

Agrarian conflict and split recognition: The middle way for recognition of the Mapur Bangka Tribe in Indonesia

Konflik agraria dan rekognisi yang terbelah: Jalan tengah rekognisi Suku Mapur Bangka Indonesia

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Abstract

Since the New Order regime, access to tin mines has been a disaster for the Mapur Tribe. The desire to live in prosperity from tin mining led to a prolonged structural agrarian conflict and problems of political recognition. This study aims to analyze agrarian conflicts and the recognition debates that surround them and analyze the visibility of discourses on the recognition that is adaptive to the interests of indigenous peoples. Through qualitative research with case studies, this study found that structural agrarian conflict gave rise to social rupture and acts of mutual exclusion between groups. The counter-movement can unite the group and continue the resistance. After the agrarian conflict, indigenous peoples were faced with debates about the legal product of recognition through sectoral laws which gave rise to different interpretations at the Regional Apparatus Organization (OPD) level. This condition gave rise to the phenomenon of split recognition, due to the lack of political will to include the agenda for recognition of Indigenous Peoples (MHA) in regional planning policies. A comprehensive law with a general function is needed as a middle ground for the unification of arrangements regarding MHA.

Keywords: agrarian conflict; counter-movement; Mapur Tribe; recognition politics

Abstrak

Akses ke tambang timah sejak era Orde Baru merupakan awal petaka bagi Suku Mapur. Kehendak untuk hidup sejahtera dari menambang timah berujung konflik agraria struktural dan masalah pengakuan politik. Penelitian ini bertujuan mengurai konflik agraria beserta debat-debat pengakuan yang melingkupinya dan menganalisis visibilitas diskursus pengakuan yang adaptif terhadap kepentingan masyarakat adat. Melalui penelitian kualitatif dengan studi kasus, penelitian ini menemukan hasil bahwa konflik agraria struktural memunculkan retakan sosial dan tindakan saling mengeksklusi antarsatu dengan yang lainnya. Gerakan tanding mampu menyatukan kelompok dan melanjutkan perlawanan. Pasca konflik agraria, masyarakat adat dihadapkan dengan debat-debat seputar produk hukum pengakuan melalui UU sektoral yang memunculkan interpretasi berbeda-beda di tingkat Organisasi Perangkat Daerah (OPD). Kondisi ini memunculkan fenomena pengakuan yang terbelah, akibat ketiadaan political will untuk memasukkan agenda pengakuan Masyarakat Hukum Adat (MHA) dalam kebijakan perencanaan daerah. Diperlukan sebuah UU yang komprehensif dan berfungsi general sebagai jalan tengah unifikasi pengaturan tentang MHA.

Kata Kunci: konflik agraria; gerakan tanding; Suku Mapur; politik rekognisi

Introduction

The discourse on the recognition of indigenous peoples after the Constitutional Court Decision Number 35/PUU-X/2012 is contradictory. The contradiction can be seen from the political process of recognition given by the government to indigenous peoples which has the potential to reduce the revival of custom which is manifested in the form of chaos and disintegration (Davidson et al. 2010). The chaos is caused more by the process of customary recognition which is dominated by the state through control of natural resources and its role as a land “broker” to support capitalistic industries (Sampat 2015, Page & Petray

2016). This along with economic globalization which hinders the political interests of indigenous peoples' autonomy, especially the principle of territory, political space, and local knowledge (Karlsson 2014, Brent 2015, Delgado 2015, Gonzales & Gonzales 2015), absence of state regulations to protect indigenous peoples' rights, identity and recognition contained in policy documents (Maddison 2013, Reyes-Garcia et al. 2014, Hossain & Maruyama 2016, Baggethun 2022), cultural genocide through government policies (Docker 2015, Kingstone 2015, Rogers & Bain 2016), and redistribution by coalitions of states, companies, and local elites to seize customary land (Savitri 2014).

The phenomenon of disintegration also appears through a set of capitalist-oriented agrarian regulations and policies that can destroy native culture, create forced assimilation, and encourage the renegotiation of indigenous peoples' identities toward modernity (Hidayat 2011, Savitri 2013, Kingstone 2015). The process of customary bureaucratic participation that implements the principles neoliberalism has economically weakened indigenous peoples and spawned resistance (Reed 2012, Fache 2014, Smedal 2018), thus triggering agrarian structural conflicts with violent nuances in the form of claims over customary land and forests (Sampat 2015, Komnas HAM 2016, Mingorria 2017, Gonda et al. 2023), authoritarian and repressive land monopoly by the majority group (Gilbert & Afrizal 2018), ethnic tensions that trigger social rifts within indigenous peoples (Hilson & Laing 2017), as well as giving rise to identity crises and multiple expulsions from areas cultural as well as geographical (Maddison 2013, Henry 2015). Conflicts in agrarian structure handled by the state and government with political omission are the starting point for the agrarian decline.

