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Oil Palm Development and Violence

— A Case Study of Communal Land Struggle in Kapar,
West Sumatra, Indonesia —

Narihisa NAKASHIMA

Abstract

The oil palm industry in Indonesia, which has undergone dramatic growth since the 1980s, has brought serious social unrest to local communities. Given the need to deliver fresh fruit bunches (FFB) of palm oil to a crude palm oil (CPO) mill within 24 hours after its harvest, an oil palm mill requires at least 4,000 hectares of land in a limited area, and more commonly 10,000 to 40,000 hectares, to achieve a profit. To acquire such large parcels of land, the oil palm industry has utilized local community leaders, sometimes as agents, sometimes as recipients of bribes. Ordinary local residents have rarely been involved in the first stage of development, and their right to the communal land, where such oil palm plantations were being developed, has been denied. These conditions have led many people to perceive inequities in the situation, and, especially after Suharto's resignation in 1998, they have claimed their rights to the land and demanded more equitable distribution of benefits. However, they have often been subject to violence from military personnel recruited by oil palm companies to work as security

guards. In this case study of the communal land struggle associated with the oil palm industry in Kapar, West Sumatra, I will discuss the social background of the conflict among local residents, customary law leaders, regional government and the police-military. Incidents of violence have increased as the dominant groups have retaliated against villagers who criticize the process of the transfer of communal land to the company; moreover, mobile brigades, regional police and *preman* (hoodlum) gangs have been brought in to silence protests, including demonstrations and the theft of FFB. I will explore the causes of violence during the era of regional autonomy that has accompanied *Reformasi* (Reform).

Key Words:

Oil Palm Industry, Violence, Land Disputes, Communal Land, Indonesia

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Abbreviations:

BPN (*Badan Pertanahan Nasional*, National Land Bureau)

BRIMOB (*Brigade Mobile*, Mobile Brigade)

CPO (Crude Palm Oil)

DPRD (*Dewan Perwakilan Rakyat Daerah*, Regional Assembly)

FFB (Fresh fruit bunches)

KKPA (*Kredit Kepada Koperasi Primer Untuk Anggotanya*, Credit for the Members of Primary Cooperatives)

KUD (*Koperasi Uni Desa*, Village Unit Cooperative)

LBH (*Lembaga Bantuan Hukum*, Institute of Legal Aid)

PEMDA (*Pemerintah Daerah*, regional government)

PIR (*Perkebunan Inti Rakyat*, Nucleus Estate, plantation estates managed by a company)

PKI (*Partai Komunis Indonesia*, Indonesian Communist Party)

PKO (Palm Kernel Oil)

POLRES (*Polisi RESORT*, regional police at district level)

POLSEK (*Polisi Sektor*, regional police at sub-district level)

Glossary of Indonesian Words:

Adat (customary law)

HGU (*Hak Guna Usaha*, right of land exploitation)

Kelompok Tani (Farmers' Association)

Ninik Mamak (matrilineal clan adat leaders)

Nagari (Minangkabau village based on matrilineal clans)

Preman (Hoodlums)

Sidodali (A dominant farmers' association in Kapar)

Siriah-Jariah (Compensation for communal land exploitation)

Tunas Mekar (The minority farmers' association in Kapar)

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Map 1. West Sumatra

Introduction

In the early 2000s, Indonesian palm products constituted 1.5% -2% of the country's GDP, while national crude palm oil (CPO) output comprised 30 % of the total palm oil produced worldwide, second only to Malaysia which comprised 50% (Barlow, Zen and Gondowarsito 2003:14). However, Indonesia has recently surpassed Malaysia, producing 17.4 million tons in 2007 to Malaysia's 15.82 million tons. Indonesian producers expect crude palm output to top 18 million tons in 2008, due to the fact that more palm oil trees are maturing and there is an expansion of plantation land. The Indonesian government's forecast for 2009 production is slightly below the producers' forecast of 20 million tons.¹

Barlow et al. concluded that the growth of the oil palm industry slowed amidst the financial crisis and democratic reforms of the late 1990s, the chief problems being capital scarcity, land disputes and security concerns. I concur with their conclusion that both land disputes and the security situation have worsened since the financial crisis of 1997 and 1998 and Suharto's fall in 1998; however, I would like to emphasize that the Indonesian oil palm industry has returned to an expansion mode since 2002.

According to analysis by Profundo, an NGO based in the Netherlands, the main reason for decelerated growth in the Indonesian oil palm industry between 1998 and 2002 was the investment slump (van Gelder, 2004: 25). However, by 2002 and certainly by the first half of 2003, the tide seems to have turned for the Indonesian oil palm sector. CPO and PKO (palm kernel oil) prices on the world market have recovered and the rupiah has appreciated somewhat relative to the dollar. Almost

all oil palm operations are profitable again (ibid: 25-27). According to the Commodity Intelligence Report 2006 of the USDA (United States Department of Agriculture), one factor behind the rapid recent growth of the oil palm industry in Indonesia² is the fact that new regions on the islands of Sumatra, Borneo, Sulawesi and West Papua that were planted in recent years are now coming into production, reflecting a 7-8 year lag time period between the initial planting of the palms and the first harvest of fruit.

As the rapid expansion of the oil palm industry after 2002 would tend to exacerbate the problems of land disputes and decreasing security that were mentioned in the work of Barlow et al., we need to analyze these problems in detail as well as the impact of *Reformasi* (reform) at the regional level after Suharto's resignation in 1998.

1 Oil Palm Development and Land Disputes

1-1 Land Disputes and Security

Barlow et al. commented on security concerns in the oil palm industry from 1997 to 2002 as follows (ibid:14):

Security has become an even more serious issue during this period, with an overall average of 5% -10% of estates' crops stolen at night in the early 2000s, especially from areas near villages and public roads. Moreover, most thieves are outsiders, law and order cannot be guaranteed, and police and local officers are sometimes connected with the robberies. Thus the need for security raises production costs by some US \$ 5/ton.

Robbery of plantation products has been a great concern since Dutch colonial times. According to Ann Stoler (1995, chap. 3~5), robberies were carried out not only by the plantation staff for personal gains, but also by squatter villagers living off the plantations. One report of a village unit cooperative admitted that some villagers were involved in the theft of FFB.³ It is not my intention to imply that the villagers whom I will analyze in this essay are involved in such activities; however, I wish to emphasize that security problems have resulted in growing tensions among the villagers, companies, local government and military-police.

Two Indonesian NGO activists⁴ identified five reasons, as follows, for the conflict between the local people and the plantation companies at a workshop held in 2007 in Japan.⁵ (1) The oil palm plantation companies would not acknowledge the people's right to their communal lands. (2) Development plans for oil palm plantations have been implemented without gaining the consensus of local people. (3) Plantation companies have manipulated and sometimes bribed local leaders to help them acquire the land for plantations; moreover, people had no chance to discuss their plans at the first stage of development. (4) The companies and the people have a very different notion of the meaning of land "contracts." The companies assume that they have the right to develop oil palm plantations anywhere in the area designated in a "contract," while the people, especially when the land is thought to be communally owned as in the case of West Sumatra, have not acknowledged that they sold the land. (5) Those who initiate protests often face violent responses from the police-military and from companies.

I agree with their summaries of causes of conflict, but I think we

need to analyze the characteristics of conflict in more detail through a careful case study. A report entitled *Losing Ground* (2008) described 513 incidents of active conflict between companies and communities in the oil palm plantation sector in Indonesia in 2008. These incidents involved 135 companies (both private and state-owned) from 23 major oil plantation groups. According to *Losing Ground*, there might be as many as 1,000 communities embroiled today in oil palm related conflicts in Indonesia (Friends of the Earth, Life Mosaic and Sawit Watch, 2008: 38).

