COMMUNITY REJECTION AND CONFLICT WITH THE DEVELOPMENT PROGRAM BY THE CITY OF KUPANG, EAST NUSA TENGGARA

Yorhan Yohanis Nome
Norani Asnawi
Detji Kory Elianor Rooseveld Nuban

ABSTRACT

The state guarantees people's lives by building public facilities, but not all development can be accepted by the community, for example the construction of the Kolhua Dam project, the construction of the Embankment along the Pasir Panjang Beach, and the conflict between the Timorese people and the Air Force in the struggle for the location of El Tari Kupang Airport. The community should be happy to accept and support development projects that will be implemented by the government because it is beneficial for the people of Kupang City, but there is a conflict or rejection from the community. The results of the study stated that the factors causing conflict / public rejection of several government programs namely: the neglect of various regulations regarding the acquisition or acquisition of land for public purposes (development); the imposition of will factors by the City of Kupang Government; political factors or politicization; improper compensation factor; mentally corrupt or bribery apparatus (officers): there is no direct benefit for the local community; there is no certainty as to who represents the tribe or family of the existing landowners, particularly in matters of land transactions; and, most of the land traded has not yet been certified. This is because the level of community legal awareness is considered quite low. The indicators are out of sync in terms of looking at the role of government and the benefits of development and land acquisition in the public interest. The analysis shows: (1) There is a significant relationship between knowledge and understanding with the respondent's legal attitude, and the coefficient of the relationship is "strong" or "high." (2) There is no significant relationship between attitude and respondent's legal behavior, and the coefficient the relationship is "low." This asynchronous is due to several trigger or determinant factors. This asynchronous is caused by several triggering or determining factors. This unsynchronization is caused by many triggering factors including: (1) neglect of land acquisition procedures, (2) coercion of the government's will, (3) improper compensation, (4) mental corruption and bribery of officials, (5) default by one of the parties, (6) community perceptions of benefits, (7) uncertainty of "representative" families, and (8) buying and selling land under the hand. Efforts to solve problems as conflict resolution or public rejection of several development programs carried out by the government namely through preventive and repressive efforts, as well as curative efforts as humanitarian efforts that will produce harmonious relations between all parties.

Keywords: Rejection or Conflict, Development Program, Government and Society, Legal Awareness.

A. INTRODUCTION

The tasks of the government include building facilities for the public interest. Of course these facilities are of benefit to the community. According to J. Verkuyl, in society, there are not only private and private economic needs, but also collective needs, economic needs that are needed by all members of the community. The reality in Kupang City shows that such roles and good intentions of the government are not always easy to implement. Not all development programs from the government are accepted by the people in Kupang City. Quite a lot of people rejected. Some examples of development programs or projects that are rejected by the people of Kupang City are: (1) Construction of the Kolhua Dam. (2) Construction of Embankments Along the Pasir Panjang Beach, Kelapa Lima. (3) Conflict between the Timorese people and the Air Force in the struggle for the location of El Tari Kupang Airport. (4) Factory Development of PT. Semen Kupang.

The community should be happy to accept and fully support the development projects that will be implemented by the government because they benefit the people of Kupang City, at least, for the people around the project to be implemented. For example, the construction of the Kolhua Dam which is very much needed or very suitable to the needs of the people of Kupang City as part of the East Nusa Tenggara region which is known as an arid or dry area (very minimal water resources). The people's rejection of development programs by the government naturally raises questions and is surprising. However, logically, of course there are reasons or reasons for conflict or rejection by the community towards the government program.

This conflict or rejection certainly impedes the development or implementation of various government projects or programs, so it must be immediately addressed. Otherwise, this conflict or rejection will be a bad 'precedent' or 'example'. Other people or other parties - in other places or in the future - will join in rejecting government projects or programs. Especially in conflicts that occur due to politicization of certain parties and for certain reasons as well. These particular parties will "try again" to hamper development if "succeed" inhibits or thwarts a development program. In addition, other people who have the same thought will make it as a "source of inspiration" and imitate or try to do the same thing, which is trying to hinder or frustrate a development program. This will greatly jeopardize the continuity of the implementation of the project or development program that is really needed by the community. Therefore, this conflict problem is felt to be urgently studied scientifically to find effective and efficient steps in overcoming it.

