

CATEGORIZATION OF SOLUTIONS FOR INDIGENOUS PEOPLE IN CUSTOMARY LAND-USE CONFLICTS IN INDONESIA

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Abstract

The human needs greatly influence land use behavior and become a problem in some countries. Some areas have changed functions to help support human life. However, often the converted land is customary land in the form of forest, and few are disputed. In the era of independence, the government recognized that customary lands belonged to the state. This study aims to categorize solutions that can be used in resolving land-use conflicts over customary lands. This study uses traditional methods with secondary data obtained from appropriate and relevant sources. Customary land is recognized by Indonesian law through UUPA No. 5 of 1960. The highest rights to land owned or controlled by indigenous peoples and their implementation are regulated by customary elders called ulayat rights, but the conditions for their existence and implementation remain. In various countries, there are various kinds of deviations caused by excessive or inappropriate use patterns. In Indonesia, there are irregularities in the implementation of the law to manage land. Therefore, in resolving conflicts, one must look at various points of view and the history of the disputed land and refer to several cases that occurred in other countries. Categorization of land use conflict resolution can be seen from the method of settlement, distribution of customary land use, land-use change, mapping to avoid vertical and horizontal conflicts, and the involvement of disputing parties, as well as based on ownership rights to customary land.

Keywords: *Agrarian Issues, Agrarian Policy, Conflict Resolution, Customary Land, Implementation Irregularities, Land-Use of Customary Land.*

1. Introduction

The human need for land affects the pattern of its use which is getting more terrible from year to year. Due to the increasing number of residents in the city, they are no longer able to accommodate the needs of city dwellers and the outskirts of the city, which is slowly changing its function into an area that supports the needs of the city (Zou, et al., 2019; Huang, et al., 2019). One of these changes in land changes the surrounding land into a house where humans live, industrial

areas and plantation areas that support human needs and this is becoming a problem that always occurs every year and slowly changes the function of the forest, not infrequently the forest is customary land managed by the community (Intan, 2011). Recently, customary land is still a land of a dispute by some parties. It has been disputed since the colonial era. Colonizers used to use often customary land, which was still forest as plantation production forests such as oil palm, coffee, and sugar cane (Verbist & Pasya, 2004).

This dispute continues until now, especially when the government decided that the state owns the customary/community forests. It means that these forests can be converted into protected forest areas, conservation forests, and production forests, then classified into private forests, plantation forests, and customary forests (Sahide & Giessen, 2015). Meanwhile, the local community considers that it is their land to be used according to their needs (Marina & Dharmawan, 2011). The government in carrying out forest management often ignores the existence of customary law communities. The granting of permits to concessionaires to carry out forestry activities in customary forest areas violates customary law. Conflicts between concessionaires and indigenous peoples often occur. This is exacerbated by massive activities that destroy forests to impact the survival of indigenous people whose lives depend on the forest (Madonna, 2019).

Customary forests are within the territory of customary rights, and the rights to manage customary forests are with the customary law community. However, if indigenous peoples no longer exist, managing them is given to the government (Constitutional Court of Indonesia, 2012). In some areas in Indonesia, horizontal conflicts in customary land disputes occur due to family problems, and if they cannot be resolved properly, the village head will assist. In contrast, vertical conflicts occur because often, the government gives land use rights (HGU) to disputes against other parties and is opposed by indigenous peoples because they are considered to interfere with comfort and security (Dassir, 2008). For example, in Indonesia, it occurs in abandoned areas that have tourism potential. This area is claimed and worked on unilaterally by the local community even though they do not have proof of ownership, so that conflicts often arise with those who have recognition of Hak Guna Usaha (HGU) there. The leading cause is social jealousy between HGU owners, who tend to be more successful in managing tourism than residents who feel that they are not being defended by the government (Asikin, 2014).