The people's right to communal land is outlined in article 3 and 5 of The Principle Law of Agriculture (*Undang-undang Pokok Agraria*), 1960. Although the Sukarno regime nationalized Dutch companies in 1957, they were said to have paid attention to the people's rights to communal land. Nevertheless, the subsequent Suharto regime passed the Basic Forestry Law in 1967 (*Undang-undang No. 5, 1967*) and made it possible for the government and military to utilize the people's communal land without compensation. People had to remain silent in the face of the violence and terror of the New Order period. Furthermore, a Regulation of the Ministry of Inner Affairs in 1999 (*Peraturan Menteri Negara, No. 5, 1999*), which basically admitted the people's right to communal land, prescribes that this right does not include HGUs (right of land exploitation) which had been designated prior to the regulation (Syahmunir, 2002: 21-29). Many people were very disappointed in this regulation, because it made it difficult to make legitimate claims. In 2005, the government released a presidential regulation (Perpres No. 36/2005), which allowed the government to force the release of land when deemed in the public interest. This regulation was enacted to ease implementation of the Kalimantan Border Oil Palm Mega Project. (Wakker, 2006: 4)

In this article, I will discuss a land dispute concerning an oil palm plantation and its CPO mill, both located in West Pasaman District. The oil palm operation is a subsidiary of the Wilmar group.⁶

1-2 Violence

The expansion of the oil palm industry in Indonesia has triggered a number of serious issues, including deforestation, forest fires and social conflicts (Friends of the Earth Netherlands and Sawit Watch Indonesia, 2004: 6-8). *Losing Ground* (2008) reported details of violence toward residents as follows: incidents of torture (479 residents and activists in 41 conflict incidents), killings (12 residents in 14 incidents), shootings (134 residents in 21 cases), abductions (25 residents in 7 cases), arrests (936 residents in 77 cases), and arson (284 houses or huts in 25 cases).

When I was in West Sumatra in 2008, I learned of a shooting⁷ of a suspected FFB thief in Kinali, West Pasaman.⁸ *Singgalang*, a local newspaper in West Sumatra, broke the story of the shooting by a BRIMOB (mobile brigade) officer. According to *Singgalang*, when Risdianti, a farmer in Kinali, 10 kilometers southwest of Kapar, was riding a motorcycle on the evening of February 13th along the border of PMJ oil palm plantation (PT Peputra Maha Jaya), he was told to stop by two military officers who were patrolling as security guards of the company. The officers accused him of stealing FFB, although Risdianti strongly denied the accusation, and they suddenly shot him in his left leg. He was left on the spot for two hours, and then carried to a hospital by the two men, who had returned to his side. The shooting was not made public until *Singgalang* reported it two weeks after the incident.

This incident provides many significant implications. Even if the

two security guards who accused Risdianti of FFB theft had “evidence” — and there must have been some FFB thefts occurring then on the plantation — they should not have shot him without warning. It was very curious that they left him to suffer for two hours at the spot. What were their activities during these hours? In addition, why were BRIMOB officers working as company security guards?⁹ Risdianti was hospitalized for two weeks, and it was reported that his left leg might have to be amputated; the question of who should pay the hospital expenditures was still pending.

The regent of West Pasaman District was reported to be very angry about the incident. He expressed his regrets to the victim, and stated that the two military officers should be punished according to state law. Nevertheless, there is no question that it was the regent and his government who initiated the development of oil palm plantations in his district. As Pasaman District relies on oil palm plantations for 58 % of its general income,¹⁰ the regent and DPRD (regional assembly) of Pasaman continued to support those companies rather than confront them over incidents like this (Afrizal, 2005: 130-31). To understand this incident we need to analyze various aspects of the general oil palm conflict in detail: Who is fighting whom and what kinds of interests are in dispute?

2 Oil Palm Developments in West Pasaman

According to Tables 1 and 2, the total production of CPO in West Sumatra in 2004 was 686,356 tons and the plantation area measured

280,099 hectares, while the total oil palm production of West Pasaman District was 252,038 tons, with a plantation area of 93,602 hectares. This means that West Pasaman accounted for nearly 36% of the total oil palm production of West Sumatra, and the planted area for oil palm plantations in West Pasaman comprised 33 % of the total in West Sumatra. Therefore, we can say that West Pasaman is the oil palm plantation belt of West Sumatra.¹¹ Tables 3 and 4 indicate the planted area and production of oil palm plantations in Indonesia as a whole. In terms of planted area, West Sumatra comprised only 6.3% of Indonesia's total, but it accounted for 11.9% of total production, according to 2004 statistics.

Although there are plans to develop 14,500 hectares of new oil palm plantations in West Sumatra, it is reasonable to assume that the land area available for oil palm plantations has nearly reached its limit. The land used for oil palm plantations in West Sumatra is designated as "communal land" (*tanah ulayat*),¹² while that of oil palm plantations in other provinces consists of state land and communal land.¹³ Communal land has been an important resource for the Minangkabau people, not only for their economic life but also to buttress their identity as a matrilineal society.

Indonesia's vice president, Jusuf Kalla, alluded to the development of communal land in West Sumatra in some rather shocking remarks made in June 2008 at the opening ceremony of a subsidiary of a textile factory, Japfa Indonesia Ltd. located in Padang-Pariaman District, West Sumatra.¹⁴ He stressed that development in West Sumatra was much easier in comparison to that in other provinces, because, he said, the land of West Sumatra was still managed as communal land, so it was merely necessary to negotiate with village leaders to achieve permission to develop the land. He continued that it was rather difficult to reach

agreement in other provinces in which the land belongs to individual owners. This apparent ignorance of the communal land situation in West Sumatra threatens to trigger more land disputes in the future.

2-1 Oil Palm Development in Kapar and Sasak

Kapar and Sasak are neighboring *nagari* (villages based on matrilineal clans) in West Pasaman District located 200 kilometers northwest of Padang, the provincial capital of West Sumatra. Kapar has a total land area of 34.55 km² and a population (as of 2002) of 7,488, while Sasak totals 123.31 km² in area, with a 2007 population of 14,143. As Sasak is a coastal area along the Indian Ocean, 46% of its workforce is engaged in fishery, while 60% of the residents of Kapar are engaged in agriculture.¹⁵

On January 23, 1980, a letter was written to the regent of Pasaman District by several *ninik-mamak*, or matrilineal clan *adat* leaders, requesting more local investment. Kapar was ripe for development, and development would bring benefits not only to Kapar but also to the state, the letter said. At the same time, the letter stated that prior agreement for any development plans must be obtained from all *adat* leaders, including *pucuk-adat and ninik-mamak*.¹⁶ At that time, the government and local representatives conceived a development plan to create new rice fields through the construction of an irrigation system on the Batang Tongar River, but the plan was never realized. After this development plan was proposed, a meeting was held on April 3, 1981, to discuss the issue of immigration to Kapar. It was decided that the village *adat* council (KAN) of Kapar would recognize new immigrants, and every immigrant would be given a maximum of 2 hectares of land if he or she paid Rp 225,000 per hectare.¹⁷

In the late 1980s a plan was initiated to develop private oil palm plantations in Kapar and Sasak. On September 27, 1989, the regent of Pasaman District met with local *ninik-mamak* and community leaders to discuss the plan (Colchester, Jiwan, Andiko, Sirait, Firdaus, Surambo and Pane, 2006: 133). On August 13, 1990, the village *adat* council of Kapar decided to utilize communal land as the site of an oil palm plantation.¹⁸ During the period from 1990 to 1997, 2,400 hectares of the communal land of Kapar and Sasak were transferred to PT Permata Hijan Pasaman (PHP I), or the “Green Jewel of Pasaman”¹⁹; 1600 hectares from the communal land of Kapar and 800 hectares from that Sasak. On March 15, 1997, PHP I and the *adat* council of Kapar reached an agreement that the 1600 hectares of estate land would be divided after 2001, 50% for smallholdings (known as *plasma*) and 50% for nucleus estates (PIR).²⁰

The *Chronology of the Communal Land Issue of Nagari Kapar, Pasaman District*²¹ revealed how the communal land of Kapar has been “sold” (in the words of the document) to other people, agents and PHP.²² It is quite clear that Mr. BJL, the former *adat* council chairman of Kapar, played a key role.²³

The members of *Tunas Mekar*, a farmers’ association in Kapar that has loudly criticized the communal land transactions, provided behind-the-scenes information about the 1997 agreement. They claimed that 11 leading figures of the council received some money from PHP, which they retained for their own use and never used for the village.²⁴ From the perspective of the Minangkabau *adat* (customary law), this money is *siriah-jariah*, or compensation for communal land exploitation (see note 18). As mentioned in 3-3, the village leaders themselves did not intend to sell the communal land of Kapar, yet they promised that the company

would be issued the right of land exploitation on their estate.²⁵ Even though reception of this money does not constitute a contract to sell their communal land, it implies serious obligations to the company.

