including decisions about *lingko*.

Researchers: Agus Mahur, Yan Ghewa, Peter R. Manggut; Co-ordinators: Adam Satu and Jessica Gilmore
Translator: Kristen Stokes

96
and heard the Satar Teu tua teno officially announce that there were people trespassing on Satar Teu land.16

As soon as the Kadung people heard the gong sound, and then the threats to attack, they fled in the direction of Kampung Kadung. Fortunately, they were able to escape and avert a duel between the two kampungs.

After the Satar Teu residents successfully expelled the Kadung residents from their fields, they went and removed all the border posts, which the Kadung people had just erected. This happened on a number of occasions. Every time the Satar Teu residents removed the posts, the Kadung residents would go back and put them in again. This continued to happen until one day when the Satar Teu residents became so fed up with the debacle that they decided to just leave the fence standing.17

Aware that the dispute was becoming heated, three residents of Satar Teu requested that the village head of Satar Punda write a letter to the Camat of Lamba Leda in the hope that he would make a visit to the location to see what was happening. Based on the report written by the village head:

“the Camat and the Head of the Kecamatan Lamba Leda police made a visit to Satar Punda to take a look. After that they [the Camat and the head of the kecamatan police] left without saying anything, even though they signed the agreement [at the kecamatan office in Lamba Leda].”

Garius Simpul

The women in Kampung Satar Teu were also very disappointed by the fact that the Camat and the head of the kecamatan police did not take any action against the Kadung residents for putting up a fence along what they considered the border between their linkgo and the Satar Teu resident’s fields.

“If the government was taking the whole issue seriously, the [Satar and Kadung] dispute would have been over and done with by now, but the Camat appeared not to care...”

Women’s FGD
Meanwhile, the three Satar Teu residents, whose rice fields were fenced off by the Kadung residents, held a meeting and decided to report the dispute to the Bupati of Manggarai. They hoped to explain all the attempts which had made to try and resolve the land dispute between the Satar Teu and Kadung residents, including the meeting facilitated by the Camat on 1 October 2002. The three men went to the Kabupaten Manggarai office in Ruteng in February 2003, but they were unable to meet with the Bupati in person because he was attending a meeting of the DPRD (Kabupaten Parliament). As a result, they were only able to talk to the Kabupaten Manggarai assistant secretary. Unfortunately, after they had explained their objectives to the assistant secretary, they were told that it would be best that they meet with Head of the Division for Village Affairs. However, he was also in a DPR meeting at the time. One staff member from the Village Affairs Division did meet with them and then went and had a look for the letters from the Kecamatan Lamba Leda government about the Satar Teu-Kadung land dispute, but it would appear that there was not any. He was unable to do anything to help, except he did promise that he would send a telex as well as telephone the Camat of Lamba Leda.18

“We will consult with the Local Office of Forestry. We will ask the [staff from the] Local Office of Forestry to visit the location because the dispute concerns a forest/rice field reserve. You may go home now. Our integrated team from the local government will go and evaluate the situation with the kecamatan [government] and Local Office of Forestry.”

Markus Doraemon

In an effort to confirm the promise made by the staff member from the Division of Village Affairs, they also went to the Local Office of Forestry where they met with the Deputy Head of the department who had heard about their report. He also promised to make a visit to the location where the land dispute was taking place.19 After that, they returned to Satar Teu and began to prepare for the visit by the integrated team, nevertheless:

“...no integrated team turned up, rather the Bupati of Manggarai sent a letter to the Camat of Lamba Leda ordering him to take care of the matter. However, until today [when the research was taking place], the Camat had not taken heed of the Bupati’s letter ... he has not taken further action.

Garius Simpul

---

18 Interview No. B5-513, Markus Doraemon.
19 Interview No. B5-513, Markus Doraemon.
The government (*kecamatan* and *kabupaten*) took no further action. The three Satar Teu men decided that they were dealing with a criminal case which needed to be processed in the courts. They went to both the *kecamatan* and *kabupaten* police where they told them how the Kadung residents had come and seized their land. However, their effort to process the case through the courts came to a dead end because the police were unable to file an accusation against the Kadung residents without the Satar Teu residents producing a land certificate indicating that they owned the disputed land.\(^{20}\) The Satar Teu resident’s efforts to resolve the case peacefully suddenly came to a stand still.

With little hope left, the Village Head of Satar Punda concluded that the Kadung residents no longer trusted him because in addition to owning a rice field at the site of the disputed land, he is also a descendent of the Satar Teu.\(^ {21}\) What else could be done to resolve the dispute? The priests, and even the Bishop of Ruteng requested that the Kadung residents stop chopping down the forest. Yet, the Kadung residents had even ignored the voice of the church.\(^ {22}\)

**12. When Peace is Rejected: What Happened to the Solidarity of Past Times?**

The Satar Teu residents described their relationship with the Kadung residents throughout the duration of the conflict in the following way,

> “The feeling is still quite normal because it’s not like the Kadung people aren’t close to us. We are all related through marriage. They take [marry] our relatives … I personally [respondent from Satar Teu] am with someone from Kadung…”

*Marius Doraemon*

> “Why be scared? The problem is at the office. Meanwhile, outside [the office] we are still related to the Satar Teu people. Some of them married Kadung people, and the other way round.”

*Yeni Helas*

Indeed such expressions of intimacy relieved several people, nevertheless, what happened between the Satar Teu and Kadung residents has negatively impact on inter-*kampung* harmony. For example, on 11 January 2003, when the noble Bishop of Ruteng Mgr.\(^ {23}\), Edward Samuel, made a visit to Satar Teu, not one person from Kadung (where 100% of the

---

\(^{20}\) Interview No. B5-513, Markus Doraemon  
\(^{21}\) Interview No. B1-530, Garius Simpul.  
\(^{22}\) Interview No. B1-530, Garius Simpul.  
\(^{23}\) Interview No. B5-526, Kornelis Koko.
villagers are Catholic) attended Mass at the Satar Teu chapel, even though the Kadung and Satar Teu are part of the same parish, namely the Reo parish. Instead, on the same day the Kadung people chose to build a fence to indicate the borders around the disputed land, only meters away from the Satar Teu chapel. Another indication of the abnormal feeling within the community became evident when the Kadung residents declined an invitation from the Satar Teu residents to attend the cepa ceremony (a party held to thank God for the harvest) in 2002.24

Further, some Kadung residents explained that they were hurt by the way the village government treated them:

“We Kadung residents are like the wild kids. The government [staff] never came back here after we planed the lodok [division of land in a lingko] in Lingko Muit in 1999 ... also we didn’t get any of the OPK (Special Market Operation, for the sale of cheap rice) for two periods because the village staff didn’t come around to collect the money here [in Kadung] ... the Village Head used to often come to Kadung [but] now he’s like a stranger to us ... why does he have to take the side of the Satar Teu [residents]?”

Anton Sear

13. The Government Should...

According to the author, the Satar Punda village government was prejudiced and had a tendency to blame the Kadung residents and consequently was inappropriate to act as a 3rd Party Mediator. Also, it would seem that the Camat of Lamba Leda forced the Kadung residents into a corner during the meeting on 1 October 2001, and, as a result, the Kadung residents became defensive and rejected efforts made to resolve the case peacefully.25

Supposing the Village Head of Satar Punda and the Camat of Lamba Leda played a more constructive role and acted more wisely and fairly during the meeting on 1 October, the Kadung residents may not have sent the letter to try and reverse the agreement. This could have meant that the land dispute between the Satar Teu and the Kadung residents may have finished there.

24 Junior High School
25 Refer to Krispinus M. Modes’ statement, “The problem is between the church and the YPTL, meanwhile we heirs are only here to arbitrate, explaining the status of the church’s land and its borders based on the stories told to us by our parents. Consequently, there are no problems for the heirs.” See Interview No. 523.
Meanwhile, the Kabupaten Manggarai government’s indifference towards the reports made by the Satar Teu residents could be likened to setting a time bomb which could explode any time. It is therefore not unreasonable to think that a violent outburst or duel was going to take place at any given moment.
### Case Chronology: Hostility Between the Satar Teu and Kadung

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1918</td>
<td>The ancestors of the Kadung people left Teker (after a cholera and dysentery epidemic in the area). They searched for an empty expanse of land with enough water to fulfill their daily needs.</td>
</tr>
<tr>
<td>1936 – 1937</td>
<td>• Kadung people from Teker Lamba Leda went to Laci and requested <em>lingko</em> and <em>gendang</em> (drums) in Satar Punda from the head of the Nawang clan. The Nawang clan grant their request.</td>
</tr>
<tr>
<td>1940 – 1944</td>
<td>• Hendrik Bagung, Herry Ambot, and Tambo buy more rice fields (near the disputed land) from the Bimanese.</td>
</tr>
<tr>
<td></td>
<td>• The rice field owners and the Kadung people made an agreement, prohibiting the felling or clearing of trees in the forest.</td>
</tr>
<tr>
<td>1970s</td>
<td>The Head of the Local Office of Forestry, Herman Hatul, declared the Watu Aji mountain/forest a forest reserve (protected).</td>
</tr>
<tr>
<td>1989</td>
<td>When Fitalis Hemo (Kadung) relinquishes his position as head of RT (neighborhood unit) Kadung. The Kadung elders request that the <em>tua teno</em> (ritual land leaders) divide Lingko Watu Lempe between the residents.</td>
</tr>
<tr>
<td>1989</td>
<td>The Kadung residents divide the Lingko Watu Lempe land, ignoring the Village Head's prohibition.</td>
</tr>
<tr>
<td>1998</td>
<td>The Satar Teu started to cut trees down from the bottom of the hill.</td>
</tr>
<tr>
<td>1998</td>
<td>Lorens Ladam and Wilhelmus Toto (from Kadung) meet with the Satar Teu <em>tua teno</em>, Deddy Sear, to request that he tell the Satar Teu residents that they are obliged to pay the <em>nio locang</em> to the Kadung <em>tua teno</em></td>
</tr>
<tr>
<td>2001</td>
<td>The Kadung residents became fed up that Satar Teu resident have not paid the <em>nio locang</em>, and therefore begin to fell the trees and clear the forest.</td>
</tr>
<tr>
<td>2001</td>
<td>The village head of Satar Punda reprimanded the Kadung residents who had started to clear the forest in Lingko Muit.</td>
</tr>
<tr>
<td>2001</td>
<td>The Kadung <em>tua teno</em> officially divided Lingko Muit into rectangular blocks which they then gave to six Kadung residents.</td>
</tr>
<tr>
<td>August 2001</td>
<td>Four Satar Teu residents reprimanded the Kadung residents who had cleared the trees from the top of the mountain.</td>
</tr>
<tr>
<td>23 August 2001</td>
<td>Bene Raha (rice field owner) wrote a letter from all the Satar Teu residents to the village head of Satar Punda regarding the felling of trees by the Kadung residents in the forest reserve.</td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
</tr>
<tr>
<td>--------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>28 August 2001</td>
<td>The village head of Satar Punda handed the case over to the Kecamatan Lamba Leda police.</td>
</tr>
<tr>
<td>September 2001</td>
<td>On the same day, the head of the Kecamatan Lamba Leda police and a number of his staff made a visit to the site where a fight had broken out.</td>
</tr>
<tr>
<td>8 Sept. 2001</td>
<td>The head of the Kecamatan Lamba Leda police held a second meeting with the Satar Teu and Kadung residents in Dampek.</td>
</tr>
<tr>
<td>27 Sept. 2001</td>
<td>The Camat summonsed the Satar Teu and Kadung tua teno and their community representatives to a meeting to try and resolve the dispute.</td>
</tr>
<tr>
<td>11 January 2003</td>
<td>The Kadung residents built a fence on the border of the Satar Teu resident’s rice fields.</td>
</tr>
<tr>
<td>February 2003</td>
<td>The rice field owners went to Ruteng, hoping to meet with the Bupati (District Head) of Manggarai and explain to him what had happened.</td>
</tr>
</tbody>
</table>
Summary

The conflict over the St. Paulus Benteng Jawa SLTP (Junior High School) land involves both the Benteng Jawa Church and the YPTL (Tengku Leda Education Foundation). The conflict was triggered by both parties’ desire to obtain a land certificate for the land in 2001. It was also fueled by their contradictory interpretations of the division of usage rights between the school and the parish in 1956, as well as the division of assets between the SDK (Catholic Primary School) and the St. Paulus Benteng Jawa SLTP by the Benteng Jawa parish priest, Peter Geradus M. Mollen in 1978. The village head of Tengku Leda and the Camat of Tengku Leda have made an effort to resolve the dispute. Nevertheless, the outcome has not satisfied a number of parties, including Stafanus D. Asong, the former head of the YPTL managerial board. The YPTL managerial board was eventually dissolved after a meeting was held by the Camat of Lamba Leda on 14 January 2003. Nobody was killed as a result of the conflict; however two teachers were injured after being beaten by the masses outside the Camat’s office in Lamba Leda on 14 January 2003. This case is particularly interesting as it indicates how the ambiguity of land ownership can be manipulated and become embroiled in local politics and feuds. In the conclusion the author of the case study notes how the distinction between the land usage rights and ownership rights is at the core of the ambiguity and hence the conflict.

