

Conflict Management Land Acquisition Dispute Handling Development Program for Tamansari Row Houses

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ABSTRACT

The Tamansari Row House Development Program in the City of Bandung is a government program to fix the problems of existing slum settlements in the City of Bandung. The program from the Bandung City Government ultimately experienced conflict disputes between the community and the government. In conflict resolution efforts, conflict management as an effort to resolve land dispute conflicts that occurred in Tamansari Bandung City. This study uses conflict management theory from Wirawan which consists of 4 aspects, namely: Discipline, Consideration of Experiences and Life Stages, Good Communication, and Active Listening. The purpose of this research is to find out how efforts to resolve land disputes in Tamansari are related to the construction of row houses organized by the Bandung City Government. The research method used in this study is a qualitative method with descriptive analysis. The selection of research informants used a purposive technique. The results of this study indicate that conflict management is not optimal. The conflict regarding land status between the two parties became one of the factors that sparked the conflict, and the resolution was not optimal. The aspect of discipline shows that the two parties do not yet have a rule in common. The aspect of consideration of experiences and stages of life from the side of orderly administrative records that is not good is one of the triggers for conflicts that cannot be resolved. The aspect of good communication shows that the mediation that has been carried out has not resulted in a mutually beneficial solution. The aspect of active listening can be seen from the meeting of the two parties, both from mediation efforts, not being given space for other parties, namely the community, to convey the wishes of the community, namely the status of the land being defended.

Keywords: Conflict Management, Tamansari Bandung, Land Dispute.

Background

Basically every human being as a citizen has the right to be able to have a decent place to live to be able to support all activities in the course of life. The city of Bandung itself is one of the big cities with various sides of the city that are considered to have good spatial planning. However, this does not rule out the existence of a slum settlement in the area. Based on data from the Department of Housing and Settlement Areas, Land and Landscaping (DPKP3) in 2019 the City of Bandung found 121 urban villages that fall into

the category of slum settlements (Sutrisno, 2019). Then based on data from perkim.id (2020), the following is a list of sub-district areas in the city of Bandung in 2020 which are included in slums (Perkim.id, 2020).

Table 1. Settlements per District in the City of Bandung

No	Subdistrict	Slums
1.	Bandung Kulon	197
2.	Babakan Ciparay	455
3.	Bojongloa Kaler	251
4.	Bojongloa Kidul	180
5.	Astana Anyar	364
6.	Regol	144
7.	Lengkong	277
8.	Bandung Kidul	211
9.	Buah Batu	109
10.	Rancasari	270
11.	Gedebage	254
12.	Cibiru	309
13.	Panyileukan	62
14.	Ujungberung	355
15.	Cinambo	156
16.	Arcamanik	333
17.	Antapani	183
18.	Mandalajati	295
19.	Kiaracondong	320
20.	Batununggal	304
21.	Sumur Bandung	94
22.	Andir	303
23.	Cicendo	176
24.	Bandung Wetan	90
25.	Cibeunying Kidul	225
26.	Cibeunying Kaler	43
27.	Coblong	251
28.	Sukajadi	160
29.	Sukasari	95
30.	Cidadap	85

Source: Perkim.id (2020)

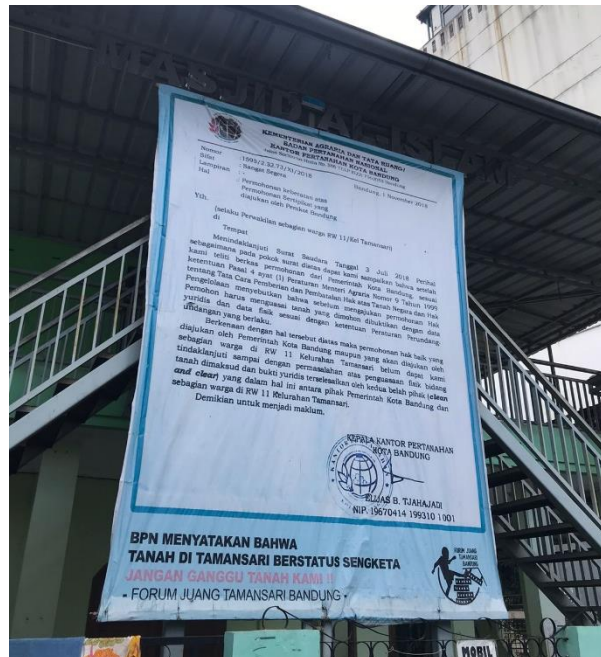
In Bandung Kidul District there is one sub-district, namely, Tamansari sub-district which has a slum area of 10.74 ha. (Directorate General of Cipta Karya, 2019). With the number of slum settlements that are not small, the Bandung City Government created a row house program which was carried out in Tamansari. The row house program was

