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Jurnal Ilmu Pemerintahan

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## Disputing land: argumentative turn in local land policy conflict in Central Java, Indonesia

Laila Kholid Alfirdaus<sup>1\*)</sup>, Dzunuwanus Ghulam Manar<sup>2</sup>, Teguh Yuwono<sup>3</sup>

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### Abstract

*This paper discusses the argumentative turn amongst farmers and the other different stakeholders in the case of land disputes, Kebumen, Central Java, Indonesia. While policy makers insisted that the land function conversion from agriculture and tourism to mining was needed to support local development as through the absorption of labors into employment sector, as well as to improve local people's income, local farmers insisted that the conversion merely uprooting their ownership of land and let them back to periods where they were jobless and lack of source of income decades ago. This paper applied qualitative research supported with observation and interviews with parties involved in the case, to highlight the argumentative turn within land policy, which in the case of Kebumen leads to policy conflict. This paper identifies the elite-driven policy in the land dispute cases in Kebumen has led policy close to discussions with various stakeholders, which are necessary to be heard in the policy making. This finding highlights the idea that policy creates within itself politics that is in-line with the interest of the elites, and yet, resulted in the feedback loop, manifested through the strong resistance of the community.*

**Keywords:** policy argumentation, political economy, land conflict, decentralization.

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### Introduction

The discussion of land disputes in public policy is often depicted through the narration of authoritarianism (Joshi, 2022; Wolford et al., 2013), colonialism and repression (Zambakari, 2017), which highlight problem of structure (Dadashpoor, 2021) and power in relation to land (Simmons, 2004). The discussion is helpful to map out lag and discrepancies in terms of decision making towards land, where superstructure in public policy tends to privilege elite in terms of land ownership (Boone, 2013). This clearly refers to the domination of the state of often being in the side of business sectors rather than of the local people, resulting in the exclusion and marginalization of poor local people to their own resources.

In Indonesian context, there have been empirical studies to point out this way of seeing, as presented by Muhammad and Pasarina (2017) on land dispute in Bandung Regency, West Java, which highlight (imbalanced) power relations between the government and society. The other studies are mentioned by Ramadani (2022), which highlights conflict in agricultural land, der Muur (2018) on forest land conflict, Dhiaulhaq and McCarthy (2020) on indigenous rights on forest land, and Bachriadi and

Suryana (2016) local people's land's grabbing in the case of energy companies' establishment, East Java.

All the above-mentioned studies portray the running of power relations in land acquisition, which refers to the political economy of land policy. In those cases, the state is understood as the dominating power, while the local people are the powerless ones. Those confirm what Kolers (2009) points out as the territorial power exposure, to portray the excessive role of the state in dominating land, which ended up in the marginalization of the indigenous and local people from their access to land. The study deepens our understanding about the relationship between power, the state and land.

Yet, studies with the emphasis on the structuralist approach as such used to overlook daily pictures of policy processes where parties involved within the conflict are both battling intensely to win the policy as through policy argumentation to pursue their goals through agenda setting. In fact, local community and indigenous people often resist, and propose rejection to the state's approach, by applying a series of argumentation to win the policy agenda (Weible, 2012). Thus, through the elaboration of policy argumentation, as the case of land conflict in Southern Kebumen, this paper argues that there is no such a linear stream in the process of policy making (Gasper, 1996), despite its result in the imbalance of access and privileges.

This paper tries to reveal the policy argumentation in the land conflict, which involves the local government and community, to explain how the policy is debated amongst interrelated parties, including those that are understood to have hierarchical relationship, as between the government and citizen. Welfare, increased investment, economic growth and national security, as food and energy, are amongst argumentation developed by the state to justify its orientation and decision of policy (Alonso-Fradejas, 2012; Hall, 2004, 2011; Margulis et al., 2013). Meanwhile, citizen, has its own definition of welfare and development, of which often is contradictory to what the state has defined. The argumentative turn as revealed above reminds us of Colebatch (2009) who defines policy, not only as a concept or practice, but also justification of it, in which each party involved within, competes for policy argumentation, to win the decision making.

