

IMBALANCE OF MANAGEMENT ACCESS NATURAL RESOURCES IN AN AGRARIAN CONFLICT

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ABSTRACT

Natural resources is one of human rights. One of the constitution basic material of 1945 is secure the human rights and the constitutional right. The constitutional right of citizens which secured within the constitution of 1945 covering various aspects such as civil , political , economic , and social. It is stated in article 33 paragraph (3) The constitution basic of 1945.

Permission access to use forest that can be used by the community is very difficult, but many mastery forest given to private sector "company", this hamper the fell victim to sekema function transfer of forest, as investment of forestry development. Agrarian conflict appear now, travel the distribution of land carut gods marut done by the state. In the management of access natural resources, the distribution of the state land not return lands to the community, like a spirit the constitution Number 5 years 1960, of the agrarian article 16, the state disaffirming and instead memeberikan ease to a company, on access to permit penguasaan forestry resources. The conflict of forestry resource in indonesia have minimal conflict resolution, until finally it bore misery and loss of the basic rights of the community, to get a management of forestry natural resourcest, the cause of dispute on forsty sector is one of these policies governance to forest, expected as one of the conflict dispute forest in indonesia. In terms of behavior management by the association vie, it will produce prosperous for. It clears that why insistence on agrarian reforma not completed, Including a lack of law protection in form of the agrarian constitution renewa.

Keyword: Natural resources , access , agrarian conflict , imbalance

Introduction

Agrarian conflict that comes up at this time, is imbalances of the New Order regime in the course of distribution of land is complicated by the state in the management of access to natural resources, it triggers agrarian conflicts that until now could not be resolved, in the distribution of state land instead of returning land as the spirit of Act-un even handed jungle to be controlled by the company instead of returning to the community for the community to manage. In terms of the management will be undertaken by the firm view that would result for the public welfare.

Natural resources are one of human rights. One material Act of 1945 is to ensure the human rights and constitutional rights of citizens. Constitutional rights of citizens guaranteed by the Constitution in 1945 covering various aspects of life, whether civil, political, economic, and social and listed in Article 33 paragraph (3) of the Act of 1945.

Access the forest utilization license can be done by the people is very difficult, but the number of forest tenure granted to the private sector "Company", it causes people to become victims manner forest conversion, as construction investment kehutanaan. Agrarian conflicts that arise at this time, the trip shattered land distribution carried out by the state. In the management of access to natural resources, in the distribution of state land not return the land to the community, such as the spirit of Act No. 5 of 1960 on Agrarian Thau Article 16, states deny and instead given convenience to the company, the access permission tenure of forest resources.

The number of poor people in Lampung in September 2013 reached 1134.28 thousand people (45.39 percent), decreased 28.8 thousand people (0.47 percent) compared to the poor people in March 2013 which amounted to 1163.06 thousand people (14, 86 percent)¹. Throughout 2015 the land conflict is likely to increase, from collected Indonesian² Peasant Union.

¹ Angka Kemiskinan Lampung September 2013, dilansir dari Badan Statistik Provinsi Lampung, 2 Januari 2014

² Indonesia labor union , this figure has risen by 60 percent compared with the conflict agrarian occurring in last year as 143 cases , conflict largest across areas indonesai with the total area of conflict of 770,341 agrarian.

Conflict of forestry resources in Indonesia, a conflict that minimal settlement, until finally gave birth to misery and loss of basic rights of the people, to get permits management of natural resources in the sector kehutanaan, the cause of the dispute in the forestry sector is the policy of forest governance, suspected as one forest disputes the causes of conflict in Indonesia. In terms of the management undertaken by the company's view, that will generate prosperity for society. It is also clear why the insistence of the agrarian reform never materialized, including a lack of legal umbrella of the agrarian reform law. By then cloned partitions gaps in knowledge about the "Imbalance Of Management Access Natural Resources In An Agrarian Conflict" related problems. Based on the description of the background issues above, the issues to be studied are: bagaimana provide easy access in the management of natural resources to the community

Method

Approach the problem in this research using normative juridical approach. Normative Approach is intended as an attempt to understand the problem by staying on or relied on the legal field.³ Sources and types of data used in the research, secondary data is data obtained form sources that are closely related to the primary legal materials and can help to analyze and understand the primary data in the form of legislation, books, literature and articles -artikel .

