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Scenario building on Law No. 7 of 2012 about social conflict intervention: The possible future of land conflict management in Indonesia

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Abstract

Many criticisms have been directed to Law No. 7 of 2012 on Social Conflict Intervention (SCIL) which was passed by the parliament in April 2012. One of the criticisms is linked to a possibility of creating state violence. This paper reveals some implementation consequences of the Law No.7 of 2012 by adopting a scenario building approach. The scenario building approach is a narrative or story that foresees a future of society, either in a positive or negative condition. In this paper, the land conflict is one of notorious conflicts in Indonesia; it becomes a main narrative issue of scenario building on Law No. 7 of 2012, particularly, the land conflict that is based on customary land issues. Therefore, this paper has its main question: how does scenario building method reveal the consequences of Law No. 7 of 2012 in the case of land conflicts? The scenario building in this paper is based on the discourse analysis of media social construction theory through the case of land conflict in Lampung Province.

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Keywords: Scenario building, Land conflict, Conflict management, State violence.

1. Land Conflict in Indonesia

Indonesian Social Development Paper by World Bank shows that the second highest level of conflict cases in Indonesia is the land conflict, while criminal is at the top level [1]. According to Henry Rustandi Butarbutar, Head of Conflict Division of BPN (National Land Agency), in 2007, there were 2,615 land conflicts and dispute cases, and in 2009, the conflicts increased up to 7,000 cases [2]. While according to Head of BPN, Joyo Winoto, until January 2010, there were 9,471 cases of land disputes and conflicts in

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which 2,913 cases have not been resolved [3]. Even though, based on BPN's report, most of the land conflicts have been resolved, civil society organizations mention different data: many unresolved land conflicts violate communities' rights, particularly, land conflict between customary community and company or state owned enterprises (BUMN); those are not reported formally by the government. KPA(Consortium for Agrarian Reform) reported that there were 106 land conflicts in 2010 involving 517,159 families in the conflict of 535, 197 hectares land; the incident caused 3 farmers killed, 4 farmers shot and 80 farmers arrested by the police [4]. In addition, 69,975 families were suffering because of land conflicts during 2011 on 472,048.44 hectares [5].

Those land conflicts were often handled by the state using means of violence and alleging the community members as law violators or criminals. In many cases, vertical land conflicts between communities against companies or state are transformed into horizontal conflicts among communities. The phenomena are followed with security guards or *pamswakarsa* recruited from people around the villages by a company. Hence, the land conflicts are basically mixed types of conflict, namely vertical-horizontal land conflicts. This conflict dynamics is socially complicated. However, in some testimonial reports, the police – as state representatives – often stand to protect community members who are at the company's side or the security guards themselves. This happened in North Sumatera, between PT. Mazuma Agro Indonesia and the community when the police and *pamswakarsa* did violent actions [6] [7]. Due to the phenomena, what is the possible future of land conflict management under Law No. 7 of 2012?

1.1. Scenario Building

Through the case of land conflict in Lampung, Indonesia, SCIL needs to be foreseen in its implementation by adopting the scenario building concept, whether it creates state violence or not. Scenarios are stories or narratives that foresee a future that might happen in society, including the reasons behind of positive or negative conditions, and the consequences of a state policy, collective action or system. It is not a method to reach consensus around a particular single concept of the future, but it is more to elaborate the political, social economic and cultural realities of a situation. As Mietzner and Reger pointed out, scenario is about strategy to see a possible future which contains uncertainty [8]. According to Alcamo, the basic elements of typical scenario are: 1) Description of step-wise changes in the future state of society and environment. 2) Driving forces, the major factors that influence the change described. 3) Base year. 4) Time horizon and time steps. 5) Storyline, a narrative description that highlights the scenario main features including the relationship with the driving force [9].

The scenario building on Law No.7 of 2012 in this paper is based on FGD and interview with members of some local communities during the field research in Mesuji and Tulang Bawang in 2010 and 2011. The driving forces of SCIL implementation included the *habitus* of politics, court system quality, police performance, company and community's interest and action. The possible futures basically are divided into positive and negative possible future. The positive future can instantly be traced from the situation when Law No. 7 of 2012 can reach its goal by creating a "conflict transformation", whereas for the possible negative future, the Law No. 7 of 2012 creates a state violence. Before analyzing SCIL by using scenario building approach, this paper elaborates firstly the fundamental fallacy of SCIL and *habitus* of political elites in Indonesia's power structure.

1.2. The Fallacy of Law No. 7 of 2012

Fundamentally, the perspective of conflict management explains that every social relationship, either in economics or politics, has a nature of conflict. Every human being and particular collective groups as a

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