

TENURIAL REFORM AS ALTERNATIVE CONFLICT MANAGEMENT AND TO ALLEVIATE POVERTY OF COFFEE SMALLHOLDERS PLANTATION IN RURAL COMMUNITY

Mustapit¹

Abstract

Tenurial reform concerns the terms on which the operational holding is held and worked, and seeks to eliminate those aspects of the tenurial relationship, or the form of operational holdings, that are held to dull incentives, reduce the wherewithal to invest and impede efficiency, and so prevent the emergence of an efficient, dynamic and growing agriculture. This study aims to analyze the dynamics of protected forest management by surrounding community. Overlapping on forest management by Perhutani as the state enterprise for conservation function and by village community as a community Sidomulyo for coffee plantations until now does not cause conflict. This condition is due to the access mechanism and the distribution of benefits among the parties. It can be seen as tenure reform, which was to serve as an alternative conflict management while increasing household incomes and alleviating rural poverty.

Keywords: *tenurial reform, alternative conflict management, poverty.*

Background

Resident of Sidomulyo Village, Silo Sub District, Jember District, East Java Province reclaimed against a protected forest which has been under the management of Perhutani and then made coffee plantation. For people who live on the edge of forest (forest village), the Shiloh Village District Sidomulyo Jember depend on the forest. As a coffee plantation farmer folk, they used to be no problem with the land. Their land is vast and capable of supporting life in the day-to-day needs. Over time, these lands were fragmented in particular through inheritance, so that the reduced availability and carrying capacity. Even some residents eventually have no land at all that could be working on. This condition is in stark contrast to the surrounding area in the form of vast forests. The opening of the political structure at the macro level in the reform spread to Sidomulyo and mobilize citizens to demand justice for the management of natural resources (forest) for welfare that had been increasingly rare due to the closure of access to the forest with the status of protected forest. They form a social movement as reclaiming to protected forest area that had been under the management of Perhutani. The protected forest area then made the coffee plantations of the people.

¹ Departement of Social Economic of Agriculture, Faculty of Agriculture, Jember University, Jember, Indonesia, email: mustapit.faperta@unej.ac.id.

It happened when the opening of the political structure in Indonesia at the macro level during the reform era (1998), people move to call for justice on natural resources (forest) management. Social phenomena that occur in different Sidomulyo the court cases, disputes, and agrarian conflicts in forest areas elsewhere. Status of protected forest that became the object reclaiming is one difference with other studies are largely a conflict in production forests, plantation forests and forest conservation. In addition, the emergence of this phenomenon include contemporary, when the era of reform so as to have the newer backgrounds and diverse though certainly not be separated by a long previous history in terms of public relations with the forest. Social change (especially the agrarian structure) due reclaiming also a new factor in the study of the dynamics of agrarian structure. The involvement of external parties in many social phenomena in a forest village also showed that the village is no longer a homogenous and closed areas. The parties involved do certain practices in order to achieve its interests.

Status of protected forest areas that are the object of reclaimed land is different with other studies that most on conflicts in forest production, forest plantation and forest conservation. Conservation paradigm promoted by Perhutani as a representation paradigm states and access to forest resources brought by citizens to be on the same space that is protected forest. Perhutani adhering to the concept of rights it received from the state, while citizens are demanding access rights to benefit from protected forests. Overlapping forms of this paradigm then becomes a conflict in the form of reclaiming by residents. This phenomenon suggests a paradigm which is believed by residents able to break down the dominance of hegemonic paradigm Perhutani conservation in protected forests.

This study aims to analyze the dynamics of protected forest management by surrounding community. It also analyzes the mechanisms that made by the parties in acquiring, controlling and maintaining the flow of benefits as well as power relations between them.

Theoretical Framework

The term “tenure” comes from English feudalism. After their conquest of England in 1066, the Normans declared all previous land rights void and replaced them with grants from their new monarchy. Derived from a Latin term for “holding” or “possessing,” land tenure means the terms on which something is held: the rights and obligations of the holder. Land tenure is a legal term that means the right to hold land rather than the simple

fact of holding land. One may have tenure but may not have taken possession. Resource tenure describes rights to land, water, trees, and other resources (Bruce, 1998).