In Indonesia, indigenous peoples still have not received recognition from the government for their constitutional rights. The politics of recognition is closely related to the ideas of customary autonomy (Karlsson 2014, Sanders 2015), political processes in local democracy, and the development of indigenous technology in the modern era (Calleros-Rodríguez 2014, Mato 2016), recognition of communal ownership, claims to territory, land redistribution/land by the state, and encouraging transformative agrarian politics based on resistance and ethno-territoriality (Gilbert & Afrizal 2018, Sekine 2021, Borrás Jr 2023), and strengthening identity politics with land as a constructive identity boundary about customary sovereignty (Reed 2012, Lüdert 2013, Koerner 2015). The discourse on the recognition of indigenous peoples is still held hostage by contradictions that place the government and indigenous peoples in a position facing each other. The discourse will have an impact on the dynamics of indigenous peoples in the interior and coastal areas of Indonesia.

This study specifically looks at the occurrence of agrarian conflicts and symptoms of split recognition after the issuance of the Constitutional Court Decision 35 due to the recognition of customary law communities (MHA) policies which on the one hand have not been supported by the law on MHA, but where, on the other hand, various alternative sectoral legal products can be used as a guideline for recognition of MHA, which invites debate. Arsyad (2016) sees debates on sectoral legal products as an umbrella for recognition of MHA taking place at the grassroots level, especially conflicts and differences in interpretation between indigenous people's movement activists and the Alliance of Indigenous Peoples of the Archipelago (AMAN) regarding the most appropriate policy in implementing the Constitutional Court Decision 35. Activists from the Indigenous peoples' movement want recognition through traditional villages as stated in the Village Law, while AMAN is pushing for the Protection and Recognition of Indigenous Peoples Bill (PPMHA) as a basis for recognition. Differences in the discourse on the recognition of indigenous peoples have the potential to create confusion at the grassroots level.

The Mapur Tribe of the Lom Bangka people in the Province of Bangka Belitung are one of those affected by traditional conflict agrarian and recognition rights as MHA. The conflict started with the expansion of PT Gunung Pelawan Lestari (GPL), a corporation of private foreigners operating in the field plantation coconut to explore the part land layout of the Lom people after obtaining permission from the Regional Government (Pemda) of Bangka Regency in 2005. This made access to source power natural like forests and tin as well as living areas harder and tight. Since 2009, there has been an upsurge in the spirit of resistance to the identity-culturally bound interest economy, giving rise to conflict agrarian increased

structure intensity from 2014 to 2018 (Smedal 2018). Agrarian conflict nuanced deprivation of land threatens the existence of community and potential wisdom (Rachman 2013, Zulkarnain & Franto 2014, Cholillah 2015, Rahman 2022, Zulkarnain et al. 2023). Prolonged agrarian conflict forced the Lom people to ask for help in advocacy from the Legal Aid Institute (LBH) and academics, though their efforts often experienced failure. The dynamics of the failure encourage demands for the recognition of forest customs to strengthen.

Pressure politics strongly put a *vis-a-vis* relationship between Bangka local government along with the PT GPL corporation and Lom people in an arena and an unequal fight. First, Pressure politics saw political omission through obscurity regulation along with mechanism control (Cahyono 2016) as was all legality ownership and management of customary forests post-agrarian conflict (Zulkarnain et al. 2018, 2019). The symptom of political omission is seen from the lack of initiative of the Bangka Regency Regional People's Legislative Council (DPRD) to reconstitute the Regional Regulation (Perda) of the public custom of Mapur.

Second, was the political silencing of the voice of the Lom people by the elite local through practices of regulation, violence, coercion, and legitimacy, so aspirations for recognition did not appear to surface (Zulkarnain et al. 2018, Permadi et al. 2023). Third, this condition makes it possible for the Regional Government of Bangka to use a coercive mechanism through the establishment of a customary village as stated in the Village Law. These coercive methods are seen as a continuation of colonialization (King et al. 2014, Suryani 2016) and a strengthening of the domain of state ignorance over customary territories (Cahyono 2016). Consequently, the recognition discourse of indigenous people through protection law pathway the environment develops within the Lom people.

Ironically, the will of the Lom people to be acknowledged as indigenous people is restricted to the conditional confession to openly share their traditions, following the sequencing process of identification, verification, validation, and determination of public custom through the Regional Regulation (Perda) Perda (Rachman & Siscawati 2014, Roewiastoeti 2014). Referring to the regulation of the Minister of Home Affairs (Permendagri) No 52 of 2014 concerning procedures MHA acknowledgment exists in several stages that society goes through, starting from registration, establishing team identification, and verification at the district level continuing to the stage of ministry appointments. Recognition discourse of indigenous people uses mechanisms for the village law and the protection law of potential environments, raising debates and dialectical tensions because of the lost meaning of humanity and the truth of freedom.

