



LEGAL SOCIOLOGY OF LAND CONFLICT VS ORANG RIMBA'S LAND CONFLICT IN JAMBI PROVINCE

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Abstract: The sociology of Orang Rimba Law, which portrays the issue of land conflict versus land conflict, is a crucial legal issue, even though so far, the Orang Rimba (Suku Anak Dalam) has been part of a beneficial symbiosis between Natural Resources and Human Resources (HR), because between the factors of mutual care between humans and nature, but in legal reality, land and land tenure in Indonesia, The existence of the Orang Rimba institution as the original entity of the Malay tribe is a problem, because its living entity has been displaced by the laws of outsiders, namely the state and government, especially since the rolling of the issue of forest utilization through Forest Tenure Rights (HPH) and the use of forest products through legal entities whose ownership is by forest outsiders, plus natural disasters (forest fires) outsiders as people whom people have long feared as eating creatures human. The purpose of the study is to know the law in reality, especially society. Conclusion The Orang Rimba, as an indigenous entity in Jambi Province, must be brought to the attention of the local government. The right to life and other social rights, namely distinctive economic and cultural rights, must be fostered continuously so that their customary rights are protected from land grabs under the guise of plantations and forestry based on state approval of forests and non-forests and ignore the history of the Orang Rimba struggle which always maintains the forest ecosystem and its distinctive land and culture such as ritual rituals between man and nature to dispel nature's various kinds of anger against humans in the form of disasters, wrath, and even climate change, cultural mantras and dialects were developed by them, but have not been seen by Indonesian law as genuine and distinctive legal institutions.

Keywords: Jambi; Land Conflicts; Legal Sociology; Orang Rimba

1. Introduction

Jambi Province is Central Sumatra (Central Sumatra) on the island of Sumatra, so it is inevitable that geographically, it has a strategic position of Natural Resources and Human Resources. Moreover, it is a great hope for the Indonesian nation and even the international world (MEA, AFTA, IMT-GT, IMS-GT) in carrying out zero conflict natural resource management so that the role of the Jambi regional government and the people of Jambi must be as early as possible, if it drags on it will become a significant threat to Jambi Province in particular and the Indonesian nation in general.

Orang Rimba (SAD) is called "Orang Rimbo" aka "Orang Rimba" (people who live in the forest) and terms outsiders as "People outside the Jungle" or bright people (outside society) bright people in the minds of people who are bright or outsiders are "man-eaters," so they do not want or fear meeting outsiders. The stigma in the context of the Sociology of Law is true; outsiders have caused land and forest conflicts to become actual legal facts. Indigenous tribes



are always defeated and blamed in the face of the law of the bright people, aka modern society and modern law that prioritizes formality and is far from the substantive stigma of law, that the law is not only a formal institution but also a culture that lives in the real society. Melangun culture and mantras with nature have yet to be seen as actual forest and land tenure in the Indonesian legal system.

The uniqueness of the forest in Jambi, blessed by Allah SWT with the Human Resources of the Forest Guardian, so that in the past it was called "Orang Rimba" as a native tribe of Jambi people originally named Kubu Tribe in its recent development called the Orang Rimba (later called SAD) living in the jungle or the forest. Orang Rimba, or SAD, adds to the mutualist symbiotic relationship between forests and humans, which is increasingly sustainable.¹

Experts interpret forests as places in the form of ecosystem land that affect each other, with forest area in Indonesia reaching 162 million hectares and a protected forest area of 29,917 million hectares.² Based on Law Number 41 of 1999, forests are interpreted as ecosystem unity in the form of expanses of land containing biological natural resources dominated by trees in a natural alliance of their environment with one another that cannot be separated. "inseparable" contains philosophical and sociological meanings for the Orang Rimba in Jambi Province; magical religious problems exist between the Orang Rimba or Orang Rimba and forest Natural Resources, including land. Presidential Decree Number 111 of 1999 concerning the Social Empowerment of Remote Indigenous Communities also acknowledges its existence. However, it does not accommodate that the Orang Rimba is the historical reality of human dialectic law with the environment.