1. Land Certification: Drawing the Curtains on the Status of the St. Paulus Benteng Jawa SLTP Land

“Bapak Achmad Mbolang handed the land over in 1931. He was a wise man; he gave the land to the mission. It is taboo for us to rehash the past.”

Achmad Djamal

---

1 Junior High School
2 Refer to Krispinus M. Modes’ statement, “The problem is between the church and the YPTL, meanwhile we heirs are only here to arbitrate, explaining the status of the church’s land and its borders based on the stories told to us by our parents. Consequently, there are no problems for the heirs.” See Interview No. 523.
In 1931, the *dalu*3 of Lamba Leda, Umar Achmad Mbolang, orally agreed to hand over two *lingko* owned by the *wa’u*4 who lived in the *golo* or *beo*5, namely, Lingko Pong Jengok and Lingko Watang Tonggang to what was then the Church/Mission. This land transaction which took place in 1931 was authenticated on paper in 1960 by the same *dalu* and eighteen other heads of *kampung* or *gelarang*.6 In addition to using the land in the interests of the church, the land was also used for educational purposes. Based on the results of a *musyawarah* (meeting where decisions are made based on consensus) with the community, government and the Benteng Jawa Church/Parish, on the 26 September 1956,7 the land usage rights were divided up between the Church/Parish and the school. As a consequence of this, in 1967, a portion of the school’s land, became the site for the St. Paulus Benteng Jawa SLTP. The *Camat* of Lamba Leda, Pius Musa (the founder of the SLTP), and the Benteng Jawa Parish Priest, Father Petrus Rahmat, agreed for the land to be used by the SLTP, provided that it would only be temporary, while a new piece of land was found.8

Problems began to surface in 1978 when one of the SDK buildings began to collapse. The Head of the BP3 (Board of Education Assistance) at the Benteng Jawa SDK, Aleksander Muda, sent a letter to the YPTL, requesting that they give the SDK building, which the SLTP had borrowed in 1967 and had used until now, back to the SDK. After receiving the letter, the Head of the YPTL, Klemens Kabur sent a letter to the Benteng Jawa Parish Priest, Father Geradus M. Mollen, requesting that their assets be divided up amongst the SDK and the SLTP. Father Geradus M. Mollen took heed of the letter from the Head of the YPTL and immediately divided up their assets, that is, the land where the school is located and the buildings, between the SDK and SLTP. This division of assets became the YPTL’s grounds for claiming ownership of the St. Paulus Benteng Jawa SLTP land (See Box 1).

---

3 (Bimanese) Leaders of large area in the pre-Dutch administrative system. In the hierarchy they sat below the King, and above the *Gelarang*.
4 *Wa’u* is the male decedents of a common ancestor and also means clan, or to descend, See Robert Lawang; *Land Conflict in Manggarai*, West Flores; UI Press, p. 56.
5 *Beo/golo* are the traditional villages or settlements in Manggarai which normally consist of one *wa’u*.
6 *Gelarang* are the leaders of administrative regions in the pre-Dutch administrative system. They sit below the *dalu*.
7 According to Stefanus D. Asong the land was divided between the church and the school in 1958.
8 Interview No. 520, Rinus Ruba. See also Interview No. 521, Karlos Mbada, indicating that the church’s land and the SDK building belonged to YASUKMA and was only used temporarily for educational activities while they waited for the construction of a special SLTP building.
Box 1: Initial 1978 Response to the Division of Land

The BP3 SDK did not make a fuss over what the Parish Priest, Father Geradus M. Mollen had done. This is because the Parish Priest was also the Branch Head of YASUKMA [Manggarai Catholic Community’s Schooling Foundation] within the Church/Parish. The Parish Priests are responsible for all educational activities within the YASUKMA catholic schools in their Church/Parish.

The problem of the SLTP land ownership became even more apparent in 2001 when the Head of YPTL, Stefanus D. Asong, sent a letter9 to the BPN (National Land Agency) in Manggarai, requesting certification of the St. Paulus SLTP land. His reasons for doing this included: Firstly, according to Stefanus’ understanding of ‘the division of the usage rights between the school and the church’ on 26 September 1956,10 the land was not provided solely for the SDK, but also for other education purposes, including the SLTP. Secondly, in 1978, the Benteng Jawa Parish Priest, Father Geradus M. Mollen drew up a document to acknowledge the division of land and buildings between the Church/Parish and the YPTL. The document clarified that the St. Paulus Benteng Jawa SLTP building, located on the land owned by the church, was indeed intended for the SLTP.11 Thirdly, in 1982, Frumens Iso (one of Dalu Umar Achmad Mbolang’s descendents) fenced off the SLTP land and claimed that the land belonged to his parents. The Camat of Lamba Leda resolved the problem by making the YPTL compensate Frumens Iso with Rp.1 million. The YPTL agreed to pay the compensation, and as a result they suddenly felt that they owned the SLTP land. Fourthly, Law No. 18, 2001 on ‘Foundations’ has been formulated to explain the status of assets, including, land owned by a foundation. In accordance with the law, the managerial board of the YPTL as the supervisors of the SLTP, hoped to obtain an explanation about the legal ownership status and the borders of the SLTP land. And fifthly, both the Church/Parish and the YPTL wanted clarification on the status and borders of the land each of them was tying to claim.

The certification process of the SLTP land under the name of the YPTL was delayed because the Benteng Jawa Church/Parish sent an objection letter to the Village Head of Tengku Leda. In the letter, they rejected the certification of the land under the name of the YPTL and demanded

---

10 Stefanus D. Asong stated, “In the history of the church and SLTP land which covers the area between Wae Ngkono and Wae Buka … the land was handed over by Dalu Umar [Pius Musa’s father] in his letter in 1958. He mentions in his letter that the public land was divided between the school and the station or church. The land given to the school was intended for the SD [Primary School] and the SLTP. See Interview No. No. 502.
11 Interview No. 502, Stefanus D. Asong.
that the land be returned to the Church/Parish. Copies of the letter were also forwarded to the Kabupaten Manggarai BPN in Ruteng, the Camat of Lamba Leda in Benteng Jawa and the Bishop of Ruteng in Ruteng. The Church/Parish considered the following factors in formulating their objections to the certification of the St. Paulus SLTP land under the name of the YPTL. Firstly, based on their understanding of the division of usage rights of the land which took place in 1956, the land would remain an asset which belonged to the diocese. Secondly, as an asset of the diocese, any changes to the status of the land must be authorized by the Bishop. For this reason, according to Priest Lambert Jalang, the Parish Priest at the time, and Rinus Ruba, the Head of the DPP (Parish Pastoral Board), the document drafted by Father Geradus M. Mollen in 1978 regarding the division of assets between the SLTP and SDK is invalid because it is in conflict with the Catholic Church’s regulations. Meanwhile, according to the Camat of Lamba Leda, Andreas Embong, Father Geradus M. Mollen’s document is not legally binding (See Box 2). Furthermore, they explained that in their objection letter that the Benteng Jawa Church/Parish did not just reject the certification of the SLTP land under the name of the YPTL and demand its return, but they also wanted the SLTP to either shut or move.

Box 2: Father Geradus M. Mollen’s Letter on the Division of Assets

According to Rinus Ruba, the document drafted by Father Geradus M. Mollen on the division of assets between the SLTP and SDK in 1978 was awkward and quite amusing because it was made by the YPTL and signed by the Benteng Jawa parish priest, Father M. Mollen without the agreement or knowledge of the Benteng Jawa SDK BP3 (Agency for Educational Assistance). The Benteng Jawa SDK BP3 was the party who recommended that the YPTL return the SLTP building to the SKD.

2. Collusion and Nepotism: Commitments Neglected in the Administration of the YPTL and the SLTP

“The St. Paulus Benteng Jawa SLTP is managed by the YPTL, which has a managerial board prone to change. In addition to the constantly changing managerial board, the YPTL’s policy and programs also change frequently.”

*Krispinus M. Modes*

“While Pius Musa was the Head of the YPTL, the YPTL never laid claim to the land, where the SLTP is located. This is because as the founder of the St. Paulus Benteng Jawa SLTP, [Pius Musa] knew the exact status of the land.”

*Rinus Ruba*

---

12 Interview No. 502, Stefanus D. Asong.
13 Interview No. 520.
The controversy regarding the certification of the SLTP land which involves both the YPTL and the Benteng Jawa Church/Parish is actually the accumulation of a number of problems which emerged within the administration of both the YPTL and SLTP between 1992 and 2003. Stefanus Asong has been the head of the YPTL since 1992. The St. Paulus Benteng SLTP was founded based on the cooperation of the Kecamatan Government, the Church/Parish and the community. The church played a large role in the establishment of the SLTP. The Benteng Jawa Parish Priest, Father Petrus Rahmat did not only provide them the land and the Benteng Jawa SDK buildings, but he also helped to build three houses for the teaching staff.

The SLTP is managed by the YPTL. It was established in accordance with the existing regulations at the time, and authorized by a notary public in 1974. However, the Benteng Jawa Church/Parish is not mentioned in the official YPTL establishment document, even though a number of the assets used by the SLTP are owned by the Church/Parish. In spite of everything that happened, one respondent, Krispinus M. Modes, a descendent of the original land owners, was not all that persistent in his efforts to lay claim to the school land. Furthermore, after Pius Musa (Krispinus M. Modes’ father) passed away, they never became involved in the administration of the YPTL and the SLTP’s educational policies. Krispinus M. Modes stated:

“We have no desire to become involved in the administration of the YPTL, because in the official establishment document [from the notary public] it is clear that the YPTL does not belong to only a few people, but it is owned by the whole Kecamatan Lamba Leda community. For this reason, we are conscious of the situation and do not feel as if we own the YPTL or the St. Paulus Benteng Jawa SLTP,”

Krispinus M. Modes

Meanwhile, in recent years, the Head of the YPTL, Stefanus D. Asong formulated a number of policies which have deviated from the original objectives of the SLTP. The Church/Parish and the YPTL are no longer able to work together. In addition, the managerial board of the YPTL, the government, community and the church no longer respect and value one another, nor is there sound communication running between them. In fact, it is the complete opposite;

---

14 According to Amis Machmud (Interview No. 522) each resident of Kecamatan Lamba Leda was required to contribute Rp 25, which was collected in installments over a period of three years so that the SLTP could be established. However, according to Yosef Timbuk, Bernadus Radu and Paskalis Jodat (Interview No. 10) the residents of Lamba Leda each had to contribute Rp. 3,500, one wooden beam and one house plank so that the SLTP could be opened in 1967.
they are suspicious and have some prejudice views on each another. The YPTL never involves the Church/Parish in the formulation of policies or programs which relate to the SLTP. They did not even consult with the Church/Parish when they tried to obtain a land certificate for the SLTP land under the name of the YPTL in 2001.15 One respondent, Amir Machmud clarified:

“After Stefanus D. Asong became the Head of the YPTL, the administration and management of the St. Paulus Benteng Jawa SLTP changed, diverging from the original agreement made in 1967, that the SLTP was owned by the whole Kecamatan Lamba Leda community and managed jointly by the Kecamatan Lamba Leda government, the Benteng Jawa Church/Parish and the whole Kecamatan Lamba Leda community. It was as if Stefanus D. Asong’s family intended to claim personal ownership of the school. As descendents of the original owners, we do not feel satisfied by Stefanis D. Asong’s leadership because only teachers from Congkar and Larantuka are employed, meanwhile we are not taken on.”16

Amir Machmud

Rinus Ruba substantiated Amir Machmud’s statements by saying that:

“The Head of the YPTL, Stefanus D. Asong did not act democratically when it came to his everyday duties. For example, he would hire teachers and other YPTL staff without consulting with any of the other people on the YPTL managerial board. The teachers who were hired did not have the qualifications which were required, and he would always put his own family first.”

