

Implementing elements of national security by fulfilling the rights of indigenous people of Laman Kinipan in Central Kalimantan (Indonesia)

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Abstract

The Laman Kinipan Indigenous People have been in an agrarian conflict with PT Sawit Mandiri Lestari for years; they claim that PT SML has taken their indigenous territory, mainly consisting of customary forest, with a permit issued by the Indonesian government. PT SML cleared thousands of hectares of Kalimantan forest, which sparked protests from indigenous peoples. The land-clearing act affected indigenous peoples in several aspects, such as massive floods that had never happened before, to violent conflicts that befell indigenous peoples. This study aims to find out how the fulfillment of the rights of the Laman Kinipan, indigenous people, towards the realization of Indonesia's national security. This research was conducted using interviews and literature studies with an analysis process using the theory of national security with sub-theories of environmental security and human security. The results of this study indicate that the government's failure to fulfill the demands and rights of indigenous peoples affects national security, namely environmental security and human security. The researchers conclude that this conflict is a threat to national security, especially from environmental and human security elements. The government can accelerate the realization of national security if it fulfills the rights and demands of the Laman Kinipan indigenous people.

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1. Introduction

National security is a function inherent in a country to guarantee security. National security aims to ensure that the state is free from threats that could affect state sovereignty. Buzan divides the types of security into five areas: military, economic, social, political, and environmental. In the post-cold war era, national security is no longer focused on protection from military threats but on several other areas [1]. In realizing comprehensive national security, the government must carry out several ideal functions, such as national defense, state security, public security, and human security [2]. When several functions, such as public security and human security, are not fulfilled, that is when conflicts can arise.

Conflicts have become part of various aspects of life. Various elements of life, such as the economy, socio-culture, politics, and resources, can trigger conflict. Dahrendorf argues that conflicts and clashes will always occur in social life, where people are obedient to changes [3]. One type of conflict that still frequently occurs in Indonesia is the agrarian conflict. Agrarian conflicts occur for the following reasons:

1. Granting of permits/rights/concessions by public officials such as the Minister of Forestry, Minister of



Energy and Mineral Resources, Head of the National Land Agency, and Regional Heads such as Governors and Regents who classify land/managed areas/natural resources owned by a group of people into concessions of giant business entities in production, extraction, and conservation.

2. Violence, manipulation, and deception being committed to acquiring large-scale land for large development projects in production, extraction, or conservation.
3. Attempts or actions to expel rural people from the land/area under management/natural resources/which are included in the concession areas of significant business entities.
4. The emergence of resistance from the group [4].

The plantation sector is the sector with the most significant number of agrarian conflicts, with conflicts occurring within it, followed by the forestry, infrastructure, property, mining, military facilities, coastal marine, and agribusiness sectors. The agrarian conflicts claimed victims from the community who fought for their rights in agrarian conflicts. During 2020, the agrarian conflicts that occurred resulted in 169 victims from the community who experienced persecution, criminalization, and even casualties [5].

One of the agrarian conflicts still occurring since 2020 is the agrarian conflict involving the Laman Kinipan indigenous community. The Laman Kinipan indigenous community is one of the various indigenous communities registered by the Indigenous Territory Registration Agency. The Laman Kinipan indigenous community is located in Kinipan, Batang Kawa District, Lamandau Regency, Central Kalimantan Province. Sourced to the website of the Indigenous Territory Registration Agency (BRWA), the Laman Kinipan, indigenous people have an area of 16,132 hectares of indigenous territory with geographical conditions in the form of hills. The area includes the area of the village of Kinipan and indigenous forests. Most of the Laman Kinipan indigenous people have a source of income from gardening [6].

The agrarian conflict involves private company PT Sawit Mandiri Lestari (SML) that produces palm oil. The background to this conflict was a permit granted by the Ministry of Environment and Forestry to release a forest area of 19,091 hectares through a letter on March 19, 2015. In addition, there is also a Decree of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 82/HGU/KEMATR/BPN/2017 concerning the Granting of Cultivation Rights in the Name of PT SML covering an area of 9,435.2214 Hectares which became the legal basis for PT SML to take over several areas, including areas of Laman Kinipan indigenous community.

