

The Role And Partisanship Of The Inner Bandung City Government Responding To Land Disputes On Jalan Anyer Dalam, Kel. Kebonwaru, District. Batununggal, Bandung City

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Abstract

Agrarian conflict is a problematic issue that still exists and occurs today. One of them is the land dispute case that occurred in Anyer in Bandung City. The conflict involved the Anyer Dalam community and PT. KAI are claiming land in the Anyer Dalam area. In agrarian conflicts, the role and alignment of the government is very important. Therefore, the author conducted research using a literature study method and a qualitative descriptive research method to see the role and alignment of the Bandung City Government in the land dispute in Anyer Dalam. From the research results, it can be concluded that the Bandung City Government has not been able to carry out its role well and the Bandung City Government's partiality deserves attention, because the government tends to make things difficult for the community in this conflict.

Keywords: Agrarian Conflict; Anyer Dalam; Government Role; Government Alignment

Abstrak

Konflik agraria merupakan isu permasalahan yang masih eksis dan terjadi hingga saat ini. Salah satunya adalah kasus sengketa tanah yang terjadi di Anyer Dalam Kota Bandung. Konflik tersebut melibatkan pihak masyarakat Anyer Dalam dengan PT. KAI yang saling mengklaim tanah di wilayah Anyer Dalam. Dalam konflik agraria, peran dan keberpihakan pemerintah sangatlah penting. Maka dari itu, penulis melakukan penelitian dengan metode studi literatur atau studi kepustakaan dan metode penelitian deskriptif kualitatif untuk melihat peran dan keberpihakan Pemerintah Kota Bandung dalam sengketa tanah di Anyer Dalam. Dari hasil penelitian dapat disimpulkan bahwa Pemerintah Kota Bandung belum dapat menjalankan perannya dengan baik dan keberpihakan Pemerintah Kota Bandung pun patut menjadi perhatian, pasalnya pihak pemerintah justru cenderung mempersulit masyarakat dalam konflik tersebut.

Kata kunci: Konflik Agraria; Anyer Dalam; Peran Pemerintah; Keberpihakan Pemerintah

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INTRODUCTION

The agrarian sector is a very important aspect in human life, because various things related to land will influence many things. Agrarian includes all environmental, social, cultural, economic and political dimensions. In fact, this land is an asset that has a special position in society. People compete to buy and sell land, even at fantastic prices. This very important land position makes it vulnerable to agrarian conflicts involving various parties in society and the government. Agrarian conflict is still a serious problem in Indonesia. Until mid-2023, Komnas HAM recorded 692 cases of agrarian conflict in various locations in Indonesia. This number is equivalent to 4 cases per day reported to Komnas HAM. The agrarian conflict is dominated by the provinces of DKI Jakarta, North Sumatra, West Java, East Java and South Sulawesi. Records over the past 8 months show that the human rights most frequently violated are the right to welfare, the right to justice, the right to a sense of security, and the right to life. There are still so many reports of agrarian conflicts showing the lack of efforts and role of the government in resolving various agrarian problems, and sometimes it even seems as if the government itself is the cause of conflicts over land.

The city of Bandung is one of the areas where agrarian conflicts often occur. Disputes over land in Dago Elos, Tamansari, and Anyer Dalam are proof that land disputes are a serious problem that still occurs in the city of Bandung. Anyer Dalam is one of the locations where land disputes occur in the city of Bandung. Anyer Dalam is a residential area located on Jalan Anyer Dalam, Kebonwaru Village, Batununggal District, Bandung City. The Anyer Dalam area is a land dispute between PT. KAI with local communities. The dispute in Anyer Dalam heated up when PT. KAI carried out forced demolition of residents' houses on November 18 2021. This polemic was caused by differences in views between residents and PT. KAI. The residents consider that the land they currently occupy is their land, because the residents have occupied the land for decades and at that time the land was empty land and some of the residents had received land grants from their previous families. Meanwhile, PT. KAI assesses that this land is their land from ancient times and the Anyer Dalam area is a close area stations and offices of PT. KAI. It is planned that the Laswi City Heritage project will be built in this area with the initiation of PT. Wijaya Karya Realty which collaborates with PT. KAI. So, the Anyer Dalam environment will be affected.