Before PHP was officially permitted to establish the plantation in 1996, a few officials of the regional government of Pasaman District were said by local villagers to have visited some of the leaders in Sasak who opposed the oil palm plantation, and to have tried to hand them envelopes. It is likely that the envelopes contained some money, and to receive the envelopes would in effect mean they agreed to the development plan. In contrast to the situation in Kapar, PHP I was said to have paid Rp 20,000 (US \$ 20) per hectare to the Sasak leaders at that time, which is only half of the price paid in the Kapar case.²⁶

KUD Rantau Pasman Sasak, one of the two village unit cooperatives of the oil palm industry in Sasak, reported in 2005 that 241 hectares had not been planted yet from the total area of 714 hectares for *plasma* smallholdings. The report emphasized the necessity of negotiating with the company to resolve the problem. The village unit cooperatives comprise two farmers' associations with 357 households and the distribution of the benefits among the members appeared to me to be equitable and rational.²⁷

Local residents have often claimed that oil palm companies renege on their promises to them. Companies are able to cut expenses as well as gain profits by allotting more land for nucleus estates and less for smallholders. The KUD (Village Unit Cooperative) has been paying 1% of its total earnings as a special tax to benefit the village. However, nucleus estates do not contribute any funds directly to the village, paying only the required government taxes. An increased relative number of

plasma smallholdings would mean constrained tax revenues for the local government but more income for the village. Certainly, companies would prefer to avoid paying additional monies to the village smallholders. This is one of the factors behind the residents' complaint about "*plasma omong kosong*," or *plasma* based on empty promises.²⁸ And it is another cause of conflict between residents and companies.²⁹

2-2 Differing Definitions of a "Contract"

Although acceptance of monetary sums as high as Rp 700,000,000 (US \$ 300,000) does not mean that the receivers have finalized a contract to sell their communal land but merely indicates that they have received compensation for communal land exploitation based on the Minangkabau *adat*, it is quite obvious that some *ninik-mamak* (matrilineal clan *adat* leaders) and the regional government in Pasaman District authorized issuance of HGU (*Hak Guna Usaha*, right of land exploitation) to PHP. The issuance of HGU is not a contract to sell the land; however, the land stipulated by the terms of HGU could be controlled nearly forever by the state.³⁰ In other words, although from a legal standpoint HGU is not strictly a contract to sell the land, the impact and significance of issuing HGU is almost the same as selling and buying land. It is not surprising that *Tunas Mekar* members often criticize the process of issuing HGU to PHP as improper, referring to the Minangkabau customary law which requires a meeting of all village members if the village wants to pledge (not sell) their communal land. Only pawning (to a relative in the same village) is permitted; "selling" the communal land of a village is strictly prohibited.³¹ When vice president Jusuf Kalla said that West Sumatra could claim advantages over other regions in development due to its

communal land ownership, he totally disregarded the voices of the local people.³²

There were formerly 22 *ninik-mamak* members in Kapar; nevertheless only 12 members were responsible for decision-making. The other 10 *ninik-mamak*, who had requested to hold a village-wide meeting, had already been excluded from the decision-making process of the village council. They were not invited to important meetings. These facts made oil palm development in Kapar especially contentious and sometimes brought suffering to residents who criticized the process of “selling out.”³³ HGU was issued in 1996 to PHP by the National Land Bureau. This allowed the company to exploit the entire area of 2400 hectares; at the same time it meant that the status of land ownership remained uncertain.

Minangkabau villages are divided into two types of matrilineal clans: *Koto-Piliang* clans and *Bodi-Caniago* clans. *Bodi-Caniago* clans are fairly democratically-oriented, while *Koto-Piliang* clans are much more feudalistic.³⁴ As Kapar is a *Koto-Piliang* village, decision-making tends to be more feudalistic than that in villages of *Bodi-Caniago* clans. In a *Koto-Piliang* village there is a *pucuk-adat* who is the descendant of the village founder, and who used to be the most powerful member in his village. In Kapar it is not the *pucuk-adat* but Mr. BJL who used to be most powerful among the *adat* leaders. Mr. BJL was a *ninik-mamak* from a normal peasant family. He dominated KAN with his relationship to the military-police, government, banks and business people. Later, in the 1980s, he became the dominant figure in the village *adat* council (KAN). Many Kapar residents still fear him today, because they believe he has *sakti*, or magical power.

An examination of the process of “selling” the communal land reveals some critical issues. PHP promised to designate 50 % of the 1600-hectare plantation as nucleus estates (PIR) and 50 % as smallholdings.³⁵ However, 1200 hectares of the 1600 hectares were assigned to nucleus estates, and only 353 hectares were assigned to smallholdings in Kapar. Moreover, the land for the smallholdings has not yet been distributed to Kapar farmers. There are currently no local villagers working on the 353 hectares that should have been assigned for *plasma* smallholdings. Nominally a KUD (Village Unit Cooperative) was organized to manage the estates, however, only immigrants from Nias Island are now working under the company’s control. No Kapar villagers are working on PHP plantations.³⁶

Even worse, benefits from the estate are distributed to local residents depending on how close they are to the company. On December 12, 2005, backed by the intermediation of the regional government, a meeting was held to discuss various problems between the customary law leaders and the representatives of the company.³⁷ At the meeting, both sides reached an agreement that the company would pay Rp 175,000 (US \$ 20) to each household each month, with the distribution of benefits to continue for 40 months from October 2005, and that the money would be deposited in the Simpang Empat branch of the Nagari Bank.³⁸ Nevertheless, it is said that some villagers are paid only Rp 20,000 per month, while others are paid Rp 60,000. A few people are reportedly paid up to one million rupiah. The members of *Tunas Mekar*, the most critical farmers’ association, rejected receiving the money, because they felt that receiving the money would suggest that they condone the entire process.

The residents of Sasak also complain that the company has not kept its promises. According to the agreement between the company and the village unit cooperative of *Rantau Pasaman Sasak*, PHP would clear the communal land for cultivation in two areas of *plasma* smallholdings: Area I, which measures 714 hectares, and Area II, which totals 816 hectares. Nevertheless, the village unit cooperative has harvested only 364 hectares of Area I as of December 2006; there is still no harvest from 109 hectares, and nothing has been planted yet in the remaining 241 hectares.³⁹

3 Power Relations among Farmers' Associations in Kapar

3-1 Split among Farmers' Associations in Kapar

To understand what happened in Kapar in the process of oil palm plantation development, an understanding of the history of the farmers' associations (*Kelompok Tani*) is essential. In 1989, when the development plan for oil palm plantations was first discussed in Kapar, there was only one farmers' association, or *Kelompok Tani RTTSK (Rintisan Tani Sakato Kapar)*. However, owing to the conflict over the transaction process for the communal land, the farmers' association RTTSK split into several organizations in 1991. The communal land that was not included in the PHP plantation was divided by RTTSK into several segments depending on the numbers of members in each farmers' association. There are now six farmers' associations in Kapar, and I have classified them into three categories: the dominant, moderate and minority groups.

The dominant group is the farmers' associations of *Sidodali, Tua*

Sakoto and *Pemuda Sepakat*. *Sidodali* consists of 198 households led by Mr. BJL and has 400 hectares as their own *plasma* smallholdings. As I have mentioned earlier, Mr. BJL has been the main actor “selling” the communal land of Kapar. Owing to his close relations with local banks, *Sidodali* received loans from the Nagari Bank of up to Rp 2,600,000,000 (US \$ 1,300,000) to develop its *plasma* smallholdings. Among the 198 households, only 25 households are Kapar residents who are directly under Mr. BJL’s authority, while the other households are from outside Kapar. For example, there are 48 households whose members are in the police.⁴⁰ Among them are a few people who have been given two *kaplings* (four hectares) of land.⁴¹ The group also includes some members of PGGI (*Persatuan Guru Indonesia*, Teachers’ Union of Indonesia). *Tua Sakoto* is composed of members of a single matrilineal lineage and claims 400 hectares for their *plasma*. As *Tua Sakoto* has familial relations with the head of the village unit cooperative of a nearby village, *Nagari Lingkung Aur*, and the group has also received a big loan from the Nagari Bank, *Tua Sakoto* members are inclined to go along with *Sidodali*. The third group, *Pemuda Sepakat*, gets some credit from KKPA,⁴² in the form of a loan from the department of plantation of the Ministry of Finance.

The two farmers’ associations, RTTSK (*Rintisan Tani Sakato Kapar*) and *Ladang Basamou*, can be classified as moderate groups.⁴³ RTTSK has 350 hectares for its *plasma*, and both farmers’ associations claim traditional usage of communal land; however, they are not brave enough to oppose the dominant group and have not directly supported the resistance of *Tunas Mekar*.