Differences in customary law in each region have not been able to be accommodated into national law. Often the indigenous people are

on the weak side because they have to deal with the state. Development and investment policies have increasingly eroded the existence of customary land where the main problem is that no concrete evidence of customary land ownership in an area. So far, the community only recognizes an area as their customary land. Meanwhile, the government may consider the land not customary land-based on evidence of land ownership owned by other parties. The classification of indigenous groups is also a problem because the times are eroding it.

The government often recognizes customary land, but its ownership rights are not recognized. Thus the government can use it after being transferred, contrary to what local people recognize as customary land (Klümper, et al., 2018). According to Yance Arizona, the (regional) government and corporations in practice still control customary forests and expel people from their territories. The sectoral legal products that favor the interests of investors legitimized the exclusion of indigenous peoples (Dahlan, 2018). This idea aligns with Alting(2011) where the government has only practiced normative land tenure law politics and tends to be closed to social facts in society. Often customary land or forest is sold for use rights by the government and used as production land (tourism area or production forest, plantation, rice field), while people who feel they own customary land want to take care of their certificate because they have to get approval from the customary elders. It has led to vertical conflicts with the government and horizontal conflicts between communities (Jayantiari, 2017). Indonesia uses the concept of "controlling," not "owning," in the relationship between the state and land. So it becomes clear that state land is unattached to any right land (not owned by anyone) (Mulyadi, 2010). Customary land (which is owned by customary communities) should be given individual rights to maintain customary forests. If examined in-depth, the rights of indigenous peoples to customary land are part of human rights (Alting, 2011).

In various regions, some communities uphold the implementation and management of land based on customary law. There are some concepts and principles of customary law that

can contribute to the formation of national law to accommodate the interests of indigenous peoples (Alting, 2011). The emergence of land-use conflicts in Indonesia is due to improper synchronization, accompanied by weak legal certainty for indigenous peoples and their land. Sometimes, customary land is confiscated without the knowledge of the indigenous people because the government has minimal communication with the indigenous peoples whose land has been used as another function (Safitri, 2016). Horizontal customary land conflicts also occur due to an unclear inheritance system that causes quarrels between relatives. Problems arise regarding whether customary land should be certified or not because customary law has never regulated the certification of customary land owned based on inheritance (Windari, 2010). The issue of customary land according to the law in Indonesia is regulated into two types, namely customary land / girik, which is privately owned, with ulayat land rights which belong to all customary local communities and customary ownership rights can be proposed by the customary community (Government of Indonesia, 1960; Ismail, 2012). The existence of customary land is gradually eroded. As in the Gampong community of Nagan Raya Regency, ulayat land is almost gone due to the overly broad interpretation of the right to control by the state (Jamaluddin, 2016). As well as in other areas, there are problems that have not been resolved to date.

Land Use conflicts also occur in other countries in the world. These conflicts are, for example, the problem of agricultural land disputes that occurred in China, Poland, or Romania. In addition, there are conflicts over ownership of land used for mining in Uganda and Ghana. In Uganda, the conflict resulting in armed clashes in the local area is detrimental to the community. In dealing with problems in related countries, there are various ways that the local government carries out, such as mediation, system reform, to land-use change planning that involves all parties. These methods can be used in Indonesia to solve similarly or the same problems.

The existing problems related to the Land Use conflict of customary land in Indonesia can be resolved. Seeing the various kinds of problems in customary land that are regulated in the constitution and laws of a country, it is clear that there are some differences in conflict resolution, including approaches to conflict resolution. However, legally the implementation is the same. Therefore, clustering solutions for resolving land-use conflicts in customary land areas is needed if almost the same problem occurs, then from the classification, it can be implemented in problematic areas (Hammar, 2009)

2. Method

This research method uses formal review and uses secondary data obtained from various sources with appropriate and relevant topics so that it becomes chaotic in the categorization of solutions to land-use conflicts over customary lands in Indonesia. By comparison, the approach is carried out, namely comparing problems and resolving Land Use conflicts in other countries that can be applied to land-use conflicts of customary land in Indonesia. The data obtained will be described using words with scientific logic.