The conflict escalated because the residents did not accept it and filed a legal complaint. The eviction carried out by PT. This KAI was carried out while the lawsuit was still ongoing, which violated the rules. Plus, Anyer Dalam residents often receive intimidation from unknown people. Local residents do not fully have land ownership certificates. However, residents always try to get land certificates through the sub-district, because residents feel they have the right to have ownership certificates for the land they have lived on for decades. However, the sub-district is considered to be

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The role of the government is very important and needed in this land dispute problem. Because the government has the authority to regulate and resolve various kinds of problems and conflicts in society. And the government's alignment in agrarian conflicts must also be taken into account, because in the case of the land dispute in Anyer Dalam, PT. KAI is considered to have support from the Bandung City Government. In fact, the sub-district government is making it difficult for residents to gain access to take care of paperwork on the residents' land. Therefore, it is interesting to carry out research to see the role of the Bandung City Government in resolving agrarian conflicts in its region. In particular, the land dispute between Anyer Dalam residents and PT. KAI is considered to have many irregularities and problems in its processes. As well as seeing how the Bandung City Government is taking sides in this conflict, whether it is in accordance with its duties and authority or whether there are interests of certain parties which cause the government's position to be unfair.

LITERATURE REVIEW

The Role of Regional Government

According to Merton in Raho (2007), this role can be interpreted as a pattern of behavior that society expects from people who occupy a certain social status. In this case, the role in question is the role of the Regional Government which is expected by the community to be able to resolve conflicts that occur in the area in accordance with the authority of the Regional Government (Susanto, 2018).

Therefore, this role theory is used to see the extent to which the role of regional governments is in carrying out their duties and functions according to the authority they have, especially in handling conflicts. Also see how local governments are involved in resolving conflicts that occur in society. In this case, the conflict in question is the agrarian conflict that occurred on Jalan Anyer in Bandung City. By understanding the role of government, we can see to what extent the Bandung City Government can carry out its duties and functions in handling the conflict in Anyer Dalam.

Agrarian Conflict

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In general, this conflict can be interpreted as a social relationship between two or more people (can also be a group) where in this relationship there is incompatibility or tension that occurs. There is one party who tries to fight or get rid of the other party in various ways, starting from subtle methods to rough methods. Meanwhile, agraria can be interpreted as matters of agriculture or agricultural land, it can also be interpreted as matters of land ownership.

By understanding the definitions of conflict and agrarian affairs, it can be concluded that agrarian conflict is a discrepancy or dispute that occurs in social relations in society which is related to land issues in the form of control or ownership of land.

RESEARCH METHODS

The approach in this research uses a type of research in the form of literature studies and qualitative descriptive research methods. Literature studies can be carried out by collecting references consisting of several previous studies which are then compiled to draw conclusions (Mardalis, 1999). The data analysis technique used in this research is using a content analysis method which can be used to obtain valid references and can be researched again according to the context (Krippendorff, 1993). In the analysis, selection, comparison, combination and sorting will be carried out so that relevant ones are found (Sabarguna, 2005). Inter-library checks are carried out to ensure the quality and validity of scientific works. And descriptive analysis method with a qualitative approach. By carefully describing the characteristics of a symptom or problem being studied. The results of the research will be in the form of data in the form of stories, in-depth descriptions, original words or expressions of the research subject which will then be analyzed descriptively or describe something in depth according to the topic of the research.

RESULTS AND DISCUSSION

The Role of the Bandung City Government in Conflict Resolution

The land dispute on Jalan Anyer in Bandung City is a serious problem that must be considered and resolved fairly. The role of various parties, especially the government, is very much needed. In the case of the Anyer land dispute in Bandung City, the role of the Bandung City government has a very important role. Because it is the Bandung City Government that has the authority to ensure conduciveness and justice in resolving this conflict. These agrarian conflicts often involve various parties who have different interests in land control. Therefore, the government must be able to create a conducive environment and ensure justice in resolving agrarian conflicts.