built with a total of 498 units and is one of the programs to deal with urban slum areas and alleviate poverty. (Perkim.id, 2020). The construction of row houses to overcome slum settlements was carried out on residential land on Jalan Kebon Kembang RW 11 Tamansari Village, Bandung City. However, during the construction of the row house, there were various debates and rejection from local residents. This is because the community initially assessed that the development plan was not in accordance with procedures. This was also stated in Komnas HAM's press statement letter (2018), that the row house development project itself did not carry out public consultations in reaching consensus agreement, only a certificate of land status was used as a reference by the Bandung City Government, there was no partial team on duty in conduct assessments related to occupancy, land and other aspects. (Komnasham.go.id, 2018).

In his statement, the Bandung City government did not consider the program to be evicted because the government provided compensation in the form of money from 20% of the NJOP of rental financing of Rp. 250,000 during the construction period as well as financing the five-year lease fee after the construction is completed. Meanwhile, from the public side, they are asking for an increase in the NJOP reimbursement of up to 70%. (Ar-Ridho & Ishartono, 2019). The Bandung City Government gave a statement regarding the purchase of the land since 1930. However, this was denied by one of the residents who showed a Persil Letter in 1969 which stated in the letter that the land in RW 11 Tamansari had the status of free state land allocated to the community. Whereas in 1930 it was still during the Dutch colonial period in which the area and municipal government of Bandung were considered not yet formed and how to map this.

On the official social media website, the Protocol and Communication of the Bandung City Leadership explained that the land area in RW 11 of the Tamansari Sub-District since 1930 was a land resulting from the purchase of land owned by Nji Oenti by Gemeente Bandung dated April 16, 1930 which was listed on the sale and purchase seal letter covering an area of 8,334 square meters or equivalent to an area of 592 Tumbak. Not only that, regarding Tamansari land, it has been registered with register number 0630 covering an area of 8,334 square meters in the item A inventory card in the data available at the Bandung City Housing and Settlement Areas, Land and Landscaping Office (DPKP3). In addition, the government claims that the people living in RW 11 are not registered as tenants with the construction of the Pasupati flyover.

Figure 1. Command Post for Eviction of Residents of Tamansari Bandung



Source: Researcher (2021)

Based on a research interview with one RW 11 resident, he said that at that time residents were only given 5 minutes to pack their belongings. Conditions at that time were also quite chaotic with various violence experienced by local residents. Added to this is the scattering of residents with families such as children and husbands. This causes trauma to the children who in the end have the view that officers who wear uniforms are bad people. It is not only traumatic for children, it also traumatizes parents for material losses by losing important objects belonging to the community. (Mashabi, 2020b).

Even though everyone has the right to certainty of legal protection from forced evictions to violence as stated in General Comment No. 4 of 1991. In addition, the human rights violations in this case involved differences in the legal basis for recognizing property rights between the people of RW 11 Tamansari and Bandung city government resulting in land disputes. Then, the evictions were considered to have violated human rights because the evictions in the row house construction project were considered not to have prepared the infrastructure for fulfilling the human rights of the residents as a city that has the nickname City of Concern for Human Rights (Fight, 2021). Apart from that, in carrying out the eviction efforts themselves, there are several things that must be considered, namely, the existence of proportional deployment, procedural protection, and the absence of violence and intimidation in the eviction process. This is also in accordance with article 29 paragraph 1 that every individual has the right to personal protection, family, dignity, honor, especially his property rights. In addition, when there is an object in accordance with legal provisions that needs to be destroyed or not used for the sake of

the public interest, either temporarily or permanently, then this needs to be done to compensate according to statutory regulations.(Komnas HAM RI, 2018).