The last farmers’ group, *Tunas Mekar*, which means “sprout,” was founded in 1998. It is composed of 145 households who work 180

hectares of communal land. The members had originally worked an area of *plasma* smallholdings totaling 800 hectares which PHP promised to assign to the smallholders of Kapar in 1997. While they were working in the fields, they often faced violence from the local police and mobile brigades and their crops were occasionally poisoned. Today they are prohibited from even going to the fields by the PHP security department forces. In addition, 180 hectares of *Tunas Mekar's* holdings were "sold out" in 2008 by the leading figures of KAN.⁴⁴ However they have not yet received any letters or documents about the sale.⁴⁵ Here again, it is not clear what the word "sold out" really means. If this means that several individuals have already paid compensation (*siriah-jariah*) for the 180 hectares to some customary law leaders, the rights of the *Tunas Mekar* are critically threatened. Recently they have been prohibited from cultivating their land, so they face hardships in maintaining their livelihoods.

3-2 Violence against the *Tunas Mekar* Members

The more the members of *Tunas Mekar* have openly criticized PHP and the leading figures of customary law, the more they have been exposed to violence from the police, mobile brigades and *preman* (hoodlum) gangs.

On April 28, 2000, *Tunas Mekar* organized a rally at the main crossing in Simpang Empat, where the regional government offices are located, to protest against what they called "a conspiracy to sell out" the communal land, and seven members⁴⁶ were arrested without due legal process. On the following day hundreds of people organized a rally to protest the seven arrests, and they marched to the jail of the POLSEK (regional police at the district level). The crowd of hundreds destroyed

the windows and the lock to the jail door, despite being shot with rubber bullets by police, and the seven detainees escaped.⁴⁷ On April 30, several trucks full of BRIMOB and regional policemen arrived in Kapar to sweep the area. As described in the *Chronology of the Communal Land Issue of Nagari Kapar, Pasaman District* (not dated, see note 16) they “declared” war on the people and fired bullets in the air. Upon learning of the police action, the villagers became very frightened and most of the men ran away. Only three men remained in the village; they were soon arrested and badly beaten while being taken to jail. In response, on May 17, 2000, several women from Kapar organized a demonstration before the DPRD Pasaman (assembly of Pasaman District) and requested a peaceful resolution. Then on April 19, 2001, 500 people demonstrated in front of the Provincial Assembly of West Sumatra in Padang with the support of the Association of Peasants and Fishermen (P2TANTRA). After that, those residents who had been detained in jail were freed, contingent upon paying a fine of Rp 500,000 (US \$ 50) per person.⁴⁸

Later, however, police counter-attacked. In the early morning of August 10, 2001, two leaders of *Tunas Mekar* were arrested on charges of being provocateurs. According to a letter written by the daughter of Mr. YL, the leader of *Tunas Mekar*, the police arrested Mr. YL without a warrant, and he was hospitalized under a different name to conceal the fact that he had been beaten badly while being taken away by the police.⁴⁹ Curiously, the warrant was issued after his arrest on suspicion of provoking the destruction of the jail in Simpang Empat on April 30, 2000.⁵⁰ Even after the arrests of the *Tunas Mekar* members, the police and the dominant farmers’ association have behaved brutally towards them, and some members of *Tunas Mekar* were arrested again recently.⁵¹

Mr. ZUL, a young activist in *Tunas Mekar*, has been already been arrested twice. He was first arrested during the first police sweep on April 30, 2000, and was jailed for a month. He was arrested again in May 2007 and jailed for six months.

Indonesia is often criticized for its abuse of prisoners.⁵² Mr. ZUL's remarks on his experience in prison suggest that such criticism is warranted. Indonesian prisoners are commonly subjected to violence and deprived of human dignity. While in jail, Mr. ZUL was beaten every day, and the police tried to force him to admit to participating in the destructive activities at the regional police site. He was subject repeatedly to electric shocks on his back. Finally he was freed: the justification given was that there had been a request from his family.⁵³

Certainly, some of the other villagers do not support the dominant farmers' associations; however, they remain silent out of fear of violent retribution. Furthermore, due to cronyism even within *Tunas Mekar*, some of the younger members have dropped out and joined *preman* gangs for *Sidodali*, or one of the dominant farmers' associations. The Institute of Legal Aid in Padang (LBH Padang) had been advising *Tunas Mekar* on the arrests of its members and the violence that they faced; however, it decided not to support the minority members' claims regarding the sale of 180 hectares, due to its reluctance to get involved in what has become a horizontal conflict among the villagers.

3-3 Objections of the Dominant Group

It must also be noted that the village *adat* council of Kapar expressed objections against the charge that some members of KAN had sold the communal land without following the proper procedures. They wrote at

least two letters rebutting this criticism. On August 19, 2000, Mr. B JL as the chairman of KAN, and Mr. RM as the vice chairman, wrote a letter⁵⁴ to the director of KOMNASHAM, a human rights non-governmental organization.⁵⁵ In this formal letter, they cited four points found in a letter from KOMNASHAM.⁵⁶ Mr. B JL and Mr. RM criticized the four points, claiming that those points were based on a personal letter dated on July 13, and that there was no evidence to support them. Then they asked KOMNASHAM to acknowledge the following assertions: “(1) Because the letter from KOMNASHAM was not based on hearings in our village, writing such a letter with no proof is a violation of the existing law. (2) As the chairman of KAN, former village mayor and *ninik-mamak*, we cannot accept the criticism that we sold 3500 hectares of communal land without following legal procedures. (3) As the transaction of the communal land was based on customary law, Islam and the existing law, no mistakes were committed. On the contrary, the faction that has criticized us represents only a small group, and they even destroyed the jail.”

In addition to this letter, Mr. B JL and Mr. RM wrote another letter to LBH Padang on August 28, 2000.⁵⁷ They criticized LBH Padang’s comment in an article in *Tempo*, a weekly magazine in Indonesia, dated August 2, 2000. LBH Padang, they stated, mistakenly identified a person who was said to have witnessed 20 to 30 Kapar residents being taken to the regional police station. In this letter, they blamed those villagers who were reportedly taken to the police station, writing that they had committed crimes including destruction of the jail and setting fire to the jail.

Members of the village *adat* council (KAN) of Kapar thus repeated

and emphasized that as the transaction of the Kapar communal land was based on *adat*, Islam and the existing law, these transactions were legal, and they claimed that any criticism of the *adat* council was not based on facts. The council also insisted that it was justifiable to punish those people who criticized it, because the critics had committed crimes.

In addition to this intra-village discord, the dominant group has also been in conflict with PHP. They also have complained that PHP has not implemented the terms of an agreement made on March 15, 1997,⁵⁸ in which the company promised to divide their estate of 1600 hectares in half: 50% to *plasma* smallholdings and 50% to nucleus estates after 2001. As I mentioned earlier, the company has not yet carried out this division, so the villagers believe they had been cheated by the company. Under the names of the chairman of the village unit cooperative of Kapar and the vice chairman, the dominant group has taken PHP to court to force it to carry out the agreement's provisions, and the high court of Padang accepted their claim on January 8, 2007. The company then appealed to the Supreme Court; however, the company suddenly asked the district court of Lubuk Sikaping to withdraw their case, and the court agreed to this.⁵⁹

At a meeting of village *adat* council members to discuss what steps to take next after their "victory" in February 2008, I asked them about the status of the 1600 hectares for which an HGU has been issued to PHP. After a long silence, the *pucuk-adat*, or a descendent of the village founder, answered that the 1600 hectares was still *tanah ulayat*, or the communal land. Nevertheless, even though they themselves believe that the 1600 hectares are still their communal land, there is almost no way to cancel the right of land exploitation.⁶⁰

Following colonial law, the length of *Erpacht* (right of land exploitation) was formerly 35 years, and it could be extended to 75 years. However, in 2004 Law No. 18 covering plantations made it possible to extend the length of an HGU up to 95 years (Article 11), and in 2007 Investment Law No. 25 made it possible to extend an HGU a total of up to 155 years. As almost nobody knows the terms in years for every HGU, it is likely that land disputes will increase in number in the future.⁶¹

Although relations between the dominant farmers' group and *Tunas Mekar* are strained, there remain some channels for communication and thus prospects for later reconciliation. It was Mr. ZUL, an active member of *Tunas Mekar*, who introduced me to Mr. B JL, the former chairman of the village *adat* council, because they are members of the same matrilineal lineage. Mr. B JL accepted Mr. ZUL as his *mamak*, or maternal uncle. Mr. ZUL told me several times that his uncle once sent him to jail, but that they continue to communicate. Mr. B JL later took Mr. ZUL and me to the meeting mentioned just before. As all those present knew that Mr. ZUL had been arrested twice and was formerly very critical of them, they were embarrassed by our unexpected appearance. Sensing that the atmosphere of the meeting would be extremely strained, the former *adat* chairman first introduced us to the other members. We left the meeting before they started their discussions, but we were later informed that they vowed to continue fighting to force PHP to keep its promises. However, the company adamantly refuses to follow the agreement, claiming that to do so would result in a plunge in profitability.