The permits from the Ministry of Environment and Forestry and the letter for granting business use rights (HGU) for PT SML were deemed legally flawed because they were issued without any discussion and without the consent of the Laman Kinipan indigenous people who live in the area and as the owner of the indigenous territory [7]. Until 2019, based on the mapping of the HGU area by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, the indigenous area in the form of the Laman Kinipan indigenous forest had been evicted for the benefit of PT SML's capitalism [7]. It is per Law Number 5 of 1960 concerning Basic Agrarian Regulations and Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Number 10 of 2016, explaining that in the process from the beginning, there were communal rights over indigenous territories until the issuance of communal rights certificates. Accordingly, indigenous territories, including indigenous forests, will remain in the name of indigenous peoples.

Communal rights are certificates from the National Land Agency given to indigenous peoples who have lived in the indigenous territory for many years and obtain approval from regional heads such as the Governor or Regent/Mayor. Based on these legal regulations, it can be stated that land included in these indigenous territories can no longer be classified as state land but as indigenous land controlled by indigenous peoples. So that if the government wants to grant usufructuary rights over indigenous community communal land, this must be based on the approval of indigenous peoples [8].

This flawed legal basis created a conflict between the Laman Kinipan indigenous community and PT SML. The conflict started when there was a disagreement between the Lamandau Regency government and the Laman Kinipan indigenous people regarding the boundaries of the area between Kinipan Village and Karang Taba Village, which border each other. PT SML insists that the land being worked on then was the Laman Kinipan indigenous people assessed as indigenous territory, and the area of Kinipan Village entered the Karang Taba Village area [9]. Meanwhile, according to the Indigenous Territory Registration Agency

(BRWA), there is already a detailed map of the boundaries of Kinipan and other villages, which is made in detail to show the locations of certain trees, certain places in the area of the village of Kinipan.

The map has also been approved by the villages bordering Kinipan, except for Batang Kawa Village, which is also part of the area where PT SML's land clearing plan is planned. Then in January 2019, the Regent of Lamandau determined the border between Kinipan Village and Batang Kawa Village, which drew protests from the residents of Kinipan Village because it did not match the map made by them and at the same time, aborted agreements with other villages which had approved the map of the Kinipan Village border. This conflict escalated into violent conflict when the police arrested Efendi Buhing, the head of the Laman Kinipan Indigenous Community, on charges of stealing a chainsaw used by PT SML. This incident stems from the guard being carried out by the indigenous Kinipan youths in the forest area where PT SML employees cleared the land. The failure of the negotiation process between PT SML employees and indigenous youths led to the Laman Kinipan indigenous youths confiscating the tools used to clear the land. PT SML then reported this to the police, which forced Efendi Buhing and indigenous youths to be detained, becoming a form of violent conflict.

2. Research method

This research uses qualitative methods. The use of qualitative methods is one of the choice for researchers because they want to get a comprehensive picture of the implementation of elements of national security through fulfilling the rights of the Laman Kinipan indigenous people. According to Taylor et al. (2016), qualitative research refers in a broad sense to research that produces descriptive data of people's own written or spoken words and observable behavior. The data needed to complete this research was obtained from interviews conducted with various parties, such as the Alliance of Indigenous Peoples of the Archipelago (AMAN), the Indigenous Territory Registration Agency (BRWA), and the Indonesian Forum for the Environment (WALHI). In addition, this research topic is analyzed using several theories, which are described below.

2.1. Environmental Security

Environmental security studies according to the United States Environmental Protection Agency (EPA), environmental security is a process in which solutions to environmental problems contribute to national security goals [10]. The issue of environmental security has begun to experience an increase in its discussion since World War II ended and the start of the cold war. When the two big blocks of countries at that time were competing to increase capabilities in the field of technology, the drastic increase in the number of industries could be marked by the increasing intensity of various kinds of pollution from the industrial sector [11].

Environmental damage and climate change have been proven to be one of the causes of violent conflict within and between countries. In addition, environmental damage and environmental change issues are among the leading causes of a decline in the level of the economy, which directly or indirectly has a significant impact on the capacity of military forces and resources for a country's defense [12]. In some developed and developing countries, natural resources and environmental services are essential drivers of economic growth and employment levels. Income and employment in primary sectors, such as agriculture, forestry, fishing, and mining, and services that depend on the environment, such as tourism, can be negatively affected by environmental changes. As an economy's natural capital base erodes, so does the long-term effectiveness of its military.

