

# The Agrarian Structure History of Register 38 Gunung Balak East Lampung

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## Abstract

The forest of Register 38 Gunung Balak, is the protected forest area which experiences a conflict of utilization between the people in its neighborhood and the country. The conflict happens because of the difference of the agrarian policy which applied to the forest every new regime. In the four clans colonial era (Subing, Labuhan, Malainting, Sekampung Ilir and Sekampung Udik), the clans submit the forest in the area of Gunung Balak to the Dutch Indies government. This delivery was confirmed by the Besluit of Lampung Resident date 30 November 1935 register number 644. In the New Order era, the area of Register 38 Gunung Balak was turned back into protected forest which in function as water catchment area for Way Jepara reservoir and all of its inhabitants were relocated to other place through the local transmigration program to some areas in Indonesia.

**Keywords** : Agrarian, Gunung Balak, Clan, Register, Conflict

## INTRODUCTION

The Agrarian problem becomes a focus of study in the social science which is important enough to discuss. Many social or law problems always fill the news in social media concerned the agrarian. The Agrarian in general commonly referred to as land or agriculture. This understanding would still be multiple interpretations because there are some people who consider the land as something that exists only on the surface of the earth. On the other hand, the agrarian understanding widely has meaning or greater coverage, not only land, but also the things contained in the soil itself, covering the earth, water, air and the wealth that is in it.

In addition, there are several dimensions that can be seen in viewing of the agrarian issue (especially the agrarian policy). According to Sitorus (2003), two dimensions are the dimensions of the subject and the object. Object dimension is defined as the natural resources (agricultural source) found in soil, water and so forth. While the dimension of subject, made up of community, private, and government (in the form of an actor). From several subjects there is a term of community, the term appears as it was originally (before the agrarian controlled by the state), agrarian owned by communities who live in a certain area which is now often referred to as communal or customary land.

Interestingly, among the subjects can be mutually dispute, cooperate, even conflict with each other because there is inequality (ownership of resource is different). In addition, departing from the different actors in the mastery of agrarian resource, Sitorus also split the three types of agrarian structure. The three types consist of capitalist-type (agrarian resource controlled by the agrarian tenant or company), socialist (agrarian resource controlled by the state or group of the workers), populist (agrarian resource controlled by a family or household users).

At least this paper will discuss the history of agrarian structure, especially in the area of Register 38 Gunung Balak East Lampung, with viewing the condition of the agrarian in the past which leaves trace in the present. It means trying to see the evidence that can explain the agrarian journey from the past to the present. It is important, considering the agrarian condition from time to time continues to change and progress, even some crucial problems arise.

### (i). *Clearing History of Register 38 Gunung Balak.*

The Protected Forest of Register 38 Gunung Balak located around the districts of Labuhan Maringgai and Jabung East Lampung. The districts have been 15 years established in 1998 after being apart from Central Lampung Regency which became a separate district. According to Data of the Forestry Office of Lampung Province 2010, 7) 'This protected forest is at 105.34 East Longitude and between 5.12° -5.16° South Latitude. The wide of protected forest of Register 38 Gunung Balak according to decree of Minister of Forestry and Plantation latter is 18817.193 hectares'. This area has a high rainfall and capable of absorbing water into the ground. This area included in the region which is considered to provide protection mainly related to the hydrological function for flood prevention and resistance of erosion. Function of water catchment area of Gunung Balak retained to support the continuity of the Way Jepara reservoir function.

The Protected Forest of Register 38 Gunung Balak has a wet tropical forest type (*tropical rain forest*). Located in lowland area with 25-245 meters above the sea level. The terrain condition is undulating with slightly hilly with a slope of more than 40 percent. The type of soil in the fertile area is generally the type of latosol soil. In the Way Jepara catchment area there are three types of latosol soil namely the reddish brown and red types and gray brown alluvial soil. Erosion in this area generally only found in area with steep slope in the highland.

The establishment of protected forest of Register 38 Gunung Balak is inseparable from the period of

Dutch colonial rule. In the era of Dutch colonial rule, the administration of villages in Lampung is still managed by the tradition system namely the clan. But the local government system is certainly not able to rule as it was before the colonial era. In the period, the forest in the area of Gunung Balak called country forest after handed over to the Dutch East Indies government which conducted in 1935 by four clan heads (traditional community leaders) from the area around Gunung Balak. The Clans are Subing clan, Labuhan clan, Malinting clan, Sekampung Ilir clan and Sekampung Udik clan. This submission was confirmed by the Besluit of Lampung Resident on 30 November 1935 number 644 and up dated again with the decree of Lampung Resident date 30 November 1953 No.44.53 jo. The decree of Forestry Office of Lampung Province in 1968 No.429/VI/1968. No wonder if many protected forest existing in districts and regencies of Lampung successfully authorized to Dutch colonial rule and not the clan government. The Protected forest of Gunung Balak Register 38 authorized to the government based Besluit of Lampung Resident No.644 date 30 November 1935 for an area of 26.620 hectares. known as country forest.

At the time of Besluit of Lampung Resident number 644 date 30 November 1935 issued at the Dutch colonial era, the area of protected forest in register 38 Gunung Balak is really still an area of dense forest and there have not been many residential areas like this time. But in the early 1960s before emerging the movement of G.30.S/PKI, The Forest area of Gunung Balak gradually occupied by people who are considered illegal by the Ministry of Forestry. The condition of Gunung Balak area gradually turned away from a protected forest into cultivated field and later settlement. The majority of society is a society of migrant farmer from Java and Bali who do not have land in their place of origin. They came to Lampung as the member of homesteader or come up with their own initiatives. The migrants who move to the area of Gunung Balak are people who do not acquire fertile land in the transmigration area that they follow.