The reason why the residents at the time of the eviction chose to remain at the eviction post and did not want to be moved to the Rancacili flats was because there were still many demands that had not been met by the government. One of them is regarding land compensation that has not been paid by the City Government to affected residents (nasional.tempo.co, 2019). The government provided information that the row house program in Tamansari for Phase I will be completed in 2021 as many as 189 units focused on construction in Block C with 8 floors and Block A with 4 floors, while for phase II it is targeted to be completed in 2022 with a record that it is ready for occupancy. gradually and has started for the phase III process for next year (bandung.go.id). Based on the description of the data and facts obtained from the explanation,

Literature Review

Overview of Land Disputes

A dispute is a matter or condition that affects a difference of opinion. Conflict and dispute are two things that are often used interchangeably even though they have different characteristics. In the conflict itself, it does not always cause disputes but on the contrary every dispute can be regarded as a conflict (Wibowo, 2012). This is also in accordance with the causes of land disputes according to Syarief (2012) which generally land disputes occur due to a lack of consistency in implementing laws and regulations which in practice often make the public interest the justification for land grabbing which in the end causes protracted land dispute problems.

Overview of Conflict Management

Conflict management itself according to Wirawan(2010) is defined as a process of effort in which to develop a conflict strategy to be able to control it so as to produce the desired conflict resolution. The following are some indicators that affect the management of prolonged conflicts (Wirawan, 2010):

- **Discipline**

To handle conflicts so that they don't drag on, there needs to be discipline in managing conflicts. Discipline referred to here is that both parties have and apply the ability to understand a regulation that applies clearly and manage a problem with full responsibility. So that a conflict can be managed properly and does not cause prolonged problems.

- **Consideration of Experience and Stages of Life**

By considering experience in managing conflict, in order to be able to overcome further problems, you can better understand what actions will be taken so that the conflict can be resolved and not dragged on.

- **Good Communication**

Communication referred to here is the ability to communicate well and implement affective communication on both sides involved. In addition, the pattern of communication that is built itself needs to use democratic principles so that it will create a conducive environment and in managing the conflict itself can communicate well with each other in finding solutions to the problems faced.

- **Active Listening**

In dealing with and managing conflict yourself, active listening is essential. Because active listening will help both parties involved in understanding the point of the problem and reformulating the solution that will be carried out in overcoming the conflict that occurs. Apart from that, active listening can be done by providing time for meetings between the two parties involved in discussing a conflict that has occurred.

Method

The method used in this research is descriptive research method with a qualitative approach. Determination of informants in this study using a purposive technique. Sugiyono (2015) states that purposive techniques are data collection techniques based on the subjective considerations of researchers. The subjective considerations of researchers are people or research informants who are considered to have information related to the object of research so that it will facilitate researchers in the process of collecting research data. This study uses interviews with people who are considered authorized or know about disputes in land acquisition for the Tamansari row house development program in Bandung City. This research was conducted in the city of Bandung, especially the Tamansari area. Informants in this study consisted of the Community of RW 11 Tamansari Bandung City, LBH Bandung City, and Government Agencies and Bandung City Law Enforcement Officials.

Result and Discussion

Procurement Program for the Development of Row Houses on the Basis of Public Interest & Land Disputes in the Tamansari Area

Based on data from the Department of Housing and Residential Areas, Land and Landscaping in the City of Bandung, there are around 121 points of residential areas that need to be repaired immediately by the Government of the City of Bandung. Therefore the Bandung City Government created a program to overcome the problems of the slum area through the KOTAKU Program or what is commonly called the City Without Slums Program.

From the KOTAKU Program, one of the areas used as the implementation of the program is Tamansari land. The land that will be used as the implementation of the KOTAKU program has so far been inhabited by around 176 families. However, even though this program helps solve the problem of slum areas in the city of Bandung, this program actually encounters rejection from the community. Even if the government provides a solution to temporarily relocate residents to Rancacili.