Rinus Ruba

3. The Cause of the Conflict Between the Church and the YPTL

The land ownership conflict began as a result of a divide in the managerial board of the YPTL, namely, between the Head, Stefanus D. Asong and his Secretary, Rinus Ruba (who was also the Head of the Benteng Jawa Parish Pastoral Board). This took place when they were both competing for the top position in the YPTL. Their squabble for the position as Head of the YPTL resulted in Rinus Ruba being moved from the Benteng Jawa SDK, which is managed by Marselina Asi, Stefanus D. Asong’s relative, to the SDI (Presidential

15 Interview No. 521, Karlos Mbada
16 Interview No. 522. Refer also to Karlos Mbada’s statement (Interview No. 521) indicating that when Stefanus D. Asong became the Head of the YPTL, the government, YPTL managerial board, community, and the church no longer cooperated, particularly in regard to the administration of the St. Paulus Benteng Jawa SLTP.
Directive Primary School) in Bea Nanga. The move caused Rinus Ruba’s relationship with Stefanus D. Asong to become inharmonious and unhealthy. According to Stefanus D. Asong, another consequence of the move was that Rinus Ruba, in the capacity of the Head of the Benteng Jawa Parish DPP (Parish Pastoral Board), wrote a letter to the YPTL to ensure that the YPTL would only be given the authority to manage the SLTP until the end of the 2002/2003 financial year. After this, the church would be given control of the administration and management of the SLTP. Another informant, Karlos Mbada, disagreed with this claim, stating that the Church/Parish was not intending to take over the SLTP, but rather they were only hoping to clear up the status of the church land where the SLTP is located.

In a meeting held with respected figures in the Benteng Jawa Church/Parish on the 25 October 2003, the Bishop of Ruteng said:

“… the core of the problem between the YPTL and the Benteng Jawa Parish is a personal problem based on family sentiments which has spread to encompass the SLTP.”

Another informant, Karlos Mbada, stated:

“… the problem is actually very small when there is mutual respect and communication between the YPTL managerial board, church, government and community.”

Krispinus M. Modes explained:

“The problem is between the church and the YPTL, meanwhile we heirs are only here to arbitrate, explaining the status of the church’s land and its borders based on the stories told to us by our parents.”

4. The Conflict Resolution Mechanism

A number of the problems mentioned above resulted in differences of opinions, concurrent claims for the land, and a dispute between the Church/Parish and the YPTL over the ownership status of the SLTP. All of this caused a precarious atmosphere and general restlessness within the community.

Taking the problems between the YPTL and the Benteng Jawa Church/Parish into account, the Camat of Lamba Leda and a number of other respected community figures in Kecamatan Lamba Leda and Desa Tengku Leda made an effort to resolve the conflict using a peaceful
family style approach. On 2 August 2001, the village head of Desa Tengku Leda, Edy Komeng, facilitated negotiations between the two disputing parties. First, the YPTL acknowledged that the land, where the SLTP is located, belongs to the Church/Parish. This confession meant that if the YPTL had the desire to construct a new building on the disputed site, they would first have to consult with the owners of the land, namely, the Benteng Jawa Church/Parish. Second, the YPTL indicated that they would not object to the certification of the land, which is used for the SLTP’s educational purposes, under the name of the Ruteng diocese.

The managerial board of the YPTL was not faithful to the agreement they made on 2 August 2001. This was proven when, in 2002, they were given Rp. 30 million in voluntary contributions (Imbal Swadaya) to construct a new class room at the site of the SLTP. At that time, the Head of the YPTL, Stefanus D. Asong built the classroom on the land owned by the church (where the SLTP is located) without first asking permission from the Church/Parish. As a result, the Benteng Jawa Parish Priest, Father Lambert, intercepted the truck carrying all the building material into the village. Nevertheless, the YPTL paid no attention to Father Lambert Jalang’s actions. In fact, the YPTL just continued to construct their new classroom. For that reason, the Church/Parish issued a letter, prohibiting the YPTL to build on the church’s land. Furthermore, they decided that the YPTL could only use the Church/Parish’s land until July 2003. However, because the YPTL did not take heed of the prohibition, the Church/Parish, through the Benteng Jawa Parish DPP, requested that the Camat of Lamba Leda facilitate a meeting with the Church/Parish and the YPTL.

5. 14 January 2003 Incident: The Final Blow in the Conflict Between the Church and the YPTL?

In line with the request of the Benteng Jawa Parish DPP, the Camat of Lamba Leda held a meeting on 14 January 2003 in the kecamatan office in an effort to resolve the conflict between the Church/Parish and the YPTL. The Camat of Lamba Leda chaired the meeting which was attended by the Kapolpos (Head of the Police Service Post) in Benteng Jawa, Babinsa (Noncommissioned law enforcement officer), adat leaders, staff from the Camat’s office, the YPTL managerial board, DPP, Benteng Jawa Parish Council, two members of the DPRD (Kabupaten Parliament), the Head of the SLTP, several YPTL teachers, two priests from the Benteng Jawa Church/Parish as well as the descendents of Dalu Umar Achmad Mbolang. In addition, there were also several other members of the community who came to the kecamatan office to look on from outside.

The Camat of Lamba Leda briefed the people in attendance and then recapitulated some of the main points from the meeting which was facilitated by the village head of Tenku Leda, Edy Komeng, on 2 August 2001. After that, the Camat allowed both the church and the YPTL to
read a statement and express their thoughts. The Church/Parish representatives explained that the land, where the SLTP is located, is owned by the Benteng Jawa Church/Parish and that they would be reclaiming usage rights in the very near future. Meanwhile, the Head of the YPTL, Stefanus D. Asong read out a statement which consisted of four main points. Firstly, that the YPTL had attended the meeting to show their respect for the Kecamatan Lamba Leda government. Secondly, that the YPTL would maintain their ancestor’s fight to establish and run the SLTP. Thirdly, that the YPTL was opposed to the musyawarah, because they had already been to a musyawarah which had raised the same issues, nevertheless all the previous agreements made were not binding. Fourthly, that if any party felt that they had been inconvenienced or disadvantaged by the establishment of the SLTP, then it would be advised that they take the matter to court. After reading the statement he left the meeting room, followed by two teachers from the foundation, namely, Rikus Aso (Stefanus D. Asong’s son) and Dami Endok.

Achmad Djamal (a member of the YPTL managerial board) was quite shocked that Stefanus D. Asong left the meeting room. He stated:

“... I was so embarrassed; this is the first time I’ve experienced such a thing in my life ... a leader who behaves as he does. He showed no respect whatsoever for the Camat. I’m so embarrassed. But, the other people at the meeting didn’t care about him [Stefanus D. Asong] … the meeting just kept going.”

Meanwhile, Achmad Djamal also described the atmosphere in room when Stefanus D. Asong left the meeting:

“I [Achmad Djamal] saw that the other members of the managerial board had suddenly become confused. They started looking my way. I decided that I would remain in the room. I was concerned that if I were to leave the room, the situation may have turned nasty and blood may well have been spilt. My concerns turned into reality. A few moments later we heard a scream outside the room, right in front of the kecamatan office. The two St. Paulus SLTP teachers were being beaten up.”

Another respondent, Ferdi Manus added that he heard people being beaten:

“The people at the Camat’s office thronged around to witness the spectacle. They screamed and ran here and there, until eventually the atmosphere became quite tense.”

Researchers: Agus Mahur, Yan Ghewa, Peter R. Manggut; Co-ordinators: Adam Satu and Jessica Gilmore
Translator: Kristen Stokes
Rinus Ruba and Amir Machmud explained that once they (Stefanus D. Asong, Rikus Aso and Dami Endok) had stepped outside the meeting room, they were ambushed by a group of villagers who were outside looking in on the meeting. The members of the community who were standing out the front of the kecamatan office requested that they go back to the meeting, but they did not want to. Eventually, a scuffle broke out between the villagers and Dami Endok and Rikus Aso. At first they were just pushed around when they refused to return to the meeting, however, before long it had turned into a fight. The two SLTP teachers were beaten by the masses until they had bruises all over their face and body. In fact, Rikus Aso was injured quite badly and at one stage he even had blood coming of his nose.17

Rinus Ruba and Amir Machmud’s version of events was quite different to what Dami Endok described

“After reading out the foundation’s statement, the Head of the YPTL, Stefanus D. Asong, left the meeting room. Once he was outside the Camat’s office, he [Stefanus] was suddenly ambushed by the masses. For this reason, Sius Doro [Babinsa] and I [Dami Endok] stood up and left the meeting room to try and intervene, stopping the masses from beating Stefanus. D. Asong. But, in doing this I was suddenly targeted and beaten by the masses until I fell down.”

Dami Endok accepted what had happened as fate, and therefore, he did not think about taking revenge or even taking the incident further. Different to Dami Endok, Rikus Aso reported the incident to the police. They have taken no action until now and it would seem that the problem has been disregarded.

The atmosphere outside the kecamatan office disturbed the course of the meeting which was taking place inside. For this reason the Camat stopped the meeting temporarily. Kapolpos and Babinsa broke up the fight and then lectured the community members who had been involved. They then continued with the meeting. Finally the ancestors of Dalu, Achmad Mbolang, and the members of the managerial board of the YPTL, who were still involved in the meeting, decided to dissolve the whole managerial board under the authority of Stefanus D. Asong and form a board of caretakers to manage the SLTP. Both the ancestors of the Dalu and the remaining members of the YPTL managerial board did not trust Stefanus D.

17 According to Stefanus D. Asong, Rikus Aso and Dami Endok were tortured and beaten, until they were swollen and bruised, by the masses outside the meeting room. The reason they were beaten had something to do with the musyawarah which had been facilitated by the Camat of Lamba Leda. Interview No 502.
Asong’s leadership anymore, especially after he had walked out of the meeting so abruptly. Everybody at the meeting agreed to the formation of the YPTL Board of Caretakers.

The members of the YPTL managerial board who were left in the meeting gave a statement which included the following main points. First, that the land where the SLTP is located does indeed belong to the Benteng Jawa Church/Parish, as indicated by the agreement signed on the 2 August 2001. Secondly, that they were going to officially dissolve the YPTL, saying that it no longer had the legal rights to manage the SLTP, and henceforth, the YPTL was stripped of its authority. Thirdly, that they were prepared to have the government select a board of caretakers who would be responsible for the administration and management of the SLTP as of the day they issued their statement. The whole YPTL managerial board signed the statement.