After the government era of Unity State of Republic of Indonesia (NKRI), automatically based on UUD 1945 Gunung Balak protected forest was controlled by the government of Indonesia with the manager of the Department of Forestry. The Decision of Pricing Gunung Balak area with a status the protected forest register 38. Defined by decision of the Office Head of Lampung Forestry No.429/V/1/1968 date 20 June 1968 with an area of 19.680 hectares and the decision of the Minister of Forestry No.2113/KPTS-VII/1984 date 25 October 1984 with the area which increases from the decision of the first Office Head of Lampung Province above namely 24.230.30 hectares. The wide accretion (4568.30 hectares due to construction of a reservoir of Way Jepara which is the catchment area. Before the decree of the Minister above exits, Lampung provincial government based on decree of Lampung Governor No.230/2275/Bappeda/1984 date 25 October 1984, date 27 July 1984 proposing the expansion of protected forest area of Gunung Balak (Register 38) from approximately 19.680 hectares to 28.300 hectares which agreed by the Ministerial Decree above. The accretion an area of 4.568,30 hectares for the interest of the Way Jepara cactment area is derived from the expansion area covering 1.100 hectares in the Way Abar village whose inhabitants have been resettled and an area of 3.468,30 hectares in the most area of the villages a round Gunung Balak whose its populations are planned to be resettled to other area.

However, the accretion of an area of 4.568.340 hectares was canceled by the government based on decree of Menhutbun No, 545/Kpts.II/1998 date 2 July 1998 on the wide change of protected forest are of Register 38 Gunung Balak from 24.248,30 back to 19.630 hectares (were issued by the way of enclave) ex the region covering 4.563 hectares in Central Lampung Regency. While the rest remains in East Lampung Regency that was founded in 1998. Most of districts of East Lampung Regency originated from Central Lampung Regency.

In 1980 the National Land Agency (BPN) held the certification program of rural Prona in Central Lampung Regency included the villages around protected forest of Register 38 Gunung Balak. Bandar Agung village which is the only village which was lucky to obtain certification for their plantation and agricultural land area of 862.802 hectares based on PP. No.10 year 1980 Agricultural Directorate of Lampung Province which reinforced by Decree of Lampung Governor No. A6/230/ DN.466/56/1982. The Certification happens because the Prona officials in Directorate of National Land Agency (BPN) were not realized that the area of the certification is the Protected Forest area of Register 38 Gunung Balak. firstly, certification would be canceled, but the persistent struggle of the villagers to hold protest for cancellation up to the level of central government in Jakarta to make the certificate which has been already handed over the wide land area of 862 802 hectares is still valid. But hence forth, the National Land Agency (BPN) stopped the continuation of the certification to other area in Bandar Agung Village and others villages ex Gunung Balak. So, the wide of Protected Forest of Register 38 Gunung Balak after certified on some lands in Bandar Agung village is 188.171,93 hectares. Of course, this termination of the certification sparked protest from others villages which have not received certification part of the Prona.

*(ii). Gunung Balak (Government Clan in Colonial Period; 1935-1945)*

Before to 1935 the land on Gunung Balak areas belong to the clans or the local government of Lampung. Institutional system of Lampung customary is the traditional institution of clan which characterized by the

presence of territorial boundaries with certain indigenous leaders. Each of these traditional institutions have territorial boundaries of particular region. Generally, natural boundaries such as river, hill, rock and others with certain leader/head of custom (sai batin) too. Indigenous Institute Clan which located around the area of the Gunung Balak namely Subing, Labuhan, Marinting, Sekampung Ilir and Sekampung Udik Clans. Clan is a unit of government which ruled the villages at that time. The government system already present since before the colonial era.

During the Dutch East Indies rule have been issued the regulation of legislation called the "*Agriculture Wet*" (1870). According to the 1870 Agrarian Law, there are two categories of domain. The first category is a free domain, which refers to all land that is not glued certain rights. The second category is called the bound domain, which refers to an area that is taxed. On this domain category, the indigenous people usually can obtain ownership right that can be inherited. In the regulation also specified that the bound domain only apply to lands which planted permanently. With this regulation, all temporary use of land as found in migratory agricultural system, not including the domain bound, but go into the free domain category which become state property (Gautama and Hornick 1972, 80). Therefore, all free domain belong to colonial government, the practice of shifting cultivation is seen as a illegal activities in connection with the fact that the farmer does not have the permission ve to cultivate the land.

The state Positioning as the owner of the land, a claim which was developed from 'the theory of Vorstaindomain and built on the foundation of the idea that all land is owned by indigenous ruler'. (Rouffaer 1931, 67-68). In Lampung no exception in the area of Gunung Balak, 'the right of ownership of the land has been transferred to the colonial government, as a consequence of the fact that the native ruler (clan) has recognized and handed over this area to the VOC in 1743' (Kumar 1983, 78). VOC and the Dutch colonial government as a successor hold the right in determining various land transactions such as selling, renting and transferring of land rights. In principle, only landowners have rights like this.

'State domain decree forming the legal basis for the colonial government which became the basis for granting rights to the foreign businessmen to lease the land and build a plantation' (Gautama and Harsono 1972, 8). 'The rights like this granted in the form of erfpacht right, namely the leasing of land which can be inherited until over 75 years with a maximum area of 500 ~~hou~~ or 354,8 hectares' (Furnivall 1939, 178). 'Erfpacht lands granted to foreign entrepreneurs both individually and corporately' (Sutter 1959, 28). Through erfpacht right, much plantation efforts developed in Lampung Province with a wide range of commodities, especially rubber. The Rubber commodity in the future is giving the trade mark of Lampung region in a very long period of time. Granting the right of land use on the erfpacht basis possible to be done in Lampung region in connection with still available vacant land in large quantity.