This study aims to parse agrarian conflict and debates on the recognition of the indigenous people of the Mapur Orang Lom Bangka between recognition through the Village Law and the Environmental Protection Act or other alternative paths that are more relevant and contextual. The research also aims to analyze the visibility of the discourse on the recognition that is adaptive to the interests of the indigenous people of Mapur.

Research Method

This research is located in Air Abik Hamlet, Gunung Muda Village, and Pejam Hamlet, Gunung Pelawan Village, Belinyu District, Bangka Regency, both of which are the oldest areas supporting the existence of the Lom people and where the history of the legend of the people who inhabited Bangka Island first appeared. In addition, the Air Abik area is PT Timah's Mining Business License area, which is spread over several locations with an area of around 134 ha, and was the first area to reject the presence of the PT GPL corporation in Belinyu Bangka District and fight for recognition of indigenous peoples to the Bangka Regional Government.

This research is qualitative research with a case study approach. Primary data were collected through observation, interviews, and focused discussions from May to October 2022. Interviews were conducted with 25 informants consisting of traditional leaders, youth, and indigenous women who were considered

to know about the history of agrarian conflicts, processes, and dynamics of resistance to the local government of Bangka and the PT GPL corporation as well as actors fighting for the recognition of indigenous peoples' rights. Secondary data were obtained through a documentation study which includes the Decree (SK) of the Regent of Bangka and Regional Regulations of Bangka Regency regarding PT GPL and the Mapur Tribe as well as maps of PT Timah Tbk's IUP.

At the level of the Mapur indigenous people, the focused discussion involved the traditional leaders and LAM Air Abik and Pejam officials, totaling 25 participants. At the Regional Apparatus Organization (OPD) level, Bangka Regency involved the Environment Agency, the Community Empowerment Service and Village Government, the Head of the Legal Division of the Bangka Regional Secretariat, the Head of the Bubus Panca Production Forest Management Unit (KPHP) of Bangka Regency, sub-district heads, and village heads totaling 20 participants. Focused discussions and the Mapur festival were documented and featured in the research results. Data collected from informants are displayed, reduced, and triangulated to obtain accurate conclusions.

Results and Discussion

In accordance with the objectives of this study which focuses on the study of agrarian conflicts and the debate of recognition that surrounds it, the following discussion is divided into several sub-discussions, including; an overview of agrarian conflict with the Mapur tribe, Lom people, and recognition of indigenous peoples and split recognition.

Overview of agrarian conflict with the Mapur Tribe

The Lom people's access to unconventional mining (IT) was the beginning of disaster conflict. TI mining activities in Air Abik in the early 2000s took advantage of policy deregulation in trade tin. The Lom took advantage of the territory of PT Timah's IUP in Air Abik Hamlet which is spread over Air Duku, Air Sumedang, and Air Kundi. PT Timah's IUP area in Gunung Muda Village is the largest location with an area of around 8,731 ha and around 134.57 ha is in the Air Abik area. The location and area of PT Timah's IUP in Air Abik can be seen in Table 1.

Table 1.
Location and area of PT Timah's IUP in Air Abik Hamlet

No Mine	Wide		Location	Validity Period
	Layouts	RK		
TN 2.6	55.3 HA	40 ha	Air Duku	Final operation December 2017
TR. 1453	10.17 Ha	4.81 Ha	Air Duku	Final operational June 2018
TR. 1527	11.20 Ha	6.16 Ha	Air Duku	The final operation in July 2018
TR. 1506	11.70 Ha	5.98 Ha	Air Sumedang	Final operational January 2018
TR. 1588	20.45 Ha	10.70 Ha	Air Kundi	Final operational April 2018
TR .1473	26.02 Ha	19.50 Ha	Air Sumedang	Final operating November 2017

Source: IUP documents for PT Timah Tbk in Belinyu District (PT Timah Tbk 2018)

Since early 2000, the Lom people have been mining in former Contract of Work (TK) mines which are not legally productive according to an agreement with PT Tin's partners. Several years later, they began to shift their TI mining from the former TK mine to new locations where tin ore was located under the name of their social identity as descendants of the Lom people. These new locations are managed both communally and privately. TI mining in customary lands is relatively unopposed by traditional leaders/shamans.

The Lom mine in TI utilizes a set of powers in the form of knowledge, technology, capital, and information on the availability of tin ore content in Air Abik, which has been observed by Chinese entrepreneurs managing preschools commonly referred to as *cukong*. Limited funds make them prefer to use IT mining technology with supporting machines with a price range of 5-6 million/unit.

The Lom use two patterns in tin mining. The first pattern is to rent a location in return for a fee. This pattern is carried out by renting out locations where tin ore is located to other Lom people or residents of Air Abik and its surroundings in exchange for Rp 2,000 - Rp 5,000/kilo/day, with tenants not involved in TI mining activities. Unlike pattern rent location, profit sharing pattern tends to be chosen for those without mining tools, but who own a location and are involved in TI mining activities. Profit sharing patterns vary, there are 50:50, 60:40, or depending on the agreement.