3. Result and Discussion

3. 1. Customary Land Rights

Ulayat rights are the rights of customary law communities, which in essence, are the authority possessed by specific customary law communities to manage and extract natural resources, including land and territory (Yulia, 2016). In this case, ulayat rights show the existence of a legal relationship between customary law communities as the subject of rights and land as objects so that the relationship between customary law communities and their territories is a controlling relationship. There are defining criteria regarding the existence of customary rights, which consists of three elements, namely the existence of specific customary law communities, the existence of certain customary rights which become the environment and place of life of the customary law community, and the existence of a customary law order regarding the management, control, and use of the land. ulayat that is valid and obeyed by the customary law community (Rosmidah, 2010). So Urip Santoso concluded that if

these three criteria were met, the absence of formal evidence could not hinder the existence of customary community rights because customary law itself is unwritten (Santoso, 2013).

A customary law community is a community unit with features that can stand on their own, have a legal entity, a unitary authority, and an environmental unit based on common rights to the homeland for its members and usually one area of residence or one line of descent (Deda & Mofu, 2014). According to R. Van Dijk (unknown years), although customary law is not fully included in national law, it provides essential material for its formation. It includes the rights of the customary law community personally as well as the rights to what they have, including culture, property, and customary land. Customary land is recognized in Indonesian law through UUPA No.5 1960 (Sumardjono, 2006), namely Indonesia's agrarian law which applies to water, land, and space, namely customary law (Nasution, 2015).

There are some types of laws that govern it in customary land rights, with the first order being hak ulayat or patuanan (Beschhikkingsrecht) (Deda & Mofu, 2014). Ulayat rights are the highest rights to land owned or controlled by community members (legal groups) and customary / village elders regulate its implementation, but on the condition that its existence and implementation still exist today (Yoatili, 2015). The land has a vital position in customary law (Yulia, 2006). It is due to its permanent nature under any circumstances. It is also a place to live, provide a living, or a place of a fellowship who died. According to Van Vollenhoven, customary law communities in the archipelago can be divided into some customary law circles (Deda & Mofu, 2014). Therefore each customary community has different customary laws in regulating land rights in their territory (Perdana, et al., 2019). Based on the same legal basis and strengthened by various kinds of legislation other than UU Pokok Agraria 1960, it is only natural that each region has different conflicts and solutions used.

3. 2. Conflict in Customary Land

Recently, there are some problems related to customary land in Indonesia. It happened because of various interests and conflicts between customary rights and the provisions of the Basic Agrarian Law (UUPA) (Yarsina, 2018). The Basic Agrarian Law is a law that is responsive by accommodating customary law and social functions of land. According to history, the materials for the formation of the UUPA have been compiled since 1948. The contents of the material are resistant to the legacy of Dutch colonialism (Faizal, 2017). As time goes by, there are new problems that the UUPA cannot answer, so this regulation is increasingly lagging behind the times.

These various clashes then led to various customary land conflicts resulting in anarchist actions between communities who owned land. During its development, the unclear regulations regarding ulayat land often become an excuse to marginalize the existence of ulayat land. The unclear boundaries of customary land-based solely on the memories of customary elders add to the complexity of the problem. Parties involved in ulayat land disputes may involve the local government, community, community and investors, and community members (Rembrandt, 2017).

Rights in customary land have actually been regulated by legislation that will help the community (Rosmidah, 2010). Irregularities in the implementation of the law on indigenous peoples to manage their land are often found. One of the irregularities that occurred was the Forestry Law which was used as a tool for the conversion of customary forests to state forests and then arranged a licensing scheme to be exploited and managed by capital owners without paying attention to local wisdom in the local area (Nasution, 2015). There are even several regulations from the government that are still detrimental to the community (Yoatili, 2015).