Communities with their ignorance and innocence can easily follow the invitations or suggestions of certain parties (advocates or provocateurs) that sound "reasonable" to oppose the implementation of development projects or programs by the government. People often do not realize that they have been cheated or deceived by these people. Usually, there are some people who become
advocates or provocateurs. They are the ones who incite the general public who are generally lay and innocent and think advocates or provocateurs are "defending" the rights of those who are "oppressed" by the government. After a development project or program has been successfully hampered or thwarted, of course the community itself loses. The advocates or provocateurs who are not responsible and do not have a good conscience will disappear or just leave the problems they trigger without the burden of guilt. The disadvantage of the people of Kupang City in this example is that the community lost one water source (Kolhua Dam) which is really needed by the community. The community's rejection of the construction of the Kolhua Dam resulted in the central government moving the project to Kupang Regency. Good or positive participation from all residents of the Kupang Regency community brought benefits to them by the construction of the Reknamo Dam in the area.

This research is a contribution of the writer's thoughts in an effort to increase community participation in various government projects or programs. Various development projects or programs are carried out by the government to improve the welfare of the community. This noble goal of development is not achieved if the development is hampered or fails to be carried out. This results in losses for the local community where the development project or program will be implemented. Therefore, this research is an urgent and important thing to do and is expected to bring benefits to all parties concerned with development planning and implementation. For the government, this can be a valuable lesson. The government learns from experience so that it does not repeat the same mistakes or shortcomings, which cause or trigger conflict. In addition, the results of this research, for the community, can be an additional socialization so as to increase public awareness or participation in the implementation of various development projects or programs.

B. PROBLEMS

Research questions which are the focus of this research are:

1. Why did the community conflict or rejection of several development programs carried out by the government?
2. What is the level of community legal awareness regarding the role of government and the benefits of development for the community?
3. How to solve the problem as a conflict resolution or public rejection of some development programs carried out by the government?

C. RESEARCH URGENCY

Research on conflict or public rejection of several development programs carried out by the government and private parties in the city of Kupang - especially the local factors that are driving factors and determining factors - along with their impacts is a very urgent thing to do because it will provide positive benefits for all parties, both the government and especially citizens as a whole. The government can do all development activities for the welfare of the community better if the condition (situation, condition) of the community is also good and conducive as a supporting means for development activities.

The urgency of this research at a broader level is to provide insights for outsiders about the attitude of the people of Kupang City towards various development programs by the government and the private sector so far. This includes changing the orientation of the parties in carrying out daily social relations and with / for the government in carrying out development activities through its programs, especially in the economic field. Investors are expected to return to trust, believe and feel comfortable investing again in Kupang City and East Nusa Tenggara Province.

D. RESEARCH METHOD

This research is an empirical study focusing on the causes of conflict or community rejection; the level of public legal awareness about the role of government and the benefits of development for the community; and efforts to solve problems as a conflict resolution or public rejection of several development programs carried out by the government. This research has been carried out in Kupang City with a focus on clarification and information about various developments carried out by the government and against people who reject the development. This research was conducted with interview techniques and the data obtained will be analyzed to present the results and efforts to prevent and resolve the development conflict.

E. DISCUSSION

1. REASONS FOR THE CONFLICT OR COMMUNITY REJECTION OF SOME DEVELOPMENT PROGRAMS TAKEN BY THE GOVERNMENT

Reasons for conflict or community rejection of several programs carried out by the government will be reviewed in advance through the driving factors. The drivers of positive and negative actions in land conflict cases are numerous. Every aspect of human life can be a driving factor. Then, the triggering factors, namely specific aspects that directly cause an event, situation, event, in this study are negative actions. The author feels the need to remind here that the driving and triggering factors (determinants) are relative and uncertain. One or a number of driving factors in one case become a trigger in another case, and vice versa, one or a number of triggers in one case are the driving factors in another case. When collecting data, it is known that land conflicts, whether tribal land, other collective land, or individual land, with the government when conducting land acquisition, are mostly due to impure and consistent law enforcement. This supports what was stated earlier that in the hands of the police or officers it depends on the pros and cons of a statutory regulation. The law must be continually perfected. Good law will be bad in the hands of bad officials or officers, and vice versa bad law will be good in the hands of good officials or
officers. If a good law can be bad in the hands of bad officials or officers, what else if the law is bad? Of course this bad law will be the "basis" or "reason" for the bad actions of an officer or officer who is bad. Landowners who feel aggrieved certainly do not take it for granted, they will even unite with other fellow citizens who experience the same thing, struggling to defend their rights. They will not accept to make it happen in the act of refusing and physical conflict such as acts of violence that will cause physical casualties and casualties.

