

IMPLEMENTATION OF THE CONCEPT OF SUSTAINABLE DEVELOPMENT IN RESOLVING INDIGENOUS LAW COMMUNITY CONFLICT

Volume: 3
Number: 3
Page: 756 – 767

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Article History:

Received: 2022-07-13

Revised: 2022-08-14

Accepted: 2022-11-11

Abstract:

This study aims to explain the concept of sustainable development that needs to be implemented in resolving conflicts between indigenous peoples and how the government is making substantial efforts to realize sustainable development. This study uses a socio-legal approach because it uses non-legal elements. The results of the study show that the values contained in the concept of sustainable development can be a means of resolving land conflicts of customary law communities. Sustainable development is also aligned with Planning for Sustainable Use of Land Resources. The implementation of the concept of sustainable development in solving problems of conflict resolution of customary law communities is carried out through achieving goals with political will, consistent government customary law and companies, the responsiveness of stakeholders, including local governments, to land conflicts, and the establishment of a sustainable maintenance system.

Keywords: Conflict, Indigenous Peoples, Sustainable Development.

Cite this as: SIMANJUNTAK, T., LESTARINI, R. (2022). "Implementation of the Concept of Sustainable Development in Resolving Indigenous Law Community Conflict." *International Journal of Environmental, Sustainability and Social Sciences*, 3 (3), 756 – 767.



INTRODUCTION

The meeting of Togu Simorangkir, the initiator of TIM 11 Invites to Close Toba Pulp Lestari (TPL), with President Joko Widodo at the State Palace on August 6, 2021, seemed to open a new chapter of land conflict in the Lake Toba area. When meeting the President, Togu, a representative of Lake Toba's indigenous people, can convey aspirations, anxiety, sadness, and anger because Lake Toba is damaged. Did the meeting solve the problem? Not, but it has shown the government's strong commitment to resolving the conflict. Because resolving conflicts must involve the conflicting parties and through legal instruments.

Land conflicts in the Lake Toba area involved three regencies included in the PT TPL concession area, namely Humbang Hasundutan, North Tapanuli and Toba, where there were recorded 50,000 hectares of forest/incense gardens that had been deforested since 1990. As a result, around 50% of incense production in Tano Batak decreased. Then other livelihoods that have been lost since 1990 are fish ponds with an estimated 6,000 hectares spread over seven sub-districts in Toba Regency, namely Parmaksian, Bona Tua Lunasi, Uluan, Silaen, Sigumpar, Sianta and Narumonda (Indorayon-Toba Pulp Lestari, 2021). The presence of PT TPL also made rice fields' productivity continue to decline. Water has been lost and polluted. Pests reproduce due to the use of chemicals at the factory in Sosor Ladang. It causes the environment to be polluted because almost all indigenous communities in Tano Batak who live together or side by side with the PT TPL concession are contaminated with chemical fertilizers, herbicides, pesticides, insecticides and

fungicides. So when it rains, the rest of the pesticide will flow into the river, which the community uses as a water source (Indorayon-Toba Pulp Lestari, 2021).

Land tenure conflicts between customary law communities in Lake Toba (KDT) with PT Toba Pulp Lestari (TPL) is a land conflict that has been going on for a long time, since 1987 (± 35 years) and has not yet received a final resolution. The presence of PT Inti Indorayon Utama (IIU), which has now changed its name to PT Toba Pulp Lestari (TPL), has inscribed a long history of community resistance in Tapanuli. Since the 1980s, when this company was just founded, the resistance movement has emerged. The trigger is land grabbing and environmental pollution around the factory. The resistance movement finally paid off. On March 19, 1999, President BJ Habibie temporarily suspended PT IIU's operations. The decision was warmly welcomed by the people and was considered a victory for the People's Movement (Delima et al., 2021)

However, this corporation was reopened in President Abdulrahman Wahid's leadership era. During a cabinet meeting on March 10, 2000, chaired by Vice President Megawati Sukarnoputri, it was decided to close the rayon factory but reopen the pulp mill. This decision sparked public anger, so the resistance was rekindled. Against resistance emerged from the indigenous peoples in Pandumuan Village and Sipituhuta Village, as well as other indigenous peoples in the Tano Batak area, which is in the concession area of PT TPL (Delima et al., 2021), where there are 23 indigenous communities spread over 5 Lake Toba regencies that conflict with the company, with a total customary area that is claimed unilaterally as a company concession of around 20,754 hectares (Delima et al., 2021).