'In connection with the rights of ownership over land for the indigenous, The Agrarian Act 1870 recognizes the customary law which can be obtained through three principal ways: clearing, the transferring of land right and awarding the right over the abandoned land' (Holleman 1981, 186-87). 'The Revocation of forced cultivation (Tanam Paksa) gradually has individually strengthened land ownership system' (Sutrisno 1996, 4). The Land which owned by the natives are not on kadaster. However, the land which used for agriculture by farmer is the object of an annual tax. To administer the land tax the village chiefs are required to record agricultural land in the register of land tax. The payment receipt of Petuk tax is the only proof that owned as proof of land ownership.

In 1935 the traditional leaders of the five clans which exist in the area of Gunung Balak namely Subing clan, Labuhan clan, Malinting clan, Sekampung Ilir clan and Sekampung Udik clan handed the land of 26.620 hectares to the Dutch government to be recognized as country forest. The Submission was confirmed by the Besluit of Lampung Resident date 30 November 1935 no. 664 and renewed again with Resident Lampung letter date 30 June 1968 no. 429/VI/1968. Why does this happen? We need to look at the habits which prevailing in colonial era of the Dutch government at the time had been accustomed to receiving tribute in the form of taxes from the leader of the clans including the land tax. For better, the status of forest of Gunung Balak made into country forest because the forest product is likely only be retrieved by the small-scale forest product searcher which is Lampung natives. They do not like to open the forest for rice fields as practiced by the farmers in Java. Beside the agrarian regulation issued by the Dutch government in 1870, namely 'Agrarische Wet & Agrarische Besluit (Agrarian regulation) never believe the individual right of farmer. On the contrary, they claim that all the certified land without ownership belong to the state/Demain Van Der Staat' (Noer 1997, 33). Farmer community only can take forest product and cultivate the land that controlled by the state. On the other hand, the Dutch colonial government was not allowed to sell no-man's land to any party although it has the right to take over it. They only have the right to lease the land which is considered no man's land to plantation entrepreneurs. So, would the area of Gunung Balak also leased to be plantation area by Dutch government. The answer is no, Dutch colonial government saw that the country forest of Gunung Balak has matching function as water catchment area, so its conservation must be protected. The country Forest of Gunung Balak is designated as the covering forest with the purpose of hedging ( Hidrourologi ) with register number 38 on 12 August 1935. Way Jepara Lake in

the country forest area of Gunung Balak is designated to be the location for the manufacture project of water catchment which the endorsement is done in Bogor on 24 February 1938.

Anyway, the good intention of the Dutch colonial government to the conservation of nature can not be separated from economic factor. The existence of the protected forest of Gunung Balak as water catchment area is so indispensable for large plantations such as tea, coffee and banana which have been generated since the Dutch era in Lampung Province. At that time, the forced cultivation policy which imposed by the Dutch colonial government in Indonesian produces big result to be transported to the Netherlands.

Materially, the content of the legislation gives priority to the economic interest of the colonial administration. 'At that time, Indonesia used as a place to obtain the raw material for the industry purpose which the processing was conducted by the European countries' (Bachriadi 1997, 200). At the beginning of the 19th century in Lampung Province occurred the first opening of transmigration program in Indonesia by the Dutch colonial government as a form of ethical politic of the government. The program performs the transfer of the population of Java and Bali islands whose inhabitants have experience and a high work ethos in processing agricultural lands such as paddy fields and settled plantation. The Dutch Colonial Government is so required the manpowers of newcomers in Lampung Province to cultivate plantations because Lampung populations like farmer outside Java prefers the way of shifting land management.

(iii). *Gunung Balak during The Old Order (1960- 1970)*

At the beginning of independence in 1945 the protected forest register 38 Gunung Balak has not received attention by the settlers and it is still in the form of a wild forest. Some of the Dutch colonial government programs which was continued by the government of the Republic of Indonesia is the transmigration program. The Dutch colonial government provide fertile ground and make the population of newcomers from the islands of Java and Bali feel at home and not much to move and than resulting the cities of the former transmigration (Metro and Pringsewu), and Metro currently is Administration City (the second largest city in of Lampung Province).

In December 1949, after the recognition of the independence of Indonesia by the Netherlands, the concern over the presence and ownership of the Dutch plantations land emerged. A number of political parties looked at the plantation owned by the Dutch as a representation of the colonial interest which the existence in Indonesia contradicts the political independence of the newly achieved. The Land ownership by foreign plantations are considered as obstacles for the peasants in effort to gain wider access of land which is needed in order to develop agricultural production of people. A shift in the orientation of the Indonesian Communist Party in the early 1950s of the movement which is based on the workers to the direction of movement which is based on the peasantry turn awareness of the issues of landlessness. 'The rejection of the existence of the landlords and capitalistic-western plantation which are closely associated with a form of exploitation, and the need for redistribution of agricultural land to landless farmers' (Kroef 1963, 54-57).

'On 24 September 1960 the Indonesian government imposed new regulation in the agrarian sector known as the Basic Agrarian Law (UUPA) 1960 as successor of Agrarian 1870 Law' (Soehadi 1988, 11). 'With this new regulation, the agrarian reformation (landreform) introduced to accommodate the need of the legal law and the assurance security in the land ownership' (Syamsuddin 1982, 14-15). Through the implementation of these policies, expected some land conflicts will be reduced and in turn will create a positive climate for the development of the agricultural community in particular and Indonesia economic development in general.