The YPTL managerial board’s statement was supported by the ancestors of the Dalu, who also made a statement which raised the following similar points: First, that the SLTP land is owned by the church; second, that the teaching and learning activities of the SLTP would not be disrupted, provided that it is under the guidance of the Church/Parish; and third, that a board of caretakers be established immediately.18

According to Andreas Embong, the Camat of Lamba Leda, not only did everybody in attendance agree with the decisions made on the 14 January 2003, but so did the descendents of the Dalu as well as the members of the old YPTL managerial board. This meant that the conflict over the SLTP which involved the YPTL, had been resolved. For this reason there should have been no more problems regarding the status of the land.

However, according to Stefanus D. Asong, the results of the musyawarah on the 14 January 2003 were by no means final. According to his opinion, the conflict over the SLTP land between the Benteng Jawa Church/Parish and the YPTL had not actually been completely resolved. The reasons for this included: First, the Head of the YPTL managerial board did not receive a copy of the decisions made during the meeting; and secondly until now the title of Head caretaker has not been officially transferred from Stefanus D. Asong to Krispinus M. Modes. Stefanus D. Asong’s attitude is highlighted in his letter to the Bupati of Manggarai19 which outlines his criticisms of the Camat of Lamba Leda, particularly in regard to the meeting

18 In the sum the following decisions were made during the meeting based on the statements and declarations given by the YPTL managerial board and the ancestors of the Dalu: Firstly, the YPTL managerial board under the authority of Stefanus D. Asong would be dissolved; secondly, a board of caretakers would be formed to manage the SLTP and that the caretaker board would be made up of: Head (Krispinus M. Modes); Deputy Head (Karlos Mbada); Secretary (Yanto B); and Treasurer (Klemens Kabur).
which was held on 14 January 2003 in an effort to resolve the conflict over the status of the SLTP land (See Box 2).

**Box 2: Stefanus D. Asong’s Criticisms of the Camat**

The letter to the Bupati criticizing the Camat’s resolution attempts included:

1. The Camat did not act as a good facilitator or arbitrator and was unable to formulate a satisfactory agreement for both parties;
2. The Camat was biased and had a tendency to favor the interests of the Parish Council, disadvantaging the YPTL;
3. The Camat always blamed the YPTL, especially in regard to the employment of staff and board members;
4. Without due reason, the Camat considered all of the YPTL’s letters and documents void;
5. The Camat was not concerned about the incident whereby two SLTP teachers were tortured and beaten outside of the kecamatan office on 14 January 2003 even though he was chairing the meeting; and
6. The Camat did not follow the proper procedures which needed to be followed to dissolve the YPTL managerial board and form a temporary board of caretakers.

Copies of Stefanus D. Asong’s letter were forwarded to the Head of the Manggarai Local Office of Education and Culture in Ruteng as well as the Bishop of Ruteng. Until now, neither the Bupati nor the Bishop have responded to Stefanus’ letter. It would therefore appear that the conflict over the ownership status of the SLTP land has yet to be resolved completely, in the sense that not all parties who are involved in the conflict are yet to accept the most recent decisions.

**6. The Impact of the Conflict**

The conflict caused a rift between the Church/Parish and Stefanus D. Asong as well as several SLTP teachers. Stefanus D. Asong and these teachers would rarely go to church after the incident. Similarly, Stefanus’ family would rarely participate in prayer groups or other church activities. Also, since 14 January 2003, Stefanus D. Asong, who is a civil servant at the Kecamatan Lamba Leda office, has not been to work and for this reason his wage has been withheld.

Teaching at the SLTP has not however been interrupted throughout the whole saga. The teachers, with the exception of Rikus Aso, have continued to teach as they would normally. Until now, Rikus Aso has not gone back to the SLTP.
Rinus Ruba, the Head of the Benteng Jawa Parish DPP, explained his relationship with Stefanus D. Asong and his family,

“... my family’s relationship with Stefanus D. Asong’s family has deteriorated a great deal recently, even though our families are still related. We [Asong’s family and Rinus Ruba’s family] don’t go and visit each other any more, and they [Stefanus D. Asong’s family] don’t invite me to their family ceremonies, even though they used to consider me a respected family member. They now think that I had been plotting against them, or that I was the mastermind behind the land conflict between the YPTL and the Church/Parish, because I am the Head of the Benteng Jawa Parish DPP. I am often terrorized, verbally abused and considered to be lacking in experience (“Tekur cai Retuk lawo cai bao” - the turtledove and mouse which were just born; meaning that he is lacking in experience).

The conflict has also polarized the community at large. There are people in the community who support the Church/Parish, and there are others who support the YPTL. For this reason, the outcome of the conflict is very much dependent on the Bupati’s response to Stefanus D. Asong’s letter dated 15 May 2003. We will just have to wait and see what happens.

7. Conclusions: Distinguishing Usage and Ownership Rights

According to the author of this case study, in order to reach a more satisfactory and final resolution to this case, the actual meaning of ‘the division of usage rights’ of the land owned by the Church/Mission between the Church/Parish and the school in 1956 needs to be sought. Similarly, the real meaning and intentions behind the division of assets between the SDK and the SLTP by the Benteng Jawa Parish Priest, Father Geradus M. Mollen, in 1978 also needs to be pinpointed. The actual meaning of these two events will help to explain who the legal owner of the land is; the Church/Parish or the YPTL. It is crucial to find out who has ownership rights to the land to ensure that the case is resolved properly and fairly.

The ‘division of usage rights’ of the church or Church/Parish land in 1956 can be interpreted in at least two different ways, each with a different consequence. The first interpretation only relates to the usage of the land. This would mean that the Church/Parish would still have ownership rights to the land. The second interpretation does not only relate to the division of the usage rights, but also ownership rights. This would mean that the land which was divided between the Church/Parish and the SLTP would be owned by each of these parties respectively. If this was the case, both the school and the Church/Parish would each have the right to obtain a certificate for their respective parcels of land. Nevertheless, exactly what is meant...
by ‘the school’ remains a mystery. Is it just the SDK, or does it also include the SLTP? If we look at what has actually happened in practice over the years, and the division of assets between the SDK and SLTP by the Benteng Jawa Parish Priest, Father Geradus M. Mollen, in 1978, it would seem that the division of church land in 1956 related only to the usage rights and not the ownership rights. The Benteng Jawa Church/Parish remained the lawful owners of the land.

Similar to the ‘division of land usage rights’ in 1956, there is also two different ways to interpret the division of assets between the SDK and the SLTP in 1978. The first interpretation only relates to the utilization of the assets. This would mean that the Church/Parish still owns the assets, including the SLTP land. The YPTL would therefore not have the authority to register the land under their name. The second interpretation not only relates to the utilization of the assets, but also the ownership of the assets. This would mean that the managerial board of the SDK, namely, the Church/Parish or YASUKMA and the management board of the SLTP, namely the YPTL, would have equal rights to the assets. Furthermore, it would mean that the SDK managerial board has the ownership rights to the piece of land being used by the SDK. Likewise, the YPTL would have the ownership rights to the land being used by the SLTP. Unfortunately, none of the researchers have been able to confirm the meaning of the 1956 ‘division of usage rights’ and the 1978 ‘division of assets’ because they were unable to get a copy of either of the two documents. In addition, only Father Geradus M. Mollen would be able to explain exactly what was meant by the division of assets in 1978. In order to resolve the case properly, a statement and explanation of the division of assets needs to be taken from Father Geradus M. Mollen.

Researchers: Agus Mahur, Yan Ghewa, Peter R. Manggut; Co-ordinators: Adam Satu and Jessica Gilmore
Translator: Kristen Stokes
## Case Chronology

**Conflict Over the Ownership of the SLTP Land**

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1931</td>
<td>The <em>Dalu</em> of Lamba Leda, Umar Achmad Mbolang made an oral agreement and handed over two pieces of land to the Church/Mission.</td>
</tr>
<tr>
<td>26 Sept. 1956</td>
<td>The usage rights of the land previously given to the church by Dalu Umar Achmad Mbolang were divided up between the school and the Church/Parish [Rinus Ruba’s version].</td>
</tr>
<tr>
<td>1958</td>
<td>Achmat Djamal’s version: <em>Dalu</em> Umar Achmad Mbolang authenticated the 1931 land relinquishment in writing.</td>
</tr>
<tr>
<td>1960</td>
<td>1931 land transaction was authenticated on paper by the <em>Dalu</em> and eighteen other <em>Gelarang</em> (administrative head).</td>
</tr>
<tr>
<td>1967</td>
<td>St. Paulus Benteng Jawa SLTP established.</td>
</tr>
<tr>
<td>1974</td>
<td>YPTL was officially established in accordance with the regulations and authorized by a notary public. The YPTL consisted of a care taker, namely, the <em>Camat</em> of Lamba and an advisory and managerial board.</td>
</tr>
</tbody>
</table>
| 1978      | • The Benteng Jawa SDK BP3 sent a letter to the YPTL, requesting that they give the SDK building, which they had borrowed since 1967, back to the SDK BP3.  
• The YPTL responded to the letter by sending a letter to the parish priest, Father Geradus M. Mollen, requesting that their assets be divided up between the SDK and the SLTP.  
• The Benteng Jawa parish priest, Father Geradus M. Mollen, signed a document authorizing the division of assets between the SDK and SLTP. |
| 1980      | Benteng Jawa parish priest, Father Damo Djanggu, told the YPTL about his desire to manage the SLTP, but the YPTL did not allow it.    |
| 1982      | • Frumens Iso [one of *Dalu* Umar Achmad Mbolang’s descendents] fenced off the SLTP land and claimed that it was his parent’s land.  
• The *Camat* of Lamba Leda resolved the problem by making the YPTL compensate Frumens Iso with Rp. 1 million.                      |
| 1992      | • Stefanus D. Asong was instated as the Head of the YPTL Managerial Board, replacing Mikael Bolang who had passed away. Claims that the YPTL became fraught with collusion and nepotism.  
• A split occurred amongst the descendents of the *Dalu*: some of them became members of the YPTL managerial board while others did not. |
| 1999      | The descendents of the *Dalu* and the Benteng Jawa Parish DPP asked the *Camat* to invite the YPTL to a meeting to discuss the problems with the management and administration of the St. Paulus Benteng Jawa SLTP. |
| 2000      | • The DPP and the Parish Council wrote a letter to the YPTL, requesting that the return the SLTP land to the Church/Parish.  
• The Head of the YPTL, Stefanus D. Asong, announced that the land, where the SLTP is located, belongs to the YPTL.                  |

---

Researchers: Agus Mahur, Yan Ghewa, Peter R. Manggut; Co-ordinators: Adam Satu and Jessica Gilmore  
Translator: Kristen Stokes

118
2001
- The YPTL sent a letter to the BPN [National Land Agency], requesting certification of the SLTP land, under name of the YPTL, through Prona (National Land Certification Program).
- The Benteng Jawa DPP sent a letter to the village head of Tengku Leda objecting to the certification of the SLTP land under the name YPTL. Copies of the letter were forwarded to the BPN and the Bishop of Ruteng.

2 August 2001
The village head of Tengku Leda, Edy Komeng, facilitated a meeting with the YPTL, DPP, Parish Council and the Benteng Jawa parish priest, to discuss the dispute over the SLTP land.

October 2001
The SLTP were given Rp. 30 million in voluntary contributions (Imbal Swadaya) to construct a new class room.

December 2001
Priest Lambert Jalang met with the Bishop of Ruteng to talk about the church’s land which was being used by the SLTP.

2002
- The Parish Priest, Father Lambert Jalang, attempts to disrupt the construction.
- The SLTP teachers held a meeting to discuss Father Lambert Jalang’s actions.
- The YPTL planned to hold a meeting to discuss the status of the SLTP land, but it was cancelled.
- Meeting held at the Camat’s office with the parish priest, YPTL and the Camat.
- Invitations to a meeting to discuss the status of the SLTP were announced at the church.
- The YPTL’s responded by saying that they did not want to lay claim to the church’s land and that they just wanted to negotiate on good terms.
- The Head of the Kabupaten Manggarai Office of Education and Culture came to the SLTP and filled out the guest book, saying ‘utilize the funds as instructed in the proposal’.