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2.2. Human Security

United Nations Development Program (UNDP) broadens the conceptualization of security by defining *human security* as security from chronic threats such as hunger, disease, and oppression and protection from sudden and painful disturbances in the pattern of daily life [14]. According to UNDP, some of the components of human security are individual-centered components, such as economic security, food security, health security, environmental security, personal security, community security, and political security [14].

One of the efforts by the UN in human security was establishing the Human Security Commission in 2001. In responding to this issue, the human security strategy was made proactive by emphasizing conflict prevention and peacebuilding rather than in the form of humanitarian response assistance [15]. In achieving human security goals, the Human Security Commission proposes two main strategies: protection of empowerment. Protection strategies refer to the norms, processes, and institutions that protect people from critical and widespread threats [16]. This strategy is top-down in its implementation, where the state must show its responsibility to form a protective human security structure [15]. The implementation of national security, which is comprehensive and includes a combination of territorial security (defense) and human security, must involve all elements of society by cooperating with all state institutions. This comprehensive nature of national security raises the implication that one or only a few institutions cannot handle the concept of national security because it has become a standard security, so there must be a form of cooperative security between all components, both military and civilian [17].

3. Results and discussion

3.1. Environmental Security and Laman Kinipan Agrarian Conflict

Environmental Security is one of the elements of national security because of the importance of environmental issues in the current era as the earth ages and human innovation progresses at the expense of many aspects of the environment, such as deforestation, the disposal of carbon gas emissions by companies and government elements, motorized vehicles, burning fossil fuels for electricity generation, and others.

Deforestation has a significant influence on the issue of national security. Deforestation has several significant effects, such as global warming, which results in rising sea levels, the loss of millions of species of flora and fauna in forest areas, and various threats of major disasters and becomes a threat to national security if it continues to be maintained [18]. In addition, according to the Ministry of Defense of the Republic of Indonesia (2015), the indirect impact of climate change on national security is that basic human needs will be disrupted and cause disruptive impacts on national security. It will be difficult for humans to readjust themselves to manage stress. It will eliminate political stability, a weakened economy, a crisis of basic human needs such as water, food, and various diseases to both vertical and horizontal conflicts. In addition, the impact of climate change due to deforestation on the Laman Kinipan indigenous forest has caused a major flood disaster that had never happened before. Natural disasters ultimately affect national security [19].

Today, the impact of climate change is starting to be felt, such as increasing temperatures due to global warming and rising sea levels due to melting ice at the poles, which will threaten national security for countries which makes the issue of environmental security one of the vital security issues to be discussed. Long term deforestation to clear land has been scientifically proven to exacerbate environmental damage. Some of the impacts of deforestation on environmental damage are a decrease in the quality of the atmosphere layer, contributing to an increase in greenhouse gasses which leads to an increase in global temperatures [20]. Bruhl and Simonis revealed that three things accelerate environmental degradation/damage, namely:

1. The attitude of humans who over-exploit resources, both non-renewable resources and renewable resources.
2. The burden on the earth exceeds its limits and carrying capacity.
3. Human activity often destroys ecosystems [21]

In the Laman Kinipan indigenous area itself, environmental issues are important because the indigenous forest area has many functions, namely as a producer of oxygen, as ecological wealth in it, as a place for indigenous peoples to find a source of livelihood, and so on [22]. In addition, the geographical location of the village of Kinipan, which is downstream of the Batang Kawa River watershed, makes Kinipan the last place of defense

for the Batang Kawa Watershed. Suppose deforestation in the Kinipan affects the watershed area in the Kinipan. In that case, the upstream part of the river and along the Batang Kawa watershed will be damaged, affecting the villages around the Batang Kawa watershed [23]. In another source, the impact of the deforestation of the Laman Kinipan indigenous forest, which was replaced by an oil palm plantation owned by PT SML itself, had an ecological impact in the form of the presence of an unprecedented big flood disaster in the village of Kinipan due to the loss of forest areas that function as rainwater catchment areas [24].

Environmental degradation is a threat to national security in Indonesia. The Laman Kinipan agrarian conflict is based on the fact that PT SML carried out deforestation of indigenous forest areas, which have been well guarded and managed by the Laman Kinipan indigenous people. Massive deforestation of forest areas to be planted with oil palm and lasting for decades will threaten environmental security.