Conflicts that occur on customary land can take the form of closed (latent), emerging, and open conflicts (Fuad & Maskanah, 2000). In addition to several types of conflicts (Amalia & Malihah, 2016; Dassir, 2008). Examples of vertical conflicts, namely

customary land conflicts that occur in Papua are caused by several factors, namely the absence of compensation for land acquisition, delays in land payments, and horizontal conflicts between indigenous peoples due to the unequal distribution of compensation money or the ambiguity of land boundaries between community (Wijaya, *et al.*, 2018).

In other cases, horizontal conflicts occur due to differences in perceptions of land status without proof of ownership where one party feels they have an inheritance from their parents. The other party feels they have the right to manage after living there for a long time. In contrast, vertical conflicts occur because the government has designated customary forests as production forests and then granted rights for a business to the owners of capital without good coordination with the indigenous people who inhabit the area (Dassir, 2008). Examples of cases in the struggle for land use rights vertically are cases in countries with mining areas. The same thing also happened to Mount Halimun Salak National Park due to vertical conflicts, namely, differences in interests between the National Park managers (government representatives) and the Kasepuhan indigenous people (Marina & Dharmawan, 2011).

Conflicts over land often involve economic movements (land price markets) in the disputed areas (Ma, *et al.*, 2020). In Merauke Integrated Food and Energy Estate (MIFEE), the state and national and international corporations have been deprived of indigenous peoples' lands, which have received support from the state. Various problems occur for society as a real impact of this, such as socio-cultural disparities, demographic revolutions, economic and political marginalization. In this case, the community loses natural resources originating from the forest and land which have been a part of their lives (Tohari, 2013). The issue of claiming the customary rights of indigenous peoples in Papua has been going on since ancient times. Affirmation of the handling of agrarian conflicts and natural resources must be made to recover indigenous peoples against a violation that can be carried out immediately legally and obtain legal certainty (Citrawan, 2015).

Customary land conflicts from time to time in its history will never disappear and become an inseparable part of human life (Wahyu & Kiptiah, 2016). Various problems of customary land conflicts that occur in communities are usually caused by a group of people who have a power role and interest groups that consist of pseudo or private groups (Perdana, *et al.*, 2019). This competition is also commonly called temporal, spatial competition triggered by disagreements over land resources and their uses contested by heterogeneous groups and have negative environmental and social impacts (Ma, *et al.*, 2020).

Inconsistencies and overlapping policies in resource management often occur in the field. The involvement of indigenous peoples in policy formation is very lacking and their opinions often do not influence the policies made. The government tends to pay more attention to the problem of economic income without involving indigenous peoples (Rembrandt, 2017).

In addition, land conflicts in society generally consist of (1) expansion process due to limited industrial and residential areas followed by land exploitation caused by unplanned development of urban and industrial patterns, expansion of the scale of accumulation, both domestic and international models; (2) the authoritarian nature of the state in resolving agrarian cases; (3) changing the strategy and orientation of community development to become capitalistic (Limbong, 2012; Ma, *et al.*, 2020).

As a result of land conflicts, there are at least four implications, namely: (1) neglect of the principles of justice, democracy and ecological sustainability, as well as the lack of public participation from indigenous peoples; (2) The policy of legal regulations that is made indirectly causes damage and degradation of natural resources because the orientation is economic growth and acceleration; (3) There was a destruction of the social order of the existing community life; and (4) There have been some criminalization, victimizations, and dehumanizations of the existence of indigenous peoples. The stigma that is

formed includes primitive communities, forest destroyers, illegal cultivators, being uncooperative, hindering the implementation of development (Suharyo, 2019).

3.3. Land-Use Conflict in Several Countries

In general, land conflicts do not only occur in Indonesia. In general, land conflicts occur in Indonesia and other countries in the world. In a case study in mainland China, researchers formulated three types of land conflicts in the form of land-use conflicts, land-use conflicts, and conflict over landscape patterns (Ma, et al., 2020). If based on a conflict of interest, it is classified into a conflict between individuals, institutions, institutions, and institutions (Huang, et al., 2019). Even in China there are areas that the government seizes from local farmers without any compensation, even causing indications of corruption and bribery of local officials, but the unclear land ownership and farmers who are too defensive and do not open up also make the situation worse (Lin, et al., 2018).