In 1950-1960 came the desire of various community groups to have their own agricultural land. Before independence this desire is difficult to be realized in connection with the agrarian law of Dutch colonial government does not allow it. In this era, the landreform spirit which was sweeping the world of agriculture is very visible, which the farmers feel get fresh air to obtain the right and to own the land. Then at the time, issued the enactment of the Basic Agrarian Law (UUPA) in 1960. At the beginning, this law was intended as a 'the law of agrarian stem which includes pattern of social relation on the ground' (Fauzi 1997, 89). The article which contains this subsection in UUPA is Article 6 UUPA 1960. The legislation have characteristic "populaire", which recognizes individual rights over land, but the land rights with social functions. The Populism applied not only by the power of the central government but the decentralization of political power through mass organization of farmer. 'So, the agrarian policy is also applied by the populist political style' (Bachriadi 1997, 69).

Furthermore, in article 19 UUPA 1960 the government was commissioned to conduct the land registration throughout Indonesia. The Agent which specifically handle this activity is the Office of Agrarian Affairs. The Land registration program includes three main activities, *the first* activity is cadastre which aimed surveying, mapping and record soil in order of the making maps registration. *The second* activity is the legal affairs including the registration of the land title, the ownership of right holder and the other legal matters such as the transfer and the termination right of land ownership. *The third* principal activity is the issuance of a formal proof or the status of land (Harsono 1973, 1-2, 7). 'The Action in the implementation of land reform includes the land registration, the maximum expansion of the area of land ownership which allowed formally and the redistribution of land to landless peasants' (Utrecht 1969, 76). During the 1960s the space for farmer

organization is very wide open in the dynamic of populist policy under the leadership of President Sukarno. The aspiration of farmers at that time is the political element which become a concern in national issues under Sukarno's government. The biggest farmer organization at the time it was Barisan Tani Indonesia (BTI) which have communist ideology, in 1964 BTI also participated to open the protected forest of Register 38 Gunung Balak and distribute it to farmers. The others organizations which participating in opening the protected forest area of Register 38 Gunung Balak are BUMI (1951), PRAJA (1953), and SADAR (1954). In their actions, the community organizations are seen fighting for the interest of farmers to acquire agricultural land as an potential economic resource of farmers .

The emergence of these organizations loaded the political interest and can be considered as the trigger for the birth of land dispute in the protected forest of register 38 Gunung Balak. The stewards of the people's organizations gain financially by "selling the right of use" to farmers who thirst and hunger for the arable land, which had to pull out from the division land of transmigration project were not fertile namely migrant farmers from Java and Bali. Lampung at that time was already known by the Javanese who was on the Java island as a destination for farming and the closer land to the Java Island.

The transmigration program under the Soekarno's government conducted by the Ministry of Transmigration, and the program in Lampung stopped in 1977 because the land is full for the project, the transmigration program implemented by the Ministry of Transmigration on the era of the Old Order of Sukarno in the distribution of land to the participants of the transmigration program was impressed carelessly with little attention against soil fertility which is needed by settling farmers of Java and Bali which already accustomed with the fertile land in their origin area. Therefore, it is not surprising if many transmigration participants in Lampung in 1960 left the land/ration land from the government and seek individually the fertile land in Lampung, and become the beginning of the land problems in protected forests of Register 38 Gunung Balak which precisely begins (onset) with the alternation of implementation of the transmigration project from the Dutch colonial government to Indonesian government.

From interview with a pioneer Suparti (76), the opener of protected forest area of Register 38 Gunung Balak who interviewed by us said: 'the price of land which sold by rogue elements of the organization about RP 2.500,- (two thousand and five hundred rupiah) for the land with the wide about two and a half hectares'. Why the organizations feel entitled to sell the use right in the of protected forest area of Register 38 Gunung Balak, whereas at that time the area was officially and clearly was a listed region as a protected forest with register number 38 which is controlled by the government through the Ministry of Forestry? Why the Department of Forestry at that time did not act decisively to these migrants? This condition can not be separated from the populist political conditions which prevail during the reign of Sukarno so as if the problem is a serious problem. Although the Forestry Agency of local government at that time already knows the position of the protected forest of Register 38 Gunung Balak which most of its area is a water catchment area, they precisely give the License of Intercropping (SITS) which its content introduced the public the way to prepare the land in the protected forest of Register 38 Gunung Balak without be entitled to ownership. More Surprisingly , the community organizations above that appear and have the letter for the vast tract of land, so they can distribute the license to the farmers by selling it. Therefore, it is not surprising if in the 1960s the migrant farmers in protected forest area of Register 38 Gunung Balak which already felt had a land that they open because they felt they had to pay/buy to organizations which obtain permission from the Local Government of Central Lampung Level II to open the land in the protected forest area of Register 38 Gunung Balak. But that is only "opinion of ownership land" from the farmers because the government never give certification for the land that they open.

This matter can be understood because the political situation like that causes the Regional government of Lampung Level I at that time can not hold/prohibit the organizations which already sprung up to perform their action: seeking farmers to sell the use right of land. Even the Regional government of Lampung Level I gave permission to the public to perform secondary crops (Tumpang Sari) to farmers through the organizations which has sold the license to farmers of Java and Bali. Notwithstanding at that time they know that the area around Gunung Balak included in the protected forest area, which should be forbidden to be opened. More ironically, the side which has the authority to preserve the forest namely the Forestry Office of Lampung Province, not or has not been able to hold the strong action to protect the forests. There are several organizations which participated in managing the land in the protected forest area of Registers 38 Gunung Balak included:

1. PRAJA established in 1953, the organization coordinates the country forest clearing near the Raja Basa village named Pusaran and then became the Sidorejo village.
2. SADAR in 1954 which coordinates the opening area of four kilometers x six kilometers, located in the area around Kubu siring. The organization subsequently united with PRAJA organization and founded the Bandar Agung village.
3. The Farmers Front of Indonesia (BTI) in 1964 coordinates the land opening which the purpose is to establish a power base G.30S/PKI by opening forest area of 15 kilometers x five kilometers in the protected forest area of Register 38 Gunung Balak which later became the villages like; Sriwidodo, Srikaloka, Srikaton

and Srimulyo .