The following are the driving and triggering factors, namely, First, the neglect of various regulations concerning land acquisition or land acquisition for public purposes (development). Various regulations are good, but the implementation or implementation has not been as good as expected. Secondly, the imposition of willpower by the Kupang City Government, namely wanting to build a Wave Retaining Levee in the Pasir Panjang and Kolhua Dam areas, without sufficient socialization for the community at the place where the canoe is placed and also the land owner where the dam will be built. The development plan or government work program must involve the community from the beginning, so that there is no misunderstanding of the wishes of the government and the community, which considers the government to close their access to income as in the case of the construction of dykes along the Pasir Panjang beach. Third, political factors or politicization. Certain parties take advantage of this situation (the imposition of hasty will by the City of Kupang) for the interests of certain parties themselves. An inhuman approach opens space for the entry of various other elements and interests and results in an increasingly turbid, complicated, complicated, and uncontrolled atmosphere. Other elements that are influential for example political, social, economic, cultural, and various other aspects. Fourth, the compensation factor is less feasible. This compensation factor is the most often or most triggered in cases of community land taking for development. Not infrequently, the taking of community land is carried out unilaterally by the ruling party (the government) without regard to the rights and interests of the next community's life. Fifth, corrupt mental or bribery apparatus (officers). This factor is closely related to the third factor above. As long as the corrupt or bribery mentality has not been abandoned by the officers and as long as the officers still prioritize personal interests above the interests of the community, this compensation issue will remain. A compensation officer with a corrupt mentality or a bribe will always "turn his brain" (thinking, trying) to "set aside a portion" of the funds he manages to get into his personal pocket. Sixth, there are no direct benefits for the local community; other parties who benefit or enjoy the results. Seventh, there is no certainty as to who represents the tribe or family of the existing landowners, especially in matters of land transactions. This has become one of the causes of protracted land conflicts. Eighth, most of the land traded has not yet been certified. Land with no certainty of rights and certainty of law is very vulnerable to cause various new problems. As stated earlier, most of the land that is traded is carried out in a hands-on sale.

2. LEVEL OF COMMUNITY AWARENESS ABOUT GOVERNMENT'S ROLE AND DEVELOPMENT BENEFITS FOR COMMUNITIES

Legal awareness can be known from several indicators or instructions. B. Kutschincky (in Soekanto, 1982: 159) argues that there are four indicators of legal awareness, namely knowledge, understanding, attitudes, and legal behavior. Data obtained in this study of the parties present in the study respondents stated a variety of results.

a. Indicators of Legal Knowledge
Based on the results of the study stated that the legal knowledge of respondents regarding the role of government and the benefits of development for the community, as well as the law of land acquisition for the development of public interests amounted to 36 (56.2%) who know it, this number is more than those who do not know (28 or 43.8%). This means that many people, both in the Pasir Panjang and Kolhua regions, are aware of the law on land acquisition for public development.

b. Legal Understanding Indicators
Based on the results of the study stated that the legal understanding of respondents regarding the role of government and the benefits of development for the community, as well as the law of land acquisition for the development of public interests amounted to 36 (56.2%), this number is more than those who do not understand (28 or 43.8%). This frequency distribution is the same as the frequency distribution of respondents' legal knowledge.

c. Indicators of Legal Attitude
Based on the results of the study stated that the legal attitude of respondents who agreed to the government and the benefits of development for the community, as well as the law of land acquisition for the development of public interests amounted to 47 (73.4%), this number is more than those who disagree (17 or 26.6%). This frequency distribution is not the same as the frequency distribution of respondents' knowledge and legal understanding.

d. Legal Behavior Indicators
Based on the results of the study stated that the legal behavior of respondents who behave to support the role of government and the existence of development benefits for the community, according to the law of land acquisition for the development of public interests amounted to 15 (23.4%), this number is less than that which is not appropriate (49 or 76.6%). This frequency distribution is not the same as the frequency distribution of the three other indicators of legal awareness namely knowledge, understanding, and legal attitudes of respondents.

The results of a study of four indicators of community legal awareness on the role and benefits of development by the government regarding land acquisition law in the public interest illustrates that in fact many people already know, understand, and agree that actually community land can also be designated for government / public interests, but in fact people's attitudes differ from their knowledge, they are not willing to give land for development programs. So with the above results it can be concluded that the level of public legal awareness about the role and benefits of development by the government is only limited
to knowing, and still very low levels of public awareness to voluntarily provide their land for the development of government programs.