In the case of other countries such as Poland, land-use conflicts are strongly influenced by the socio-economic conditions of the community, the structure of the agricultural community, the high level of urbanization, conflicts of interest between farmers and non-farmer buyers to change the function of land, causing agricultural land prices to be very high. This is followed by the high economic turnover of local land prices (Milczarek-Andrzejewska, et al., 2018). The amount of land that has changed function is not necessarily approved by the community who feel comfort and safety problems such as noise pollution, visual disturbances, health hazards, environmental changes that interfere with activities and local cultural values (Cieślak, 2019). In another case in Romania, land-use conflicts are more about the loss of agricultural land due to changes in land use by urban development and changes in the paradigm of people who prefer urban jobs to farm and make landowners sell them, thus forcing the government to intervene in dealing with this paradigm (Petrescu-Mag, et al., 2018).

If in the previous country most cases of agricultural land or forests disappeared, in

Colombia, the land-use conflict that occurred was caused by a drug war between the government and armed cartels that were guerrilla in some areas, this conflict caused some areas that were previously inhabited to become empty, changing their use to forests. Production such as marijuana fields destroys forest ecosystems (Landholm, et al., 2019; Corrales, 2019). However, other findings reveal that armed war has increased forestation because there are areas that experience a vacuum. After several years, new forest ecosystems emerge due to reduced settlement expansion, but after the armed conflict stops settlement expansion, mining activities and direct deforestation increase sharply (Enaruvbe, et al., 2019). In addition, city development that was destroyed by cartel wars did not necessarily benefit people's livelihoods because it was carried out periodically and city government policies were inconsistent, unfair and tended to be weak due to threats from drug cartel gangs (Feola, et al., 2019).

Rugadya (2020) examines local conflicts in Uganda due to the struggle for use rights and land ownership between gemstone, iron ore, gold, and marble mining owners who violate human rights by employing minors with indigenous people who work shepherds who have difficulty finding grass for animal feed. In Ghana, the land use conflict caused by conflicts between villages over competing natural resources around there, competition became fierce because the historical trail of the land was not clear, interestingly the proposal given was to reconcile the two opposing groups by presenting traditional elders and local religious leaders to investigate the ownership of these customary lands (Kansanga, 2019).

It is different from the findings in Nigeria, where the cause of land conflicts is the lack of coordination of traditional institutions as local authorities in registering land with the government, resulting in mutual claims of land which are felt to be owned by certain groups (Agheyisi, 2019). Kalabamu (2019) in Botswana identified conflicts over the use of customary lands controlled by authoritarian neoliberal and traditional elitist leaders so that the government issued a law to shift corrupt customary powers and did not side

with the interests of the state in order to change the function of customary land into production forests or agricultural land. The state, while the land has changed its function into a settlement, trade area, tourism, and recreation, even the land is sold too expensive. Kashwan (2016) found that the initiation of customary land protection can sometimes be infiltrated by the interests of groups or individuals who want to claim the use of the area for profit, so those customary protection institutions must also be neutral.

The exploitation of natural resources that destroy and seize customary forests by corporations makes indigenous peoples lose their place to live. The state faces natural resources by amending its constitution to accommodate the rights of indigenous peoples by making them sovereign legal subjects over their living space, resources, and identity. Just as Bolivia amended the constitution to become a coherent historical entity in 2009, the same thing happened in Mexico to avoid the acquisition of agricultural land by the food industry in Chiapas to protect the indigenous Zapatista people (Dahlan, 2018).