This conflict occurred for several reasons, namely the claims of the Toba Lawyers to their plantation and agricultural land being converted into eucalyptus plants through Forest Concession Rights (HPH) granted by the Minister of Forestry. Conflicts/disputes that last a long time and are not resolved one day can trigger broader social conflicts, which are rooted in injustice in access to land tenure/ownership (Sumardjono, 2018). There are conflicts with PT Toba Pulp Lestari (TPL). There are conflicts with national strategic tourism projects and large-scale food development programs (food estate).

Land conflicts between indigenous peoples in Lake Toba (KDT) with PT Toba Pulp Lestari (TPL) show that the state has not been able to provide protection and justice for the fulfillment of the rights of indigenous peoples. Whereas the state recognizes and respects customary law community units and their traditional rights as long as they are still alive and by the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated by law (Undang-Undang Dasar, 1945).

Even considering the Constitutional Court's decision, it is stated that the customary law community is constitutionally recognized and respected as "rights bearers," which can also be burdened with obligations. So as legal subjects in a society that has become a state, customary law communities must receive attention as other legal subjects when the law wants to regulate, primarily regulating in the context of allocating sources of life (Putusan Mahkamah Konstitusi Nomor 35/PUU-X/2012). Thus, the government should put the position of indigenous peoples standing on equal footing in national development, namely equality between economic and social aspects.

Undue delay in resolving conflicts between indigenous peoples is due to the concept of national economic growth still being carried out using a conventional development approach. Therefore, this condition indicates the need for a sustainable development model that simultaneously produces sustainability from an economic, social and environmental perspective in the three growth paths that continue to move forward (Aziz et al., 2010). In addition, the affirmation of the concept of sustainable development has become a guideline in the national

economy, which is carried out based on economic democracy with the principles of togetherness, efficiency, justice, sustainability, environmental insight, independence, and maintaining a balance of progress and national economic unity (Undang- Undang Dasar 1945 Pasal 3 Ayat 1).

The noble values contained in the concept of sustainable development should be able to prevent land conflicts of customary law communities as well as being an antidote as an alternative solution that the government can take. It is because the concept of sustainable development has been adopted in various "hard law" instruments, such as conventions and decisions, to show that the development of sustainable development has obtained a reasonably strong legal position (Wibisana, 2013). Even sustainable development can function as a direction for decision-making in the legislative, judicial, and administrative institutions (Wibisana, 2013) so that the government can use the concept of sustainable development as a means to maintain and restore the fundamental rights of indigenous peoples, over the control of land rights from investors/companies.

However, suppose you look at the reality of the prolonged land conflict between indigenous peoples in Lake Toba (KDT) with PT Toba Pulp Lestari (TPL) above. In that case, it raises the question of why the concept of sustainable development needs to be implemented in addressing the problem of resolving conflicts between indigenous peoples. In addition, questions arise regarding how the government's efforts through concrete government administration actions realize the concept of sustainable development as a means of resolving conflicts between indigenous peoples.

This paper is divided into 4 (four) parts to answer the questions above. The first part is an introduction to the first part as described previously. The second part of the research methods uses socio-legal research methods. The third part will discuss the concept of sustainable development, the existence of indigenous peoples and the implementation of the concept of sustainable development as a means of resolving conflicts between indigenous peoples. In contrast, the fourth section discusses the conclusions and suggestions.

METHOD

This research was conducted through socio-legal research methods to answer the substance of the questions above. Socio-legal studies are law studies using legal and social science approaches (Hakim, 2016). The choice of socio-legal research method is because the discussion of this research does not only cover legal science but also requires a study that links legal science with sociological, political and economic dimensions. The analysis uses a prescriptive approach by describing, explaining and providing legal views on the concept of sustainable development as a means of preventing and resolving land conflicts between indigenous peoples and investors/companies.