In the case of land conflict, as in Kebumen, and many other cases, argumentative turn features the decision-making processes (Fisher, 2015), yet, has not been sufficiently elaborated. This paper tries to elaborate the issue by mapping arguments between farmers and the local government, to explain how the policy process in the case of conflict towards land was underwent.

As can be seen in Kebumen, it is known that the government stays still in its position to pursue mining and security projects, which yet kept being protested by the community, up to date. The conflict within policy persists, despite being already occurred for almost two decades, as the policy dialogues are not adequately accommodated, and change did not yet to discuss (Beckert et al., 2014; Lucas & Warren, 2013). In many occasions, even the conflict involved repressive approach by military, confirms skepticism amongst scholars (Barber & Talbott, 2020). Although farmers' rejection toward the policy is backed up with clear argument of retaining the source of life through agriculture and coastal tourism, there is no enough room for dialogues, confirming strong vested interest in the cases (Pisani, 2014). Meanwhile, authority without participation tends to lead to conflict (Riggs, et. al., 2016; Boehmer and Sobek 2005; Guiterrez and Borrás 2004), as can be seen in the Kebumen case.

Nevertheless, society is an active agent that does not stop to challenge the government's argumentation of "welfare" and "security" by actively taking part in

campaign through both legal and extra-legal modes (Bakker and Moniaga, 2010). Policy conflict is seen to be one of the ways to produce (personal) economic wealth, in addition to the equation of supply and demand as the traditional understanding of wealth defines (Garfinkel and Skaperdas 1996). Farmer's rebuttal raised up, when the state is hijacked by predatory elite and uses the state's authority through rent seeking practices to drive public policy that benefit them and their groups (Mohtadi and Roe 2003; Reinika and Svensson, 2004). Citing Marxist perspective, Timothy Besley underlines this as a contestation of interest (Besley 2007; Chaudry and Garner, 2007), and a practice of rent seeking Richard Boyd and Tak-Wing Ngo (2006), which later on leading to an unequal wealth distribution (Weingast and Wittman 2006; Deutsch, et. al., 2006; Hall, 2004). Rebuttal arose as there is no trust by the citizen in the government, because of the sustaining unjust and unequal wealth, and closeness for discussion (Skjeggedal, et. al., 2021; Marshal and Ozawa 2003).

### **Research Methods**

This paper is based on qualitative research conducted in Kebumen, began in 2010 and 2011. The research is continued with additional data collection in later years up to 2020-2022. Main data collection methods are key informant interviews in which in this research the researcher visited local activists in rural areas, academicians, non-government organization activists, local legislators, and local government officials. Data was analyzed using interpretive methods, and the authors conducted triangulation by comparing data from interviews with secondary data from the available documents. Triangulation is also conducted from data collected amongst informants.

### **Results and Discussion**

#### **The land conflict cases: military occupation in setrojenar and iron sand mining project planning in mirit, Southern Kebumen.**

Land conflict in Kebumen is divided into two main cases, Setrojenar, which relates to military occupation and Mirit, which relates to iron sand mining planning. The first occurred since the new order era (1982), the second since reformasi era (2005). Local community aspiration to use land for an agriculture and tourism area, was opposed by the government, which supposed to use land for security and mining area. Amongst the phenomenal token of the conflict in Setrojenar is the military attack to civilian farmers on 16 April 2011. The attack originated from the debate between the farmers and the military due to the military action to pulling off the farmers' ballyhoos expressing the farmers' rejection of the military drills in their areas. Being resistant to the farmers' protest, the military followed it up with the attacks to the farmers, including those who just coming back from commemoration. The root of the conflict is, military claims that the land status is military owned based on letter issued by National Land Body. However, local farmers rejected the military's claim considering the process of acquisition that was not transparent.