25 October 2002
- The Bishop of Ruteng arrived in Benteng Jawa to attend a meeting with his religious followers, DPP, Parish council, respected community figures and the descendents of the Dalu.

December 2002
The DPP sent a letter to the Camat just before, and just after, Christmas, requesting that he hold a meeting to discuss the status of the SLTP.

14 January 2003
- Meeting held at the kecamatan office, and attended by government officials, the DPP and Parish Council, YPTL teachers, adat leaders, two members of the Kabupaten Manggarai DPRD, Kapolpos, Babinsa, and the parish Priest.
- Two teachers were beaten by the masses outside of the meeting room.

15 January 2003
Stefanus D. Asong met with the Benteng Jawa parish priest to show his support for the decisions made in the meeting on the 14 January 2003.

15 May 2003
Stefanus. D. Asong wrote a letter to the Bupati of Manggarai, criticizing the actions of the Camat.
Who is Entitled to the Land?
Desa Magepanda, Kecamatan Nita, Kabupaten Sikka, Flores
Author: Stanis Didakus

Who is Entitled to the Land?
Controversy Over Land Ownership

Summary

When Maria Pingga (“Mingga”), the childless widow, passed away, she left no will to indicate who would lawfully bequeath the rice field which she had owned for her whole life. As a result, the land became the center of a dispute, when Mateus Jogha, Mingga’s younger sibling’s father in law, and Fransiska Kora, Mingga’s granddaughter in law both laid claim to the land. When violence resulted, appeals were made to both the military and the police, but they declined to become involved in a civil land case. The case was initially dealt with at the village level, involving elements of both the government and adat system. However it ended in the courts in Kupang and the land, in dubious circumstances, was awarded to Mateus. Interestingly, according to adat law neither party was entitled to the land but rather the step-son who no longer lived in the area.

1. Background

Magepanda is one of several villages in Kecamatan Nita. The expanse of farming land which is Desa Magepanda is located approximately 27 km from the capital of Kabupaten Sikka, Maumere. The community is made up of people from several different ethnic groups, including: Lio, the largest ethnic group and the original inhabitants of the area; Krowe, the original ethnic group from Maumere; and Bugis, the original inhabitants of South Sulawesi. There are also people from a number of other ethnic groups who have married into the community and who live in the village but their numbers are not very large. The region is known as a resettlement area because prior to the 1960s the area was only used as a hunting ground for wild buffalo.1

Between 1967 – 1975, the village government ordered the Mboa, Jitabewa, Woloara, Lelebata, Wualadu and Kojabewa communities to move down to the plains of Magepanda. In addition, the Krowe community from Nita, Tilang and Koting also started to resettle in Magepanda. In 1968, forty Bugis families from Kabupaten Wajo, South Sulawesi fled to the

---

1 In 1972 - 1973, the Kabupaten Sikka government implemented a resettlement program, building 72 simple houses on the expanse of land which is Desa Magepanda for members of the community who previously lived in the mountainous region. Refer to Interview No. 606 and 629.

Researchers: Don dela Santo, Stanis Didakus and Olin Monteiro; Co-ordinators: Adam Satu and Jessica Gilmore
Translator: Kristen Stokes

120
region in an effort to escape the turmoil of the Kahar Muzakar rebellion. Romanus Sawe, the first village head of Magepanda also explained the mass migration of people to the region which resulted in a new look for Desa Magepanda in 1966.

“At approximately the beginning of 1967, they approached the ria bewa (ritual land leaders) and publicized [the program] to the community. We [village apparatus] talked to the ria bewa on a number of occasions and went into the field together [Kampung Woloara-Lelebata]. There we explained how important it was that they move to the new village [Magepanda], and how orderly and regulated the new kampung was. Some of the people who were living in the mountains were invited to go and see [the village] first, and then we measured our land. The community helped to measure [the land], and then the borders were marked with long pieces of bamboo and wooden stakes, so that were visible from far away.”

Romanus Sawe, former Village Head

In Lio culture, the people from the mountainous regions and the other regions outside of Kabupaten Sikka who were yet to own a home or land in the resettlement area were called fai walu ana kalo. The ria bewa4 gave each of them land that they could work to make a livelihood for themselves. The land given to each of the newcomers became theirs to keep and pass down to their grandchildren.

Mingga was just one of a huge number of transmigrants who joined the mass exodus of people to Magepanda. She was from Kampung Wolara, in the mountainous region and was given a piece of land under her own name which she then cleared and made into a rice field.

---

2 Kahar Muzakar was the leader of a movement in South Sulawesi which insisted that the Republic of Indonesia accept his group, namely, the Indonesian freedom fighters as their own separate division of the Indonesian Armed Forces (TNI). His demands were rejected, and therefore, in 1950 he began to rebel. In 1953 he declared his movement as part Kartosuwirjo’s campaign to form an Islamic state, which is also often referred to as DI/TII. The situation in South Sulawasi became unstable during this rebellion. Refer to FGD with the Bugis Bajo community, Interview No. 622.

3 Literally, fai walu ana kalo means widows and orphans. But, symbolically, fai walu ana kalo means the everyday people who do not hold a position in the adat institution, do not own land, and in general, are newcomers to the area. Compare this to Interview No. 625 and 650.

4 Ria bewa is a Lio term which is used to refer to the highest adat, and ritual land leader in the Lio region. The Ria bewa is appointed by the Mosalaki (adat land leaders on a more localized level). He is chosen to coordinate all the Mosalaki. Compare Interview No. 650, 625, 607 and 608.

5 Even though the land recipients became the lawful owners of the land which they were given by the ritual land leaders, they were still obliged to show their gratitude. First, they had to give a set amount of their mie are (first harvest) to the ritual land leader. Following this they are obliged to make a contribution at adat ceremonies, in the form of a pig, chicken, moke or something similar.

Researchers: Don dela Santo, Stanis Didakus and Olin Monteiro; Co-ordinators: Adam Satu and Jessica Gilmore
Translator: Kristen Stokes
before other people from her *kampung* arrived and started to clear some more land for rice cultivation.

“Before, Mingga would help us with the planting and harvesting. She saw how good our harvest was, and therefore, she asked if she could clear a plot for herself. At that time, my husband had cleared four large plots. He was the only one who had rice fields there at the time. Nobody else had cleared the land to the north, south, east or west for rice cultivation. For that reason, when the judge asked me whether I knew who I shared a land border with, I explained that I didn’t know because at that time it was all pretty much still forest land.”

*Rosa Sina, Magepanda, 25 June 2003*

Mingga came to Dusun Kampung Baru along with a number of members of her extended family from the mountains. She lived together with her younger siblings family (Mingga’s family), and Mateus Jogha, Mingga’s son in law. Mingga’s younger sibling had already died in Woloara before they left, and Mingga herself was not getting any younger. Mingga’s extended family who were at the time living under the same roof, included Thres and her husband, Mateus Jogha, Angelina and her grand children, Fransiska and Patris, as well as Mingga herself. Angelina, Fransiska and Maria worked the rice field that she had been given. Meanwhile, Mateus Jogha and his family worked their own rice field which shared an immediate boarder with their Grandmother’s rice field (see Box 1).

---

**Box 1: The Relationship Between Maria Pingga and Mateus Jogha’s Family**

<table>
<thead>
<tr>
<th>Ancestors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Penga (dead) + Mingga (dead)-----Maria Pingga (dead) + Seto (dead)</td>
</tr>
<tr>
<td>Ambo (M) + Angelina Dhesa (F)</td>
</tr>
<tr>
<td>Thres (F) + <strong>Mateus Jogha</strong> (M)</td>
</tr>
<tr>
<td>........+ Katharina Dhasi (F)</td>
</tr>
<tr>
<td>Yohanes Sare (M) + Yustina (F)</td>
</tr>
<tr>
<td>Patris (M) <strong>Fransiska Kora</strong> (F)</td>
</tr>
<tr>
<td>Elisabeth (F)</td>
</tr>
</tbody>
</table>

---

6 See Interview No. 613, Rosa Sina was a witness in Mateus Jogha and Fransiska Kora’s land case which took place in the Maumere District Court in 2000 – 2001.

Researchers: Don dela Santo, Stanis Didakus and Olin Monteiro; Co-ordinators: Adam Satu and Jessica Gilmore
Translator: Kristen Stokes
Mateus Jogha provided his own opinions on living together in the one house.

“I looked after them until they passed away. I looked after Rida [Fransiska Kora] and her mother [Dhasi]. They all used to live with me, yet they have all turned on me now [challenging him again].”

Mateus Jogha, Magepanda, 19 June 2003

2. Once the Land Owner Ceased to Exist

Mateus Jogha felt that he was responsible for the whole family, including Angelina, Katharina, Fransiska Kora and Patris. Therefore, after Mingga passed away, he began to manage the whole family as well as the rice field which Mingga, Angelina and Fransiska Kora had been working on since they moved to Magepanda.

He ordered his son, Yohanes Sare, and his wife, Yustina, to work the land which had been owned by Maria Pingga. Meanwhile, Angelina Dhesa, Fransiska and Patris were told to go and work on his land. It was like they had swapped fields. One resident of Magepanda analyzed the situation as follows;

“When Maria Pingga passed away, Mateus told Fransiska Kora to go and work on his land. Meanwhile, he ordered his own son, Yohanes Sare, to go and work on Maria Pingga’s land. I knew that it was a ploy he had devised to seize Maria Pingga’s land. After doing this Mateus Jogha pawned the land which his son was using [Maria Pingga’s land] and at the same time, reclaimed his own land which was being used by Fransiska Kora. When Maria wanted to go and start work on Maria Pingga’s land again, she wasn’t able to because Mateus had already pawned the land.”

Darius Siku, Deputy Head of the BPD, 18 June 2003

3. Mateus’ Loyalties Lay Elsewhere

In 1990, Mateus pawned Mingga’s land, depositing it with a Bugis man named Ali. As a result, Yohanes Sare and Yustina no longer had any land which they could use to cultivate rice. Mateus, therefore, took it upon himself to remedy the matter, requesting his own land back from Angelina and her children, Fransiska and Patris, so that he, and his children, Philipus and Yustina would have a plot of land which they could use to cultivate rice once again. The real issue began to emerge at this point because Fransiska, who had just started a family, was not impressed with how the land was being disputed.

---

7 See Interview No. 613.
The dispute began in 1993. There was a meeting at the village level to decide that the land would be divided between Maria Pingga’s granddaughter, namely, Fransiska, and Mateus Jogha’s son, namely Yohanes Sare, by the ritual land leaders.

Fransiska Kora, 19 June 2003

In 1998 and 1999, Mateus and Fransiska argued frequently in the rice fields. Mateus would often come and try to expel Fransiska and Patris from the field, but the two of them would pretend that he was not even there. Fransiska and Petrus’ obstinacy infuriated Mateus, and therefore, he eventually requested the involvement of the village military apparatus, namely, Babinsa.8

“In 1999, around 5 February, he [Mateus] sent Babinsa down to visit us [Fransiska, Patris and her relatives]. They came and forced us to hand the land over to Mateus Jogha. We didn’t want to. ‘This is our land,’ we said. Then, Pak Feliks from Babinsa began to punch and kick Patrisius. He [Pakis] was bruised and his face and feet wounded.”

Fransiska Kora, 19 June 2003

Patrisius, the victim of the violence, also complained about the interference and actions of the military.

“We are stupid, and we don’t have any capital. People can hit us. I still remember, he [Pak Feliks] hit me 31 times. On 7 February, we reported the incident to the Maumere District Military Command because we were scared that it may happen again. When we arrived, the military official gave us some medicine and tried to calm us down. They said that they don’t have the authority to deal with civil cases. The military official also gave us some money [transport money] to get home….”

