

Abstract

Title: "Pseudo Agrarian Reform: Control and Conflicts of the Green Certificated Land in Surabaya, 1966-2014"

The control/ownership of land in Surabaya is marked by the unique phenomenon of green certificated land (*tanah surat ijo*); many residents in the municipality live on state land which legally holds *Izin Pemakaian Tanah* (Land Usage Rights, IPT) status. Initially, this system was implemented without major obstacles. However, this system has faced multiple difficulties following the dawn of the *Reformasi* period (1999), as many of the land's residents no longer follow existing legislation. The rise of solidarity among residents of green certificated land has led them to establish their own mass organization and fight for *hak milik* (HM, land ownership rights) over the land they occupy.

Residents' efforts have been undertaken at a time when the Municipal Government of Surabaya, the holder of *hak pengelolaan* (management rights; hereafter HPL) over this land, has felt certain that it has managed State land in accordance with its legal requirements. It is thus unsurprising that a conflict of interest has occurred between the two. Various efforts to resolve this conflict have been undertaken, including mediation and a civil suit, but these have been unsuccessful to date. Similarly, the enactment of Peraturan Daerah No. 16 Tahun 2014 (Surabaya Municipal Bylaw No. 16 of 2014) has been unable to resolve the conflict.

This dissertation attempts to understand and explain the context of land control and conflict over green certificated land in Surabaya within the framework of agrarian reform. Research was conducted using a historical research method, with discussion of conflict over green certificated land being presented chronologically through a multi-dimensional approach; several other disciplines, particularly sociology and land law, have been drawn upon. Research has followed several steps: the tracking of sources—documents, archives, and reports—from the Municipal Government of Surabaya (the heuristic approach) and in-depth interviews with informants who were selected using snowball sampling. Data analysis has been conducted using the understanding (*verstehen*) method.

Research results indicate several points. First, the green certificated land system is a transformation of the colonial land rent system. Second, the sustainability of green certificated land with all the problems it caused as the impact of inconsistencies in the implementation of the BAL and the implementation of agrarian reform halfhearted (pseudo agrarian reform). Third, there are a variety of rights over land with green certificated land status, be it historically, legally-formally, or in reality. Fourth, the presence of land with green certificated land status has affected all aspects (be they social, economic, political, cultural, or psychological) of its residents lives. Fifth, several factors causing conflict have been found, including the inconsistent implementation of legislation, the weak legal position of the green certificated land, the burden of retribution, and the claim that green certificated land is a municipal asset. Sixth, to promote conflict resolution, there must be a transformation in the green certificated land system; this requires the involvement of an institution with competence and authority in land issues.

It is hoped that this dissertation can contribute to the historiography of land control, ownership, and conflict—particularly in urban areas—in Indonesia, and be of use to parties with an interest or involvement in land with green certificated land rights.

Keywords: conflict, state-controlled land, the green certificated land, *eigendom*, pseudo agrarian reform, Surabaya.

Intisari

Judul: "Reforma Agraria Setengah Hati: Pengelolaan dan Konflik Tanah Surat Ijo di Surabaya, 1966-2014"

Penguasaan/pemilikan tanah di Surabaya ditandai fenomena unik tanah surat ijo, yakni permukiman sebagian warga kota di atas tanah negara. Pemanfaatan tanah negara yang berlegalitas surat Izin Pemakaian Tanah (IPT) itu pada awalnya bisa berjalan lancar, namun ketika memasuki era Reformasi (1999) menemui hambatan, karena sebagian besar warga penghuni tidak lagi patuh pada peraturan yang berlaku. Bahkan, timbul solidaritas komunitas warga pemukim tanah surat ijo yang kemudian membentuk organisasi massa melakukan upaya untuk memperoleh hak milik atas tanahnya.

Upaya warga tanah surat ijo itu dilakukan ketika Pemerintah Kota Surabaya -selaku pemegang HPL- merasa selama ini telah mengelola tanah negara sesuai dengan aturan yang ada. Tak pelak, terjadilah konflik sosial antara keduanya. Berbagai upaya resolusi telah dilakukan mulai mediasi hingga di meja peradilan tertinggi belum bisa menyelesaikan. Demikian pula, pemberlakuan Peraturan Daerah No. 16 Tahun 2014 tentang pelepasan asset pun belum dapat mewujudkan resolusi konflik.

Disertasi ini berupaya memahami dan menjelaskan konteks penguasaan dan konflik tanah surat ijo di Surabaya di dalam kerangka reforma agraria. Metode penelitian dengan metode sejarah yakni membahas konflik tanah surat ijo secara kronologis melalui pendekatan multidimensi dengan menggunakan beberapa ilmu bantu, khususnya sosiologi dan ilmu hukum pertanahan. Pelaksanaan penelitian melalui beberapa tahap, yakni pelacakan sumber (*heuristic*) berupa dokumen/arsip/laporan Pemerintah Kota Surabaya dan wawancara mendalam (*in depth*) dengan informan yang dipilih secara *snowball*. Metode analisis data menggunakan pemahaman (*verstehen/understanding*).

Hasil riset menunjukkan beberapa hal berikut, pertama, sistem tanah surat ijo merupakan penjelmaan dari fenomena sistem sewa tanah zaman kolonial. Kedua, keberlanjutan tanah surat ijo beserta permasalahan yang ditimbulkan merupakan eksekusi dari pemberlakuan UUPA yang tidak konsisten dan pelaksanaan reforma agraria yang setengah hati (*pseudo* reforma agraria). Ketiga, ada keragaman jenis status hak atas tanah surat ijo, baik dari segi historis, legal-formal, maupun realitas. Keempat, keberadaan tanah surat ijo telah menimbulkan dampak di semua segi kehidupan warga penghuni, mulai aspek sosial, ekonomi, politik, hingga budaya/psikologi. Kelima, ditemukan beberapa faktor kausalitas timbulnya konflik, yakni indikasi adanya inkonsistensi implementasi peraturan perundangan, lemahnya legalitas IPT, beban retribusi, dan klaim tanah surat ijo sebagai aset milik pemerintah daerah. Keenam, di dalam kerangka upaya resolusi konflik diperlukan perubahan dalam sistem tanah surat ijo, dan untuk itu diperlukan campur tangan instansi yang berkompeten dan berwenang di bidang pertanahan.

Diharapkan, semoga disertasi ini bisa memberikan sumbangan terhadap historiografi tentang penguasaan/pemilikan/konflik pertanahan di Indonesia, khususnya di wilayah perkotaan; dan juga bermanfaat bagi pihak-pihak yang berkompeten dengan konteks tanah surat ijo.

Kata kunci: konflik, tanah negara, surat ijo, *eigendom*, *pseudo* reforma agraria, Surabaya.