RESULTS AND DISCUSSION

Sustainable. Development Sustainable development consists of two words: development and sustainable. Development is a coordinated effort to create more legitimate alternatives for citizens to fulfill and achieve their most human aspirations (Kartono & Nurcholis, 2016). Meanwhile, sustainability is defined as the existence of a system that can survive and continue to function in the long term, even across generations (Nugroho, 2021). This "sustainability" principle became very well known when it was adopted into the concept of "Sustainable Development" by the United Nations Commission on Development and the Environment (WCED), otherwise known as the "Brundtland Commission" in 1984-1987 (Nugroho, 2021). The initial period of determining

sustainable development by the United Nations is a milestone in the history of implementing sustainable development in various countries.

Sustainable development is a process of change that can meet the needs of the present generation without compromising the ability of future generations to meet their own needs (Nugroho, 2021). Three essential elements support the pattern of sustainable development, namely sustainability: (a) economic growth, (b) social development and (c) protection of ecological functions and environmental carrying capacity, all of which are intertwined in an interdependent relationship with each other so that it is three pillars supporting the long-term sustainable development process at the local, national and global community levels (Nugroho, 2021). These three elements form balance and harmony in realizing social justice.

Sustainable development has three main objectives: 1. Economically viable: dynamic economic development, 2. Socially-politically acceptable and culturally sensitive: development that is socio-politically acceptable and sensitive to cultural aspects, and 3. Environmentally friendly: environmentally friendly. Then sustainable and environmentally sound development has 5 (five) main and main principles known as Rio Principles. The five principles include (1) intergenerational equity, (2) intragenerational equity, (3) precautionary principle, (4) conservation of biological diversity, and (5) internalizing environmental costs and incentive mechanisms (Santosa, 2021). The purpose Rio Principles is to create a balance through synergy between the state, the private sector, and civil society in the arrangement of natural resources (Abdoellah, 2016). The success of sustainable development does not only depend on the economic sector. However, it requires intervention from the power holders, in this case, the government, to implement sustainable development to achieve equitable welfare distribution (sim.ciptakarya.pu.go.id).

The United Nations Conference on the Environment in Rio de Janeiro has brought new developments in the principles of sustainable development (the Brundtland Commission) as a reaction to the conventional view of the formation of development and environmental law within the framework of environmental law after the 1972 Stockholm Declaration, and dissatisfaction with the implementation of Law HL-82 in Indonesia (Silalahi, 2003). The idea in the Brundtland Commission Report, which culminated in the United Nations Conference on the Environment in Rio de Janeiro in 1992, was to perfect the process of establishing environmental law after the Stockholm Declaration and improving (amending) the Indonesian HL Law (Silalahi, 2003).

The application of the principles of sustainable development in Indonesia was first contained in Law Number 4 of 1982 concerning the Basic Provisions for Environmental Management. It is contained in consideration of Law No. 4 of 1982, which states that in utilizing natural resources to promote public welfare as contained in the 1945 Constitution and to achieve a happy life based on Pancasila, "it is necessary to strive for the preservation of environmental capabilities in harmony with the environment. and balanced to support sustainable development carried out with an integrated and comprehensive policy and taking into account the needs of present and future generations" (Undang-Undang Nomor 4 Tahun 1982)

Then the principle of sustainable development is reaffirmed in Article 3, which states: "Environmental management is based on the preservation of harmonious and balanced environmental capabilities to support sustainable development for the improvement of human welfare" (Undang-Undang Nomor 4 Tahun 1982), where the purpose of environmental management is carried out in order to achieve harmonious relations between humans and the environment as the goal of developing Indonesian people as a whole, and the implementation of environmentally sound development for the benefit of present and future generations (Undang-Undang Nomor 4 Tahun 1982).