Two years before 2009, tension happened because military prohibited the village youth to establish gate to enter the coast of Setrojenar from the farming and dwelling complex. The prohibition was based on argument that area for gate development was part of military drilling areas. The youth kept building the cemented gate, but military alleged them as breaking the law. The youth, however, saw that the allegation was groundless, because they believe that the land is the farmers' property.

Prior the gate case, on 7 Desember 2007, there were about 60 farmers that protested the use of their land to be a military drilling area. Their reasons were clear;

the military drill did not bring any advantage for the society. They notified that there have been 5 elementary students that were killed after grabbing the remaining missiles in 1997, which were thought to be not active anymore. There were also some farmers that get injured from the remaining arms of the military in their agricultural areas. The training activity also often destroyed the fruits that were ready for harvesting. The military often did this without any prior notification.

All of these troublesome began when Soeharto, the New Order's president, instructed the military to establish the Army's Research and Development Office on the farmers' land in 1981. Military started to buy village government's land, from a village apparatus. What made the farmers keep questioning is, the coverage of land claimed by military was getting wider and wider. People started to feel that military did not only borrow the land, or buy land illegally from village apparatus, but also tried to occupy it. Yet, military rejected the allegation. They claimed what they did is only to take back the state's land from the farmers. While the farmers believe that the state's land only covers 0-250 meter from the coastal line, the military believes it is up to 500 meters, and later on even they say it is 1000 meter from the coastal line. Different perceptions about the border of the land between the farmers and the military have led the tension getting sharper and sharper.

Farmers continued their protest in 2019, and this resulted in 16 people injured. In 2020, military repeated their action to destroy farming area for the war drilling purpose. This caused tension seems to be never end (Amri, 2022). A bit different from the society in Setrojenar who have to have deal with the military, in Mirit sub-district people have to deal with the local government. Far before the outbreak in Setrojenar, in April 2011, the southern Mirit sub-district residents had been shocked by the news reporting the government's approval on iron sand mining project planning. The news reported that Environmental Impacts Analysis License had been issued by the provincial government on 31 January 2011.

The planning of the iron sand mining project had actually been spread amongst the society since 2006, when Rustriningsih was elected to be Kebumen's head for the second term. It has caused a heated debate, with the up and down response from the government. Although the company had pocketed the license in 2007 and 2008, in 2009 the license was suspended. When Rustriningsih left Kebumen and moved to Semarang, Central Java, for her new position as the province's vice governor, and Kebumen was led by Nashiruddin, things related to this seemed to get harder than in the past. The similar hardship happened when Buyar Winarso replaced Nashiruddin as district head, after a hard election in 2011. Government looked like out of reach, and driven by a span of dynasty that tries to dominate local decision making (Amundsen, 2013).

Farmers, organized in FMMS (*Forum Masyarakat Mirit Selatan*—Collective Forum of Southern Mirit Society) felt that government never involved them in public dialogues. Government, without any discussions with society, changed the purpose of Souther coastal area from farming and tourism to be security/defense and mining area through the issuance of Land Use and Management Planning in the mid 2012. This is what the farmers were about to reject. Their demand for public hearing was also hardly responded. Farmers believed there was manipulation in community's signed approval that environmental impact analysis can be issued without their consent. Meanwhile, since 2009 southern Mirit community has sent a rejection letter to the local government. If summarized, below is the explanation of the conflict in the two areas.

**Table 1.** Summary of the land conflict cases in southern Kebumen

	Setrojenar Village, Buluspesantren sub-district	Mirit sub-district (including 6 villages)
Issues	Military-led land grabbing	Iron sand mining
The state's excuse	National security	Local revenue
The state's representative	Military institution	Local government
The role of military	Direct	Indirect
Range of time	Since 1981 ( <i>Research and Development Service</i> established), but resistance was expressed just since 2006-2007	Since 2005
The culmination of resistance	TNI attack on 16 April 2011	2011 environmental impact analysis and the refusal of <i>RTRW</i> (regional and spasial planning)
The citizens' lost	Agriculture and land	Agriculture, land, social cohesion