The power of the Lom people became less strong with the emergence of local elites represented by the Head of Air Abik Hamlet named Taktui, members of the Gunung Muda Village Representative Body (BPD) from Air Abik, elite migrants in Air Abik, and tin entrepreneurs (*cukong*). They cooperated and formed strategic alliances to regulate and control TI mining activities in Air Abik. An overview of the cooperative relations between local elites in Air Abik Hamlet can be seen in Figure 1.

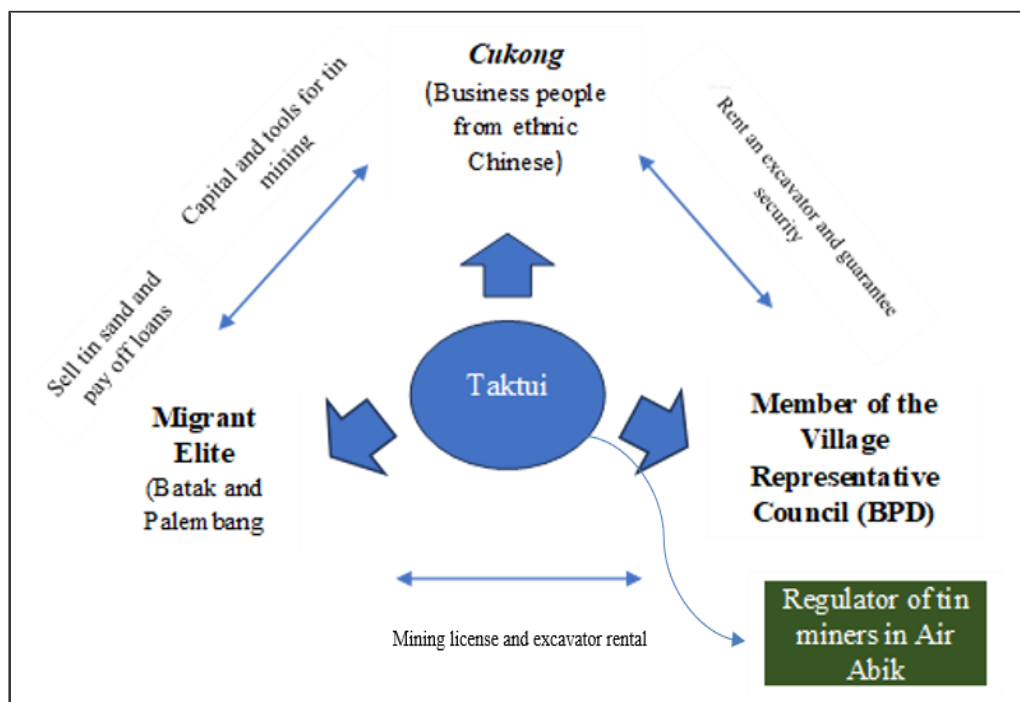


Figure 1.
Relationship between the groups in Air Abik
Source: Processed primary data

Taktui leverages the legacy of the Lom People by employing authority, knowledge, technology, capital, social connections, and social identity to formulate policies for granting mining permits for extraction by miners. The issuance of mining permission is processed straightforwardly by revealing the mining location and the partners. At the same occasion, Taktui settled the issuance of the license is accompanied

by the excavator rental to miners for Rp 20,000/hour/day arranged. Every miner also has dues of Rp 2,000 per kilo/day which must be deposited every week. Each heavy equipment operator is also subject to a monthly fee of Rp 100,000. Based on the calculation of the fees collected from TI miners, heavy equipment operators, and miners' fees in 2003, Taktui received a monthly fee of around 23 million rupiahs (Smedal 2018).

Furthermore, by using his leadership authority, Taktui proposed the "cash box" policy of the monthly collected funds to be used as a hamlet cash fund. These funds are used for certain planned and urgent needs such as the annual *Nujuh Jerami festival*, helping people who have experienced natural disasters, giving birth, and other humanitarian needs. Ironically, apart from collecting hamlet cash funds, Taktui also collects a fee of 10% of the operational costs of excavators and bulldozers for personal use (Smedal 2018).

The entry of PT GPL corporation into Subdistrict Belinyu, a company private moving foreigners into business plantation coconut palm, triggered the agrarian conflict. It started from the publication permit decree location of PT GPL in 2010 but the corporation had formerly done land cleaning and planting before publication of the right to business use (HGU). The community groups are split into two regarding support for or opposition to the existence of PT GPL. One group, named Gunung Muda community, represented by some actors who work as members of the Village Consultative Board (*BPD*), *Rukun Tetangga* (i.e., neighborhood management), and oil palm cooperatives supports the presence of PT GPL. They arrange palm oil partnerships as a solution to tin mining's struggling economy.