Role (*role*) is a dynamic aspect of a person's position or status and occurs when a person carries out their rights and obligations in accordance with their position

The Role And Partisanship Of The Inner Bandung City Government Responding To Land Disputes On Jalan Anyer Dalam, Kel. Kebonwaru, District. Batununggal, Bandung City (Soekanto, 2004: 243). Then, if it is related to government actions, it can be said that this role is the actions carried out by the government related to its position in government. The Bandung City Government as a regional government should have actions appropriate to its position in government.

The government has several roles in resolving agrarian conflict problems. Among others:

1. Law Enforcement: The government must ensure that applicable laws and regulations relating to land ownership, use and control of land are enforced fairly and firmly. This includes addressing legal violations such as land grabbing, irregularities in land use, or agrarian-related criminal acts.
2. Mediation and Dispute Resolution: The government can facilitate the mediation process between parties involved in agrarian conflicts. This can be done through existing mediation or dispute resolution institutions. The government can also create alternative mechanisms to resolve disputes without having to go to court.
3. Fair Agrarian Policy: The government must design a just and sustainable agrarian policy. This involves redistributing land to communities in need, protecting community rights, and regulating land use to prevent land speculation and exploitation of natural resources.
4. Community Empowerment: The government should support the empowerment of agricultural communities, including farmers and local communities, in managing their land. This may include providing training, technical assistance, and access to needed resources.
5. Monitoring and Supervision: The government must monitor and supervise the implementation of agrarian policies and ensure that these regulations and policies are complied with. This helps prevent recurring agrarian conflicts and violations of people's rights.
6. Communication and Education: The government must also play a role in increasing public awareness and understanding of agrarian issues, their rights, and how to resolve conflicts peacefully. Education and communication campaigns can help reduce tensions in agrarian conflicts.

As an institution administering government affairs, the government also has duties and functions. Among others:

1. Government Duties:
 - Maintaining public order and peace
 - Providing infrastructure for the community
 - Protecting Society
2. Government Functions:
 - Service Function, the government provides services to meet the needs of the community in every sector. Society will not be able to meet its needs on its own without the government providing services. For this reason, the government

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- Regulatory Function, the government has a regulatory function, namely regulating all sectors with policies in the form of laws, government regulations and other regulations, in order to create state stability and state growth.
- Development Function, this function is carried out if the condition of society weakens and development will be controlled when the condition of society improves. Developing countries carry out this function more intensively than developed countries with good infrastructure.
- Empowerment Function, this function is carried out if the community does not have special skills and abilities, where the government is obliged to carry out empowerment by improving the quality of human resources or the community.

In resolving the Anyer land dispute case in Bandung City, the Bandung City Government has not been able to properly demonstrate its role in accordance with the duties and functions of the government. This is proven by the complexity of the land dispute problem in Anyer Dalam. The condition of the affected communities is considered to be of little concern, they are not getting their rights to live well. In this case, it is true that some people do not have ownership certificates for their land, but they have the right to obtain clarity and services to obtain official land ownership status. However, the Bandung City Government, especially at the sub-district level, cannot meet these needs. As stated by one of the Anyer Dalam community leaders, when the community came to the sub-district to ask for clarity regarding the dispute and wanted to take care of the requirements to obtain a land certificate, the sub-district instead closed their office. This shows that the government does not provide good service functions to the community.

Since this case has become public and the Anyer Dalam community has sued the court. The people of Anyer Dalam often receive terror with the aim of getting the community to agree to the land eviction carried out by PT. KAI. The intimidation received by citizens shows that the government does not have a protective role towards citizens who do not have power. Apart from that, the impact of the evictions that occurred, some people became homeless. So, they have to move places, hitchhike, and even rent. In this case, the government should be able to provide other facilities and alternatives to respond to people's housing needs.

In resolving this case, the government's role as a mediator is less visible. The government should be able to prevent this conflict from escalating further, but what happens in the field is that clashes often occur when PT. KAI visited the Anyer Dalam area. And behind it all, the understanding of the relevant parties, both the Anyer Dalam community and PT. KAI regarding agrarian problems and conflict resolution is also very much needed. The government can be a facilitator to fulfill these needs. Because if society and certain parties understand agrarian problems well, then the conflicts that occur will not escalate and can even be avoided.