Herrera and Passano (2006) stated that land tenure conflicts are: multilayered and multidimensional; best understood in the light of their historical, social, environmental, economic and political contexts; often nested within bigger conflicts that may be difficult to see (or which analysts or development stakeholders prefer not to see, because they raise issues which are beyond their desire or capacity to address); temporal in nature, changing over time. So, land conflicts are complex: they are an accumulation of grievances and multilevel processes, including broad economic and political tendencies and specific contextual dynamics. Each land conflict should be considered as an entity with its own particular history, development and possible resolutions.

The importance of land, and consequently the relative importance of the land tenure conflict to each stakeholder, depends highly on their economic situation. If, the land is the only source of income and the exclusive resource of the stakeholder or the basis for their survival so their involvement in the conflict will be greater and they will be ready to do whatever is necessary to maintain their position. If instead the stakeholder has other options that would fulfill his or her needs, it will probably be easier to resolve the conflict.

It is fundamental to consider all the links that exist between economy and land tenure. Beside that land tenure has been analyzed in terms of its socio-political, environmental and legal dimensions; it have seen how these dimensions partly depend on each other and are part of the land tenure scenario. Economy is yet another issue that forms part of the scenario and is linked with the others already looked at. By understanding the economy of a group, practitioners can picture the livelihoods of its component people. An analysis of the economic situation of a specific context allows the observer to understand the living conditions of its population, individuate their resources, highlight their different sources of income, evaluate their conditions of employment and development, and so on (Herrera and Passano, 2006).

Land tenure problems are often an important contributor to food insecurity, to restricted livelihood opportunities, and therefore to poverty. Secure access to land should thus be considered when designing solutions to specific rural development or food insecurity situations (FAO, 2002). Secure access to land, whether through formal, informal, customary or other means, is necessary for rural households to enjoy sustainable livelihoods, and is an important part of sustainable development.

Land tenure is important in rural development interventions which place an emphasis on building people's endowments of assets so they can enjoy sustainable livelihoods. A livelihood is sustainable when it can cope with, and recover from stresses and shocks, and maintain or enhance its capabilities and assets both now and in the future, while not undermining the natural resource base. In this context, a livelihood comprises the capabilities, assets (including both material and social resources) and activities required for a means of living. Property rights to land, together with labor, form the most common endowments used to produce food for home consumption as well as cash crops that allow the family or individual to pay for other needs such as health and education. Property rights to land are thus one of the most powerful resources available to people to increase and extend their collection of assets beyond land and labor to the full portfolio necessary for sustainable livelihoods, i.e., natural resources, social, human, and financial capital as well as physical assets.

Access to land for the rural poor is often based on custom. Customary rights to land in indigenous societies, for example, are usually created following their traditions and through the ways in which community leaders assign land use rights to the community members. These rights of access may have their origin in the use of the land over a long period. They are often rights developed by ancestral occupation and by the use of land by ancestral societies. In such cases, it is through the act of original clearance of the land and settlement by ancestors that rights are claimed (FAO, 2002).

There is a general recognition that land-related conflict is an increasing challenge. It generates both social and economic costs, creating obstacles to poverty reduction, and in its extreme form causes loss of human life. Land disputes also risk widening into broader violent conflict that may have serious political consequences (ILC, 2006). Analysis of the conflict carried out before the management process is fundamental in guaranteeing fair conditions for an efficient mediation, but it is not enough to ensure a favorable development of the mediation. During the mediation, circumstances and conditions may change. A shift in the power balance between the stakeholders can easily spoil the entire process. Alternative Conflict Management (ACM) is a set of principles (hereafter referred to as 'ground rules') to be applied during its practice. The groundwork includes the actions carried out to collect and share information, and an explanation of the significance and general rules of the mediation process. It also often includes the enforcement of social

networks, recovering or building channels for dialogue, and creating a degree of trust between the actors (Herrera and Passano, 2006).

Research Method

The research method is a qualitative approach with multi-method case study strategy.

It was used a method of sociological history to observe the dynamics of Sidomulyo citizen and Perhutani over time. The research was conducted during year 2010 in Sidomulyo Village, Silo Sub District, Jember District, East Java Province.