The group repelled the PT GPL using discourse environment and local wisdom. The two issues were rolled out after efforts to negotiate with oil palm support groups, which continued to mobilize discourse and opinion on palm oil as a new post-tin economic alternative. Actors who opposed palm oil began to mobilize the masses and discuss the rejection of the existence of oil palm in Gunung Muda. The actors consisted of the Village Head, the Head of the BPD, the Head of the Village Representative Body (LPM), the hamlet heads, and the RT administrators in Gunung Muda. The action started by signing the rejection proof in every RT and hamlet.

In 2009, the Head of Gunung Muda Village and the public coalition to repel palm submitted a letter of rejection of the opening of an oil palm plantation by PT GPL in Gunung Muda addressed to the Regent of Bangka, Yusroni Yazid. The refusal letter contained four reasons for refusal. First, Remote Indigenous Communities (KAT) must still be protected as indigenous communities with the right to live to utilize forest products (timber, honey, rattan, mushrooms and others). Second, clearing land for large-scale oil palm plantations will damage the stem ecosystem, flora and fauna and eliminate their forest function as a symbol of lung of the earth, a place for plants to grow, a source of oxygen. Third, the available forest reserves in Gunung Muda are used for the farming needs of pepper, rubber and smallholder oil palm. Fourth, the existence of PT GPL does not make a positive contribution, because the company's minimum wage standard is low and does not meet the people's needs.

The land dispute intensifies and narrows down as ongoing actions continue to exclude the Lom people. The Lom people experience exclusion with coercion accompanied by violence, both by the state and non-state actors. Coercion with violence was done by the Regent of Bangka, Tarmizi Saat, who issued a district decree number 188.45/314/II/2014 concerning change in the recent decision of Bangka number 188.45/124/II/2014 concerning change in the recent decision of Bangka number 188.45/263/II/2013 concerning gift permission location to PT GPL. The essence of the Regent's Decree was to change area permission location from originally 8,722 ha to over 11,157 ha.

The coercion was continued by developing the exclusion mechanism run by land broker groups nicknamed as the *seven-centeng* (seven-nightwatchmen) of the company. These seven people actors were excluded from the tin mining location due to the assert the opposite of the policy arranged by the leader, Taktui. Eventually, they chose to affiliate with PT GPL as employee unit security (guards). The task of the main group is to influence residents to sell the location of the existing tin mine and scrub to PT GPL.

The mechanism of coercion with violence was also experienced by the village head Gunung Muda, with the initials SI. SI's leadership was interrupted and torn down in the tragic ways. He was framed (slander) and criminalized because he committed an unlawful act by manipulating the GRTT document for the benefit of the Lom residents who refused to release their land. As a result, SI was held hostage between interests defending themselves from criminalization with the threat of six years imprisonment or to keep defending the Lom people and supporting citizens in mining tin.

Source legitimacy from the whole exclusion process was the rationality of a growth economy and improvement of exports of palm commodities to the global market. The chairman of the KPKS Gunung Muda Sejahtera, with the initials KLM, stated that "the socialization process to community leaders such as mosque heads, religious leaders, youth association heads, and RT heads regarding alternative discourses on the post-tin mining economy was carried out in a dialogical and persuasive manner through face-to-face meetings more than 50 times in secret in different places." This covert and well-organized socialization arose due to the massive rejection conducted by village authorities, and followed by bad faith shown by the villagers of Air Abik to conduct an open-dialogue section regarding the palm-related matters rejection.

How are the Lom in Air Abik responding to action exclusion from mining? The Lom people staged a sparring movement which was realized through the installation of customary forest planks in areas directly adjacent to PT GPL's oil palm, mass mobilization to the Bangka Regent's office, hearings at the Komnas HAM and DPR, and filing a lawsuit at the State Administrative Court (PTUN) in Palembang accompanied by lawyers from the Legal Aid Institute (LBH) Bangka Belitung. The most heroic sparring movement is to form a counter territory by digging for tin collectively, involving all levels of society, from children to traditional elders. The interview with AH shows that "all elements of the indigenous people are involved in mining tin in Air Abik in anticipation of the release of land to the palm oil company PT GPL and the residents have the slogan 'drain it and leave it'."

The counter-movement carried out by the Lom has justification as a movement against the expansion of corporate capital and export of main commodities by adopting a territorial logic, joining forces with traditional movements, and demanding territorial rights (Brent 2015), rejection of symptoms of "cultural genocide" (Kingstone 2015, Rogers & Bain 2016), and efforts to fight state repression (Mingorria 2017). Use draft resistance from Karl Polanyi (2001), interpreted from an understanding of power. Power is a relational game between the dominant and the subordinate. The Lom built the notion of resistance which refers to the structure of domination and suppressive power, the process of commodification and the domination logic of a palm economy caused the emergence of fictitious commodities such as labor, land, and money. The final findings of this section conclude that the Lom refuse to submit to corporations and become laborers on their land, so countermoves are a choice of struggle.