On October 30, 2015, Indonesian President Joko Widodo visited SAD in Bukit Suban Village, Air Hitam District, Sarolangun Regency with Coordinating Minister for Human Development and Culture Puan Maharani, and they distributed Healthy Indonesia Cards (KIS) to Orang Rimba (Orang Rimba). Such sporadic movements are everyday for anyone who wants to be said to empathize with S. However, it is very procedural and pol nature and has little effect on who can do a continuous dialect between fellow natural beings who are mutually symbiotic.

The problem of our forest has been to lose a massive forest guard because the forest guard, namely the Orang Rimba or Orang Rimbo, viewed from a sociological aspect, is backward, marginalized, poor, and far from technology and science, aka not having enough access to the government and state.

The number of SAD in Jambi Province Provincerom 2,669 people scattered in the western part of Jambi Province around the Sumatran causeway Bukit Dua Belas National Park area and who live in the northern part of Jambi Province, namely in Bukit Tiga Puluh National Park (located on the Jambi Riau border) who are Malays who fled into the forest, because they resisted Dutch colonialism or jungle people who are warriors or soldiers of Pangaruyung Minangkabau who

¹ Rina Astarika, "Konflik Agraria Suku Anak Dalam Jambi Dalam Tinjauan Sosiologi," in *Indonesia Yang Berkeadilan Sosial Tanpa Diskriminasi*, 2016, 109–124, <http://repository.ut.ac.id/7988/>.

² Adi Sutrisno, *Fungsi Hutan Lindung : Pengembangan Institusi Pemulihan Fungsi Hutan Lindung Sebagai Penyangga Ekosistem Pulau Kecil*, Cetakan 1 (Malang: Intimedia, 2017), <https://inlis.serangkab.go.id/opac/detail-opac?id=216>.

were sent to help the Queen of Jambi descendants The kingdom of Pangaruyung, Ratu Putri Selaras Pinang Masak and the third version, is a legendary story that says that the jungle people came from the marriage between Overseas Bujang who came from Pagaruyung and a princess who came from the fruit of the kelumpang.

Land and forest conflicts in Jambi Province continue to occur and are not resolved optimally 156 cas; 156 Walhi Jambi records, land conflict cases in 2022 show that the dialectic between people outside the jungle and land is getting bigger, even Jambi as the second highest area of land conflict in Indonesia. Agricultural Policy also exacerbates rural poverty. The Indonesian Agricultural Alliance (API) has around 59 farming households leaving the agricultural sector per day, meaning that every minute, we lose about one farmer in one household.

As a result of the deprivation of the customary rights of the Orang Rimba tribe to farm and garden, they exodus to the city to become beggars in Jambi City because their land is transferred to plantation land by the government, so they are eliminated from the forest, even they become poorer and used by certain groups, in fulfilling their daily lives.³ Based on the above facts, research on the Orang Rimba in the study of legal sociology is essential so that the law, in reality, must be embedded in substantive justice, not procedural justice⁴, Where and titles experience jungle people who have settled down and even dialect routinely through their mantras as living law for them but not taken into account in procedural law, formality law.⁵

2. Research Method

The research method used is empirical juridical because this research takes a legal approach in reality (sociological), so the historical approach, approach, conceptual, and legal approach become an essential part of examining the law in aspects of legal reality related to life of the Orang Rimba (SAD) in Jambi Province which continues to experience legal emphasis through various kinds of permits and government agreements related to land use and land use are very important vast and extensive, without regard to the function of the land as a religious magic.

3. Discussion

3. 1 Orang Rimba (SAD) Life in Jambi

Orang Rimba is one of the oldest tribes found in Jambi Province and is a mixture of the Vedic Tribe with the Negrito tribe, which in the course of history was called the Weddoid tribe with curly hair, mature saw skin, slightly indented eyes, petite body, and medium-sized head, living with a culture of hunting and gathering, they hunt with very traditional tools such as spears, Kujur, and the arrows, called the "Kubu tribe" or "jungle people initially" and finally better known as SAD, live in the forest. They are terrified of meeting outsiders or bright people, and

³ Latifah Amir, Dhil's Noviades, and Netty Netty, "Tindakan Pemerintah Daerah Memberikan Perlindungan Hukum Terhadap Suku Anak Dalam Yang Mengemis Di Kota Jambi," *Jurnal Sains Sosio Humaniora* 4, no. 2 (2020): 703–14, <https://doi.org/10.22437/jssh.v4i2.11532>.