Results and Discussion

Overlapping on forest management by Perhutani as the state enterprise for conservation function and by village community as a community Sidomulyo for coffee plantations until now does not cause conflict. Although not as customary forest, and it is controlled by their ancestors since their came to this area, the forest remains a strategic resource for senior citizens around. The status of protected forest to protect life buffer system does not discourage people to access the forest as the base material. Welfare issues (taking advantage of access) are more prominent than the property rights to forest resource. They interest to what can be produced from forests. Their return to forest is triggered by forest management that not producing an exchange balance and unable to provide base-material basis for the economic life of local communities around the forest. The current situation can be seen from the picture "Pesanggem" (contract labor that have right to manage unproductive land of forest or not productive crops with seasonal crops).

Pesanggem emerged from multi cropping system introduced by Buurman van Vreeden in 1873 with the experiment regions in Tegal and Pekalongan. In this system, farmers are allowed to plant forest with seasonal crops among teak trees (the wide of a land is 0.25 to 0.50 Ha).. They got contract money as declaration they bounded by two years contract and agree to leave the land after the contract finished. This system did not develop from the first instructions issued in 1935.

Living as Pesanggem showed the daily realities of people living in the surrounding forest. They only work on intercropping land, it means that crop they cultivated joined to the main plant (teak or wood plant) owned by the manager (Perhutani) on behalf of the state. Their arable land is very small (below 0.5 ha). They are also as labor due the contract

who will not be able to enjoy a surplus production. This Pesanggem life profile is close to describe the daily life of Sidomulyo resident. They live in a world with full of exploitation or live in oppression, the Pesanggem world.

Inequalities in production forests under management Perhutani encourages residents to benefit from forest resources around them (protected areas). They do this social movements when the national political structure was wide open in 1998, after the resignation of President Suharto. This movement has many purposes both ideological and practical values as their interests of reclaiming. Ideological purpose of reclaiming related to the morality, justice, normative and history (Ardana, 2008). While the practical purpose of reclaiming are economic and ecological values of the protected forest.

It can be seen as tenure reform, which was to serve as an alternative conflict management while increasing household incomes and alleviating rural poverty. The interests of the coffee farming community are getting their livelihoods in their coffee plantations. Reclaiming of protected forest is a process of social movement over the agrarian crisis in the region. Reform period was a appropriate momentum where the national political structures was open. Since the beginning they were aware with conflict of interest with Perhutani that controlled over protected forest. So they do some strategies to sustain their interests over protected forests. Their actions is can be categorized as "maintaining access". They are willing to "sacrifice" for access to resources (protected forest) still open.

Perhutani interest is their mandatory received from the state and became their vision, namely: "Being sustainable forest manager for people prosperity " The forest management consists of: (1) forest planning, (2) reforestation and forest rehabilitation; (3) forest maintenance , (4) forest protection, (5) harvesting forest products, (6) forest products industry, and (7) marketing (Perhutani, 2010).

Position and relation of stakeholders related to reclaiming protected forest showed at Figure 1.