Lom people and recognition of indigenous peoples

There are three underlying momentums post the Lom revival of agrarian conflict. The first momentum, weakening domination power of the symbolic elite locally represented by Taktui along the group, is a marked symptom of distrust of residents of Air Abi, because fear was considered betrayal followed by selling land from garden rubber and getting compensation from PT GPL in the number of hundreds million rupiahs in 2017. Taktui is also seen to have no focus and no serious fight for the interests of the Lom people, proven with ignored aspirations that affected the Lom people's deprivation of a land without compensation from PT GPL as well the more rampant practice of *illegal logging* in Air Abik.

The second momentum, the opportunity to change the political administration population, has revived the spirit of collectivity "again to traditional religions." It's raising MK Decision No. 97/PUU-XIV/2016 which in effect explicitly gives room to inhabitants' customs "who believe trust accepted ancestors in a manner down hereditary can fill in column religion or trust in making document population Good Card Family (KK) and Identity Card (KTP)" (Salfutra et al. 2019). The results of an interview with SKR, the

Pejam traditional leader, stated that “The great desire of the Pejam people is to return to their traditional religion. However, residents are still given the freedom to choose whether to return to their traditional religion or to stick with the religion listed on the previous KTP.” Discussion results focused on internal Orang Lom show that the majority of inhabitants want to change their identity population from adherents of Islam to become traditional believers called *Penganut Kepercayaan* (i.e., followers of indigenous or traditional faiths in Indonesia constitute groups of individuals who observe ancestral beliefs passed down through generations). The procession of submitting identity documents as adherents of the belief by the Regent of Bangka on April 2019 can be seen in Figure 2.



Figure 2.
Submission identity population as devout trust
Source: Author's document

The third momentum is the establishment of the Mapur Customary Institution (LAM). LAM is a receptacle assembly voicing aspirations in the interests of the Lom people at once network Work institutional. Aspirations in the form of a fighting community form are not quite enough answer the local government of Bangka which is considered negligent in case of land deprivation. The negligence emerges in the incomprehensible growing compensation, or GRTT, for the villagers' lands who insist on justice and the obscurity of the cooperation membership status for some Lom people who do not obtain any compensation for palm oil plasma. In addition, LAM focuses to fight for the existing acknowledgement of customary forest and culture of Mapur. The establishment of the institution and the procession for inaugurating the LAM board by the Chairman of the Bangka Malay Traditional Institute (LAM) can be seen in Figure 3.



Figure 3.
Inauguration management of the Mapur Customary Institution
Source: Author's document

The establishment of LAM, which aims to fight for the indigenous people's aspirations and recognition, has been acknowledged in various ways. The lack of knowledge of the difference between traditional believers' identity recognition and political admissions as manifested by MHA indicates a low level

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of solidarity among some of Air Abik's inhabitants at the grassroots level. However, on the other side, some inhabitants are comprehensive enough to distinguish between identity and MHA recognition as officially written in the population administration documents. At the character level, the custom is relatively solid that confession of geography, customary territory, law custom, and artifacts of existing culture is urgent. At the institutional level, LAM is very solid, and that recognition identity as a devout trust by the state is as step beginning from the struggle to reach recognition as MHA.

Different from the response of inhabitants of the Pejam community, character levels concerning territorial recognition and territorial boundaries are pretty solid in consequence of some attempts to mutually claim the "customary territory" boundaries between Gunung Pelawan and Mapur villages. At the grassroots level, the rumor concerning the traditional believers who obeyed and ran in Air Abik has come to surface, followed by the desire to open a geopark area based on tourist history and heritage in the Tengkalat region, which incidentally centers in Mapur village area map based on the stipulation decree Regent of Bangka in 2012. Similarities with the issue between Air Abik and Pejam lies in the will to unite and return connection of broken kinship and friendship post-agrarian conflict. It means in reality that each exclusion becomes a necessary problem handled before the struggle reaches MHA recognition. The discussion process focused on the level of traditional leaders, traditional elders, LAM officials, and across Bangka Regency OPDs can be seen in Figure 4.



Figure 4.

Focused discussions attended by traditional leaders, traditional elders, and across Bangka OPD
Source: Author's document

How are responses between the second community to MHA recognition as a strength to reach the purpose? Discussion results focusing on community held in *Memarong* Air Abik revealed three deals. The first agreement makes LAM a receptacle for reconciliation post-agrarian conflict that unites and integrates the past social retention as One Mapur.

The second agreement gives trust to LAM for designing, fighting for, and overseeing the unification process intercommunity to use the registered community as MHA, the regional government of Bangka. The third agreement, the uniqueness of the Mapur tribe needs to be appointed and promoted to be raised by establishing communication with the Mapur community in Tuing Hamlet, Mapur Village Riau Silip District. This initiation shows the spirit of unification identity of One Mapur in three customary areas: Air Abik, Pejam, and Tuing as the main locus of the Mapur tribe.

