

Inter-Ethnic Conflict about Land Claims in Mimika Regency, Papua Province

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Abstract— *Inter-ethnic conflict is one of the social phenomena that cannot be denied from human life, both in groups, communities, societies, nations and countries. In relation to this social phenomenon, there are conflicts in Mimika Regency almost every week. The conflict has various types of triggers, not only horizontal conflict, but also vertical conflict, so through this research, we want to find out how inter-ethnic conflict occurs in Mimika Regency. Apparently, Freeport's presence in Mimika Regency also adds to the diversity of the Mimika community because this company brings in many workers from outside Mimika and outside Papua. The rapid development of the region due to Freeport's presence has attracted more and more migrants to Mimika. PT.FI's operations have a tremendous environmental impact, so that the affected communities feel disadvantaged. This fact causes the conflict to widen. Of the many conflicts that have occurred in Mimika, this study analyzes one of the conflicts regarding land claims between the Kei tribe and the Amungme tribe. In this study, the research method is using a descriptive qualitative approach with the type of case study research, then the purpose of descriptive research is to make descriptions, pictures or paintings systematically and to know and understand according to the title of inter-ethnic conflicts about land claims, that inter-ethnic conflicts This can be understood and interpreted through case study research. Then data collection through interviews, observations and documents.*

The results of the study are in accordance with the title of the inter-ethnic conflict regarding land claims in Mimika Regency, between the Amungme ethnic and the Kei ethnic. Researchers found several results from this study, including; sense of belonging. With the desire to own it, will later get the maximum benefit, maintain it as a right by having a selfish attitude or difference in perception, and the local government in this case the National Land Agency (BPN) and other concerned, print and issue land certificates or releases. Land without seeing the real problems in the field. Meanwhile, for conflict resolution, especially tribal wars, so far it has prioritized unwritten law or customary law rather than positive law. The government and law enforcement only rely on customary law, because there have been several conflicts in Mimika Regency, the resolution must be through customary law. The perpetrator or actor should be arrested and then prosecuted in accordance with the applicable laws and regulations. From here it needs to be emphasized again that we must prioritize positive law, if this continues and continues to be carried out, then the community will definitely submit to and rely on positive law.

Keywords— *Conflict, inter-ethnic conflict and land claims.*

I. INTRODUCTION

Conflict between tribes in the Mimika community is an innate factor that is inherent in everyday life. The tradition of tribal warfare is an important indicator of this. The traditions of the tribes around Mimika are still firmly held to maintain their existence as well as efforts to become the dominant tribe among other tribes. Collectivity within the tribe is closely guarded by tradition, so that collective consciousness remains embedded. As long as there is no common enemy among them, the rivalry between tribes will strengthen again. Such a collective bond seen from the perspective of Durkheim's thought is called mechanical solidarity. If mechanical solidarity in each tribe continues to be revived, then tolerance for other tribes weakens. Individual behavior is more influenced by the system prevailing in tribal society than by the wider tribal system. Internal conflicts between tribes are one of the factors that cause conflicts in the Mimika area to continue, because there is an assumption that outside the tribe they are "foreigners" (oyame). The difference in character between the tribes from the mountains and the tribes of the lowlands also colors the conflict in the Mimika area, where people from the lowlands consider the tribes of the mountains to be too aggressive. The claim that all land controlled by Freeport belongs to the Amungme people is an obstacle for the Kamoro people who do not dare to express it openly.