Based on the 2018 Year-End Records of LBH Bandung, it was explained that the conflict initially occurred on June 26 2016, which coincided with the month of Ramadan. The mayor of Bandung at that time invited the residents of RW 11 Tamansari to come to the City Hall pavilion but there was a banner that read "Socialization of the Tamansari Row House Development Project" (CATAHU LBH BANDUNG, 2018). In the event, communication in the form of outreach was only carried out in one direction where the Mayor presented a project plan aimed at managing settlements. The note from LBH Bandung added that the communication that was carried out did not involve the participation of residents where long before the socialization was carried out, the Mayor's regulation which became the legal basis for the project had been stipulated.

Decree of the Head of the Housing and Settlement Area Land and Landscaping Office of the City of Bandung Number 538.2/1325A/DPKP3/2017 concerning Determination of Building Compensation, Relocation Mechanisms and Implementation of Tamansari Row House Construction for the 2017 Fiscal Year, then received a lawsuit by residents at the Bandung State Administrative Court. The reason for the lawsuit regarding the decree is that the object of the dispute, both procedurally and substantially, has contradicted and violated the right to proper housing and the ownership rights of Tamansari residents which are recognized as human rights. In addition, the communication process, namely through receiving complete and adequate information related to the construction of the Tamansari Row Houses which has the potential to evict residents' houses, is still minimal because there is no public consultation process.

If analyzed using the theory from Syarief (2012) it can be seen clearly how the fact of the conflict that occurred in the Tamansari land was that there were attempts to claim status over land ownership by making claims for ownership but not having valid certificates. Apart from the problem of land status, the delivery of the row house development program did not go well. In the socialization process that has been carried out only in the same direction where the mayor explained the project plan which aims to organize settlements & communications that were carried out not involving the participation of residents where long before the socialization was carried out, the mayor's regulations which became the legal basis for the project had been established.

Proof of legal certainty for land ownership according to the Basic Agrarian Law is the existence of a land certificate. In this case the Bandung City Government and residents of RW 11 Tamansari do not yet have a valid certificate for the land. Residents of RW 11 Tamansari explained that their ownership of them can be accounted for with a letter of notification of tax payable on land and building tax (SPPT-PBB) which is paid annually. With this letter, it is one of the proofs of community control and utilization, which has been around for more than 20 years. In addition, this argument is strengthened by the application of legal land ownership according to the law, but by the government it is still difficult.

Tamansari Dispute Conflict Management between the Bandung City Government and the Tamansari Community

- Discipline

In the discipline indicator, it will be analyzed in terms of the ability of the rules that apply and are clear in managing a problem with accountability so that the conflict can be managed and does not cause prolonged problems. From a discipline perspective related to ability to understand regulations, both parties have their respective claims related to land ownership status. Due to claims from the government and the land certification process submitted by the community, in the end, out of 197 heads of families in RW 11 Tamansari, there were 167 heads of families who agreed and were relocated with details of 84 building owners, 144 heads of families who lived and 23 heads of families rent status (disdukcapil.bandung.go.id, 2020). Meanwhile, there were 4 heads of families who refused by filing a lawsuit to the State Administrative Court (PTUN) with the issuance of DPKP3 Decree Number 5382/1325A/DPKP3/2017 concerning Determination of Building Compensation, Relocation Mechanisms, and Implementation of the Construction of Tamansari Row Houses. However, the lawsuit was won by the Head of the Bandung City DPKP3. Based on this decision, the community filed an appeal and was registered in case

Number 87 K/TUN/2019 dated March 14 2019 with the same result regarding land ownership. Furthermore, the community filed a lawsuit against the issuance of an Environmental Permit with the object of lawsuit for a Permit from the Head of the Bandung City Investment and One-Stop Services Service Number 0001/Ling.Pem/V"/2018/DPMPTSP concerning Environmental Permits (ProkopimKotaBandung, 2019).

- **Consideration of Experience and Life Stages**

Considering the experience of life, it can be analyzed that in this conflict regarding land ownership, the City Government of Bandung does not consider the stages of life. This can be proven by a fact related to the poor recording of regional assets so that when making a program that requires these important documents it actually causes a prolonged conflict. However, if you look at it from the community's point of view, it is the same as not having a certificate, even though the issue of eviction cases and land disputes in the city of Bandung has occurred a lot.