⁴ Rahmi, Elita. *Hukum Pertanahan dalam sistem hukum Indonesia*. Unpad Press, 2010., https://www.library.unja.ac.id/index.php?p=show_detail&id=105934&keywords=.

⁵ Elita Rahmi, "Legal Certainly of Land Registration towards Sustainable National Development," *International Journal of Recent Technology and Engineering* 8, no. 2 Special Issue 9 (2019): 240–44, <https://doi.org/10.35940/ijrte.B1053.0982S919>.

in the minds of the people of the camp, the bright people or the outside community are "man-eaters," so they do not want or fear meeting outsiders.

The traditional life of SAD is when they come out of the forest, clear the forest, and make land for themselves. It is one of the communities that are still very self-limiting and traditional and is a tribal entity in rural areas and spread across three ecological areas, namely the northern area of Jambi Province around Bukit 30 National Park, Bukit Dua Belas National Park and the Southern Region of Jambi Province, they are located in the administrative areas of Merangin, Sarolangun, Batang Hari, Tanjung Jabung Barat, Tebo, Bungo (BPS 2021). The table of distribution of SAD in several districts in Jambi Province is

Table 1.1 Number of Orang Rimba in Jambi Province

No	Region	Number of inhabitants	number of families
1.	Batang Hari	480	182
2	Sarolangun	1.572	418
3	Tebo	1.085	297
4	Bungo	406	116
5	Merangin	1.150	321
6	Tanjung Jabung Barat	44	12
	Total jumlah	4.737	1.346

Based on the 2021 BPS data, it can be seen that Sarolangun Regency occupies the most significant number of Orang Rimba with 1,572 people (418 households), followed by Merangin Regency with 1,150 people (321 families), Tebo Regency with 1,085 people (297 families), Batanghari Regency with 480 people (182 families), Bungo Regency with 406 people (116 families). West Tanjung Jabung Regency 44 people (12 households). The data above illustrates the life of the Orang Tribe in living in the rendang and medium plains and even the highlands in Jambi Province.

The life of the Orang Rimba, which covers the forest and maintains the forest ecosystem through natural mantras, indicates that the Orang Rimba, through their culture, always pays attention to natural movements that will be turbulent, such as chaos and environmental pollution. The Orang Rimba tries to provide intensive communication to nature as a natural resource that also needs true justice.

The skills of the Orang Rimba are only related to nature, namely mantras, hunting, and traveling around the forest while paying attention to signs of wrathful nature or nature begins to be unfriendly to humans, which is now known as various forest and land destruction in the form of floods, fires, and other angry natural signs, thus affecting extreme climate change, as is now happening, where Jambi province is being hit by thick smoke and lousy air so that the teaching

and learning process since kindergarten, elementary, junior high school and high school is temporarily closed until the weather and climate return to normal.⁶

3. 2 Sosiologi Hukum Suku Anak dalam

The sociology of law is a branch of sociology that studies the relationship between law and society. The sociology of law studies how the law affects society and how society affects the formation of law, as well as how legal norms are formed and applied, as well as legal changes that occur in society. According to Auguste Comte, sociology should be based on actual observations, not mere speculation or supposition.

The Orang Rimba in Jambi Province are indigenous Malay tribes who live in the forest. The author terms them "forest guard volunteers" because, based on their mantra and melangun culture, it is inevitable that their lives are very friendly to the forest and the magical religious relationship between humans and the land, meaning that the function of land for the Orang Rimba in Jambi is only limited to the relationship of maintaining their lives hunting and collecting forest product bills not for commercial matters so that with land cannot be termed land as in the Plantation Law which replaces the term land with land because its designation is very commercial and even oppresses other humans. Plantation legal entities in the form of Limited Liability Companies are very lustful, so they not only garden but also want to control land ownership for commercial matters, namely seeking profit and not wanting to know with the surrounding community. The source of conflict between land for the Orang Rimba and Land for large plantations that control upstream to downstream of this agrarian problem.⁷

The dynamics of the Orang Rimba, who were initially people who had civil relations with the land, were decided by the state and government with various approvals both for the implementation of HGU and various business licenses in the plantation sector whose area there are no restrictions in Agrarian law, of course, this is a fundamental problem. From the sociological aspect, Orang Rimba settled in the forest and then shifted through government settlement projects and the issuance of several permits related to Forest tenure rights by the government, in this case, the Ministry of Forestry, and continued various plantation rights and now through Social Forestry.