Specifically, the land-use problem of customary land in countries adjacent to Indonesia can find a solution to the conflict that can be applied directly through structuring and forming new legal rules. Ben and Gounder (2019) observe the problem that occurs in the country of Fiji where property rights in customary land areas have a different cultural or ethnic dimension than those usually stipulated in the constitution and then regulated in the formal laws. Antonio and Griffith-Charles (2019) see the problem of customary land in Papua New Guinea where two vulnerable indigenous groups are faced with business entities that will buy customary land but are constrained by limited legal reform mechanisms and ignore the characteristics of indigenous groups in Papua New Guinea. It allows indigenous people to be completely displaced from their home areas. In Malaysia, there is the term Malay Deposits which Malays can only own. The area of the Malay Deposits Land constantly changes due to the transfer of rights.

Moreover, the Malaysian government continuously collects data on customary rights over the land (9). It is different from the problems and the legal system of the Philippines which regulates the right to manage not only the rights to land but the whole that is in their ancestral territory (Republic of the Philippines, 1997). It emphasizes the legal protection of land rights owned by indigenous peoples there.

Seeing the problems that exist in other countries and their solutions, Indonesia may apply the same solution. Through a constitutional system that will be formulated into a legal rule regarding related issues. The constitutional protection of community rights to customary land must be fully accommodated and without exception. According to Satjipto Rahardjo, system structuring does not begin through the formation of law but from the community's life, giving birth to the law (Rahardjo, 2009). The Indonesian state structure was formed from a collection of indigenous peoples who eventually merged and formed the Unitary State of the Republic of Indonesia, so that it is imperative for the state to be present and to be able to guarantee that indigenous peoples' land rights are no longer disturbed.

3.4. Categorization of Land-Use Conflict On Customary Land in Indonesia

The land is a multidimensional problem that can lead to a tendency for people. They try by all means to maintaining the land and its social position in the community due to land that currently has economic value (Resmini, 2019). It is triggered by an increase in demand for scarce land available in one area, resulting in land boundary disputes and land ownership rights (Sutarja, et al., 2019). From the economic side, disputes often arise between brothers who own customary land, because according to some customary laws, customary land cannot be traded to parties outside their tribe (Abubakar, 2013). Land acquisition by the government for the public interest also tends to be problematic because it can injure the rights of indigenous people, as happened in Papua (Mebri, 2017).

In addition, there is also the problem of conversion of customary land in Bali caused

by the recognition of land rights by individuals in traditional alliances. In contrast, in Balinese customary lands, there is no ownership right on customary land, but management rights over cultivated land which has been divided by prajuru. / village administrators (Ardana & Surata, 2013). In ulayat rights, the land tenure rights on customary land are carried out through intensive continuous exploitation of a land that has been carried out for generations (Sutarja, et al., 2019). Not infrequently, land regulations and agrarian regulations overlap but are forced to hinder the investment climate (Busroh, 2017b). The law should be a tool of the government but should embrace every existing element (Akmal, 2021). The challenges of developments that occur require the enforcement of justice for indigenous peoples. The following are some of the land-use conflicts of customary land in Indonesia.