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is an assumption that outside the tribe they are "foreigners" (oyame). The difference in character between the tribes from the mountains and the tribes of the lowlands also colors the conflict in the Mimika area, where people from the lowlands consider the tribes of the mountains to be too aggressive. The claim that all land controlled by Freeport belongs to the Amungme people is an obstacle for the Kamoro people who do not dare to express it openly. Rivalry that develops among the tribes creates conditions of continuous social tension, so that mutual suspicion characterizes their social interactions. This condition affects the emergence and development of conflicts in Mimika. There is one tribe that continues to strive to become a leader among other tribes by forming traditional institutions as a forum for movement in order to fight for the interests of its tribe, namely the Amungme tribe. If in tribal life there is a mechanism for selecting leaders through the tradition of war, then in the conditions of inter-tribal relations the same thing happens. The struggle for hegemony continues which is integrated with the promotion of leadership for individuals and groups. If the leader of one of the tribes stands out, the prestige of that tribe also increases, because the chief is the personification of his tribe (Ngadisah, 2003:42). In connection with the inter-tribal conflict over land issues in Mimika Regency, there are two large tribes that inhabit 10 meters above sea level, the Kamoro tribe and the mountains of the Amungme tribe have traditionally owned customary land rights, as evidence on March 16, 1985, the general chief of the Amungme tribe attended the head of the village. -other tribal

chiefs to carry out the signing process regarding the release of customary land rights to PTFI as well as the government. Then based on Law No. 5 of 1960 concerning agrarian, customary land rights changed to state land so that there are two programs, namely the transmigration program and the Regency program into Timika.

Regional government regulation of Papua Province No. 23 of 2008, concerning the customary rights of legal and customary law communities to land, article 12 paragraph 2 mandates that "the holders of the customary rights of customary law communities and or individual rights of indigenous peoples to land are obliged to release the land as needed. the government/regional government for the public interest by providing compensation for physical factors and non-physical compensation based on the results of deliberation and statutory regulations". In this regard, on March 16, 1985, the tribal chiefs signed a signing process to release customary lands with ulayat rights to turn them into state lands. The land problem in Timika Regency is customary land which is hereditary in nature which has the Amungme and Kamoro tribes, it's just that there are so many problems in Timika Regency is the problem of land ownership in essence about the status of land ownership, in Timika Regency there is no clarity so that the local government in this case the Land Agency and other related institutions are confused because there are customary institutions that talk about customary land rights in Timika Regency, then the problem again is institutions that are still talking about customary land rights, hamlets, forests and others. -other things have not been organized, regulated and mapped, so that the recognition of ulayat land has not been recognized by the local government in Timika Regency.

There are two land statuses in Mimika Regency, namely free state land and non-free state land. Free state land is state land that has been released by the state, therefore anyone can cultivate it as long as he works on the vacant land after which he must have or take care of the land release and land certificates. In Mimika Regency, which includes free state land is from kilo 11 to mile 50, approximately 52000 hectares. While non-free state land is land with customary rights, this land is not the owner of customary rights and is not allowed to cultivate. Therefore, those who have the right to cultivate are the ulayat rights owners, if anyone who wants to work on this land has the same permission as the ulayat rights owners. Therefore, in Mimika Regency, the owners of customary land rights are the Amungme and Kamoro tribes.

The conflict arose because there were actually differences in the understanding of perceptions between the two conflicting tribes. As an example of the case, in 2010 the conflict between the Amungme tribe and the Kei tribe over land issues in the Petrosea area, this land is included as free state land. , but the Kei tribe without asking permission from the first party who owns the land. However, the Kei tribe cultivates it without the permission of the land owner because the Kei tribe considers this land to be free land so that the Kei tribe is free to cultivate. With this kind of misunderstanding of perceptions, conflicts between the two tribes emerged.

An example of a conflict case regarding customary land rights in Mimika Regency, which often appears in society, is between the Mimika Regency indigenous tribes and sub-tribes from other districts, between indigenous tribes and those from outside Papua as well as between indigenous tribes and PT Freeport Indonesia. The events of the ulayat land conflict will be shown in the following table.