If you look at the nomenclature in Law No. 4 of 1982, the term sustainable development has not been used, but in essence, it has reflected the principles of sustainable development. This principle is contained in a statement called sustainable development and implementing environmentally sound development for the benefit of present and future generations. Furthermore, Law No. 23/1997 on Environmental Protection and Management (as a replacement for Law No. 4/1982) incorporates the concept of sustainable development. This provision is considered in Law No. 23 of 2007, namely, the utilization of natural resources is carried out with sustainable development with an environmental perspective based on an integrated and comprehensive national policy by taking into account the needs of the present and future generations (Undang-Undang Nomor 23 Tahun 1997).

Further regulation of sustainable development is contained in the principle of Law No. 23 of 1997, which essentially states: "Environmental management is carried out on a sustainable basis to realize sustainable development and is environmentally sound. The meaning of the principle of sustainability implies that everyone bears their obligations and responsibilities to future generations and each other in one generation (Undang-Undang Nomor 23 Tahun 1997). In order to carry out these obligations and responsibilities, the environment's ability must be preserved. The preservation of environmental capabilities is the foundation for continued development (Undang-Undang Nomor 23 Tahun 1997).

Strengthening the concept of sustainable development is carried out by including it as the basis of the national economy as regulated in Article 33 paragraph (4) of the 1945 Constitution, which essentially states that the national economy is organized based on justice, sustainability, environmental insight, independence, and by maintaining a balance of progress and national economic unity. Therefore, the concept of sustainable development in Indonesia is not just a mere concept/theory/guideline but has become a normative rule outlined in constitutional regulations and laws.

After the issuance of Law No. 32 of 2009 as a substitute for Law No. 23 of 1997, the concept of sustainable development is still the basis for national economic development. Where sustainable development is defined as a conscious and planned effort that integrates environmental, social and economic aspects into a development strategy to ensure the integrity of the environment as well as the safety, capabilities, welfare, and quality of life of present and future generations (Undang-Undang Nomor 32 Tahun 2009). Then Law No. 32 of 2009 states that the principle of environmental protection and management is carried out based on the principle of sustainability and sustainability. What "principles of sustainability and sustainability" means that everyone bears obligations and responsibilities to future generations and each other in one generation by making efforts to preserve the carrying capacity of the ecosystem and improve the quality of the environment (Undang-Undang Nomor 32 Tahun 2009).

In its development, Law No. 32 of 2009 was amended by the issuance of Law No. 11 of 2020 concerning Job Creation. This law does not change the concept of sustainable development, which is the basis for the considerations, principles and objectives of Law No. 32 of 2009. However, not including the concept of sustainable development in the considerations, principles and objectives of Law No. 11 of 2020 shows the government's inconsistency. Realize the implementation of the national economy based on sustainable development as mandated by Article 33 paragraph (4) of the 1945 Constitution.

Sustainable development has three main pillars that are mutually sustainable, including:

1. Economic growth, namely maintaining stable economic growth by restructuring the productive system to save resources and energy.
2. Social sustainability ensures social justice in the distribution of wealth and social services.

3. Environmental sustainability, namely by keeping the living environment comfortable and safe through zero emission (sim.ciptakarya.pu.go.id).

Status of Indigenous Law Communities. At first, the term customary law community was put forward by van Vollenhoven meant to show indigenous people indigenous Indonesians. The Dutch political policy confirmed it at that time, namely Article 131 IS (Indische Staatsregeling) 1939, then Indonesian citizens were divided into three namely indigenous, European and Eastern foreigners. The elaboration of these differences in citizens has the consequences of legal diversity (pluralistic legal system). Customary law means "law that is not based on the regulations made by the Dutch East Indies government or other means of power to be joint and carried out by the former Dutch power itself" (Wingnjodipuro, 1983).

In essence, customary law communities have the following characteristics: (1) a group of residents who share a common ancestor (genealogical), (2) live in a place (geographically), and (3) have a common purpose in life to maintain and preserve values and norms. Norms, (4) a customary law system is enforced which is adhered to and binding, (5) led by customary heads, (6) the availability of a place where the administration of power can be coordinated, and (7) a dispute resolution institution is available between the customary law community and fellow ethnicity or different nationality (Thontowi, 2013).