Table 1: Categorization of customary land use conflicts in Indonesia

Category	Conflicts in Indonesia
Horizontal (between humans)	1. Disputes on broad areas (Resmini, 2019)
	2. Land parcel boundary dispute (Resmini, 2019; Sutarja, et al., 2019)
	3. Land status dispute (Resmini, 2019)
	4. Disputes over land ownership rights (Resmini, 2019; Sutarja, et al., 2019)
	5. Mortgage disputes (Resmini, 2019)
	6. Rights waiver dispute (Resmini, 2019)
	7. Disputes over the transfer of rights (Resmini, 2019), which are also sometimes without the consent of other members of the customary alliance who occupy the area (Nusa, 2017)
	8. Land clearing dispute (Resmini, 2019)
	9. Disputes over the provision of
Vertical (between humans and companies, countries, governments, or customary alliances)	1. Indonesian legal politics has not fully accommodated the rights of indigenous peoples to customary lands (Rahman, 2017)
	2. The collision of national legal regulations with customary law that regulates individual rights in customary alliances (Abubakar, 2013)
	3. The application of land and agrarian regulations and regulations is still a problem and cannot be a juridical basis (Busroh, 2017)
	4. Recognition and respect for customary rights are only limited to a normative language whose implementation is still unclear and inadequate for indigenous peoples (Saija, et al., 2020)
	10. Land cancellation dispute (Resmini, 2019)
	11. Disputes on granting rights (Resmini, 2019)
12. Dispute on the revocation of rights (Resmini, 2019)	
13. Certificate dispute through proof of rights (Resmini, 2019)	
14. Disputes over customary land tenure (Muddin & Djanggih, 2021)	
15. Disputes over the sale and purchase of land rights that do not take into account the provisions of customary law (Bilung, 2020)	

Category	Conflicts in Indonesia
	5. The problem of implementing customary land conversion following the UUPA which has not been able to overcome the problem of customary land in an area (Bali) because the cultivation pattern was previously regulated by village administrators (prajuru), so that basically, there is no land owned by individuals (Ardana & Surata, 2013)
	6. Deprivation of land rights and control by companies and used as production forests such as palm oil (Kamim & Abrar, 2020)
	7. Changes in land function into places used to meet tourist needs such as homestays, rent cars, art shops, restaurants, laundry services, money changers or industrial use (Sutarja, et al., 2019)
	8. The problem of customary land registration is complicated, expensive, and complete with complicated files (Sugianto, 2017)
	9. Problems that begin with differences in views, values, interests regarding the status of customary land rights and customary law communities in certain areas (Wowor, 2014)
	10. Land disputes in the form of customary rights disputes, administrative disputes, civil

Category	Conflicts in Indonesia
	disputes, and criminal disputes related to ownership, registration transactions, guarantees, utilization between local communities and the state and companies in land control (Rahman, 2017)
	11. Unilateral control of investors who acquire land at low prices (Jamal, 2016)

5. Categorization of Solutions for Customary Land-use Conflict in Indonesia

In general, disputes over customary land cases are resolved by customary deliberation and courts, and in general, indigenous peoples do not win cases due to a lack of concrete evidence (Mulyadi, 2010). In the process of musyawarah / consensus, it is better to put all the disputing parties then be involved from the planning stage so that it can produce effective land use (Gwaleba, et al, 2020).

The categorization of solutions must be carried out carefully by considering the social structure, culture, and customary law of the local indigenous peoples to avoid further conflicts. In addition, the fulfillment of the needs of indigenous peoples is also part of the enforcement of human rights owned by these indigenous peoples. (Gayo, 2018). The table below will provide a categorization of possible solutions to overcome conflicts on customary land.

Table 2: Categorization of Solutions for Customary Land-use Conflict

Category	Solution offered
Based on the completion process	1. Mediation which can be in the form of administrative mediation and community mediation (Busroh, 2017; Lin, et al., 2018)
	2. Legal power through legal channels (Marina & Dharmawan, 2011),