The presence of such organizations make it easier for the public to get into the area, it is as the result of the interview; Sumardi (58 years), is a farmer graduated junior high school (SMP) derived from Klaten. After completing his middle oeducation he intends to migrate to Lampung, precisely in Metro city where his grandmother lived during this time. But he cancels his plan go to Metro city and go to Sribawono a small town that existed since the dutch colonial period, which at that time still included into the Central Lampung Regency. In there he met and acquainted with the man who took him to cultivate soy in the small town.

At that time the people of BUMI (Badan Usaha Masyarakat Indonesia) organization planned to open farmland known as the land of Veteran struggle. Sumardi (58 years) obtain information that the land has been given by the Governor of South Sumatra (at the time of Lampung province was joined by South Sumatra) to the laskar<sup>45</sup> Veteran fighters. The land is an area of fourkilometers x sixkilometers. At that time, according to Sumardi, organization of The Farmers Frontoh Indonesian (BTI) is one of PKI's underbow organizations, alsoopen farmland in the north wood of Bandar Agung.

Finally, Sumardi farming on the land that was opened by former fighters who are members of the laskar<sup>45</sup>, then a village stood namely Bandar Agung, which is located adjacent to the Sribawono village. He is the leader of the comers (the leader of susukan) in Sribawono which all members come from Java. After successfully opening the agricultural land and the family settlement they also bring up the people from Java included Sumardi's family from Klaten. Firstly, the family was resettled in Sribawono because Bandar Agung village is still an plantation area of former forest. In 1965 held the election of village leader in Sribawono. People who do not have home in Sribawono asked to move. Finally, Sumardi and his family moved to his cultivation area in Bandar Agung village with a group of others farmers who suffer the same fate and then open a settlement in the new village. In 1966, Sumardi acquire the allotment of land from BUMI organization , for the house and yard each one point five hectare and a field of three hectares. The Land ownership is restricted by putting a peg in the form of iron. Sumardi who never had a vast land area like that in the Java island certainly very pleased with the situation. He farmed with passion, the land is the most valuable property or resource for him. At the time of obtaining the land, actually Sumardi know that the opened area is region forest (protected forest). But he did not know for what exactly the allocation of the reserve forest.

Other figure who is the pioneer of the forest opener in the protected forests of register 38 Gunung Balak is Sadyo (55 years), the former leader of Sidorejo village in 1977, who also came from Klaten. Although he successfully completed education up to senior high school (SMA) but he did not get a job in his origin area. The agricultural land which he owned also is from the division result of the BUMI organization. He decided to migrate to Lampung to change his life which have no land in the origin region. Such as often carried out by people in Central Java Province at that time. On the way he met a man who gave the information that he can become farm laborer in Bandar Agung village when farmers in there were harvesting. In 1968, there were clearing in the Bandar Agung village by Legium Veteran Sadar Sriwijaya. Each man who get clearing land must pay to Legium Veteran Rp. 2,500,- per parcel. Legium Veteran Sadar Sriwijaya have the intercropping (Tumpang sari) permission, The Choose Cutting from the Forestry Office of Central Lampung Regency Level II. At that time, the managemen permit of forest land was also given to farmer individually, with a note that the land status still belongs to the Forestry Department. The Communities who manage the agricultural land in there accounted by the organizations. Finally, after the agricultural land to be full of inhabitants and shelter lodges, the community allowed to set up village in the opened gardens. They assume that they already have the requisites to be able to establish a village with the village head who come from the Susukan head, has a territory and an ownership of Inhabitan Card (KTP) which approved by local officials.

However, until now (except some of the land in Bandar Agung because fault of the National Land Agency (BPN), which perform the certification) the land status of the farmers in the area is still not officially belong to them, or in other word have not been certified as property right, but their number who live in the protected forest area of Register 38 Gunung Balak has reached thousands of people and their settlement already in the form of a permanent building.

*(iv). Gunung Balak In The New Order (1966-1998)*

The Indifference of The licensee of regional authority (The Head of Forestry Office of Lampung Province) on forest of Register 38 Gunung Balak not continue, this happens because in the beginning of his power in New Order era under the leadership of Suharto, populist politic of Sukarno was replaced by political development using the paradigm of modernization. As a concrete form each legislation which will be approved must be more referring to the macro-scale national interests than the interest of a handful of small communities such as farmers. At that time the Government issued the Basic Law of Forestry (UUPK) number 5 year 1967 which is its content precisely more difficult for farmer to own their own land because all no-man's land should be controlled by the government included for the sake of development funding which is similar to principle which imposed by the Dutch colonial government. Article 5 paragraph 1 of the Basic Forestry Law (UUPK) states that "All forests in the Republic of Indonesian, including natural riches which contained therein controlled by the state."

In the New Order era, the Basic Agrarian Law which is more populist still applied formally, but not popular anymore in a row with the direction change of political interest. For example, on the issue of forestry the Government make the Basic Forestry Law No. 5 year 1967 which is not based on the Basic Agrarian Law (UUPA) 1960 which should be the cornerstone of agrarian policy. Even mentioned that UUPA.1960 often considered as a source of political conflict in the countryside and as a result of the Left (Fauzi 1999, 101). The Basic Forestry Law No. 5 year 1967 was made into foundation for the government to withdraw the development fund from the product of forest including to control of the forest land which considered is not community property such as the protected forest of Register 38 Gunung Balak.