*Source: author's summary of the cases*

### **Scrutinizing Argumentative Turn in Southern Kebumen Land Conflict**

The cases of land conflict in Kebumen allows us to understand different interpretation of what is called as "welfare" between the state and the community. The disputed interpretation, is what Jessop (2013) coins as the social production of intersubjective meaning in translating and framing public policy and its outcomes. Through scrutinizing how problem or issues are defined/explained, it is then more possible for us to understand the competition of interest between parties, which is often inherent within the imbalanced power relations (Adnan, 2013 and Verma, 2014). Below is explained arguments that lies beneath the conflict, which explains more deeply why conflict happened, and why policy approaches to resolve the problem often do not work.

### **Land and Its Argued Meaning for Farmers**

For agricultural society like people in Southern Kebumen, land has a deep meaning, not only economically, but also personally and socially. It is not only seen from its function, as for generating crop results, to make a life, but also as personal and social values. "*Sedumuk bathuk senyari bumi*" is the fundamental value for the people, which explain land as a token of life, universe, and existence. Both the Setrojenar and Mirit community relies their source of life, personally and socially, highly on land. Land is the people's soul. Therefore, the take-over is defined as stealing their soul.

### **Land Grabbing Argument and Military's Inconsistence**

While military insisted that the land they claimed is for the interest of the national country, farmers see it as a form of grabbing. For farmers, extended land as the military claimed is not legal, because the military is not consistent with their claiming.

At first, the military claimed that their land was up to 250 from the coastal line. But then, it was extended to 500 m, and in 2007, it even claimed their land for up to 1000 meters from the coastal land. When we urged them to give us proof, and they could not provide it, they could not do so. Then, they withdrew their claim. The farmers that their land was claimed by the military are able to show their certificate. We knew that their claim of 1000 meters at the moment was because they wanted to support the iron sand mining business coming from Jakarta businessmen. People strongly protested the action, until the plan was canceled in 2012. Yet, they kept insisting for the 500 meters. This is what we are still struggling until now. (Interview, 2023)

The actions taken against the land of the residents of Kebumen can be regarded as a form of land appropriation, deviating significantly from the intended goal of promoting well-being. Regarding the people involved "security", as military claims, is not an acceptable excuse to grab, because people feel military never has willingness to sit together to have dialogue to make everything clear. Security reason, as such, for the people, is similar to what McMichael (2013) terms as "security mercantilism", which can be applied to explain grabbing that is operated in the name of national security purpose, but with the expense of the loss of the land of the farmers. The same "grabbing" argument is expressed by Mirit farmers, where approval of land use conversion to be mining area, is manipulated.

I could identify exactly names of my neighbors who support or reject the mining plan. I can say, most of them disagree with the planning, and the signed approval for mining license through the released Environmental Assessment result is not true. (Interview, 2023)

The term "grabbing", for the people, both in Setrojenar and Mirit", as such has strong meaning of "forcefully taking over" the land, and therefore, it should be protested to allow the "struggle over dispossession" and "struggle over exploitation" to get the farmers' right back over land (Hall, 2015).

### **National security for who?**

The Setrojenar community finds it unacceptable to justify the military's acquisition of land for national security purposes, as previously discussed. National security justification for the community sounds awkward, because for them, how could the military claim it is for national security purpose while it creates insecurity for community? The military trainings that are too close to the community residence and farming areas endanger the community, including women and children. The planting of martyrs in the private land of the community also disregards the community safety. The farmers realize that strengthening of the national security through the military trainings is necessary. The community even does not have any objection to take part in national defense if it is needed. However, they do not agree if the training should be conducted near the residential areas. The military should find the other areas that are far from the community surroundings. In addition, mining for farmers is also seen to only create insecurity of food stock in society. It is because mining converts land use, and kill the agriculture activities. Therefore, mining project planning is highly rejected, because it threatened farmers' life.