TABLE 1. Examples of Land Conflict Events in Timika Regency

No	Years of Conflict	Conflict Between Tribes	Main problem
1	1994	Amungme Tribe with Freeport	Ulayat land rights
2	1996	Amungme Tribe with Freeport	Ulayat land rights
3	2004	Suku Nduga Tribe with Suku Damal	Soil
4	2009	Suku Mee Tribe with suku Amungme	Soil
5	2008-2011	Suku Amungme Tribe with suku Batak	Soil
6	2010	Suku Amungme Tribe with suku Kei	Soil
7	2010-2011	Suku Kamoro Tribe with Government	Soil
8	2014	Suku Moni/Amungme Tribe with Dani/Damal	Soil

Source: results of interviews with community leaders and own observations.

From the conflict data above, it can be seen that there are actually quite a number of conflicts that occur in Timika Regency, but the authors choose a few that focus on inter-tribal conflicts over land claims. So, based on the data above, the most prominent conflict between ethnic groups in Mimika Regency is the issue of land ownership rights. In 2010 a conflict arose between the Amungme ethnic and the Kei ethnic group related to land issues in Petrosea to Irrigation, that in fact the owner of this land was Mr. Dominggus Beanal (deceased) who first opened or cut down trees then he invited the Mee tribe to clear land together to build houses, make gardens and so on, then part of the land is plotted and then sold to the Kei, Toraja and other tribes. Then Mr. Dominggus Beanal he made a sale and purchase transaction at a very cheap price or sold it for Rp. 500,000; up to 2,000,000; and an alcoholic drink cartoon because Mr. Dominggus also likes to drink alcohol. In the same year, Dominggus Beanal's family with other Amungme tribes carried out the installation of stakes so that they could not cross this boundary, but made the Kei tribe angry over the installation of the stakes. the two tribes. The second party is like the Kei tribe with the Toraja tribe, they buy this land with the first party or customary owner at such a cheap price, namely five hundred to two million and one cartoon of alcoholic beverages, then the second party sells it again to a third party at a higher price. expensive tens to hundreds of millions, and also build permanent buildings. Such actions make, the two tribes can lead to inter-tribal war conflicts.

II. KARL MARX'S CONFLICT THEORY

According to Karl Marx, the essence of social reality is conflict. Conflict is a social reality that can be found everywhere. For Marx, social conflict is a struggle between segments of society to fight over valuable assets. The types of social conflicts can vary, namely conflicts between

individuals, group conflicts, and even conflicts between nations. But the most prominent form of conflict according to Marx is the conflict caused by the mode of production of material goods. How does Marx explain that the mode of production of material goods can lead to social conflict? According to Marx, in the process of producing material goods, two groups are involved. The first is the capitalist group, they are people who have capital (capital) and control the means of production. The peculiarity of this group is that they are few in number and they sell their products at prices much higher than the cost of production so that they get the maximum profit. The second is the proletariat or the group of workers whose numbers are far greater than the first group. They give up their energy to run the means of production and in return they get wages instead of the goods they produce.

In the conflict and alienation of the production process, this causes two things. First, the proletariat experiences alienation in four areas, namely alienation from the results of their work because they are needed as part of the mechanical means of production, alienation from the results of their work because they do not get what they produce but wages, alienation from other workers because they are alienated and compete with other workers, and alienation from their abilities because they are alienated from their human abilities and subject to machines. Second, the capitalists and the proletariat are involved in an inevitable conflict. The reason is because in order to get the maximum profit, the capitalists try to keep the wages of workers as low as possible. On the other hand, in order to get big profits, workers also try to get the highest wages. Because profits and wages come from the same source, conflict is avoided. According to Marx, this conflict will not end unless changes in the system of production can actually be made.