The existence of legal communities has been recognized by the state as mandated in Article 18B paragraph (2) of the 1945 Constitution Article 18B paragraph (2), which states: "The state recognizes and respects customary law community units and their traditional rights as long as they are alive and by the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated by law". It confirms that the state recognizes and must protect the values of local wisdom that still apply to indigenous peoples.

The Emergence of Indigenous Law Community Disputes. The main factor causing land conflicts is national development oriented towards economic improvement and growth. Along with the growth of national development, the demand for land/land has increased, while the availability of land is relatively constant. Land disputes in the community are increasing every year and occur in almost all regions in Indonesia, both in urban and rural areas. Land cases that often occur when viewed from the conflict of interest of the parties in land disputes include (1) People dealing with the bureaucracy, (2) People dealing with state companies, (3) People dealing with private companies, and (4) Conflicts between people. The conflicts between the people and investors, among others, occurred because of the forced control of land/land of customary law communities who previously existed and resided in the land area controlled by the company (Sumardjono, 2005).

It was further explained that there were at least 5 (five) primary sources of conflict in the land sector: (1) sources of structural conflicts related to inappropriate policies and decision-making from the Central Government to Regional Governments. (2) Sources of conflict of interest include political, economic, and cultural interests. (3) Sources of value conflicts related to issues of custom, ideology and interpretation of religious values. (4) Psychological and social conflicts are related to misperception, negative attitudes and group and regional identity problems. (5) Data conflicts related to the interpretation of the data and the manipulation of the data whose form is noticeable, for example, the manipulation of the history of the land itself (Thontowi, 2013). The causes of land conflicts, especially against customary law communities, indicate that the government's policies are weak to prevent potential conflicts that will occur over a policy.

Based on the description of the causes of land conflicts above, it can be concluded that land disputes occur due to the desire to control natural resources. Meanwhile, on the other hand, the government does not pay attention to the social conditions of indigenous peoples and their

survival when granting licensing approvals to companies/investors. So there was a land conflict by forcibly seizing the land/land of the customary law community. This incident can be seen in the case study in this study, where land tenure conflicts occur between indigenous peoples in Lake Toba (KDT) with PT Toba Pulp Lestari (TPL). It is just that the conflict is not single, but three, namely the conflict between the indigenous people of Toba and PT Toba Pulp Lestari (TPL). There is also an intersection between national strategic tourism projects and large-scale food development programs (food estate) (Amanda, 2021, beritasatu.com).

The urgency of Regulatory Harmonization. In general, the existence of customary community arrangements has been guaranteed as stipulated in Article 18B paragraph (2) of the 1945 Constitution, which has been described above, then the recognition of customary land rights is expressly regulated in Law Number 5 of 1960 concerning Basic Agrarian Regulations. This arrangement is contained in Article 3 of Law No. 5 of 1960, which stipulates that the implementation of layout rights and similar rights of customary law communities must be regulated and implemented in such a way by the national and state interests, based on national unity and must not conflict with other higher laws and regulations (Simarmata, 2018).

Increased economic growth and national development impact the exploitation of natural resources in the forestry, mining and plantation sectors. It was marked by the promulgation of Law Number 41 of 1999 concerning Forestry as amended by Law Number 19 of 2004 concerning Stipulation of Government Regulations instead of Law Number 1 of 2004 concerning Amendments to Law Number 41 of 1999 concerning Forestry into Constitution. Law Number 39 of 2014 concerning Plantations and Law Number 4 of 2009 concerning Mineral and Coal Mining as amended by Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal.

The issuance of these three laws is not in line with the spirit contained in the UUPA regarding the recognition of customary community land rights. For example, the Forestry Law does not comply with the concept of the UUPA, which abolishes domain-verklaring, resulting in two errors. First, the Forestry Law views state forests as state property, while the LoGA (in Articles 1 and 2) states that the state is not the land owner. - land in Indonesia. Second, including ulayat land in the category of state forest has the same meaning as the state domain in 1870, which views customary lands as part of state land that is not free (Panggabean, 2020).

The root of the conflict is the non-implementation of the pro-people Basic Agrarian Law from the New Order until now. In addition, the ratification of sectoral laws, namely the Forestry Law, Plantation Law, and Minerba Law, does not refer to the UUPA. There is still a view that the Sectoral Law is not related to agrarian matters even though what is meant by agrarian is earth, water, space and natural resources in them as a unified whole (Panggabean, 2020).