## **Land for life**

As argued earlier, one of the strong excuses of the military to grab the land in Southern Kebumen is for national security. However, for society land is for life. Farming and rural tourism are what the society aspires in terms of land, and cultivation is the thing the society aspires to do on their land. For the people, as such, land is fundamental asset, which does not only have economic value but also social. Economically, land provides the source of life. Sociologically, land is the source of ownership, in which pride, privilege, and social status are attached to the ownership of land in their social life.

Land grabbing, again, is unacceptable, because, it is just recent the community can enjoy the result. Previously, land in Southern Kebumen was known to dry and hard to cultivate because it contains sand. They thought that land like that was not good for farming. Decades ago, despite having wide land, people were unemployed. Southern Kebumen, even, was known as "criminal" area, until a group of agriculture professors from Universitas Gadjah Mada developed a technique called coastal farming. The program was successful, and people got skillful to develop farming. Within the last three decades, those communities are even known as the best producers of agricultural products in Kebumen, including fruits and vegetables. So, it is just recently that the community can have a decent life. Military and local government's intension to take over the land for security and mining purpose, therefore, felt like stealing happiness they just have before the community.

Therefore, they do not believe in security and mining project brought by the government. For them, the local government's argument of local revenue generation as through mining sounds non-sense. The question the farmers pose is, "revenue for who?". They understand well that government is not free from corruption, and local revenue will only be used to pay the government staff. All of those planning is seen merely as an exploitation. Like security, local government's revenue is seen only a "mask" to land grabbing. The community's skepticism applied to CSR fund, offered to convince farmers to release their land. Kebumen people have learned from their neighbors in Purworejo and Cilacap districts that land reclamation and CSR never come true. In Purworejo, even CSR from ANTAM (Aneka Tambang Corp.) a state-owned enterprise, has led to corruption case that involved big universities in the province. They do not believe in the temptation.

Mining project planning is also argued to threaten thousands of farmers' employment. A young farmer has calculated that there are about 2000-3000 farmers in 6 villages in Mirit, which means there are about 10.000-12.000 population to feed. Being aware that mining is a capital-intensive industry, they do not believe that mining will save their jobs. Conversely, it will steal theirs.

## **Mining is argued as source of disaster and environment destruction**

In the government's perspective, the community's expectation of disaster risk due to the mining project is exaggerating. For the government, mining enables people to dig valuable materials. Worrying about disaster, which often occurs unpredictably and not regularly, for the government, is not necessary, as disaster is not like rain, which is seasonal in its nature. Even, the Aceh's experience of tsunami, for instance, according to the government information, occurs only every two centuries. If this worrying expectation is affirmed, the region will lose its opportunity to gain revenue.

Similarly, the fear of environmental degradation due to mining is not pointless. The government sees that there is no direct effect of mining activity on environment.

The issue that water will be contaminated is non-sense. It is the natural phenomenon that can cause the water contaminated, for the very close distance of the spring to the salty sea. It is not because of the mining activity.

Of course, for the community, all these explanations are seen as lip service. People have seen the impacts of mining in the other regions. There is no evidence that mining is safe to surrounding people. The dust, the holes, the soil and water quality are often impacted. They also realize that returning land to its original beings after reclamation is not likely to happen. Destruction after military drilling in farmers' watermelon plantation is clear evidence of the impact. They could not imagine if the mining was proceeded. Therefore, people rejected both land acquisition in Setrojenar and Mirit. If resumed, the arguments contested in the land conflict in Southern Kebumen, can be described as following.