Marx's form of analysis is very popular with his materialist dialectic and historical dialectic. Here, Marx is of the view that although historical phenomena result from the interplay between the various components, only one variable is the most decisive (independent variable), namely the economic variable. Various other variables, such as politics, law, philosophy, art and literature are basically all supported by economic factors. In the context of the stratification system, class basically depends on the pattern of relations between human groups and the means of production. In the book *The Structure of Sociological Theory* (Turner, 1982) found several propositions put forward by Marx. (a) The more unequal the distribution of income, the greater the conflict of interest between the upper and lower groups, (b) The more aware the lower groups are of their common interests, the harder they will question the legitimacy of the existing income sharing system, (c) The more the greater the awareness of their group interest and the louder their questions about the legitimacy of the income sharing system, the greater their tendency to work together to create conflict against groups that control the existing system, (d) The wider the polarization, the more violent the conflict, and (e) The harder the conflict, the greater the structural changes that occur in the system and the wider the process of smoothing out economic resources (Upe, 2010: 142-149).

III. RESEARCH METHOD

A research is basically an attempt to find data that will be used to answer or solve a particular problem, test a hypothesis or just want to know whether there is a problem or not. Based on the formulation of the problem that we have put forward, this research uses a descriptive qualitative approach, using a case study type of research. Bogdan and Bieklem, (1983: 27-30) state that, the characteristics of qualitative research are: (a) having a natural setting or the natural setting as a data source and the researcher is the key instrument, (b) descriptive, (c) more paying attention to the process rather than the result alone, (d) analyzing the data inductively and (e) meaning is "essential social". So, qualitative research has a main characteristic, namely emphasizing meaning in a context where the research process is more cyclical than linear.

In this writing, the author tries to collect data from various sources, including conducting interviews with the community, library books, reports, results of previous research, statements, experiences both seen, heard, and felt, print and electronic media, and other sources related to inter-tribal wars with land claims in Mimika Regency, Papua Province. Qualitative data collection is by focusing on the actual types of data and the collection procedures. However, data collection involves much more than that. Data collection includes seeking permission, implementing good qualitative sampling strategies, developing ways to record information, both digitally and on paper, storing data, and anticipating ethical issues that may arise. In this study, the researchers also used unstructured interview techniques, because according to the researchers this technique was very easy and free or not strict in conducting a dialogue between the researcher and key informants and subjects, then writing things related to the research problem and analyzing the data. By using an interview guide like this, it is possible to find out the thoughts of actors or key informants and the subjects and the underlying reasons according to the problem of inter-tribal wars that often occur in Mimika Regency.

IV. RESEARCH RESULTS

The land issue in Mimika Regency is also a hereditary ulayat land which has the Amungme and Kamoro tribes, only the problem in Mimika Regency is the issue of land ownership. In essence, regarding the status of land ownership, in Mimika Regency there is no clarity about land so that the local government in this case the Land Agency and other related institutions are confused because there are customary institutions that talk about customary land rights in Mimika Regency, then the problem again institutions that are still talking about customary land rights, hamlets, forests and others. It has not been organized, regulated and mapped, so that the recognition of ulayat land has not been recognized by the local government in Mimika Regency. The land that is in conflict between the Amungme ethnicity and the Kei ethnicity is actually the owner of the land or the first land clearing is the late father of Domingus Beanal. He invited the Mee. Therefore, this tribe is the closest or lives together with him, then together they also open the vacant land. The location of this land is located on Petrosea road to Irrigation land, this

conflicted land area is 11000 hectares in Mimika Regency, Papua Province. In 2010, his family, Dominggus Beanal, died with other Amungme tribesmen to install stakes so that they cannot cross the boundary, but made the Kei tribe angry over the installation of the stakes, with their anger so that the Kei tribe immediately attacked the Amungme tribe, eventually clashing between the two tribes. The second party is like the Kei tribe with the Toraja tribe, they buy this land from the first party or the ulayat owner at a very cheap price, namely five hundred to two million and one carton of alcoholic beverages, but the second party sells it again to a third party at a higher price. expensive tens to hundreds of millions, then also build a permanent building. In fact, this conflicted land, including free State land, so that anyone can cultivate either the indigenous tribes or any tribe in Mimika Regency, as long as he works on the vacant land and he already has complete documents, such as a land release letter. or a land certificate from the Land Agency or other relevant parties. However, conflicts arise because of misunderstandings or different understandings between the two tribes. The process or result of the conflict between the Kei ethnicity and the Amungme ethnic group, in the matter of land claims in Mimika Regency, took place in 2010. ulayat owners), will be shown in the table below.