4. The Social Background of Violence

4-1 Strengthening Ties between the Military and Business

Earlier in this article, I referred to the shooting of a suspected FFB thief in Kinali. A mobile brigade officer who was a security guard at the PMJ oil palm plantation, which is also a subsidiary of the Wilmar Group, fired at the suspect without warning. Judging from the situation, there was no evidence to prove he had committed a crime. This incident raises the question of why mobile brigades were employed by the oil palm company. While FFB theft frequently occurs, this does not necessarily justify the presence of mobile brigades in the estate. If the company wants to prevent theft, there is no need to hire mobile brigades because they are too heavily armed for such a purpose.

Liem Soei Liong analyzed the relationship between the TNI (Indonesian National Armed Forces) and business as follows (Liong, 2002: 220-22):

The state budget supplies only 25 % of the funds required by the military. The post-Suharto changes have created dents in the wide spectrum of military business. In the early years of the *Orde Baru* (New Order), the sky was the limit for TNI officers. Superrich generals were part of the Jakarta jet set. The practice of so-called 'Ali Baba companies'⁶² became common. But things grew worse for TNI officers when it was decided in 1988 that 'strategic' companies needed special protection. TNI soldiers became security guards for such companies and were put on their payroll. Many generals became increasingly dependent on one or more companies or conglomerates. While low-ranking officials supplemented their

meager income by moonlighting as security guards or shop detectives, top generals became the errand boys of big business.

Basically, I agree with the analysis of Liem Soei Liong.⁶³ It is still true in the current *Reformasi* (Reform) period that the military and civil servants scout eagerly for opportunities to make up for shortages of income. As I mentioned in note 60, the regional government and military had been running plantations (one a rubber plantation and the other a coffee plantation), and refused to return the land titles to the people who had been claiming their rights over the land. The turning point came in 1965, when Sukarno's era yielded to Suharto's New Order, and the military and regional governments seized many plantations. In 1974 the Ministry of Agriculture established a cattle ranch in Mungo, Limapuluh Kota District, on a site that had been a horse breeding ranch during Dutch colonial times. The ministry has used military and police forces to guard the ranch, including completely destroying the crops of local farmers who tried to work the communal land. Later, along with the explosion in demand for oil palms, the development of oil palm plantations has provided the police-military security employees with big opportunities to augment their government salaries.

Furthermore, to better understand about relations between the military and business, it is important to explore the economic situation of villages after regional autonomy was enacted by the Law No. 22 of 1999. In West Sumatra, the *nagari*, or a Minangkabau village based on matrilineal clans, which was separated into several administrative desa (Javanese villages) after the village law was passed in 1979, was recreated in 2001. In Kapalo Hilalang, Padang-Pariaman District, the financial strength of a village became paramount: the more a village as a minimum

unit of administration relies upon donations from the enterprises in the village, the more they are inclined to tolerate the presence of such companies. However the HGU would be taken from companies if they became unable to pay the HGU fee (Nakashima, 2007a). This was also true in the case of Kapar. Kapar was revived in 2002 as the smallest unit of administration. As I mentioned in note 10, donations from the village enterprises constituted two-fifth of the general income from the central government. Without those enterprises, a village economy would face severe difficulties.

In addition, it must be stressed that the revival of *nagari*, the Minangkabau village, does not necessarily mean a strengthening of democracy. Franz and Keebet Benda-Beckmann analyzed the revival of *nagari* as follows (Benda-Beckmann, 2001:33):

In the first place, *adat* has acquired great symbolic and rhetorical importance, which fuels political activity related to these administrative and political changes. The discussions about going back to the *nagari* are presented and understood as giving a greater role to *adat* and the Village *Adat* Council, even though the new regulations may not necessarily give more powers to the council. A return to the *nagari* structure is thus a symbolic act within the wider national political debate. At local levels, the *nagari* government and the stress on *adat* values are intended to eradicate or minimize many social evils: reconstructing the unity and strengthening cooperation within the *nagari* community, restoring respect for the elderly through the strengthening of descent-based groups and authority and the prevention of the selling out of *nagari* resources to outside “investors”.

They are right to point out the increase in respect of *adat* values and the authority of village *adat* councils after the *nagari* revival. However, the village leaders in Mungo,⁶⁴ Guguk and Kapar have been critical of villagers who have been claiming their right to the communal land. The *adat* leaders have been particularly disparaging of the activities of *Tunas Mekar*, portraying their actions as violations of national laws. In many places where land disputes between residents and commercial operations become serious, we can also see conflicts among the villagers themselves.

Franz and Keebet Benda-Beckmann have proposed a solution to the communal land disputes in their analysis of communal property of Minangkabau (Von Benda-Beckmann, 2006:212-3). They say as follows: "Treating 'communal rights' as a more or less homogenous category and theorizing about how people are likely to deal with property under a 'common property' regime, without detailing the kind of communal property and the very different possible constellations of concretized rights, is bound to fail." In referring to the heterogeneous nature of such rights and traditions, I assume that Benda-Beckmann would suggest that Islam might serve as a bridge to help negotiations between the dominant group and the minority group in Kapar.

However, such a conclusion lacks an understanding of the power balance in the village and its effect on decision-making. Every village mayor (*wali nagari*) I saw stressed that he tried to remain a neutral party in disputes. He is elected in a village election, and unlike village heads in the Suharto era, he is not required to profess fealty to the central government. Every village has some representatives from the Islamic leadership as part of the decision-making system. However, so

far as I know, virtually none of these Islamic leaders protest decisions or criticize the dominant group. In the case of Kapar, those leaders who were critical of the local powers had been already banned from the decision-making system. In addition to Islam, the LKAAM (*Adat* Council of the Whole Minangkabau) can also be considered to be a mediating force, but it lacks any delegated political power. Villagers occasionally ask LKAAM to support their movement, and LKAAM issues a statement of support to the people, but no regional authority regards these statements seriously.⁶⁵

4-2 Costs of Security

At the beginning of 1-1, I cited Barlow et al. (2003) on the security cost of oil palm plantations. They estimated that 5 % -10 % of estates' crops had been stolen, and that oil palm companies should expect to pay approximately US 5 dollars per ton of FFB for security forces. An underlying reason for the thefts is the fact that many residents believe they have the right to steal because the companies are not upholding the agreed-upon ratio of *plasma* smallholdings and nucleus estates. Consequently many residents, including women and children, "recover" their rights during moonlit nights. The companies thus feel forced to rely on security forces to defend themselves from theft.

Some 15 BRIMOB soldiers – an elite unit of the Provincial Police of West Sumatra – are said to be stationed in Kapar. These BRIMOB soldiers are functionally connected to the company's security department (*sekuriti perkebunan*), which consists of 25-35 members. Regular security members are recruited from outside Kapar, such as from North Sumatra (the Batak ethnic group) and Flores. Unlike heavily armed BRIMOB, they

are completely unarmed. They patrol the plantation grounds and report to BRIMOB if they find a security breach.

Payments to the BRIMOB soldiers, reportedly some Rp 20,000,000-Rp 30,000,000 (US \$ 2,300-3,300) a month, are made by customary law leaders, and the funds come from PHP, Bank Nagari (the West Sumatra Development Bank) and the dominant farmers' associations. They are presumably paid additional funds in case of a serious security incident. In addition to their regular income, the BRIMOB officers receive an allotment of FFBs. Besides these expenditures, the company, bank and farmers' groups must pay some money to *preman* gangs to threaten the *Tunas Mekar* members.

Besides these security people, there are 45 police officers from POLRES (regional police at the sub-district level) at PHP. They are also charged with patrolling the plantation, and it is usually these police officers who arrest suspicious people. These 45 POLRES officers are nominal members of the farmers' association of *Sidodali*, a dominant farmers' association in Kapar, and they have been bestowed with 90 hectares for the miniscule fee of Rp 15 million (US \$ 1,600) per 2-hectare *kapling*. The market price of 2 hectares is approximately Rp 200 million (US \$ 22,000). Therefore this is nothing but a gift from the local leaders to the regional police. Presumably they would arrange for someone else to work on their land and would receive the benefits after the harvest of FFB.