Patrisius Ngura, relative of Fransiska, 19 June 2003

After hearing that the military were unable to resolve the problem, Fransiska and Patris returned to Magepanda and reported the incident to the village government.

“Around 30 February 1999, the village head invited us [both parties] to dinner, in an effort to make peace at his house [the village head’s house]. We are all family, and therefore we should divide the land up between us. This is our grandmother’s land. The meeting was set to be held, but they didn’t attend [Mateus and his family].”

Fransiska Kora, 19 June 2003

8 Babinsa is the smallest unit within the Armed Forces. These units remain in the villages; in the past years their numbers have been decreasing rapidly.
According to Matues, he did not attend the meeting that had been arranged by the village apparatus for the following reason:

“There was once a meeting arranged at the village, but I didn’t want to attend because they (the village head and the adat leaders) wanted to divide up the land. I didn’t agree”.

Mateus Jogha, 4 July 2003

Ever since the incident whereby Fransiska and Patris were beaten up by Pak Feliks, Mateus Jogha, Yohanes Sare and Yustina have been working the rice field which once belonged to Maria Pingga.

4. The Fight Which Left Fransiska’s Hand All Bloody

Fransiska was not satisfied with the way the resolution process was heading because she believed that it favored Mateus Jogha. As a result, in 2000, she summoned the courage to go out and start ploughing the rice field which Mateus Jogha had recently reclaimed. Unfortunately, after she had finished ploughing the field, Yustina with the help of her father in law, Mateus Jogha went out and planted the rice seedlings in the freshly ploughed field. Fransiska was furious, and when it came time to harvest the rice, she got into a fight.9

The fight between Fransiska and Yustina in Maria Pingga’s rice field was explained in detail by a number of respondents.

“On 6 May 2000, we [Fransiska and Yustina] got into a fight about the rice. We started to argue and then Carolina Yustina struck my hand, causing a large gash. I was taken to the Magepanda Puskesmas (Community Health Center) where my hand was stitched up. The gash was around 9cm long. Then we reported the incident to the Ndete police. But, the police didn’t come out to the scene of the incident. They just took the evidence [sickle].”

Fransiska Kora, victim, 19 June 2003

Yustina gave the following statement in regard to the incident in the rice field.

“At that time [harvest time] in 2000, they [Fransiska and five other members of her group] arrived and started to harvest the rice with their sickles. They also ruined one plot by cutting the rice down and then just leaving it scattered on the ground. I had just got home from the market when I

9 Interview No. 627.
Who is Entitled to the Land?
Desa Magepanda, Kecamatan Nita, Kabupaten Sikka, Flores
Author: Stanis Didakus

decided to go to the rice fields. When I got there, I saw that they had begun to harvest the rice in one plot. They also wanted to hit me, so I ended up in a fight.... I didn’t strike Fransiska’s hand, but I was scared because they were carrying sickles. I pulled the sickle towards the ground, but in doing this, it struck her hand. I didn’t have a sickle. Then they reported me, even though I didn’t intentionally cut her hand”.

Carolina Yustina, 24 June 2003

Fransiska reported the incident to the Ndete and Nita police posts. The police only got involved in the dispute as far as to ask both parties what had happened and then try and make peace between them at the police station. They did not want to get involved in the land dispute, and therefore, they recommended that the land dispute be dealt with at the village because it was not a purely criminal case.10

After having returned to the village, Fransiska and Patris decided that they would resolve the case through the courts. Fransika took Mateus Jogha to the Maumere District Court in December 2000.

“We had been hit and beaten twice, so finally we decided that we would report the case to the court. It was because we weren’t satisfied. We didn’t care that we only had a SK (a Decree regarding the division of land), because the SK had been issued by the Department of Agrarian affairs. The land lord, [Paulus Soka] was a witness for me, as was the village head [Petrus Mbako] and Markus Kota [the former village head]. The case started in 2000, and ended in 2001. There was a court session almost once a week. There were about thirty hearings throughout the two years.”

Fransiska Kora, 19 June 200311

The prosecution made their case in nineteen sessions, and following this, the accused made their defense in nineteen sessions. In 2001, Mateus Jogha paid three judges from the Maumere District Court Rp. 2 million to go and inspect the location of the disputed land. In 2002, the court decided to reject Fransiska Kora’s accusations. As a result, Fransiska lodged an appeal at the Kupang High Court. Nevertheless, they just reaffirmed the decision made by the Maumere District Court.

10 The police rarely want to get involved in land disputes because they find it very difficult to make a ruling. This is because written documents on land ownership are rare. Land ownership is relinquished and transferred based on an oral agreement.

11 See Interview No. 605, compare with the letter from the Maumere District Court. The letter explains that there were a total of 19 cases whereby the prosecution outlined their accusations, and 19 sessions whereby the accused put forward their defense.
5. The Winners Become Ash, the Loser Becomes Charcoal

What does victory mean when the size of the sacrifice is greater than the victory? The court decision which favored Mateus and his family may be a personal victory on its own. However, has not Mateus experienced a huge material loss as a result?

“The court costs amounted to more than Rp 10 million; preparing the letters and paying the lawyer. I just gave my lawyer money for petrol because he had his own motorbike. He was also trying to find a life for himself. I pawned the land to get the money. I used all the money on the court case, consequently we are only starting to work on the house again now.”

Mateus Jogha, 19 June 2003

Fransiska and a number of other residents of Magepanda felt differently about the case. They felt that the verdict was unfair for a number of reasons. All levels of the village government, including, the RT (head of the neighborhood unit) and the village head, explained that Mateus Jogha is not actually entitled to the land because the land should have been divided equally between them. If this was the case, why did Mateus Jogha win the court case?

Fransiska has tried to find a simple explanation as to why she lost the court case. In her view, she did not lose because she was not entitled to the land, but because of an administrative flaw. She feels that she still has a chance if she is able to get enough money together to pay for an appeal.

“… the judge rejected our accusations, because we only had a photocopy of the SK [Decree], and therefore, the judge [Laurensius Sibarani] was unable to accept it. The original is in Kupang because it isn’t at the local office of land affairs in Maumere. We lost because we didn’t have a copy of the original. The defense won, and the plaintiff [Fransiska] incurred a fine… We want to appeal, but we will have to pay Rp 1 million. Meanwhile, we have already had to pay more than six million worth of court costs over the last two years; for transport, administration and other things. I heard that Mateus pawned his land for Rp 21 million with Paulus Polce.”

Fransiska Kora, 19 June 2003

---

12 In this case the SK [Decree] was a map indicating the borders of the disputed land as well as the name of the owner. It was made by the local office of land affairs. It was Fransiska’s grandmother, Mingga’s name on the SK.
The court decision was also criticized by numerous parties, suggesting that Mateus had only won because he had bribed the court with money. The *ria bewa* tended to explain this in more detail.

“We had already discussed [the matter] at the RT (neighborhood level), *dusun* and village office. According to *adat* and history, Mateus Jogha was not entitled to the land. But, he is very stubborn; he wouldn’t listen to anybody. He just continued to work the land. Eventually, the case was taken to court. I was surprised that Mateus won the case. I’m just guessing, but there was probably money involved. *Kita doi ho’a, kalah, demi doi bhondo menang* (those of us who don’t have any money tend to lose, but those of us with lots of money always come out on top).”

Paulus Soka, 4 July 2003

Ibu Rosa Sina also expressed her astonishment at the verdict.

“I heard that Mateus Jogha won. How could he have won? ...Maria Pingga has a granddaughter who was with her at all times, so how could Mateus have won? I’m shocked that he won! I haven’t heard the results of the appeal in Kupang or Jakarta. I haven’t been following the case lately. The problem is that I work in the fields in Mautenda, Kabupaten Ende.”

Rosa Sina, 25 June 2003

Bapak Markus Kota, the former village head of Magepanda also deplored the fact that Mateus Jogha was so stubborn that the case had to be taken to court.

“Mateus won in court, yet according to my opinion he actually lost. He pawned his land just to pay for the court costs. Now, he hardly owns any land. In addition, Mateus can’t ask for Fransiska’s help if he ever needs it. The scary thing is Mateus pawned his land for between Rp 10 – 20 million. When will he be able to pay that much money back? Soon, people are just going to take all his land”.

Markus Kota, 4 July 2003

Yustina, the woman who got into a fight with Fransiska also expressed similar sentiments and regret.

“We used to be united but now it has all fallen apart. This is what I regret...”

Carolina Yustina, 24 June 2003
6. Peace Still Hangs in the Shadows

So, this is what happened in the case which took place between two residents of the quiet village of Magepanda. The court decision has put an end to the case temporarily. Nevertheless, neither party feels completely satisfied with the results. The relationship between the two families has become distant and efforts to reunite the families have yet to be made.

“Until now, Fransiska’s family and Mateus Jogha’s family have not spoken to each other. Fransiska no longer has any land that she is able to work because of the court ruling. Both Fransiska and Mateus have both sacrificed a lot of money, although Mateus has sacrificed a lot more than Fransiska.”

Darius Siku, 18 June 2003

The courts decision made life extremely difficult for Fransiska, the mother of five children and wife of a public transport driver, and therefore she made a radical decision.

“We don’t want to talk to Mateus’ family anymore. What’s more, my uncle [her mother’s brother] is dead. My grandmother is also dead [2001]. Maybe my grandmother died as a result of stress. They’ve sucked our blood, and therefore, we can’t make up now.”

Fransiska Kora, 19 June 2003

Mateus Jogha also admitted that his relationship with Fransiska has come to a standstill.

“My relationship with Fransiska is normal; we have grown apart and we don’t acknowledge each other or talk to each other if we meet somewhere.”

Mateus Jogha, 19 June 2003

Nobody knows when or if their relationship will improve. Nowadays, Mateus Jogha, the seventy year old widower, lives in a semi-permanent house which has been built slowly over the years. The windows and doors are still covered over with curtains as it waits to be finished. When he was asked why the house had not been finished, he contemplated the question for a moment before explaining that he had used most of his money to pay for the court case.

---

13 See Stanis’ Diary, 19 June 2003; Compare to Interview No. 606.
## Case Chronology:
### Controversy Over Land Ownership

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>First Village Head, Petrus Mbako, elected to lead the ‘new look’ Desa Magepanda.</td>
</tr>
<tr>
<td>1969 - 1975</td>
<td>Information about the proposed resettlement of people from the mountainous regions to the flatter lands of Desa Magepanda. In 1970, Maria Pingga was given a plot of land by the ritual land leaders which she then cleared and made into a rice paddy. Maria Pingga worked her land with Yohana and Fransiska until she passed away.</td>
</tr>
<tr>
<td>1980s</td>
<td>Maria Pingga passed away. Fransiska and Yohana continued to grow rice on Maria Pingga’s land.</td>
</tr>
<tr>
<td>1985</td>
<td>Mateus Jogha ordered his children, Yohanes Sare and Yustina to go and work on Maria Pingga’s land. Meanwhile, he ordered Fransiska to work on his land. It was like they swapped rice fields.</td>
</tr>
<tr>
<td>1990</td>
<td>Mateus Jogha pawned the land owned by Maria Pingga, secretly depositing it with Ali.</td>
</tr>
<tr>
<td>1993</td>
<td>Problem emerged when Mateus Jogha and his son Yohanes Sare tried to reclaim the land which was being used by Fransiska. Meeting was to be held at the village office to resolve the issue peacefully, but Mateus Jogha did not agree with their suggestions.</td>
</tr>
<tr>
<td>1993 - 1998</td>
<td>Fransiska and Patris continued to cultivate rice on Maria Pingga’s land, but were continually expelled by Mateus Jogha.</td>
</tr>
<tr>
<td>5 February 1999</td>
<td>Babinsa official [unit of the Armed Forces at the village level], arrived at the disputed land after being called by Mateus Jogha. He punched and expelled Fransiska and Patris from the rice field.</td>
</tr>
<tr>
<td>7 February 1999</td>
<td>Fransiska and Patris reported the incident to the Maumere District Military Command, but they were told to go back to the village and resolve the dispute there. They reported the incident to the village head once back in the village.</td>
</tr>
<tr>
<td>30 February 1999</td>
<td>Head of Desa Magepanda, Petrus Mbako, tried to resolve the land dispute by asking both parties to come for dinner, but Mateus Jogha did not want to attend.</td>
</tr>
</tbody>
</table>
6 May 2000 | Fight between Fransiska and Yustina (Philipus’ wife and Mateus Jogha’s daughter) in Maria Pingga’s rice paddy. Fransiska ended up with a gash to her hand. Fransiska was taken to the *Puskesmas* [Community Health Center] in Magepanda and then she went to the police post in Ndete and Nita to report the incident. The police recommended that the village administration resolve the dispute.