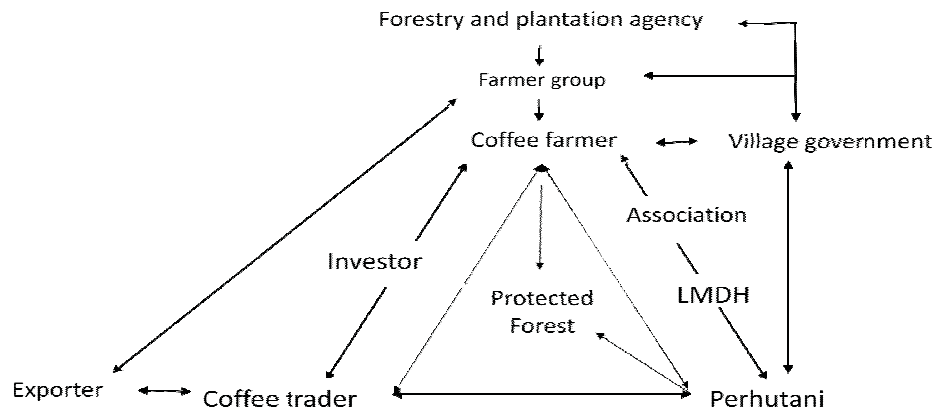


Figure 1. Position and Relation of Stakeholders

Access Mechanism and the Distribution of Benefits among the Parties

The mechanism of the parties that reclaimed protected forest in acquiring, controlling and maintaining the flow of benefits and its distribution is an ability. This ability was affected by barriers from political economy and culture of the community. It plays the role that called by "structural and relational access mechanisms". As mentioned by Blaikie (1985) in Ribot and Peluso (2003) that capital and social identities affect those who have priority access. So it can be explained that access capability is influenced by the limitations of the political economic conditions and the local culture. So the technology, capital, markets, knowledge, authority, social identity and social relations will establish or affect the access.

The influence of technology in protected forest access in Sidomulyo is coffee processing. Coffee processing technology development requires testing and implementation. For example, semi wet coffee processing was conducted in 2004 by the Indonesia Coffee and Cacao Research Center (ICCR). This technology aims to improve quality of coffee bean, the results are homogenous in both physical appearance and water content. One of the conditions of semi-wet coffee processing is the harvested coffee fruit should be in mature condition (red looks fruit). This means that farmer should abandon the harvest about 9-10 days later. The semi-wet coffee processing time is also longer about 5-10 days. But the price of coffee is guaranteed and increased around Rp. 2000 - Rp. 2500, - per kilogram.

Reclaiming of protected forests needs a lot of capital at the beginning (land clearing) and later activities (planting and maintenance) on coffee plantations. The land

clearing of the coffee plantation requires a lot of labor. It need payment and supplies for themselves and their families. It also need seed of coffee crop that ready to be planted. This capital is determinant to the value of the coffee plantation. So when it will be transferred, the capital will be taken into account beside the condition of the coffee plantation itself.

Coffee market has a wide range, it covers to international market. So it is not surprising that the level of prices also based on the international market. The development of information technology support to price determination. The coffee trader in Sidomulyo can access international coffee price directly (via internet) and through institutions (wholesalers, ICCRC) and always monitor the prices.

After the coffee plantation in protected forest produce, it open job opportunities and make control over labor. The control over labor based on patronage relationship The control also used to decrease wage when employment opportunities are scarce. Scarcity of labor and surplus of production may affect the relative share of the benefits can received by those who control the labor, those who control employment, and those who want to maintain their access to these opportunities. The benefit of reclaiming is not only enjoyed by the two main actors (coffee farmer and Perhutani), but also by stakeholders (government, labor and trader also investor).

Alternative Conflict Management

To maintain this access they provide a "share" of harvest to Perhutani officers. Access maintenance is an underground strategy to keeping from Perhutani officers damaging their coffee plantation in protected forest. It is more as tenurial reform because concerned with tenure system not property rights.

Dynamics of reclaiming protected forest by the Sidomulyo resident forced Perhutani to ignore because they don't able to prevent. Residents forced to open protected forest because they felt had the right as acquired by their ancestors. This condition can be seen as an alternative for both parties to manage conflict will happen. Changes in "cukai" to "sharing" that embedded in the dynamics of reclaiming showed a compromise between them. "Cukai" as an initiative of the residents then accommodated by the Perhutani as institution as legal "sharing".

Benefits of reclaiming are not only received by the two main actors above. During the cultivation of coffee, it creates many job opportunities. So resident of Sidomulyo can easily get a job as labor. After that, the coffee processing from fruit to bean is also create

employment and opportunities for the application of technological innovations. The growth the economy in Sidomulyo as rural areas had encouraged the village government to improve public services and implement development programs to support the resident activities.

Conclusion

Overlapping on forest management by Perhutani as the state enterprise for conservation function and by village community as a community Sidomulyo for coffee plantations until now does not cause conflict. Inequalities in production forests under management Perhutani encourages residents to benefit from forest resources around them (protected areas) by reclaiming. It can be seen as tenure reform, which was to serve as an alternative conflict management while increasing household incomes and alleviating rural poverty. The benefit of reclaiming is not only enjoyed by the two main actors (coffee farmer and Perhutani), but also by stakeholders (government, labor and trader also investor).

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