In addition to disharmony between the LoGA and sectoral laws, other problems also occur related to not all provincial and district/city local governments having regional regulations related to the recognition and protection of the rights of indigenous peoples. It can be seen with at least 5 (five) provinces with regional regulations, namely the Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali, the Papua Province Special Regional Regulation Number 23 of 2008 concerning the Ulayat Rights of Indigenous Peoples and Individual Rights of Citizens. Customary Law Community on Land, Regional Regulation of the Province of the Special Region of Aceh Number 7 of 2020 concerning the Implementation of Customary Life, Regional Regulation of Central Kalimantan Province Number 1 of 2010 concerning Amendments to Regional Regulation of Central Kalimantan Province Number 16 of 2008 concerning Dayak Indigenous Institutions in Central Kalimantan and Regional Regulation of West Sumatra Province Number 6 of 2008 concerning Ulayat Land and Its Utilization. The determination of the existence of customary rights

is carried out by the local government (Pemda) by involving the customary law community in the area, customary law experts, NGOs and agencies related to natural resources (Panggabean, 2020).

Integration of Customary Law Community Conflict Resolution. Disputes over land rights of indigenous peoples have been going on for a long time and occur in almost every region of the archipelago, where the problems occur across sectors. So far, dispute resolution has been carried out partially and not comprehensively. Hence, it takes a long time, and an undue delay causes uncertainty for the survival of indigenous peoples. In the case between indigenous peoples in Lake Toba (KDT) with PT Toba Pulp Lestari (TPL), the conflict has been going on for 30 years, and there is no concrete legal solution yet.

Land issues cover various sectors that have often given rise to problems and disputes relating to large-scale land use by the forestry sector, mining transmigration, public works/settlements and regional infrastructure (Sujadi, 2004). Therefore, the government needs to focus more on promoting the concept of sustainable development in resolving disputes over customary law land rights that are integrated between stakeholders starting from the Ministry/Agency at the center, provincial and district/city governments, business actors, customary law experts, leaders/ traditional leaders and involve community participation through NGOs that are concerned with indigenous peoples. Integrated solutions will be able to map out potential social conflicts, prevent conflicts, overcome obstacles/obstacles and predict the survival of indigenous peoples in the future. So that economic growth, social sustainability, and environmental sustainability can be maintained.

Resolving conflicts between indigenous and tribal peoples is part of applying the values contained in the concept of sustainable development (Rio Principles), which integrates three values: economic, social and environmental. Also in line with the concept of Planning for Sustainable Use of Land Resources. The concept of Planning for Sustainable Use of Land Resources itself has been affirmed by the Food and Agriculture Organization (FAO) as a planning concept for the sustainable use of land resources. The integrated approach used for planning the use and management of land resources is to make optimal and informed choices about the future use of the land itself (Sujadi, 2021). It is achieved through interaction and planning with stakeholders in making national, provincial and local decisions. The plan will enable all stakeholders to jointly decide on sustainable, equitable and economical use of land and exercise oversight over its implementation (Sujadi, 2021).

In this regard, the central government and local governments, as described above, should have the legal responsibility to provide legal protection and certainty to the land rights of indigenous peoples. This settlement also serves to overcome the inequality in land tenure by the objectives of the agrarian reform principle. The integrated solution starts with careful government pre-planning and mapping integration as the basis for spatial planning. Planning itself pays attention to and accommodates basic needs and regional aspirations, then is adjusted to development needs at the central level.

Implementing the Concept of Sustainable Development as a Means of Resolving Conflicts with Indigenous Law Communities. Van Meter and Van Horn formulate the meaning of implementation, namely: "Those actions by public or private individuals (or groups) that are directed at the achievement of objectives outlined in prior policy decisions." (actions taken either by individuals or government or private individuals or groups that are directed at achieving the goals outlined in the policy decisions) (<https://core.ac.uk/reader>).