A Few Weeks Later | Fransiska took Mateus to the Maumere District Court. Over thirty court sessions in total. The trial took place between 2000 and 2002.

5 February 2002 | The Maumere District Court decided to reject Fransiska’s accusations, meaning that Mateus Jogha won the case.

22 February 2003 | The Kupang High Court reaffirmed the decision made by the Maumere District Court, rejecting Fransiska’s accusations. This meant that Fransiska lost once again and Mateus Jogha was given the legal rights to work the disputed land, which he has been doing until now.
Unrest on the Border: Conflict Over Village Administration and Mass Registration of Land Claims

Summary
This administrative conflict, between the residents of Dusun Gere, Desa Koting A and the residents of Dusun Poma, Desa Takaplager, over the border between the two villages has incited varied responses from a number of different parties. The conflict lay dormant for dozens of years in the peaceful surrounds of Dusun Gere, until 23 May 2001, when there was a mass registration of villagers land in the dusun. Several households refused to become citizens of Dusun Gere, the majority of which live along the border of the two villages. Quite coincidentally, a number of these households are newcomers in the area which consequently became politicized and fueled identity differences. There have been numerous parties involved in the dispute resolution process, including the Camat, Bupati and the local Father, which have tended to complicate rather than complement one another. The case study demonstrates the difficulty of ascertaining fixed agreeable boundaries, necessary for a “modern” land registration system, and the conflict this process can trigger. Further it shows how easily ascriptive identities can be manipulated so as to potentially incite violence.

1. Background
For the majority of the community who live in Kabupaten Sikka, the reallocation of village borders has not only impacted positively on their lives, for example, improving access to services provided by the village government and increasing the amount of development funds for the local community, but it has also had several negative effects. A few examples of these negative effects include increased difficulties in determining the borders between regions, problems with the status of the residents as well as problems with determining the borders between villages. In addition, villagers who live in the border regions have often been forced to become part of a village which is perhaps foreign to them. These problems are often made worse by the reallocation of several villages’ borders in a relatively small area. This can cause village borders to become unclear. The village head of a newly established village has described the problems which result from the reallocation of village borders.
Unrest on the Border
Desa Koting A, Kecamatan Maumere, Kabupaten Sikka, Flores
Author: Stanis Didakus

“I feel that the reallocation of village borders is indeed a positive thing, but if they are not properly thought out, there will be a whole range of negative outcomes. When the borders of this village were drawn up, I myself became involved in such a case.”
Gerardus Goli, Head of Desa Takaplager, 17 May 2003

In addition, the former head of Ledalero Seminary, Father John Aria, also complained about the reallocation of the village borders.

“Take us for example [community from Ledalero abbey]; we are squeezed in between three villages, namely, Ribang, Takaplager and Koting A. The borders are unclear, but, what is clear, is that the communities have certain interests and will therefore fight for them.”

Another respondent explained that it is not just the reallocation of village borders, but the partitioning of the kecamatan which has caused problems for residents who live on or near the village borders.

“It is indeed quite strange because Kecamatan Maumere includes Desa Koting A, yet the Camat’s (sub-district head) office is so far away [Nele]. Koting A is closer to the Camat’s office in Nita.”
John Aria, former Director of the Ledalero Seminary, 21 May 2003

In terms of distance, it would be far more practical if Koting A was included in Kecamatan Nita as it administrative centre is only about 2 km away, whereas Kecamatan Maumere’s centre is approximately 8 km away.

In addition to the problems which have resulted from the division of regions, the reallocation of village borders can often cause disputes, because people will encourage the border residents to join a certain village, which in turn, can result in inter-village conflict.

“The village head of Takaplager forced them to register so that the population figures in the initial report were in suit. If he hadn’t done it, he wouldn’t have had a large enough population.”
Yoseph, resident, 17 May 2003

The perspectives outlined above indicate that the reallocation of village borders can cause numerous problems, not only problems relating to administrative affairs, but also social problems for residents who live on or near the border regions. One example of the negative effects of
impulsive reallocation of village borders can be seen in Koting A. The problems with the village borders and the demographic status of eleven families has become a topic of hot debate between the residents of Desa Koting A and Desa Takaplager, and furthermore has impacted on a number of other parts of community life.

2. When the Land was Measured…

The National Land Certification Project (PRONA) was carried out in several villages in Kabupaten Sikka in 2001. Desa Takaplager is one of those villages which took part in the project. The village head of Takaplager took advantage of the project to help the residents of his village obtain land certificates. Eleven families who are citizens of Desa Takaplager, but live in the Desa Koting A region registered for their land to be measured in Dusun Gere. Of those eleven families, seven of them are newcomers to the area from Kabupaten Ngada, Flores Timur and Lembata, while the other four families are from Koting A. In the first stage of the program, the village head of Takaplager arrived (23 May 2001) to measure three (of the eleven families) plots of land. However, when the land was about to be measured the villagers from Dusun Gere arrived en masse and prohibited them from doing so.

The 23 May 2001 incident left itself imprinted in the mind of the village head of Takaplager who was trying to help the villagers of Dusun Gere measure their land.

“In May 2000, there was a mass program to register the villagers in Gere, right at the time that we were measuring the land belonging to those three families.... Because three of my constituents who also live there requested that their land be measured, four government officials from the local agrarian office and I went into the field. I met with the head of Dusun Gere to request permission for us to measure the land of my constituents who live in his region. He didn’t give us permission. This resulted in the head of Dusun Gere and the head of Dusun Pomo having an argument over whether or not the land in Dusun Gere should be measured. Because we were disallowed, the officials, head of Dusun Poma, head of the RT [neighborhood unit] and myself went inside one of the villager’s houses to drink a cup of tea or coffee. At this point, the head of Dusun Gere returned home. However, suddenly we heard the sound of a gong being beaten several times and then the masses arrived in front of the house. They were carrying knives, machetes, wood, sticks and stones and the head of the dusun was standing in front of them all. They shouted, ‘Gere will become the second Kalimantan [this is at the time of the Sampit-Madura incident in Kalimantan].’ After this we went to Theodorus’ house to have lunch. While we were eating, even more people came and gathered outside of his house. Wulandari’s car was

Researchers: Don dela Santo, Stanis Didakus and Olin Monteiro; Co-ordinators: Adam Satu and Jessica Gilmore
Translator: Kristen Stokes
even parked out the front with all the people who had got a lift in it. After we had finished eating, we returned to the main road [road between Ende and Maumere]. [On our way back to the main road, when they were still on the dirt road] the masses came and blocked off the road with bamboo, then got their car and drove it at high speed towards us. But, suddenly Father Andreas Sawu, from the Catholic Seminary, arrived on the scene on his motorbike. He parked his bike right in the middle of the road, blocking their car and making it stop. We were then able to return safely, and continue measuring the plots of land in the village until approximately 7pm. That afternoon the masses fenced off seven of my villager’s houses [seven of the disputed households] and ordered them not to go outside or damage the fences. Eventually, I told Bapak Herman to go and tell the Nita police about the situation in Dusun Gere. They did go and report to the police, but they didn’t report the incident as I suggested they should. That evening the police patrolled Dusun Gere. The situation was reasonably calm until a letter arrived from the PMD (Community Development Agency) stating that a meeting was to be held at the Dusun Gere meeting hall.”

Gerardus Goli, Village Head of Takaplager, 17 May 2003

Box 1: Land Certification

- Nowadays, land certification is important for the community. A land certificate can be used to prove land ownership in a court of law. As a result, land certificates are frequently used as collateral at the bank or as a guarantee to use the services of a pawn shop.
- The National Land Certification Project implemented by the Kabupaten Sikka Office of Land Affairs in 2001 was the first step taken to help the community obtain land certificates. In addition to the inexpensive process, Rp. 30,000 per plot of land, the villagers only had to report to their village head.¹

For the community of Dusun Gere, Koting A, the mass registration of villagers constitutes an accumulation of their frustration towards several villagers who live in Dusun Gere, but who do not want to acknowledge themselves as citizens of Dusun Gere. As a result, they prohibited several of the villagers from measuring their land.

“The issue is where they live. This problem has been going on since 1997 [election census], but it still hasn’t been resolved. There are people who live in Koting A, but refuse to join. They continue to hold on to their status as residents of Desa Takaplager, Kecamatan Nita.”

Petrus Pengo, Respected member of the Gere community, 17 May 2003

¹ Interview No. 50.

Researchers: Don dela Santo, Stanis Didakus and Olin Monteiro; Co-ordinators: Adam Satu and Jessica Gilmore
Translator: Kristen Stokes
Meanwhile, there are some other residents of Dusun Gere who feel disappointed for another reason. This can be seen from the statement given by the Head of Dusun Gere, Bapak Mateus Nira:

“In approximately 1989, there was some *kerja bakti* (villagers will work for free on some village project as a public service done in the interests of the community) in Dusun Gere. However, those villagers didn’t want to participate. They just stayed at home. We [the residents of the dusun] were fed up with them. But, we remained calm and didn’t do anything to them.”

*Mateus Nira, Head of Dusun Gere, 14 May 2003*

Nevertheless, the families who were prohibited to measure their land have a different opinion, and feel that the problem only surfaced after they were prohibited to measure their land.

“The problem emerged as a result of people wanting to measure their land [for the national land registration program in 2001]. If they weren’t going to measure them all, it would have been better for them to do nothing.”

*Markus Soba, Head of the BPD in Takaplager, 19 May 2003*

Similar to Markus Soba’s opinion, a villager from Dusun Poma, Desa Takaplager, namely Bapak Ambrosius Soi stated:

“From the beginning I organized [the administration] it all in Desa Nita, and there were no problems. This problem with the regions [village borders], is a government affair, between one government and another government. There were no problems with the villagers in the past. We didn’t have to deal with things like borders.”

*Ambrosius Soi, Respected community figure, 19 May 2003*

Bapak Konsales Dase, a local villager, expressed the same sentiments:

“In the past everything was just normal. We could meet with the other villagers. If there was an event or ceremony we would visit each other.”

*Konsales Dasa, villager, 15 May 2003*

3. They Have their Own Reason!

When the eleven families were asked why they did not want to become citizens of Dusun Gere, Desa Koting A, Kecamatan Maumere, but hoped to continue to retain their status as
citizens of Desa Takaplager, they answered that for years and years they had been part of Desa Takaplager, Kecamatan Nita.

“I am a newcomer [to the area]. When I first arrived I lived in Nita, this was around 1980, and I looked for work there. I am actually from Ende originally, but then moved. I am an entrepreneur; I sew [clothes and various styles of bags]. In 1982, I bought the land here from a person from Koting [he points to his house]. That is the Takaplager border [points to the road in front of his house]. I built this house in 1985. Because I have been in Nita for so long [before this in a rented house], I’m used to organizing all my affairs in Nita .... Why didn’t we join with Koting? Because we are used to the services [in Nita] and it is easier. We have been tens of years [in Nita], so it makes things difficult. The Koting A village office is a long way from here.”