The Bandung City Government's side in the land dispute in Anyer Dalam

The government as an institution that has authority in government affairs that concern the lives of many people should have a fair position. What this means is that the government, in every action it takes, must prioritize the interests of the community at large, without prioritizing only certain groups. Likewise, in dealing with problems in society that involve many parties, the government must be really good at positioning itself. Don't let the government's response to problems that occur be biased towards certain parties to gain benefits for one side.

The land dispute that occurred on Jalan Anyer Dalam, Bandung City involved various parties, namely the Anyer Dalam community who have lived in the area for a long time and PT. KAI claims ownership of the land with the administrative evidence they have. In dealing with this conflict, the Bandung City Government must be able to position itself in accordance with applicable regulations without harming certain parties. Because the government's alignment in this conflict will affect the final outcome of the conflict resolution, whether it can end well or not.

In the case of the land dispute on Jalan Anyer in Bandung City, the alignment of the Bandung City Government is highly questionable. The reason is that from several incidents in the field, the Bandung City Government tends to make things difficult for the community. Administratively, some Anyer Dalam residents do not yet have land ownership certificates, but they have the right to ask questions and fight for their right to obtain proof of land ownership from the government. However, through the Rt/Rw and Subdistrict, the Bandung City Government seems to be making it difficult for residents to obtain this. The RW party is not supportive enough, and the sub-district party is not paying attention to the needs of the Anyer Dalam community.

Then, there was intimidation of the community and evictions carried out by PT. KAI tends to be repressive, indicating a lack of protection for the people of Anyer Dalam. The Bandung City Government is considered unable to meet the basic needs of the community in this agrarian conflict. The various problems resulting from land disputes in Anyer Dalam have not been responded to very well by the City Government. Until the trial of the Anyer Dalam residents' lawsuit to the court, the Bandung City Government became a witness for PT. KAI. Indeed, legally, the trial decision remains with the judge. However, the partiality of authorized institutions in the government can clearly influence the consideration of the judge's decision.

CONCLUSIONS AND RECOMMENDATIONS

Agrarian conflict is a societal issue that still exists and needs attention today. Land is an important element in human life, so many parties are competing to control land. And this tends to become a conflict if land matters cannot be handled well. Agrarian conflict problems such as land disputes still occur frequently in Indonesia. One of them is a land

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The land dispute that occurred in Anyer Dalam, Bandung City involved various parties in the problem. Like the community, PT. KAI, to the Bandung City Government. In matters of agrarian conflict, the government should be the mediator and provider of solutions so that the conflict does not escalate and harm many parties. The role of government is really needed in a problem in society. Likewise, the government's alignment in conflicts must be taken into account, lest the government actually defend parties that only provide benefits to certain parties.

In the land dispute in Anyer in Bandung City, the role of the Bandung City Government is considered not good. This is shown by the complexity of the problem. The affected communities feel that they have suffered a lot, with a lack of attention from the Bandung City Government. The Bandung City Government actually makes it difficult for people to obtain their rights, namely to obtain clarity regarding land ownership. From this conflict, people also lost their homes, received intimidation from opposing parties, and even experienced psychological losses for the community.

Seeing the lack of government role in the land dispute in Anyer Dalam, it is also worth asking about the Bandung City Government's partiality in this case. The Bandung City Government tends to make things difficult for the community and tends to position itself in the PT. KAI. Even in the trial area, the Bandung City Government actually became a witness for PT. KAI. The lack of role and partiality of the Bandung City Government in responding to the land dispute case in Anyer Dalam shows that the duties and functions of the government have not been carried out properly. The government, which should be fair and pay attention to the interests of the people in this conflict, is actually harming the people, the majority of whom need help from the government.

There is a need for the government's role in the agrarian conflict that is occurring, especially in the Anyer area in Bandung City. Requires the Bandung City Government to pay more attention to the interests of the community, especially those affected by the land dispute. The government must look at what the community needs from the impact it gets. If society is in a wrong position, the government should not make things difficult for society. The government must be able to position itself as a mediator and prioritize the welfare of the community.

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