By using extreme language, the people who have settled in the protected forest area of Register 38 Gunung Balak was considered as squatters and can be evicted at anytime when the area is necessary in the interests of the state or the public. Therefore, in the 1970s with the spirit of development to enable the Way Jeparo reservoir as the national irrigation which can irrigate an area of thereabouts 7,000 hectares, starting an action of the New Order government against people who have been around ten years as a "squatters" left free to open the protected forest area of Register 38 Gunung Balak without the meaningful monitoring. Emerged letter of The Public Work Department of Lampung Province no.A / 21/3298/1 date 5 October 1970, which addressed to Regent, the Regional Head of Central Lampung Level II and the local Muspida element to held the supervision against the protected forest of Register 38 Gunung Balak. On 18 May 1971 issued a decision which the content is the words following below:

1. The Resident must stop the new clearings.
2. The transfer of resident to the shelters that have been available to do after the election.
3. The Resident were only given the opportunity to harvest the plants that already exist.
4. After harvesting the plants, they have to leave their homes.
5. The Supervision of the emptying of the area handed over to the district head and local government agencies.
6. The Monitoring and Security submitted to the forestry police and the state police (Polri).

On 30 September 1971, emerged decision of Lampung Governor No.g/0197/D-II/HK/1971 which the content revokes and cancels all intercropping (Tumpangsari) licenses and use permits of the protected forest of Register 38 Gunung Balak which were formerly issued by the Forestry Office of Lampung Province and through community organizations which were distributed to the migrant farmers from Java and Bali.

The Problems of land above show that the coordination between the relevant agencies in dealing the land cases such as the case in the protected forest area of Register 38 Gunung Balak is so bad. Who is actually be land administrator in the area? If the Forestry Department in the area is entitled to claim as the licensee of power authority, why the action of Lampung Forestry Office which gives license to open the protected forest area of Register 38 Gunung Balak through community organizations based Instruction no. 7 year 1964 was left unpunished. Whether the authority of the National Land Agency (BPN) does not exist in this case other than just handing out the certificates.

In this case, the action which is organized by the government of Forestry Department in emptying the protected forest area of Register 38 Gunung Balak from squatters, of course met with the resistance from the residents in the area who felt they have the right to manage the land based on the license that they have. According to the record of the team of Karya Bhakti Golongan Karya Lampung Level I (page 9), on September 1971 the discharge officers transferred the population of protected forest area of Register 38 Gunung Balak, but the implementation in the form of expulsion and less give understanding and awareness to the communities, even from the actions which were undertaken by the discharge apparatus were filled with emotion precisely offend and hurt the conscience of the people who will be moved.

The Action which was carried out by the Local Government Lampung Province at that time seems confusing. After canceling the permit of intercropping (Tumpangsari) on 30 September 1971, suddenly 13 villages around the protected forest area of Register 38 Gunung Balak are legitimated to be a preparation village on 20 April 1974 by the Decree of the Regent of Central Lampung Level II number 8/1.K/pem/ 1974. The Names of these villages are Srikaton, Srimulyo, Srikaloka, Sriwidodo, Bandung Jaya, Ogan Jaya, Sidorejo, Brawijaya, Mojopahit, Way Abar, Bandar Agung and Yabakti. Apparently at that time, there is a difference of opinion or policy between the Regional Regent of Central Lampung Level II who ruled at that time by siding with the people of these villages and the policy of the Government of Lampung Province Level I who realized that as the protected forest area, Gunung Balak is not just the issue of provincial but become a national problem too. Therefore, on 28 April 1980, the Governor of Lampung issued a decree No.G/074/BPD/HK/1980 on the discharge of the protected forest area of Register 38 Gunung Balak. In 1982 the government continued the program of population transfer from the protected forest area of Register 38 Gunung Balak by the local transmigration system, the residents which were successfully transferred about 12,000 family heads (KK) which are residents from about nine villages of the 13 (thirteen) villages in the former District of Gunung Balak. The villages which failed to be eliminated included: Bandar Agung village, Sidorejo village and Brawijaya village.

The three villages are including the advanced enough village in the rate of the economy in the Gunung Balak area. The residents of three villages, including the lucky ones because by reason of lack of funds the local government stopped the local transmigration program. Interestingly, in 1980 the local government of Lampung Level I made a mistake by giving land title to 1.604 parcels of land or an area of 862.802 hectares in Bandar Agung village according to the decree of Lampung Governor No.AG230/Da.466/SK/ HM date 18 March 1982. The present of this certificate was immediately stopped after the BPN realized that the village including into protected forest area of Register 38 Gunung Balak. The local authority itself fails to cancel the certificate. The act of emptying the protected forest area of Register 38 Gunung Balak from the squatters was continued in 1985 by the decree of Lampung Governor number G/245/B/III/HK/1984 on the abolition of the jurisdiction district of Gunung Balak and 13 villages in it.

More Uniquely, in 1982 in the area built Trans-Sumatra street, which connects Sribawono city with Panjang district in capital of Bandar Lampung, passing through the forbidden villages such as Bandar Agung and Sidorejo. Of course, this case makes the villages more strategic and develop. In 1988 the local transmigration program was continued by transfer the population from the expansion area of protected forest in Way Abar village. The activity successfully moves a population of 1.819 family heads (KK). In that year the area was used as a reforestation program by planted rosewood and (pohon mahoni) which reaches an area of 1.100 hectares. The Government action which was carried out by various agencies is confusing the farmer communities who already feel that the protected forest area of Register 38 Gunung Balak is theirs. Although they realized as immigrants, because they open up the area and made the area into agricultural land which generates income for the local government. Whether the farmer community in the protected forest area of Register 38 Gunung Balak is reasonable to claim the land as their own officially although the area was declared as the protected forest which they themselves originally allowed by the local government to enter the area and farming in the area by the way of purchase? Do the migrant farmers from Java and Bali can be said owned the customary right over land in the protected forest area of Register 38 Gunung Balak although they are not natives? Should be clarified that in the New Order era under the leadership of President Suharto, the government issued a decree No. 32/1979 on Principles of Policy in the framework of the present of the New Rights over the Conversion Land of ex West Rights. In article 4 and 5 stated that: on the ground of the Use Right of Business (HGU) from the west right conversion which has been occupied by the people which was observed from the land use and the safety of the environment more appropriately reserved for resident or agricultural activity, will be given new right to the people who possess it. (Decree 323/1979 Article 4). To implement the Decree, the Minister of the Interior state issued the letter which is addressed to all Indonesian Governors No. Btu./356/8/1979. date 30 August 1979 about the covering letter also as an explanation of Presidential Decree No. 323/1979. In figure III point 5 the letter stated "about the former lands of Use Right of Business which was occupied by people basically will be given priority to the peasants to acquire ownership rights over the land".