3. TROUBLESHOOTING EFFORTS AS A RESOLUTION OF CONFLICTS OR COMMUNITY REJECTION OF SOME DEVELOPMENT PROGRAMS TAKEN BY THE GOVERNMENT

In the context of dispute resolution, there are three efforts to resolve disputes namely preventive, repressive and curative. However, there are two remedies that are more commonly used in resolving disputes or conflicts, namely (a) preventive or preventive measures, and (b) repressive or problem-solving efforts both in court and outside the court. Because the cases or conflicts obtained in this study are those that have occurred some time ago, the mitigation efforts discussed here are repressive measures. However, there are also several examples of preventive measures put forward by the resource person of this study, namely examples of countermeasures made by the Kupang District Government.

First, the socialization about the procurement of government programs must be socialized long before the implementation of activities and must be complete understanding of both parties, meaning that it must ensure that community responses respond to accept or reject, what is desired by the community must match with the government's plan, so that it does not occur like the case of embankment breakwater at the Pasir Panjang beach.

Second, Enter into a commitment agreement between the government, community, community leaders, traditional leaders, and religious institutions so that there is black and white as proof of the community's willingness to accept government development programs, so that in the future it will no longer lead to conflict or rejection for various reasons because jeas there is evidence of willingness of all related parties.

Third, payment of compensation according to mutual agreement on community land taken over by the government to carry out development.

Fourth, the customary approach to the community to be well received, not to force the will.

Fifth, the Government needs to provide direct benefits to the community such as by recruiting one or several community members around the location of the development program to become employees in government offices. They do not question their rank or position in the workplace, but this method can foster a sense of acceptance and ownership of existing development projects. Just an example, being a cleaning service they would have been happy. In addition, this method can also reduce the eruption of protests and jealousy of the community against the development projects that are on their land, the situation and conditions of each service and development projects undertaken.

Sixth, Involving the community as much as possible in the implementation of a development program, be it a work worker, when the community is directly involved in the project then of course they are very supportive of it, it is very unlikely that they will fuss or reject this project because they will also share the results directly. The approach used is a cultural or traditional approach, involving community leaders including tribal leaders is a very effective strategy used by the Government in development (which provides benefits directly to the community).

Conflicts that occur must be resolved immediately, if not, it will be followed by physical violence. Many series of questions need to be anticipated by the government and the community that will release their land for development and public interest. Once again, the development implementers need to prepare everything that concerns the interests of the people to be moved, bearing in mind that they have lived and lived there for decades. To move them suddenly, let alone move them by force, is to kill them indirectly because it will cause suffering and misery for the people. Repressive approaches can no longer be used because their use will result in communities becoming less sympathetic to various development plans or work programs that will be carried out.

Community participation can be cultivated or developed with several efforts: (1) in order to win their hearts, it takes a long time, (2) accuracy, (3) patience, and (4) humane approach. Proper socialization will foster awareness or a sense of belonging in the community. When the community understands and understands the benefits of a development program for themselves and society as a whole, of course he will accept and support the development program. The implementation of development plans or government work programs will be accepted by the community and will run well if the government implements the stages of the approach and outreach that have been outlined in the various regulations (guidelines, implementation instructions, technical instructions). The humanist approach is the right one used by the government in offering various development plans or work programs to the public.

Various development plans or work programs offered by the government are indeed beneficial for the community, but cannot be immediately accepted by the community because of various reasons including (1) lack of knowledge and understanding of the objectives and benefits of the development program to be implemented, (2) the amount of compensation losses that are often not feasible, (3) do not feel the direct benefits of the various programs, (4) community inaction to innovate.

Government development plans or work programs must involve the community from the start. The government or the executor of the development program must conduct socialization long enough for the community to be ready to accept the development program. This "community readiness" will also lead to a "sense of belonging" of the community towards the development plans or work programs that are carried out. This ‘community readiness' and "sense of belonging" of this community cannot be
obtained in a hurry, but it takes quite a long time through socialization and humanist approaches. “Community readiness” and “ownership” of the community are very important and become one of the main keys to the success of development. Using the right approach is a humanist approach so that only requires a very short time to prepare the community to accept development in their place. Thus, so that development plans or work programs can be accepted by the community, it is very dependent on the political will and patience of the government to spend sufficient time to conduct socialization and approaches that are in accordance with community feelings and awareness (humanist approach) in which the development plan or work program will be implemented.