The data collection is done with a literature study (library reserch), carried out with a series of activities such as reading, studying, and quotes from the literature as well as conduct an assessment of the provisions of the legislation relating to the subject matter. The processing is done to facilitate the analysis of the data that has been obtained in accordance with the problems studied. The processing of the data in question include the following stages:

³ Soerjono Soekanto. *Pengantar Penelitian Hukum* . Rineka Cipta . Jakarta .1986. pg.55
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The a placement activities and compile related data and is an integral and integrated round on subpokok discussion thus simplifying data interpretation. Analysis of data used in this study is a qualitative analysis. The data analysis is to describe the data in the form of sentences are arranged in a systematic, clear and detailed are then interpreted to derive a conclusion. Inferences made by the inductive method, which outlines the things that are special and draw general conclusions.⁴

Result and Discussion

The forests are a gift of God Almighty and became a natural wealth that is priceless. Forests have real benefits to the lives and livelihood of the people, both ecological, social, cultural and economic, in a balanced and dynamic. Therefore, the forest must be managed and maintained, protected and used sustainably. But much has happened in the forestry sector is one of conflict access to natural resources.⁵ The number of people who can not access due to inequality in order to access natural resources.

Agrarian conflict that comes up at this time, is the inequality of the New Order regime in perjalanan distribution of land shattered by the state in the management of access to natural resources, it triggers agrarian conflicts that until now could not be resolved, in the distribution of state land instead of returning land such as BAL spirit instead handed over to forest controlled by the company instead of returning to the community for the community to manage. In terms of the management will be undertaken by the firm view that would result prosperity for the community.

With Accordingly community is disadvantaged by the many people who can not access natural resources, is a violation of human rights because people are not given the right to be able to access sumbr natural resources in the country, the conflict is causing misery and many criminalization of farmers in the forestry sector.

Homeland Empowerment Program Forest

In the context of forestry and human survival, forests are essential to the lives of millions of people in Indonesia. Approximately 48.8 million people live in the country's

⁴ *Ibid.*1986.pg.102

⁵ Bernhard limbong, *Hukum Agraria nasional*, Margaretha Pustaka, Tahun 2012, pg 106

forests and about 10.2 million of whom are poor people. Overall, about 20 million Indonesian people live in rural areas near the forest,⁶ This means that the forestry sector is used as an alternative livelihood when the economic hardship that is by utilizing non-timber forest products more than usual. From the perspective of poverty, forest resources should be protected or there are alternative social safety nets that can be created to replace it.

Over the past three decades, forest resources have become a major capital development of the national economy have a positive effect among others towards increasing foreign exchange earnings, employment, and promote regional development and economic growth. Unfortunately due to various things, in line with the development of civilization, the above conditions have been increasingly difficult to find in the present. Conditions were very prominent these days is getting damaged forests, while the surrounding community is not prosperous. The role of the forestry sector in the national economy is now fading as the increasing complexity of the problems and forestry crimes that destroy forest resources.

In the field, both of these activities involve the wider community. Public participation is to foster a love of the community towards the planting of trees so that future tree planting activities are no longer funded by the Government but became non-governmental activities. Empowerment of forest they live in forest areas as they planted hardwood trees that rubber wood for empowerment and as their livelihood, the notion that society is as a destroyer of forests can be proved people can conservationist forest.

Thus, the commitment of all parties to preserve the forest, both to the conservation, protection forest, and production forest, is a form of civil defense in protecting the life of the nation, the state, and even the earth.⁷ Save the forest means to save the earth and the life in it. With forest tenure is not only given to the company as franchise holders, communities can also be as a preserver of forests in other words, the conflict can be reduced because people can engage in the management of natural resources. With

⁶ The cifor), about 6 million people earn a living from forest resources cifor, in addition to provide jobs and income for the, forest also important to pay for household needs the community families in forest area, as for firewood, drugs, food, building materials, and other articles.

⁷ http://www.setneg.go.id/index.php?option=com_content&task=view&id=527 04-10-2016

sistwm rental can be provided by the government as well as with companies that can hire very much in control of natural resources.

Conclusion

Natural resources are one of human rights. One material Act of 1945 is to ensure the human rights and constitutional rights of citizens. Constitutional rights of citizens guaranteed by the Constitution in 1945 covering various aspects of life, whether civil, political, economic, and social and listed in Article 33 paragraph (3) of the Act of 1945.

The government should involve the wider community. Public participation in the sector is to manage the natural resources that today are still lots controlled by the company. The community is only as spectators, people can also. Implement community programs can also run the empowerment of forest they live in forest areas as they planted hardwood trees that rubber wood for empowerment and as their livelihood, the notion that society is as a destroyer of forests can be proved people can conservationist forest. And the problems that often arise conflicts can be reduced because the public can also access the forest resources on a lease or empowerment of government.

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