The *adat* leaders of the dominant farmers' associations, who received large monetary rewards from the communal land use, reportedly exhausted their proceeds equally quickly, spending on liquor, gambling and prostitution.⁶⁶ Villagers said that nothing was left in the

end except for a few large Toyota land cruisers. Some members of *Tunas Mekar* told me that “the money which was gained by evil means was eaten by Satan.”⁶⁷ It can be said that the oil palm industry decimated both the environment of Kapar as well as the relationships among the people and their Islamic-based morals.

4-3 Immigrants as Key Figures in Conflicts

The members of *Tunas Mekar* with whom I spoke not only criticized the dominant farmers' associations, the company and the military-police, but also the immigrants from Java, North Sumatra and Nias. They constantly criticized the company for not implementing its promised 50-50 ratio of *plasma* and nucleus estates; at the same time they complained that the company only employed immigrants as workers on nucleus estates. This does not necessarily mean that they want to be employed as nucleus estate workers under the company control, however, I assume, through their discourse, that the presence of the immigrants made the *Tunas Mekar* members' position very difficult. Their derogatory comments about the immigrants seemed to reveal their feelings of irritation. From the company's perspective the immigrant workers must be desirable employees: mainly landless peasants, without roots in Kapar, who are eagerly scouting for work. They are expected to willingly take on any tasks for the company. That is the reason why some of them are employed in the company's security department.

West Sumatra has a long history of immigration. In the Dutch era many Javanese immigrants were imported to Kapar as rubber plantation workers. Many of those rubber plantations have now become state oil palm plantations (the state-owned *Perkebunan Nusantara* Group).

Concurrent with the economic development of the New Order, many immigrants came to Kapar from Nias, North Sumatra, and even from Flores. Audrey Kahin (1999: 234-250) described the influence of the PKI (Indonesian Communist Party) as follows:

Most of the Diponegoro officers who served in West Sumatra after 1958 were left-leaning. The Communist Party did not succeed in capitalizing on its entrenchments within the local military and administrative order, in large part because it had become so firmly identified with the Javanese and their occupation forces. In Payakumbuh, Pesisir Selatan and parts of Agam, Communist support derived from indigenous traditions stretching back to the 1920s, but in Sawahlunto and parts of Pasaman its major strength lay among the PKI oriented Javanese immigrant population.

From the security perspective, the immigrants represent one group of actors in the local community. Article 20 of Law No. 18 (2004) on plantations prescribes: "The plantation business actors shall perform plantation business safely in coordination with security personnel, and they can ask assistance from the surrounding community." From my experience in the field, I am certain that the surrounding community who would be expected to assist the security personnel includes the immigrants as well as the dominant farmers' group.

To understand how the immigrants can be key figures in conflicts, it is instructive to examine a case of communal land struggle in Kapalo Hialang, Padang-Pariaman District. As I previously explained in note 60, the military command of West Sumatra once recognized the demands of local residents, and they suggested that the people share proceeds from the rubber crops. However due to the objections of residents of a

sub-village of Tarok, where Javanese immigrants and their descendants occupied one-third of the population of 3,000, the military withdrew their proposal. The Tarok villagers had not participated in the land struggles, and they would not agree that the land belonged to the village of Kapalo Hilalang. In response, they wanted to create a new *nagari* (village) of their own, but their desire was denied by the regent. The Tarok villagers were critical of plans to monopolize the communal land because they lived near the communal land, and they worried that they would be disadvantaged if the struggle for land rights was successful. It is clear that the presence of Javanese immigrants, who came to Kapalo Hilalang after the PRRI⁶⁸ rebellion in 1958, was a key element in the conflict.⁶⁹

As noted previously, Article 20 of Law No. 18 on plantations (2004) mentions the expectation that the surrounding community will assist the security people, and this can also refer to the *preman* gangs. In fact, *preman* gangs have been working as agents of *Sidodali*, the dominant farmers' association. This law may legalize the presence of *preman* gangs in the name of plantation security. These gangs have a powerful presence in many areas. In Sukabumi, West Java, for example, which is a center for the mineral water business in Indonesia, the *preman* have formed a recruiting agency, and they closely monitor local residents' activities.⁷⁰ In many places of conflict violence from those *preman* gangs has targeted those people who have been fighting for their rights.

5. Concluding Remarks

In the Introduction to *Roots of Violence in Indonesia*, the editors

(Colombijn and Lindblad, 2002: 23) emphasized the historical memory of violence during Dutch colonial times. Among their seven points, several points clearly relate to my analysis of the Kapar case. They write, “when the outsider is dehumanized, violence takes an exceptionally brutal form.” In the cases of Kapar and Mungo the “outsiders” who are dehumanized are the minority farmers’ groups in the villages. I have pointed out that the minority groups in Kapar and Mungo are seen as outsiders who are dehumanized, but this kind of logic is quite similar to the anthropological theory of witchcraft. To apply such a theory to a case study of land disputes, we have to examine the power relations as well as how and why groups are dehumanized.

They also write: “in the Indonesian context, the young men present themselves in the *pemuda* (the youth) idiom, which can be turned back to the Indonesian Revolution, and which generates violence with an aura of heroism. Violence is often conducted by gangs of strongmen, who are employed by politicians and administrators alike. The deployment of such gangs increases the overall tendency to violence. Since colonial times, the state has used violence against its own citizens in cases where other government would abstain from the use of force.” It is quite certain that *preman* gangs are employed by strongmen, but I cannot accept that *preman* gangs should be viewed as having an aura of heroism as the editors of *Roots of Violence in Indonesia* did. Thus it is overly simplistic to emphasize that the violence of *Reformasi* era has its roots in colonial times. We must also understand how the oil palm companies rely on security personnel to ensure their profitability.

In terms of continuity between the *Reformasi* era and the colonial era, one area of agreement would be with the use of the word

“provocateur.” The term “provocateur” is still used descriptively when people are arrested and tortured for criticizing the dark side of development in Kapar and Mungo. “Provocateurs” was also the label used to identify nationalist leaders by the colonial government. In the New Order Indonesia, the term referred to alleged communists who had supposedly usurped government power.⁷¹ It is very unfortunate that the Indonesian police and military are still looking for such “provocateurs,” even in the Reform era. Liem Soei Liong is quite right (Liong, 2002: 204) when he writes that “Despite its achievement, the *Reformasi* movement did not target the [intelligence] agencies, and they remain largely untouched by reform.” In conclusion, the more support the Indonesia government lends to the development policy of expanding oil palm plantations, the more local leaders and the companies will rely on security personnel and their methods to counter the resistance of local residents.

Table 1. Oil Palm Production in West Sumatra

Total production (2004)	686,355 tons
Developed plantation land	280,000 ha
Projected plantation land	14,500 ha
Land designation	Communal Land (Tanah Ulayat)

Table 2. Oil Palm Product in West Pasaman

Total production (2004)	252,038 tons
Developed plantation land	93,602 ha

Source of Table 1, 2: <http://regionalinvestment.com/sipid/id/commodityarea.php?ia=1311&ic=2>

Table3. Estimates of Indonesian Consumption and Production of CPO 2000-2005 (in tons)

No	Year	Consumption	Production
1	2000	3,575,600	3,733,000
2	2001	3,944,400	4,161,600
3	2002	4,355,000	4,633,900
4	2003	4,844,700	5,164,200
5	2004	5,461,100	5,759,900
6	2005	*) 6,043,300	*) 6,429,200

Table4. Area of Oil Palm Plantations in Indonesia

No	Year	Area (in hectares)	% Increase
1	2000	3,180,614 ha	-
2	2001	3,431,000 ha	7.87%
3	2002	3,718,541 ha	8.38%
4	2003	4,045,012 ha	8.77%
5	2004 *	4,409,306 ha	9%

* Projection Source of Table

3,4: <http://www.indonesia-ottawa.org/trade/profiles.php?fid=8&db=ind&mode=list&cat=11&pid=6>
(Office of Commercial Attaché, Embassy of Indonesia, Ottawa, Canada)