Konsales Dasa, villager, 15 May 2003

In addition to Bapak Konsales, another head of a household also described his experience.

“In the past, it was not as densely populated as it is now. This [Dusun Gere] was still paddocks [empty except for crops]. There was no road, school or even electricity. We used to have a business, so we got electricity and water facilities. We want to unite with them.”

Maximus Kango, villager, 19 May 2003

4. Something Behind the Incident

There were several different reactions from a number of different parties to the brief incident which took place in May 2001. Several groups have different interpretations of why the houses of the seven new-comers were fenced off. One of the people whose house was fenced off stated:

“We are little people. We are new-comers, even if we did want to rebel, we wouldn’t be able to. Then, the Dusun Head just came and built a bamboo fence, just like a door. But, only in front of seven houses, all of whom are newcomers. We don’t know why!”

Konsales Dasa, villager, 15 May 2003
In addition, one resident of Dusun Poma expressed his opinion:

“I suspect that it is because we are almost all newcomers. From an economic perspective, we are doing quite well. There are some who have kiosks, there are others who have small businesses, [all different types of businesses]... It’s all about the desire to work. Even though I have a piece of land, I have no desire to work. However, because the newcomers don’t have any land, and because they are in a different area [they are not in the place where they grew up], they have the desire to work.”

Markus Soba, Head of the BPD, Desa Takaplager, 19 May 2003

P. John Aria, Catholic Seminary, keeping with the sentiments outlined above, has also asked

“Why are so many of the new-comers kiosks demolished, and things stolen from them, meanwhile nothing ever happens to the kiosks owned by the land lords [people who have owned land for a long time]. What’s going on?”

Contrary to the views of the new-comers, one man from Dusun Gere has said that he has often helped the eleven families to resolve their problems.

“What I have observed until now, I have helped them to resolve their problems on numerous occasions, so why don’t they want to become a part of Koting A? We are still trying. There was one incident which took place on 7 November 1997, where somebody came and had a punch up with Marianus Kasa, but we [from Dusun Gere] were the one’s who resolved it. The same goes for Om Meus [Konsales Dasa]. He reports to us if his house gets robbed.”

Petrus Pengo, respected community figure, 17 May 2003

In addition to this positive portrait of the Gere people, the head of Dusun Gere has conveyed an even more extreme picture of the steps his villagers have taken when faced with the eleven families.

“If there is a funeral and prayers, they come and so do we. If it wasn’t Dusun Gere, I’m sure that they would be killing each other, whatsmore those of them who are not original inhabitants here…”

Mateus Nira, Head of Dusun Gere, 17 May 2003
5. Planned Peace

The threats against the new-comers from the villagers in Dusun Gere resulted in strained relations between the two groups. Therefore, P. John Aria, Director of the Ledalero Seminary, took action and sent a letter to the Head of Dusun Gere. The Head of Dusun Gere recalled the incident.

“Father John Aria sent a letter to the village head of Koting A, and forwarded copies to the dusun heads. He requested that the village government create peace. On that same day, the police arrived from Nita because those eleven households reported the incident. But, the police only came and looked around.

Mateus Nira, Head of Dusun Gere, 14 May 2003

Box 2: Why Did Father John Aria Become Involved?

A few of the families whose demographic status was being disputed in Dusun Gere are staff at the Ledalero Seminary. In addition, one of the seminary units is made up of the university students from STFK Ledalero who also live in Dusun Gere. Their seminary unit is known as Efrata. The mass registration of villagers which took place on 23 May 2002 was carried out in opposition to the land registration program which several of the families were involved in, including a few of the Ledalero staff.

Not only was Father John Aria concerned by the situation in Dusun Gere, but so were the higher levels of government, especially the regional government.

With the help of Yoseph and Vicent from the office for social and political sciences, they tried to initiate a meeting between the relevant parties. On 6 July 2001, the meeting was held at the Dusun Gere meeting hall. The Camat of Maumere, secretary of Kecamatan Nita, Village Heads of Koting A, Ribang and Takaplager, as well as representatives from the police, and the houses which were fenced off by the masses, all attended the meeting. The Village Head of Takaplager who was in attendance said:

“During this meeting we will not only talk about the problems which have occurred, but we will also touch on the problem regarding the border between Kecamatan Maumere and Kecamatan Nita. For the seven households, I would like to say that I am handing the choice over to you. If you want to be included in Takaplager, I will accept your choice, or if you want to be included in Koting A, I am willing to let you do as such.”

Gerardus Goli, Head of Desa Takaplager, 17 May 2003
At that time there were three families who wanted to be included in Koting A, namely, Herman Heri from Larantuka, Bei from Bejawa, and Feliks from Nele. The other families did not answer when they were asked.

One villager from Poma has a different opinion about why the three families became part of Koting A.

“There were heads of households who only joined because they were scared. They felt threatened. There were three heads of households who were forced to become part of Koting A... they agreed during the meeting which was held approximately two weeks after the incident. There was a letter from the village requesting that Koting A make peace. I deliberately didn’t attend the meeting because I hadn’t done anything wrong. Why should I go? So we didn’t want to go. Those three heads of households attended.”

Maximus Kango, villager, 19 May 2003

6. Meeting About Village Control

Ten days later, on 16 June 2001, the first assistant to the Bupati held a meeting at the Bupati’s office. The village head of Koting A, Takaplager and Ribang as well as an official from BPN (National Land Agency), head of the office for village registration, a representative from the community unity and protection office (Kesbanglimas), head of Dusun Poma and Dusun Gere, and the section head of the Kecamatan Nita office all attended this meeting. At that time, the first assistant to the Bupati, Viator da Silva said:

“For those people in the community who still have a valid KTP [Residence Identification Card] from Nita, they will continue to use it until it runs out. After that, they will have to organize a new KTP in Desa Koting A.”

Viator da Silva, First Assistant to the Bupati of Sikka, 19 May 2003

Unfortunately, the community perceived the statement made by the first assistant to the Bupati to mean that they were given permission to remain citizens of Desa Nita, now Desa Takaplager, after the reallocation of village borders, and continue to live in Koting A.

7. Several Families Still Choose Takaplager

There are still several families who do not want to be part of Koting A. Instead, they have chosen to remain citizens of Desa Takaplager. The reason that they give for remaining members of Desa Takaplager remains the same, namely, better government services. Even though they

Researchers: Don dela Santo, Stanis Didakus and Olin Monteiro; Co-ordinators: Adam Satu and Jessica Gilmore
Translator: Kristen Stokes
are quite adamant that the services are better there, such services are not as easy to get as they used to be. It is as if one resident has almost lost hope.

“Here [Desa Takaplager] the services are close. They are much further away in Koting A. If it’s night time it is truly expensive. Here, they provide quick service, whatsmore if it is urgent. But, people reject us in Nita, then they reject us in Koting A. If this is the case, there is no need for me to organize everything ... I will not go to Koting A for whatever reason, because this is such a serious problem. The problem of safety is a serious one. You don’t need a vehicle to get to the police station quickly.”

Marianus Kasa, resident, 19 May 2003

Until now, they have shown a firm desire to remain in Dusun Poma, Desa Takaplager. When the Head of Dusun Gere tried to get registration information from a number of families, for the village and kecamatan records, they refused.

“I [Head of Dusun Gere] went to [the] 11 households but they did not want to be registered. Theodorus, and Om Matheus said that the Head of Desa Takaplager had not transferred authority over to the Head of Desa Koting A. So I told the village head that those 11 households didn’t participate in the registration.”

Mateus Nira, Head of Dusun Gere, 14 May 2003

In April 2002, several of the families stated that they had already been included in the Desa Takaplager census for the 2004 elections. They also felt that conflict regarding the status of villagers was also taking place in Desa Ribang (neighboring village) and Desa Takaplager. There are citizens of Desa Takaplager who live in Desa Ribang, but received certificates from Desa Takaplager.

“We heard that Om Donatus lives in Desa Ribang, but he was able to organize his affairs in Desa Takaplager. Why can’t we? We want justice.”

Bartolomes, village resident, 15 May 2003

However, in response to a number of villager’s desires to remain part of Desa Takaplager, the Head of Dusun Gere stated:

“We are not going to force them. If they don’t want [to obey], it’s better that they leave, but their land will stay here. They won’t be allowed to live here.”

Mateus Nira, Head of Dusun Gere, 14 May 2003

Researchers: Don dela Santo, Stanis Didakus and Olin Monteiro; Co-ordinators: Adam Satu and Jessica Gilmore
Translator: Kristen Stokes
Meanwhile, Bapak Petrus Pengog, who was also interviewed, expressed his outrage in the following statement.

“They bought the land from the Koting people. All the land is from Koting. The people of Kampung Gere feel that if they [the 11 households] do not follow the regulations, there is no point of having regulations at all. We [villagers from Dusun Gere] won’t follow the rules anymore either if the Bupati [government] does not insist that they obey the regulations. If they don’t, we’ll just kill them.” 

Petrus Pengog, respected community figure, 8 May 2003

Furthermore these conflicts over village boundaries are not confined to Desa Koting A and Desa Takalager. The Head of Desa Takaplager stated:

“These sorts of disputes don’t just happen between Koting A and Takaplager, but they also take place between Koting B, Koting C and Ribang. There are also citizens of Koting A who live in my village [Takaplager], for example in Nampung Kabor, there is Ali’s family, Agu’s family, Udin’s family as well as Neri’s family. In addition, there are also two families in Habi Tedang, namely, Rofinus and Yoseph’s families.”

Gerardus Goli, Head of Desa Takaplager, 17 May 2003

Until now, this open conflict between the villagers of Koting A and the villagers of Takaplager has not flared up again. Nevertheless, the latent conflict, relating to land borders, continues to exist. Furthermore, the villagers have lost their faith in the government because they did not take firm action to resolve the case.
## Case Chronology: Unrest on the Border

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980s</td>
<td>The “newcomers” arrive in the village, buying land and building their own houses.</td>
</tr>
<tr>
<td>1989</td>
<td>Some of these “newcomers”, whose administrative status is contested, do not participate in Dusun Gere community volunteer work.</td>
</tr>
<tr>
<td>1997</td>
<td>An election census results in some disagreement of the administrative status of 11 households.</td>
</tr>
<tr>
<td>2001</td>
<td>The National Land Certification Project (PRONA) is carried out in several villages in Kabupaten Sikka, including the disputed boundary land between Dusun Gere and Desa Takaplager.</td>
</tr>
<tr>
<td>23 May 2001</td>
<td>The Village Head of Takaplager arrives to measure three (of the eleven families) plots of land, villagers from Dusun Gere arrive <em>en masse</em> in protest. Father Andreas Sawu arrives calms the crowd.</td>
</tr>
<tr>
<td>Shortly after</td>
<td>Father John Aria requests that the village government of Desa Koting A, the village of Dusun Gere, make peace.</td>
</tr>
<tr>
<td>16 June 2001</td>
<td>The First Assistant to the <em>Bupati</em> held a meeting at the <em>Bupati’s</em> office. The village head of Koting A, Takaplager and Ribang as well as an official from BPN (National Land Agency), head of the office for village registration, a representative from the community unity and protection office (<em>Kesbanglimas</em>), head of Dusun Poma and Dusun Gere, and the section head of the Kecamatan Nita office all attended this meeting. There is some misunderstanding regarding the statement made by the First Assistant.</td>
</tr>
<tr>
<td>6 July 2001</td>
<td>A meeting is held at Dusun Gere’s hall in an attempt to resolve status of land, those in attendance include: The <em>Camat</em> of Maumere, secretary of Kecamatan Nita, Village Heads of Koting A, Ribang and Takaplager, as well as representatives from the police, and the houses which were fenced off by the masses</td>
</tr>
<tr>
<td>April 2002</td>
<td>Several of the families stated that they had already been included in the Desa Takaplager census for the 2004 elections.</td>
</tr>
</tbody>
</table>