**Table 2.** Summary of Argument Contestation in Southern Kebumen Land Conflict

Points of Arguments	The State (Military and Local Government)	Community
Land Status	State's own and/or for State's Interest	Source of Living and Life
Meaning of Land	Security Purpose (Setrojenar) and Economic Purpose (Mirit)	Ownership, social pride, land is life
Land Use or Land Conversion's Use	Military exercise (Setrojenar) and local government revenue (Mirit)	Agriculture and coastal tourism
Activity risks	No risk	Military exercise causes killing and injuries, mining causes disaster and environmental degradation
Possible other lost	No lost	Family (through injuries) and employment (for farmers)

*Source: summary of data collection*

### **Argumentative turn in Indonesian local land conflict analysis**

Learning from the experience of Setrojenar and Mirit village's farmers in Kebumen, in resisting the land acquisition in the name of national security and economic development, through a series of argumentative turn the farmers highlighted allows us to learn about problem definition, deliberation, practical reasoning, rhetoric and problem solving (Jessop, 2013) from the sides of those who usually unheard in decision making. This lets us understand why the land acquisition policy is conflicted, and therefore, a detailed picture of policy processes and complexities can be described.

First of all, through the arguments the farmers highlight we can see differences in defining policy problems. What the government raises as problems, as national security and improved local government's revenue, is not problems for the farmers. Main problems the farmers raised up is the living generation that is sustainable and reliable. Yet, from the way military and district government responded to the problems, we can see that this issue is not counted important for them. For the farmers, the military and district government's repressive and non-participatory approach is out of context.

Secondly, scrutinizing the span of arguments the farmers highlighted, we are also allowed to understand the practical reasoning of their insistence in retaining their land from the military occupation in Setrojenar and land conversion planning in Mirit.

This can be seen in how farmers define and give meanings to land, which is not only economical, but also social and personal. Yet, military and district government merely saw the land from their pragmatic point of view. Thus, it looks shallow and narrow.

By applying argumentative turn in analyzing the case, we can see 'how messy' the problem of land conflict in Southern Kebumen is, but, thus, referring to Fischer and Gottweis (2013), we also can make it clear the "why" aspects of the stagnancy of deliberation in the decision-making processes. Factors of "interest" can be sensed more clearly, and thus, what we call as "land authoritarianism", or, "land colonialism", can be understood better.

In the Indonesian wider context, further, the disputed arguments about land also reveals a big hole in Indonesian macro politics (Oliveira, 2021), which is often seen too optimistic following the success of the withdrawing of the military from the parliamentary seats. Through this issue and how it is problematized by the farmers, and responded by the authority, we can see that military reform has still big holes, which go along with the rise of oligarchy (Visser, et. al., 2012), which in Indonesia can be related to the birth of local autonomy and direct election in post reformasi era (Warburton and Aspinall, 2019; Liddle, 2013).

### **Conclusion**

From the discussion above, it can be seen that the elaboration of land conflict through the lens of argumentative turn is helpful to reveal the clearer picture of decision-making processes that are often biased to the elites, and overlooked in the discussion of land grabbing. The argumentative turn, as applied above, can explain how problem is described and understood by grass-root community, which in fact, is contrary to the power holders, in this case military institution and the district government. The very different definition of problems illuminates the root causes of the conflict, which is underpinned with the non-democratic has been noted to limit discussions with communities, both that reside in Setrojenar, who were dealing with military expanded occupation in the farming land, and Mirit, who were attracted on the land conversion policy, from farming to mining.

Further, by applying argumentative turn, this study is enabled to elaborate the detailed practical reasoning of the farmers' resistance toward the military and district government. The arguments' span that range from the meaning of land, the definition of land grabbing, the lost that people might bear as burden following the policy, and risk of the new activities introduced and supposed to introduce in the areas explain us the loud and clear critique of the policy that is contradictory to the "security" and "welfare" meaning the government often promoted. As such, the use of argumentative turn in this analysis enriched the discussion on land grabbing which is often identified using structuralist approach. As identified in the literature research processes, existing studies used to apply grand narratives to explain the land conflict, and use terminologies that identify structuralism in the analysis, as land colonialism, authoritarianism, and so forth. The application of argumentative turn in this study is not to undermine the use of grand narrative, as mentioned above. Rather, this is to clarify how that grand narratives work in the empirical processes.

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