TABLE 2. Process or Consequences of Land Claims Conflict in Mimika Regency

No	Kei tribe and other tribes	Amungme Suku
1	Sense of belonging	Assuming land belongs to customary rights
2	Get the maximum profit	Not allowed to buy and sell land
3	Unclear/unclear land status	Unclear/unclear land status
4	Have the same rights/maintain selfish	Have the same rights
5	Land is not properly managed and regulated by the local Land Agency	Land is not properly managed and regulated by the local Land Agency
6	Assuming that the land belongs to the State/public	Installing stakes/land boundaries
7	Open vacant land without permission to the owner	Differences in perception of land
8	The land agency prints land certificates without looking at the problems that occur in the field properly and objectively	The land agency prints land certificates without looking at the problems that occur in the field properly
9	Same land, two people each have a land certificate from the Land Agency or issue a certificate on top of the certificate	Same land, two people each have a land certificate from the Land Agency

Source: Results of interviews and voice recordings with traditional leaders in Mimika Regency in 2021

Based on the data above, that land in Mimika Regency is not/has not been regulated and managed properly by the local government through the National Land Agency (BPN) in Mimika, resulting in continuous conflicts. Worse still, the government itself has been working on land belonging to customary rights, even though the certificate has not been taken care of. And other people too, if they see the vacant land

is immediately cultivated without the owner's permission, this is what then creates inter-tribal conflicts in Mimika.

TABLE 3. Sources of Conflict in Mimika District

No	Aspect	Traditional Sources of Conflict	Aspect	Sources of Modern Conflict
1	Economy	Unpaid marriage property	Political	Regional Head Election
	Economy	Unpaid war victims	Political	Regional/Territory Expansion
3	Economy	Territory/Region Violation	Economy	PTFi Fund Assistance
4	Social	grudge	Economy	Well-being
5	psychology	Accusing is not true, by force	Social	Liquor (Liquor)
6	Ekonomi	Land/Garden	Political	Position/Position
7	Economy	Eral Ikop/Exchange tools	Political	Special Autonomy (Otsus)
8	Economy	Traditional Tray	Economy	Traditional Tray

Source: Results of interviews with community leaders or traditional leaders in Mimika Regency 2021

Every conflict that occurs in Mimika Regency, is not just one problem but various problems, both horizontal conflicts and vertical conflicts. It includes land conflicts, regional elections (Pilkada), regional expansion, special autonomy, liquor (alcohol), traditional dulang (golden trays), welfare, jabtan/position, social jealousy, unpaid marriage property, financial assistance. Freeport and others. As a solution that can reduce conflict in Mimika Regency, all parties must involve sitting together to find a way out of how to resolve conflict issues, be it the government, Freeport, the community in which religious leaders, traditional leaders, youth leaders, women leaders, traditional elders and others. Then positive law must be prioritized and enforced and then the perpetrators or actors will be prosecuted.

V. CONCLUSION

The process or result of the conflict between the Amungme and Kei ethnic groups regarding land claims in Mimika Regency. The process or result of the conflict are: (1) A sense of belonging because they want to get the maximum benefit, (2) As a newcomer who wants to open vacant land without prior permission from the owner, (3) The status of the land is not yet/unclear to the owner. community, (4) the same land, two people each have a land certificate issued from the Mimika Regency Land Agency, (5) the land is not properly managed and regulated by the local land agency, (6) feels that they have the same rights or maintain as their rights, (7) Land owned by customary rights, the government and other individuals have been cultivated without managing a certificate, and (8) Differences in perception about land between the Amungme tribe and the Kei tribe and other immigrant tribes.

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