This indicator of consideration in the stages of life in a conflict management is also a very important matter for conflict resolution in the future. Talking about the Tamansari case in the city of Bandung in terms of indicators of consideration in the stages of life, in addition, recently in the city of Bandung there have been quite a number of cases of land disputes and evictions, such as in the case of the settlement control program on the banks of the river, the rumble area in March 2022, where some residents still do not have a place. only a replacement is left until the case of the Ciroyom flyover project being evicted with minimal outreach and the construction being carried out suddenly.

- **Good Communication**

In the case of the conflict that occurred at Tamansari Bandung, both parties made claims to each other about the communications that had been made. The government claims that there have been several stages of the communication process that were carried out prior to the evictions. Meanwhile from the community side said that there was no communication regarding how the community should deal with the evictions related to the future that will be passed. The government claims to have given a warning letter with Number 300/1099 PPHD/SatpolPP regarding the notification to vacate the house which then underlies the issuance of letter Number 300/1890PPHD/SatpolPP regarding demolition and leaving the location. In addition, several solutions have been provided by the government to overcome the problem of evictions, including: First, the residents receive spiritual blessings according to the calculation scheme that has been made by PT Sortania Agung and the residents still

have the right to the row house unit which will be completed later. Second, residents receive replacement money for buildings that are owned loosely with a calculation scheme of 80% multiplied by the real building area which is based on an appraisal or appraisal by a professional independent appraisal and residents do not have rights to row house units. Third, residents who do not participate in the mediation process are given the opportunity at the next meeting (disdukcapil.bandung.go.id, 2020). In addition to this, what makes the communication carried out by the government not fully working is because there are still residents who refuse to move to the Rancacili flats. The demand is about land compensation that has not been paid by the City Government. In addition, the status of land ownership claimed by the Government as regional assets but land certification for these assets has not been carried out. If you look at the rules, namely the Regulation of the Minister of Home Affairs Number 19 of 2016 concerning Regional Assets, it is explained that the position of regional assets must be certified in order, then they can become regional assets.

One of the communication processes is through receiving complete and adequate information related to the construction of Tamansari Row Houses which has the potential to evict residents' houses which are still minimal because there is no Public Consultation process and socialization of planning documents (CATAHU LBH Bandung, 2018). In the future, several efforts made by the Government, such as socialization at Taman Pelangi and mediation with several parties such as LBH and Komnas Ham, have never encountered a bright spot in the conflict, where in the end the conclusion that is always echoed is that the development will continue and the community will receive compensation for their land. This then makes the conflict between the two parties never meet a bright spot.

- **Active listening**

Active listening is needed to help both parties involved understand the point of the problem and listen to each other's proposed solutions. If analyzed again, based on data from LBH Bandung's annual records as well as statements from informants, mediation was only carried out with a one-way model in which the government continues to be of the view that the row house program must continue while on the one hand the rights of the people seem to be being ignored with no clear light on the status land.

When the mediation has been carried out, with the desire of the people to stay on the land they have occupied for a long time, the solution given is that the community can re-occupy and obtain units in Row Houses with the condition that the first 5 years are free and in the future they will receive rental fees. Of course this is

also detrimental to the people who feel that they previously had a place to live now that they don't have a place to live. Not only that, active listening in an effort to reject the residents of the development program cannot be carried out properly. Because in fact, to control the slum area can not only be done by eviction, but can make and beautify of the urban village itself. So therefore, in the indicator of active listening as a conflict management strategy so that it does not prolonged.

Conclusion

Based on conflict management which consists of four factors, namely: discipline refers to the ability to understand a regulation that applies clearly but in fact both parties claim rules from each other's point of view so that the bright spot so that the solution presented does not solve the existing problem. Consideration of experience and stages of life which assumes that experience in previous lives can be a consideration for conflict management where in various areas from the point of view of poor administration records can be one of the triggers for conflict because both parties are ultimately unable to show proof of ownership of land status strong record so poor administration records in the past should be taken into consideration.

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