Nakamura recommends five success criteria for implementing a program or policy, namely:

1. **Achievement of goals or results.** A policy or program is made to obtain the desired results. Even though the policy has been formulated and implemented, the results achieved cannot be

measured, felt, or observed and enjoyed directly by the community members, the program is meaningless. The government has a frame of reference for applying the concept of sustainable development. The concept has been manifested in various national regulations, from constitutions to laws. The state's political will is manifested in the government's legal and political policy. In particular, legal politics regarding ulayat rights cannot be separated from the politics of agrarian law in general. Where the direction of the national agrarian law policy is made, it is automatically attached to ulayat rights. If the politics of national agrarian law is responsive, then the legal policy on customary rights will also be responsive (Ginting, 2012). Region Lake Toba (KDT) on the one hand and PT Toba Pulp Lestari (TPL) so that no one is harmed.

- 2. Efficiency.** Provide an assessment of whether the quality of performance contained in the implementation is proportional to the costs incurred. Efficiency in program implementation is related to the costs incurred, the quality of program implementation, implementation time, and the resources used. Thus, a program can be well implemented if the best comparison or program quality is compared with the costs, time, and energy used. The LoGA also provides a proportional place for customary law, as stated in Article 5 that the agrarian law applicable to earth, water and space is customary law that has been drafted and does not tend to challenge the principle of unification. It indicates that the LoGA has a responsive character because the law that has customary law can be seen as a responsive law (Ginting, 2012). In addition, the customary law tradition adheres to a responsive legal development strategy (Ginting, 2012). Therefore, it takes a strong political will from the government and local governments as state administrators who have the function and authority to put land conflicts of customary law communities as a priority that must be resolved. If this is done, the conflict will not be prolonged and can be resolved entirely so that the rights of the indigenous peoples in Tano Batak, which PT TPL has controlled, can be re-utilized. The government, in this case, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency/Ministry, is an element of state administration as regulated in Article 2 of Law No. 5/1960, which has authority in the land sector, including the settlement of land disputes. The resolution of land conflicts is a form of implementing the concept of sustainable development to balance the use and utilization of limited land with the development of human life in terms of social, economic, and ecological aspects (Habibah et al., 2019). These three aspects (economic, social, and environmental aspects) will create sustainable conditions. So that these three aspects of sustainable development can ensure sustainability, justice, and efficiency, it is necessary to regulate existing structures and spatial patterns, one of which is land use management (Habibah et al., 2019). The parties needing land are not allowed to choose their land because it can cause overlapping. Its implementation in the regions must pass through one door, namely, the Regional Head, so the relevant agencies must sit together to coordinate with each other (Habibah et al., 2019). Integrating land use policies between ministries/agencies and local governments is needed to map the social conditions of indigenous peoples and prevent land conflicts.
- 3. Satisfaction of the target group.** The criteria for satisfaction of the target group are very decisive for the participation and response of community members in implementing the program and managing the program's results. Without the satisfaction of the policy targets, the program will not have any significance for the target group. This form of integrated settlement is undoubtedly essential in resolving land conflicts between indigenous peoples in Lake Toba (KDT) and PT Toba Pulp Lestari (TPL) so that the residential and agricultural lands of indigenous peoples in the Lake Toba (KDT) can be enclave from the HGU area of PT Toba

Pulp Lestari (TPL). Considering that the settlement in question is a long wait, the indigenous peoples have expected Lake Toba to continue their lives based on local cultural wisdom. This form of integrated settlement is, of course, essential in resolving land conflicts between indigenous peoples in Lake Toba (KDT) and PT Toba Pulp Lestari (TPL) so that the land where indigenous people live and incense plantations in the Lake Toba (KDT) area can be enclaved from the HGU area of PT Toba Pulp Lestari (TPL). Considering that the settlement is a long wait expected by the indigenous peoples of Lake Toba (KDT) to continue their lives based on local cultural wisdom.