Note

- 1 See <http://econ.mpob.gov.my/economy/annual/stat2007/Production3.2.htm> and <http://www.flex-news-food.com/pages/18398/Indonesia/Palm-Oil/indonesia-09-palm-oil-output-194-million-tonnes.htm>.
- 2 http://www.pecad.fas.usda.gov/highlights/2007/12/Indonesia_palmoil/.
- 3 *Laporan Pertanggung Jawaban Pengurus Bidang Keuangan, Tahun 2005/2006*, Koperasi Uni Desa Rantau Pasaman Sasak. A *Koperasi Unit Desa* (KUD) is a village unit cooperative with multiple purposes, and it is controlled by the Ministry of Cooperation. When started in the late 1960s, KUDs were expected to support national rice expansion planning. It is possible to organize a new KUD if there are a minimum of 20 members.
- 4 The two activists are Mr. Norman Jiwan of Sawit Watch and Mr. Andiko of HUMA (Association for Legal Reform based on Local Communities and Ecology).
- 5 The report of this workshop was published in *News Letter*, No 63, JANNI (Japan Indonesia NGO Network), 2008, pp. 3-22. The activists' views are also included in *Promised Land* (2006).
- 6 The larger plantation companies usually operate their own CPO mills, while smaller plantation companies sell their FFB to CPO mills of neighboring plantations. Gelder (2004) lists major oil palm plantation groups in Indonesia.
- 7 I am grateful to members of PBHI (Association for Legal Aid and Human Rights in Indonesia) West Sumatra for sharing this information with me.
- 8 West Pasaman District became a separate entity from Pasaman District in 2003.
- 9 The Mobile Brigade is one of the oldest National Police units, formed in late 1945. The mobile brigade was used primarily as an elite corps for emergencies, aiding in police operations that required units to take quick action. The unit was employed in domestic security and defense operations and was issued special riot-control equipment. See <http://www.globalsecurity.org/military/world/indonesia/polri.htm>.
- 10 The amount of general income of the district, or PAD (*Pendapatan Asli Daerah*) was Rp 61,800,000,000 (approximately US\$ 7,000,000 at the then-current exchange rate). The exchange rate of rupiah to US dollars has been stable at around Rp 8,000-9,000 since the 1998 financial crisis, although the rupiah's value spiked to

- Rp15,000 a few times during 1998. The exchange rate of rupiah to US dollars before the economic crisis in 1997 had been between Rp 1,800 and Rp 2,300 per dollar. See the website of *Tohoukankoukyoku*.
- 11 The coastal area of West Pasaman is covered with peat swamps, so the development of oil palm in such areas has raised environmental issues, too. The villagers along the Indian Ocean have complained that they often experience flooding. Before the plantation existed flooding typically occurred only once a year, but since the plantation was established they have been subject to flooding more than five times a year, with flood waters often rising to 1.5 meters. (Walhi SUMBAR, 2009)
 - 12 Minangkabau have two kinds of property designations. One is *harta pusako*, or inherited property through matrilineal lineages, comprising both material and immaterial goods. The other form is *ulayat*, or village commons, the part of the village territory that was not used for sedentary agriculture and that fell under the control of the village councils or the heads of the village's matrilineal clans.
 - 13 See <http://regionalinvestment.com/sipid/id/commodity.php?ic=2>.
 - 14 "*Tanah Ulayat Permudah Pembangunan Infrastruktur*," <http://www.kapanlagi.com/h/0000232331.html>.
 - 15 See village administration statistics below (*Profil Nagari Sasak Tahun 2007*, and *Profil Nagari Kapa Kecamatan Pasaman Tahun 2002*). The village mayor of Kapar told me in February 2006 that Kapar had two sources of income: one is the subsidies distributed by the government according to the local population and area, which amounted to Rp 77,400,000 (approximately US \$ 8,600) in 2006, and the other is special income from administrative fees and "donations" from village enterprises, which amounted to Rp 29,000,000 (US \$ 3,000).
 - 16 *Kronologis Kasus Tanah Ulayat Nagari Kapar (Kapa) Kec. Pasaman Kab. Pasaman*, LBH Padang, not dated. A *pucuk-adat* is a descendent of the family of the village founder.
 - 17 This information is indicated in the document listed in note 16.
 - 18 *Surat Pernyataan Tentang Penggunaan Tanah Ulayat Kapar*, August 13, 1990. The content of the letter is as follows: "the communal land will be divided into *plasma*, or smallholdings (60 %), and nucleus estates (40 %). *Siriah Jariah* (compensation

for communal land exploitation) should be Rp 50,000 (US \$ 40) per hectare for both smallholdings and nucleus estates. KAN guarantees that the company will be issued the right of land exploitation on the communal land.” As is shown later, these requirements for the oil palm plantation development were later neglected.

19 With regards to the process, see Colchester, et al. (2006: 136-51). PHP is a subsidiary company of the Wilmar Group, the leading agribusiness group in Asia. It is the largest trader of palm and lauric oils in the world, the largest edible oil refiner in the world, one of the largest palm biodiesel manufacturers, a significant plantation company in Indonesia and Malaysia (with a total land bank of 573,405 hectares), and the largest trader and processor of edible oils and oilseeds and other agricultural products in China (van Gelder, 2007).

20 *Putusan Pengadilan Tinggi Pada tgl 8 Januari 2007/No. 119/Pdt/2006/PT.PDG dalam perkara Perdata No. 15/PDT.G/2005/PN-LES*, January 31, 2008. *Plasma* smallholdings are types of oil palm plantations, typically two hectares in size, distributed to individual smallholders, while a PIR (nucleus estate) is an oil palm plantation employing landless workers. The paired words PIR and Plasma derive from the structure of a cell.

21 See note 16.

22 The transaction process was reported as follows: (1) Before 1990, Mr. BJL (note: initials will be used instead of the names of the individuals identified in this case study), the former chairman of the village council, and his close *Ninik-mamak* friends “sold” 60 hectares to a developer in Padang. (2) In 1991, 240 hectares were transferred to *Kelompok Tani RTTSK*, a moderate farmers’ association in Kapar, however, Mr. BJL tried unsuccessfully to “sell” it to a third party later on. According to the latest information, the 240 hectares became *plasma* smallholdings for RTTSK members. (3) In 1994, Mr. BJL “sold” 70 hectares to Janus, an immigrant from Java, and this 70 hectares was used for homes and fields for the Javanese immigrants. (4) In 1995, Mr. BJL “sold” 2,200 hectares to PHP. (5) In 1995, Mr. BJL “sold” 10 hectares to H. Sarmal, who was an entrepreneur from Pariaman city, and the 10 hectares became his personal plantation. (6) *Kelompok Tani Sidodali*, a farmers’ association of the dominant group, which was organized by Mr. BJL in 1966, “sold” 400 hectares to Dawar, a businessman from Nagari Air

- Gadang, a neighboring village of Kapar. (7) In 1997, 12 hectares were “sold” by Mr. BJL. (8) The remaining 200 hectares of communal land were transferred to a person in the village, and then Mr. BJL “sold” them.
- 23 The meaning of “sold” is ambiguous in this document. The persons who were criticized for “selling” the communal land denied that they had violated legal procedures. See 3-3, objections of the dominant group.
- 24 Each of them was said to have received Rp 64,000,000 (Rp 40,000 / hectare x 1600 hectares). In total they received approximately Rp 700,000,000 (US \$ 300,000).
- 25 BPN (National Land Bureau) issued a location permit to PHP in 1995, and issued another decree for PHP to develop the *plasma* smallholdings and nucleus estates in Sasak (Colchester, et al., 2006:140).
- 26 Sasak residents complained that Kapar had taken over some of the communal land of Sasak. Nevertheless, they said that the National Land Bureau had permitted it.
- 27 See note 3.
- 28 See *Losing Ground*, 2008, p. 43.
- 29 GMP (Gersindo Minang Plantation, Ltd.), another subsidiary of the Wilmar group in West Pasaman, promised that a 6,000-hectare plantation would be divided up 40% for *plasma* smallholdings and 60% for nucleus estates. In fact, however, GMP assigned only 1,000 hectares for smallholdings, and the remaining 5,000 hectares were used for nucleus estates. Although the regent of West Pasaman District asked GMP to keep its promises after hearing from incensed local residents, the company refused to honor its commitment. See *Singgalang*, August 10, 2006, February 21, 2007. Ministry of Agriculture Regulation No. 26 (2007) prescribes that a plantation company should distribute a minimum of 20 % of its land to *plasma* smallholders and no more than 80 % to nucleus estates. This regulation does not apply to pledges made by plantation companies before it was enacted, but it amounts to a de facto official admission by the government of *plasma omong kosong*, or plasma based on empty promises. This regulation will no doubt cause more land disputes.
- 30 See note 60.
- 31 Nobody would sell 1600 hectares outright at the ridiculously low price of Rp 700,000,000 (US \$ 300,000). In terms of pawning of communal land see Biezeveld

(2002).