Another impact of deforestation that the residents of Kinipan directly felt was a natural disaster in the form of a massive flood that inundated the area around the Batang Kawa River, including the residential area of the Laman Kinipan indigenous people. This unprecedented big flood is the impact of deforestation, which has been functioning as a rainwater catchment area. When the soil cannot absorb water, the nearest destination for water is the Batang Kawa river which causes the river to overflow.

Natural disasters threaten national security because they can disrupt the stability of various fields, such as the economy, society, and politics, and cause damage to public facilities and infrastructure. Environmental security ultimately significantly influences national security because if environmental security is threatened, many negative impacts will be generated and felt by various parties.

3.2. Human Security and Laman Kinipan Agrarian Conflict

In terms of elements of human security/human security/social security, the conflict that occurs is a threat to human security. The agrarian conflict of the Laman Kinipan Indigenous Community, in addition to causing violent conflict between indigenous peoples and the Indonesian National Police who received PT SML's complaint in 2020, also caused horizontal conflict between indigenous peoples who had different opinions about the takeover of PT SML's indigenous forest [23]. In the White Paper by the Ministry of Defense of the Republic of Indonesia (2015), conflicts are part of a social disaster threatening national security that the Government of Indonesia must anticipate.

The state must guarantee human security because security is an essential element of national security. Threats to human security ultimately lead to national security itself. One of the theories of human security established by the United Nations Development Program is security from fear. The human security approach to protecting individuals from violent conflict while recognizing that the threat of violence is closely related to poverty, lack of state capacity, and other forms of injustice. This approach argues that a limited focus on violence is a realistic and manageable approach to Human Security. This approach's main concerns are emergency relief, conflict prevention and resolution, and peacebuilding [25].

The Laman Kinipan agrarian conflict affected the human security of the Laman Kinipan indigenous people. Related to the impact of environmental security, natural disasters in the form of floods threaten the human security of indigenous peoples because they cause health problems, potential casualties, loss or damage to their homes, and difficulties in earning income. Human security is threatened due to the destruction of nature and the environment for the benefit of a few people who expect material gain.

Apart from that, this conflict also threatens the human security of the Laman Kinipan indigenous people, as evidenced by the excessive detention of the Head of the Laman Kinipan Indigenous Community Effendi Buhing by law enforcement officers. Effendi Buhing, who was detained by coercion which led to violent conflict, violated a person's human rights. In addition, the impact of this conflict on threats to human security is acts of violence, intimidation, land clearing, and the arrest of members of the Indigenous Community who are not proven to have committed a crime [26].

We can see that this is a form of violation of a person's right to maintain human security. If this conflict becomes a protracted conflict, then the potential for conflict escalation and the scope of the conflict can become more significant and threaten the stability of national security because one form of threat to national security is a social disaster which includes conflict.

4. Conclusions

The goal of the state to guarantee national security must be realized not only from one or several elements of security but includes all elements of national security. National security will be threatened if one or several elements of national security are threatened. In this study, the case of agrarian conflict involving the Laman Kinipan Indigenous Community and PT Sawit Mandiri Lestari can pose a threat to national security if it is studied using the theory of national security with two examples of elements of national security, namely environmental security and human security.

This conflict has become a threat to environmental security because of the environmental destruction carried out by PT Sawit Mandiri Lestari through a large-scale deforestation program in Kalimantan forests which also seized the Laman Kinipan customary forest area. Deforestation has been proven as one of the causes of threatening environmental degradation. Forest management by the Laman Kinipan Indigenous Community which is carried out sustainably and does not damage the environment will ensure environmental safety from major forms of deforestation for the benefit of capitalism. Conflicts that have reached violent conflicts have demonstrated threats to human security. Conflict as a form of the social disaster becomes an obstacle to the realization of national security. In addition, environmental security threats are related to social security due to natural disasters that have occurred and have had an impact on the basic rights of the Kinipan people who are victims of flood disasters, such as health problems, building damage, and food shortages. The form of criminalization against the residents of Kinipan who fight for their rights is a form of threat to social security and a violation of human rights. By resolving conflicts and fulfilling the rights and demands of the Laman Kinipan indigenous community, two elements of national security, namely environmental security, will be realized and can accelerate the realization of national security.

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Declaration of competing interest

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