What happened to the Mapur indigenous community shows that the basic rights of indigenous peoples need attention from the government, but have not been matched by a commitment to integrate into indigenous peoples' recognition policy planning (Maddison 2013, Hossain & Maruyama 2016). There have been efforts to fight for the revival of recognition politics through reconciliation between indigenous peoples and the bureaucracy, corporations and elites (Corntassel 2012), and there has been a tendency to mobilize indigenous politics through recognition politics at the global level, but these have received little response at the local level (Sanders 2015). Citing Honneth, there exists vibration recognition,

that “every human being needs to get recognition for good self-actualization, needs an environment that supports its development, so subject it can shape their identity” (Ritzer 2012). This final section concludes that the recognition of the indigenous people of Mapur is a resolution of agrarian conflicts that need to be followed up by the Regional Government of Bangka through the issuance of recognition regulations contained in the policy planning documents.

Split recognition

Opportunities and challenges to political recognition of the Mapur tribe as MHA after agrarian conflict found two important things. First, the voice of political recognition as MHA grows and develops at the institutional level customs, figures custom, and grassroots in Air Abik and Pejam; however, these do not happen in the Tuing custom community in Mapur village. The discourse of recognition of the Mapur community as MHA establishes social principles to reignite trustworthiness, develop working networks, and grow intimate interaction among the inhabitants.

Second, the recognition community Mapur as MHA is constrained to respond to the regional government of Bangka. The different cross-sectoral view in addressing MHA recognition emerges contradictory manner. At one side, the regional organization (OPD) of Bangka Regency initiated MHA acknowledgment; however, it was not supported with good planning, especially a support budget, also on the other hand, impractical supports in terms of opinions followed with recognition alternative mechanism by means of their respective OPD’s relevant legislation rules. Description related to OPD views discourse confession community Mapur as an MHA can see in Table 2.

Table 2.
Description OPD view of Bangka Regency regarding MHA recognition

OPD	MHA Recognition View Description
Environmental services	<ul style="list-style-type: none"> ▪ The OPD in charge of MHA recognition at the Bangka district level, as the initiator of cross-sectoral coordination meetings, recognition of MHA is carried out through the mechanism of Permendagri No 52 of 2014, but is not supported by the 2022 budget plan
Production Forest Management Unit (KPHP) Bubus Panca Bangka	<ul style="list-style-type: none"> ▪ Shaded areas within production forest areas and outside forest areas, support the idea of recognizing MHA through the Permendagri mechanism No. 52 of 2014, but, on the other hand, supports social forestry and community forestry programs (mechanism village forces, not customary forest)
Community and Village Empowerment Service	<ul style="list-style-type: none"> ▪ Overshadowing the village government, recognition mechanism through the 2014 Village Constitution with the customary village scheme, the customary forest is within the authority of the village government for the benefit of community empowerment
Bangka Regional Secretariat Legal Bureau	<ul style="list-style-type: none"> ▪ Covering the legal field, the application of Permendagri No. 52 of 2014 is seen as problematic, the recognition mechanism through the 2014 Village Law is more likely through traditional villages

Source: See Zulkarnain et al. (2023)

A “bridge” to meet each other and one unified view is required to account for the different views between indigenous communities and cross-sectoral OPD. Some OPDs do not promote love, trust, and respect for the existence of the historical Mapur tribes as well as the uniqueness they possess. This view can lead to conflict and violence in perpetuity. These conditions potentially bring up split recognition. Split recognition is seen from rule product available law like MK Decision No. 35 of 2012, and the mechanical determination of MHA such as Law No. 32 of 2009 concerning Protection Environment and Permendagri

No 52 of 2014 which does not respond by the local government; however, local government through associated OPD equipment tend directly to produce other laws such as Law No. 6 2014 concerning village along product law derivative PP No. 43 of 2014 concerning regulation implementing the village law. In PP No. 43 of 2014 which was updated with PP No. 47 of 2015, the mechanism related to status changes from village to village custom or otherwise, so this rule is seen by OPD as alternative MHA recognition through village custom.

Separate consideration should be manifested in the public discussion concerning the products of the recognition law and the MHA Mapur inauguration mechanism to decide whether the village law through village custom, Law No. 32 of 2009, or Minister of Home Affairs Regulation (Permendagri) No. 52 of 2014 must be employed. The Village Law mechanism has a spirit application that mandates the constitution governing MHA is appropriate with provision Article 18 B paragraph (2) of the 1945 Constitution is a related arrangement of appropriate government with provision Article 18 paragraph (7) of the 1945 Constitution. Construction of the main Village Law combines the function of government alone based on community with government applied locally which becomes village custom (Abdurrahman 2015).