F. CLOSING

Various factors cause conflict or public rejection of several development programs carried out by the government, namely as follows: the neglect of various regulations regarding land acquisition or land acquisition for public purposes (development); the imposition of will factors by the City of Kupang Government; political factors or politicization; improper compensation factor; mentally corrupt or bribery apparatus (officers); there is no direct benefit for the local community; there is no certainty as to who represents the tribe or family of the existing landowners, particularly in matters of land transactions; and, most of the land traded has not yet been certified. Factors causing / driving this conflict based on the results of research that has been analyzed. The level of public legal awareness regarding the role of government and the benefits of development for the community can be seen from four indicators of legal awareness. These four indicators are out of sync in terms of looking at the role of government and the benefits of development and land acquisition in the public interest. The analysis shows: (1) there is a significant relationship between knowledge and understanding with the respondent's legal attitude, and the coefficient of the relationship is “strong” or “high.” (2) There is no significant relationship between attitude and respondent's legal behavior, and the coefficient the relationship is “low.” This asynchronous is due to several trigger or determinant factors. This unsynchronization is caused by many triggering factors including: (1) neglect of land acquisition procedures, (2) coercion of the government's will, (3) improper compensation, (4) mental corruption and bribery of officials, (5) default by one of the parties, (6) community perceptions of benefits, (7) uncertainty of “representative” families, and (8) buying and selling land under the hand. The findings of this study are not suitable or do not support the opinions (theories, explanations) of the previous experts as stated in the literature review chapter. Efforts to solve the problem as a conflict resolution or public rejection of several development programs carried out by the government namely through preventive and repressive efforts, although some opinions state that there are also curative efforts as part of restoring relations that occur as a result of the conflict.

It should be suggested that the conflicts that occur must be resolved immediately, if not, it will be followed by physical violence. Must be addressed first from the root cause of the conflict. The government must strive to resolve the causes/drivers of conflict through the involvement of various components, both the community, government officials, law enforcement, community leaders, traditional leaders, religious institutions, and other stakeholders. The low level of public awareness must be increased through a variety of ways, including always conducting counseling or outreach efforts to increase public legal awareness. Awareness can be through participation and community participation can be cultivated or grown with several efforts: (1) in order to win their hearts it takes quite a long time, (2) accuracy is needed, (3) patience is needed, and (4) humanist approach. Proper socialization will foster awareness or a sense of belonging in the community. When the community understands and understands the benefits of a development program for themselves and society as a whole, of course he will accept and support the development program. The implementation of development plans or government work programs will be accepted by the community and will run well if the government implements the stages of the approach and outreach that have been outlined in the various regulations (guidelines, implementation instructions, technical instructions). The humanist approach is the right one used by the government in offering various development plans or work programs to the public. Preventive and repressive efforts must be appropriate. The choice of preventive measures such as in development plans or government work programs must involve the community from the start. The government or the executor of the development program must conduct socialization long enough for the community to be ready to accept the development program. This “community readiness” will also lead to a “sense of belonging” of the community towards the development plans or work programs that are carried out. This “community readiness” and “sense of belonging” of this community cannot be obtained in a hurry, but it takes quite a long time through socialization and humanist approaches. Thus, so that development plans or work programs can be accepted by the community, it is very dependent on the political will and patience of the government to spend sufficient time to conduct socialization and approaches that are in line with community feelings and awareness (humanist approach) where development plans or the work program will be implemented. In this way, there is a big chance that the government's development will run well and be accepted by the community.

REFERENCES


Ramlan Surbakti, Memahami Ilmu Politik, PT Gramedia Wijayarasa Indonesia, Jakarta, 1999.


Soekanto, Soerjono, Kesadaran Hukum & Kepatuhan Hukum, CV Rajawali, Jakarta, 1982.


Yorhan Yohonis Nome
Lecturer and Dean of the Faculty of Law,
Nusa Cendana University,
Kupang, East Nusa Tenggara, Indonesia.

Norani Asnawi
Lecturer of the Faculty of Law,
Nusa Cendana University,
Kupang, East Nusa Tenggara, Indonesia.

Detji Kory Elianor Rooseveld Nuban
Lecturer of the Faculty of Law,
Nusa Cendana University,
Kupang, East Nusa Tenggara, Indonesia.