Category	Solution offered	Category	Solution offered
	such as national courts and ulayat lands with customary courts (Kalalo, 2018)		(Amalia & Malihah, 2016)
	3. Reform of land management systems both in cities and villages so that they can be evenly distributed (Ma, <i>et al.</i> , 2020)	4.	Relocation of territory (Amalia & Malihah, 2016)
	4. Presenting traditional elders and religious leaders (Kasanga, <i>et al.</i> , 2019)	5.	Recognition of the local community (Government of Indonesia, 1960; Ismail, 2012)
	5. Equalize the views and understanding of all stakeholders in realizing the protection of customary land (Ernis, 2019).	Based on customary land mapping	1. Annual mapping and data collection of customary/ulayat lands (Mandowen, 2017)
	6. Advocacy (Lin, <i>et al.</i> , 2018)		2. Division of customary forest areas into certain zones (Luyan & Lunkapis, 2016)
	7. Hearings (Lin, <i>et al.</i> , 2018)	Based on the involvement of the disputing parties	1. Discussions planned land use change involving all stakeholders and the general public (Gwaleba, <i>et al.</i> , 2020; Ma, <i>et al.</i> , 2020)
	8. Administrative Adjudication (Lin, <i>et al.</i> , 2018)		2. Limiting deforestation for the development of the productive land (Ma, <i>et al.</i> , 2020)
	9. Reconsideration (Lin, <i>et al.</i> , 2018)		3. Controlling to the rate of urbanization of land and population must be balanced (Ma, <i>et al.</i> , 2020)
	10. Litigation (Lin, <i>et al.</i> , 2018)		4. Controlling of the blow-up of land market prices in disputed areas (Ma, <i>et al.</i> , 2020)
	11. Petition (Lin, <i>et al.</i> , 2018)		5. Revitalizing policy regulations in the regions to reduce land grabbing and depopulation (Ma, <i>et al.</i> , 2020)
	12. Economic Concessions (Lin, <i>et al.</i> , 2018)		6. The government must be more assertive in giving recognition to the existence of indigenous peoples in each region (Sinurat, 2019)
Based on a dispute over the distribution of land use	1. Community forest management patterns (Marina & Dharmawan, 2011; Dassir, 2008)	Based on ownership rights	1. Establishment of national legal
	2. Community plantation forest management patterns (Marina & Dharmawan, 2011; Dassir, 2008)		
Based on changes in land use	1. Providing equal compensation and supervision from the government (Mandowen, 2017)		
	2. Given the option of rights restoration access (Citrawan, 2015)		
	3. Good communication		

Category	Solution offered
over customary land	instruments to legalize customary land rights (Putuhena & Ilham, 2013)
	2. Application of laws that facilitate the legalization of customary land rights (Republic of Philippines, 1997)
	3. Making clear laws and regulations (Lin, <i>et al.</i> , 2018)
	4. There is a separation between deed registration and rights registration (Arisaputra & Mardiah, 2019)

4. Conclusion

In Indonesia, land-use problems generally occur in almost every region and specifically involve customary land issues. Legally, there are two types of problematic customary land, namely girik land and ulayat land. All customary land laws in Indonesia are recognized through UUPA No. 5/1960 as long as society and its existence are still running. Customary law communities are community units that have law and recognition under one leadership based on territory or lineage (Ismi, 2012; Kalalo, 2018).

Land-use conflicts do not only occur in Indonesia. Land-use conflicts occur worldwide, including in Indonesia, China, Romania, Poland, and several countries in Africa with potential customary lands for tourism, mining, agriculture, and plantation activities. Meanwhile, Colombia has serious problems related to land use due to the prolonged drug cartel war. For European countries, problems usually relate to comfort, changes in the paradigm of society, and the occurrence of environmental problems as a result of changes in land use. Meanwhile, for non-European countries, customary land in these countries generally still follows the existing customary law regulations, and some of these conflicts have solutions that are given and may be applicable in Indonesia.

The conflicts that occur in the land use of customary law lands are related to issues of

conflict of interest on ulayat lands that cause vertical and horizontal conflicts, because not all ulayat lands have proof of customary ownership or are recognized legally national law. Land-use conflict solutions for customary land in Indonesia can be categorized based on; (a) The settlement process; (b) Land equalization disputes; (c) Changes in land use that occur; (d) Mapping of customary/ulayat lands; (e) the involvement of the disputing parties, and; (f) Ownership rights to customary land. Each appearing categorization is based on the opinion of researchers. It has been implemented in several countries or regions of Indonesia. It is hoped that this solution can be applied in areas of Indonesia that experience land-use conflicts or land-use disputes of similar customary lands so that the right solution is obtained and does not corner indigenous peoples who are often marginalized and disadvantaged in these disputes.

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