- 32 See note 14.
- 33 As I will discuss in 3-1 when describing the divisive history of farmers' associations in Kapar, a major clash occurred in 1991 among Kapar residents, including *ninik-mamak*.
- 34 For more on differences between the two types of clans, see Navis (1984).
- 35 See note 20.
- 36 On the presence of the immigrants, see 4-3, Immigrants as Key Figures in Conflicts.
- 37 *Kesepakatan Bersama Antara PT Permata Hijau Pasaman Dengan Ninik-mamak Kapar*, not dated.
- 38 The Nagari Bank, which is formally called *Bank Pembangunan Sumatra Barat* (West Sumatra Development Bank), was established in 1962 with 5 million rupiah, but it has since become the second largest bank in West Sumatra. Nearly half of the savings of West Sumatra are kept in the Nagari Bank, and middle class entrepreneurs in West Sumatra are eager to receive loans from the bank. It is said that the Wilmar Group is one of the major investors in the Nagari Bank. See <http://minangkita.com/global-news/2008/08/02/Nagari-Bank-diminta-perkuat-pengusaha-menengah/>, <http://ekopadang.wordpress.com/2007/06/03/Nagari-Bank-jadi-naga/>, and <http://www.Nagari-Bank.co.id/>.
- 39 See note 3.
- 40 See 4-2, Cost of Security.
- 41 One *kapling* is two hectares in this case. Originally *kapling* or *kavelling* are Dutch words meaning a parcel of land. Usually one family is assigned one *kapling*.
- 42 KKPA (Kredit Kepada Koperasi Primer Untuk Anggotanya, Credit for the Members of Primary Cooperatives)
- 43 RTTSK has been split into many informal groups, from RTTSK No. 1 to No. 14. Each time, members whose opinions differed from those of other members created informal organizations of like-minded farmers.
- 44 The persons and organizations who "bought" the land, the members said, were a limited partnership, an anonymous police officer, an officer of the local government, a Javanese immigrant, a corn trader and a merchant from Kapar.

- 45 A member of *Tunas Mekar* gave me this information.
- 46 According to a *Tunas Mekar* member, 17 people were arrested on this day.
- 47 Although the Indonesian media often use the word *amok* to describe people's behavior during incidents like this one, I have purposely avoided using the word, because the word *amok*, with its connotations of irrational behavior, disregards the people's justifiable anger. For example, *Kompas*, the most prestigious newspaper in Indonesia, on July 24, 2002 described local residents' actions in Batu Sangkar of Tanah Datar District as *Rakyat mengamuk*, or "The Peoples' Violent Rage." *Kompas* didn't explain the incident in detail, but it blamed the people for "losing their reason." See *Kronologis Peristiwa "Tanjung Emas Berdarah" Kabupaten Tanah Datar*, SUMBAR, LBH Padang, not dated.
- 48 They consulted with LBH Padang (Institute of Legal Aid, Padang) seeking to resolve the incident. I observed one trial in Lubuk Sikaping, the capital of Pasaman District, in which I saw many police officers participating in the proceedings. They seemed to threaten the ordinary people and even the judges by their aggressive demeanor.
- 49 The letter (*Kronologis Jemput Paksa Petani*) says: "While it was still dark, some police officers came to my house, and knocked on the door to wake up my father forcefully. No one in the family wanted to open the door, so they knocked on the windows many times. My mother finally opened the door with reluctance. My father asked them to show him a warrant; however, they seized him and took him to their car. I asked them to allow me to go with him, but one of them pointed a gun at me. That evening, my brother and I went to the regional police to ask about our father's condition, and they told us not to worry. We had to look for him three days until we found him at the district hospital."
- 50 *Surat Perintah Penangkap*, August 9, 2001, signed by the director of POLSEK Pasaman.
- 51 See Note 16.
- 52 The situation in Indonesia jails even after the Reform era is not much different from conditions under Suharto's New Order. See <http://www.hrw.org/reports/pdfs/i/indonesia/indonesi908.pdf>.
- 53 According to Mr. ZUL, six people were imprisoned in a small room which had

no bathroom, so a terrible stench filled the room. Each prisoner was given only a handful of rice two times a day with *sambal*, or chili sauce, and a boiled egg to be shared among six prisoners.

- 54 *Surat Kerapatan Adat Nagari Kapar (Kan)-Pasaman perhal: Menanggapi Surat KOMNASHAM tanggal 21 Juli 2000*, August 19, 2000.
- 55 *Komite Nasional Hak Asasi Manusia* (National Committee of Human Right).
- 56 The points are as follows; (1) BJL and his friends sold 3500 hectares of Kapar communal land to people outside Kapar. (2) BJL and his friends sold the remaining 200 hectares, too. (3) BJL used some Kapar residents to threaten other villagers. (4) The local police were supporting BJL.
- 57 *Surat tentang Tanggapan Atas Laporan Sdr Saper Ke LBH Padang Sehubungan Dengan Isi Berita Majalah TEMPO*, August 2, 2000.
- 58 See note 20.
- 59 *Surat Putusan Perhal: Mencabut Pernyataan Permohonan Kasasi tanggal 16 Pebruari 2007*, Pengadilan Negari Lubuksikaping, PU.3-LES/P3/I/10-3-2008, January 31, 2008.
- 60 An instructive past incident was that of the Kapalo-Hilalang communal land struggle. Their communal land was used for a rubber plantation since the 1910s. After Indonesian independence the rubber plantation was managed by civilian managers and veterans, but the military command of Padang arrested the leaders of the plantation management in 1965 as suspected Communists and seized the plantation. After Suharto's fall, due to a surge in sentiment in favor of people reclaiming their communal land, the military management of the rubber plantation suffered dramatic decreases in profit. As a result, the rubber company became unable to pay HGU fees to the government, so BPN appropriated the HGU from the military run company, and transferred management authority to the regional government of Padang-Pariaman District. See Nakashima (2007a). A similar case was that of a communal land struggle in Solok District. A matrilineal lineage in the village of Guguk claimed the right of communal land of the lineage which had been used as a coffee plantation since the Dutch colonial era. The lineage had proof that the land has been leased to a Dutch company, but the regional government seized the coffee plantation in 1965, then BPN issued an HGU to a private company for

managing the plantation. After the bankruptcy of the company, BPN transferred the HGU to another company. The lineage assumed that the HGU from colonial times had already expired in 1990, so they claimed rights over the plantation. The members of the matrilineal lineage have since been fighting BPN fruitlessly to recover their land. See Nakashima (2003).

- 61 See (Jiwan and Andiko, 2008).
- 62 *Ali* is a common Indonesian name, and *Baba* means Chinese. The Indonesian generals visited Chinese companies once a month or so for monetary favors, and they were often paid large bribes to ensure that the Chinese business people would receive favorable treatment from the Suharto Government.
- 63 In *Losing Ground*, the authors pointed out that "Conflict is also fuelled by the police, military and militias' pursuit of their own interests." (Friends of the Earth, Life Mosaic and Sawit Watch, 2008: 44)
- 64 In 2008 Nagari Mungo elected a new *nagari* mayor who promised to solve the issue. He has been trying very hard, but the state-run company has seemingly rejected him, and he has not been invited to attend their more important meetings.
- 65 See Nakashima (2007b).
- 66 Drinking beer is allowed in West Sumatra, but imbibing strong alcohol, including whiskey, gin and vodka, is strictly forbidden by Islamic law. However, these prohibited spirits are easily obtainable on the black market. Gambling mainly denotes playing dominoes and cock fighting. As for prostitution, it has become more common due to the presence of imported workers on the plantation, who are 70% men and live in isolated barracks on the grounds. Each month on the major payday, many people come to the markets on the plantation, and some women, both married and single, are involved in prostitution. The local people say that they are mainly Javanese and Batak.
- 67 The original Indonesian is, "*Uang hantu dimakan Setan.*"
- 68 *Pemerintah Revolusioner Republik Indonesia* (the Republic of Indonesia's Revolutionary Government)
- 69 Rights to the communal land of Kapalo Hilalang after the struggle remain ambiguous. Any villager can cultivate any crops, and there appear to be no effective governing regulations or organizations for managing the land.

70 I owe this information to ELSPATT (Institute of Sustainable Agriculture and Rural Livelihood), Bogor.

71 See (Stoler, 1995: Chapter 7).

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