- 4. Client responsiveness.** With positive responsiveness, it is sure that the participation of indigenous peoples in Lake Toba (KDT) will increase. The community will have a sense of belonging to the policy and the success of the implementer. It means that the policy will be easy to implement. In addition to land conflicts between indigenous peoples in Lake Toba (KDT) and PT Toba Pulp Lestari (TPL), customary law community disputes related to land tenure also almost occur in various regions in Indonesia. Therefore, the government needs to map out the obstacles faced in resolving customary land disputes so that a systemic settlement can be carried out by prioritizing local wisdom. Thus, an active role from the local government as a leading sector that is more aware of the values and local wisdom of the indigenous peoples in their area. The roles and responsibilities of the Provincial and Regency/Municipal Governments in providing legal protection and justice can be carried out in two ways. First, placing the position of indigenous peoples as a priority in regional development. Both local governments are not controlled by the economic power of business actors/capital owners. The authority of the Regional Government is regulated in Appendix I letter J Division of Government Affairs in the Land Sector Law Number 23 of 2014 concerning Regional Government (UU Pemda) (Indonesia, Regional Government, Law Number 23 of 2014). In addition, the authority of the Regional Government in resolving customary land disputes can be found in Law Number 7 of 2012 concerning Handling of Social Conflicts and Government Regulation Number 2 of 2015 concerning Implementing Regulations of Law Number 7 of 2012 concerning Handling of Social Conflicts (PP PKS). In the PKS Law, the authority of Regional Governments is regulated for conflict prevention by (a) maintaining peaceful conditions in society; (b) developing a system of peaceful dispute resolution; (c) reducing potential conflicts; and (d) establishing an early warning system (Indonesia, Social Conflict Handling, Law No. 7 of 2012).
- 5. System maintenance.** It means that maintenance is carried out on the results achieved. Without an adequate and continuous maintenance system, no matter how good a program or result is, it will stop when the primary form of the program always fades. So the resolution of land conflicts between indigenous peoples in Lake Toba (KDT) and PT Toba Pulp Lestari (TPL) requires political will from the government. The Government and Regional Governments are obliged to reduce potential conflicts in the community through planning and implementing development that considers the community's aspirations. It reaffirms that political will has been embodied in positive legal norms, so the problem is more with implementing the values contained in the concept of sustainable development. The settlement pattern that needs to be carried out by the government, especially the Minister of Environment and Forestry, in resolving land conflicts between indigenous peoples in Lake Toba (KDT) and PT Toba Pulp Lestari (TPL) is to establish land/areas controlled and managed by legal communities to become customary forests. . This is in line with the government's commitment to protecting indigenous peoples and their local wisdom, which is increasingly evident with the issuance of the Minister of Environment and Forestry Regulation Number P. 9 of 2021

concerning Social Forestry Management. In the regulation, the government's commitment is clarified by establishing a Map of Customary Forests and Indicative Areas of Customary Forests signed by the Minister of Environment and Forestry covering an area of $\pm 1,090,755$ Ha (Ppid.menlhk.go.id). Thus, social justice, which is the nation's ideal, can be realized by providing guarantees for the continuity of the livelihoods of indigenous peoples in Region Lake Toba (KDT).

CONCLUSION

Research on sustainable development in resolving conflicts between indigenous and tribal peoples can be concluded in three ways: Land conflicts with customary law communities have been going on for a long time and occur in almost every region in Indonesia. So far, the administrative actions taken by the government have not been able to resolve land conflicts, thus causing a prolonged conflict ultimately.

The values contained in the concept of sustainable development can be a means of resolving land conflicts of indigenous peoples. Sustainable development is also aligned with Planning for Sustainable Use of Land Resources. The implementation of the concept of sustainable development in solving problems of conflict resolution of customary law communities is carried out through achieving goals with political will, consistent government customary law and company, the responsiveness of stakeholders, including local governments, to land conflicts, and the establishment of a sustainable maintenance system. The government needs to develop an integrated pattern for resolving land conflicts of customary law communities based on sustainable development by involving all stakeholders. It can be applied in resolving conflicts between indigenous peoples in Lake Toba (KDT) and PT Toba Pulp Lestari (TPL) through the government's firmness, especially the Minister of Environment and Forestry, by stipulating land/areas controlled and managed by legal communities to become customary forests where the determination of customary forest is in line with the government's commitment to protecting MHA and their local wisdom.

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