From the events which occurred above, of course the farmers in the protected forest area of Register 38 Gunung Balak did an act of insurgency against government decisions which hindered them legally to own the land that they have occupied all this time. The Figures of each village still survive such as in the Sidorejo and Bandar Agung villages diligently perform their action so that they legally have the farm and settlement that they occupied now. From their own territories internally they vigorously conduct the construction of features and public facilities, such as mosque, temple, village hall, school, market and other general facility. In Sidorejo village currently, there is Besakih shrine which is very large and magnificent. The village is inhabited by thousands of people from Bali indeed in this time look as if located in the region of "Bali on a small scale", because of many temples or places praying for the Hindu-Bali people in front of their house. A prominent figure of Bali (Made Pasek, 65 years) is the pioneer of forest opener of Gunung Balak which is a pioneer who until now fights persistently for the ownership of the land legally. The public of Sidorejo village question why their land can not be certified as occurred in the majority of land in the neighboring village (Bandar Agung village) which is the nearest neighboring village. They are guided by the letter of the Governor of Lampung No.g/074/DPD/HK/1980 which stated their village is not included the village that resettled anymore. Whereas the local transmigration program at that time was stopped due to the difficulty of fund from the government. The Villagers of Sidorejo, Brawijaya and Bandar Agung actively send a letter to the Minister of Forestry of Indonesia, with the demand so that these villages made into the agreement reached forest without the movement of the population. The Government programs such as reforestation intensively conducted in the protected forest area of Register 38 Gunung Balak after most of its population successfully transferred and most of the villagers were successfully removed. Even the government intends to expand the protected forest area of Register 38 Gunung Balak for the sake of Way Jepara Reservoir. The Residents of the four villages are also afraid if their villages made into the expansion area of the lake. In their letter to the Minister of Forestry above, they state that their villages area located far away or approximately 15 kilometers from Way Jepara lake and its location is lower.

(v). *Gunung Balak District (1984-1987)*

The District of Gunung Balak in the Protected Forest area of Register 38 formerly when established still be in



the region of Central Lampung Regency. After 1998, the regency was divided into two regencies, Central Lampung and East Lampung Regencies). Gunung Balak was established in 1984. Ten years ago namely in 1974, the villages around the area of Register 38 Gunung Balak totaling 13 villages, made into the legal village by the Local Government level II. The Names of these villages are: 1. Sri Widodo 2. Sri Kaloko 3. Sri Mulyo 4. Sri Katon 5. Sidodadi 6. Bandung Jaya 7. Ogan Jaya 8. Bandar Agung 9. Sidorejo 10. Bawok 11. Brawijaya 12. Majapahit 13. Purwo Kencono. The most of villages are the legacy of the villages or hamlet that opened by organizations which was suspected as underbow of Indonesian Communist Party (PKI) which at that time experiencing heyday during the reign of Sukarno's Old Order.

However, in 1987 Gunung Balak District was disbanded because the district is legally still included in the protected forest area of Register 38 Gunung Balak which was controlled by the Ministry of Forestry. Whereas since the area was used as residential area and plantation in the early 1970s, the forest area in that region is already very slight. Another reason that makes Gunung Balak district was abolished namely because there is the catchment area or reservoir in the Way Jepara Lake which is a water catchment area. After the district of Gunung Balak was abolished, only a few villages were still survive up till now and most of the others moved to other district. The Sidorejo village, Brawijaya, Bawang Udik and Bandar Agung village which is the largest village entrance to the district of Labuhan Maringgai. While others villages were transferred to other district mainly because the villages were still located in the area of the Way Jepara lake which will made as area of water catchment (catchment area).

In 1986-1987, the Forestry Department of Lampung Local Government hold a land reforestation by planting rosewood on the land which was already left by residents who have joined in local transmigration program (Translok). In fact, the reforestation only can survive till about 13 years. In 1990-1991 the plants were cut down and used as firewood, while the land was re-occupied by illegal immigrants who have no clear origin. Since the Dutch colonial government obtained the right to control the entire forest which is considered "not owned" in Lampung Province in 1935, including the area of protected forest of Register 38 Gunung Balak. The watershed area of Way Jepara river has been planned to be built as a water catchment area. The determination of forest on Gunung Balak as the protected forest with register number 38 was passed in Bogor three years later, exactly on 24 February 1938. The location of water catchment area of Way Jepara is the area of Gunung Balak forest register 38. So, not the entire area of water catchment are located in the protected forest area of Gunung Balak. Opposite also, not the whole of protected forest area of Gunung Balak including into the water absorption area, but roughly only 25 persen from the total area of the protected forest area of Gunung Balak, namely in the north. The rest of region does not affect the water supply for irrigation project which was programmed tens years later namely in 1971.

In the year 1971, on this region was arranged a development plan against the irrigation project to irrigate the rice fields covering 6000 to 7000 hectares. For that purpose, the use of land in upstream area of Way Jepara river or the water catchment area need to be repaired because the circumstances of the groundwater use in the area was endangering the sustainability of water for the project. The Way Jepara water catchment area needed to be held an improvement of the area which located around the Habar swamp which has been converted to be a densely populated residential area. The Protected forest area of Gunung Balak Register 38 itself is no worthy anymore to be called as a protected forest area since about 95 persen of it has been used as arable land and settlement by migrant communities from Java and Bali since tens years earlier. However, apparently the government's determination to conduct the irrigation project is so large.