Mechanism recognition through Permendagri No. 52 of 2014 is quite a detailed mechanism of MHA acknowledgment, along with the authority. Mechanism of MHA recognition is done through stages of identification, verification and validation as well as determination identification process involving MHA or public group looking closely at the history of MHA, indigenous territories, customs treasure wealth and/or things customs, and institutions or government system customs. The MHA committee includes MHA verification and validation as well as announces results to MHA, the delivery of recommendation to regents/mayors, and so on re regent/mayor determination recognition and protection of MHA.

The recognition mechanism through Law No. 32 of 2009 concerning the Protection of the Environment has a greater focus on responsibility and authority, particularly related to MHA recognition in protecting the environment. In Article 63 letter (t) it is regulated policy regarding procedures recognizing the existence of MHA, local wisdom, and the rights of indigenous and tribal peoples related to environmental protection and management which are in the hands of the central and regional governments. Explicitly, the authorities in the procedures for recognizing the existence of MHA related to environmental protection and management are at the provincial and district/city levels.

Debates about the legal products of recognition of the Mapur Tribe which have resulted in split recognition are not the main issue. The main problem lies in two things. First, there are differences in the regulation of MHA using sectoral laws. Some of these differences include differences in the use of terms (three terms, namely MHA, indigenous peoples, and traditional communities), differences in recognition requirements, and differences in the protection of customary territories (Sumardjono 2019). These differences show that the principles of social justice have not been fulfilled properly.

Second, the problem of political will. The problem is whether the Provincial Government (Pemprov) of Bangka Belitung or Pemda Bangka has the political will to formulate legal products for the recognition of MHA and its mechanisms, then incorporate the agenda for recognizing MHA in policy planning, and allocate budgets to support technical recognition of MHA and strengthen institutional capacity through community empowerment? Facts on the ground, Regional Government of Bangka through the Department of the Environment (DLH) is responsible for the recognition and protection of MHA in Bangka Regency. DLH Bangka experienced confusion and stuttering because legal products for recognition of MHA were not yet available, while the MHA recognition program had been designed and budgeted for in the current year.

How does effort look for the agreement concerning Mapur MHA arrangement? Ideally it needs harmonization between the Draft of The PPMHA Law (RUU) proposed by AMAN and the MHA Bill in the DPR so that substance is accommodated to realize one comprehensive law. Quoting Sumardjono (2019), a comprehensive and functioning law as *lex generalist* is a middle road unification arrangement

about MHAs. Facts on the ground, bearing in mind the MHA Law has not been issued and sectoral laws along with product law and its derivatives are not available, then The Bangka Belitung Provincial Government needs to compile a guidelines arrangement of procedures the recognition of Provincial MHA Bangka Belitung Islands for reference in each local government district/city. This guideline will become a reference for the Regional Government of Bangka to storm the MHA committee, identification, verification and validation, recommendations and determination of MHA by the regent.

The recognition of the Mapur tribe as discussed by the Bangka Regional Government is constrained by the implementation of recognition policies that are not included in regional planning documents such as the Bangka Medium Term Development Plan (RPJM), the Bangka Regional Government Strategic Plan, and the regional legislation program DPRD of Bangka Regency. This condition shows that the biggest challenge for indigenous communities is the problem of recognition and stereotypes as a marginalized group that is not listed in the planning context (Cosgrove & Klinger 1997), the voice of recognition of indigenous peoples that are not heard in the local political arena (Darmanto 2015), and recognition as a component of redistribution and restitution in agrarian justice that is not understood by the government (Sekine 2021). Citing Honneth, the political phenomenon of denial of the recognition of a community is reflected in “denial of rights and social exclusion” because humans feel their dignity is violated, they are not given full moral rights and responsibilities in their community, and they do not recognize the particular values of certain unique and different social groups (Ritzer 2012). Honneth emphasizes the issue of the legal order as a pattern in recognition politics that puts forward the ideas of equality, independence, and involvement in membership of a dignified political community.

Conclusion

Structural agrarian conflicts that occur in indigenous peoples originate from the government’s policy of granting concession permits to corporations without being accompanied by HGU from the start. Agrarian conflicts hinder indigenous peoples’ access to natural resources and they must be excluded from obtaining certain benefits. Indigenous peoples are excluded from agrarian sources through a set of policies/regulations that favor investors, markets, coercion, and moral legitimacy. Exclusion creates resistance manifested through sparring movements, a powerful way for indigenous peoples to get out of the vortex of prolonged agrarian conflicts.

A counter-movement becomes a collective image, gathering social power to drive the struggle for recognition and justice. But the quest for recognition takes a long and winding road. Discourse on recognition through sectoral legal products such as the Village Law, the Environmental Protection Law, and Permendagri No. 52 of 2014 has the potential to trigger debates and differences that give rise to the phenomenon of split recognition. A more comprehensive MHA recognition law is needed as an effort to unify recognition that can guarantee customary sovereignty.

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