In 1971, a population transfer was held on a large scale in the area with the intention of holding the emptying of the protected forest area Gunung Balak which some times later made into reforestation project of rosewood plant. According to record from the Team of Karya Bhakti Golongan karya Lampung Level I, the activities carried out by force in the form of expulsion. The displaced people are accommodated firstly in the shelter area in Batu village (Badak Peniangan). whereas the site is a difficult place to get water. In the year of 1982/1983 to 1988/1989 the government make a local transmigration program (Translok) against 12.699 families coming from 13 villages where the nine villages are ex villages of Gunung Balak district (Sriwidodo, Srikaloka, Srimulyo, Srikaton, Bandung Jaya and Ogan Jaya, Sidodadi, Yabakti and Way Habar). Many Residents of these villages was transferred to the North Lampung. The remaining of 10.615 household heads not been transferred because of limited funds.

This policy causes a fear in society which occupies an area of the former district of Gunung Balak. Whereas as described above, not all village in the territory of the former district of Gunung Balak including water catchment area. The Villagers of Sidorejo, Brawijaya, Bandar Agung and Majapahit for example, on 4 October 1987 sent a letter to the Forestry Minister of the Republic of Indonesia which one of its content is reminded that their villages are outside the catchment area of Way Jepara reservoir, which located about 15 kilometers from the village and its location is lower than Way Jepara lake. The delivery of this mail is done because of public concern over the expansion plan of protected forest of Gunung Balak Register 38 for the sake of the irrigation project of Way Jepara. The Fright of Villagers which still remained around catchment area of Gunung Balak is

still exist today considering most of the area do not have certificate in a sense still considered as just the tenants on the land that they have occupied for tens years.

In 1998, with the spirit of the reformation thousands of people regain the control of the area which have been emptied. The Rosewood plant which was considered by the society is not benefit for them because they can not take its product, also was vandalized and used as firewood. Whereas the budget which has been issued by government for the reforestation are not few in number. The Rosewood cutting for example done in Sumber Jaya village (the suburban of Sadar Sri Wijaya village) in July 1998. A month later, on August 1998 occurred vandalism and cutting of rosewood plants around Majapahit village. The following month, namely in September 1998 the territory of Kencono Purwo village was claimed by the group of Mom Siti Azma as its possession. The next month, in October until November 1998 the area of reforestation in the region of Way Habar village was cleared by Ismet's group and the villagers of Sumur Bandung of Way Jepara District. December 1998 till June 1999 a clearing occurred in the former villages of Sri Katon, Srimulyo, Srikaloka, Sriwidodo, Sidomulyo, Sidodadi, Bandung Jaya and Ogan Jaya. The logging of Rosewood reforestation plants is visible planned, the time and the place.

According to script of the Forestry Office of Lampung, the activity often was organized by organizations such as: The Primary Cooperation of Indonesian Veteran (PRIMKOVERI) Level II of the Municipality of Bandar Lampung, The Community of Eviction Victims (K2P), The Main Gate Foundation (Movement of Development of Independent Farmer Business) and others. Most of these organizations have members that hundreds in number, even some of them give money to farmers to fight for their land.

Some residents who returned to the location said that the reason for occupying the area is because the government intends to hold a community forest which certainly attract their attention. So it is not surprising if the location formerly had been emptied remade into settlement although yet in the form of modern and settled settlements like in Sidorejo and Bandar Agung villages which its population failed to be transferred a few years ago. The villages which sprung up again are Sri Katon, Sri Mulyo and Sri Kaloko villages. A situation like this certainly is more difficult to carry out the construction of DAS Way Jepara. Until now, the irrigation project still has not been implemented as has been planned due to the various land conflicts that occurred. The Officers of the Forestry Department still take measurements of the villages which located around the catchment area of Way Jepara.

## CONCLUSION

The Measures which taken by the Department of Forestry in dealing with this issue. They realized that it is not easy to move people who have occupied a certain area during tens years and foraging on the land area that they live in there. However, until now the government still considers that the people in the area of Register 38 Gunung Balak still live in area which has not legally into theirs, except most of the area of Bandar Agung village which had been certified. The Sidorejo villagers, representing the four villages which are still considered as legitimate area because they failed to be participated in local transmigration program (Sidorejo, Bandar Agung, Majapahit and Brawijaya), want their village to be excluded from protected forest area. But until now their request still can not be granted due to the decision remains at the central government namely the Minister of Forestry though in the era of regional autonomy because this issue concerns the problem of protected forest area, (in article 7, paragraph 2. The Law of Forestry No.5 year 1957). mentioned that 'Determination of the forest area (in the previous paragraph) made by the Minister with considering of land use plan that is determined by the government'. So according to the paragraph distinctly that the government's plan to make the area into a water catchment area look gets more priority than the desire of populations to acquire their land which legally certified.

The Forestry Office of Lampung files a project of Community Forest to the population as a substitute of rosewood plants, the government is planning to give perennial seedlings which can support the water catchment area and also its product can be used by residents for their life. However, seem likely that people are less interested with the project, considering that most of themselves already choosing maize plants which its product and marketing are good enough.

This problem seems will continue until one of the parties succumb, whether the government which allow them to occupy the land legally or they will be transferred again. Where they will be transferred, considering almost all lands in Lampung province have been controlled by various parties. Furthermore, if the developing villages such as Sidorejo and Bandar Agung villages remade into the protected area, the losses can reach billions of rupiah since the two villages had been developed with various modern facilities and was arranged neatly and beautifully.

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