Indonesia's positive law has succeeded in causing tension between the Orang Rimba community and the Company through various approvals or permits related to making land commercial, economic land and ignoring the magical religious function between the Orang Rimba and Land, which only makes land an effort for non-commercial survival then accommodated based on Presidential Decree Number 111 of 1999 concerning Social Empowerment of Remote Indigenous Communities.

Land control the Orang Rimba, as an indigenous Malay tribe, has a distinctive tribe or indigenous tribe that lives in the jungle (forest) which has characteristics that cannot be

⁶ Elita Rahmi, "Penegakan Hukum Dan Fatwa Haram MUI Terhadap Kebakaran Hutan Dan Lahan Di Indonesia" 16, no. 1 (2016), <https://doi.org/https://doi.org/10.30631/alrisalah.v16i01.336>.

⁷ RAHMI, ELITA, et al. "POLICY TO ESTABLISH A LAND BANK CHALLENGES TO THE ACCELERATION OF DEVELOPMENT." *Russian Law Journal* 11.4 (2023): 240–41, <https://www.russianlawjournal.org/index.php/journal/article/view/2362>.

equated with other tribes; it seems that the presence of the Orang Rimba in Jambi Province is a human who was ordained by Allah SWT as forest guards so that their relationship with nature is solid and sturdy. So the Orang Rimba (SAD), often also called Orang Rimba or Kubu Tribe" is a remote Indigenous community (KAT) that has been regulated through Presidential Decree Number 111 of 1999 concerning Social Empowerment of Remote Indigenous Communities. Based on the Presidential Decree, what is meant by alienated communities is a sociocultural group that is local and scattered and lacks or has not been involved in networks and services both social, economic, and political with the following characteristics:

1. In the form of a minor, closed, and homogeneous community
2. Social Institutions rely on kinship relationships
3. It is generally geographically remote and relatively rugged to reach
4. In general, still living with a subsystem economic system
5. Simple equipment and technology
6. Dependence on the environment and local natural resources is relatively high
7. Limited access to social, economic, and political services.

In Jambi Province, Jambi Governor Decree Number 360 / Kep Gub / Sosnakertrans / 2014 concerning the Establishment of a Working Group for Remote Indigenous Communities of Jambi Province is tasked with synchronizing and coordinating planning, implementing, monitoring, evaluating, and reporting activities on social welfare empowerment of remote indigenous commodities. Regional Regulations do not cover the decision, so the decision is undoubtedly only ceremonial, which is challenging to execute in the form of the regional APBD.

4. Land and Orang Rimba's Land Conflicts

Land Conflicts, according to the Regulation of the Minister of Agrarian Affairs and Spatial Planning Number 11 of 2016 concerning the settlement of Land Cases, are distinguished between Conflicts and Cases, disputes as disputes that have not had a broad impact while conflicts have had a broad impact and cases are disputes whose resolution is through the courts.

The classification of land and land conflicts in Jambi Province is around 7 (seven) types, namely:

1. Shrinkage of Agricultural Land
2. Community Forest Clearing and Logging
3. Company Seizure of Community Land
4. Information Disclosure
5. Socialization of Community Consent is not carried out by the government/Company
6. Land boundaries
7. Unrealized partnerships by the Company to the community

Based on this type of conflict, the Orang Rimba in general and their customary rights marked by melange culture, in general, have been shifted by grabbing community land through (Hak Guna and Usaha -HGU) to Large Companies.

Case of PTUN Decision Number 1/G/2022/PTUN. Jambi is related to the lawsuit of PT Tandan Abadi Mandiri, domiciled in Jakarta, against the Decree of Revocation of the License of the Head of the Investment Office and One-Stop Integrated Services of Sarolangun Regency Number 09 of 2021, dated April 22, 2021, concerning the Determination of the Revocation of PT Tandan Abadi Mandiri's Plantation Business License, in its decision, namely: Grant the plaintiff's claim. She declared void Decree (SK) of the Head of the Investment and One-Stop Integrated Services Office of Sarolangun Regency Number 09 of 2021, dated April 22, 2021, concerning the Determination of the Revocation of PT Tandan Abadi Mandiri's Plantation Business License.

The Sarolangun Regional Government did not appeal the case, and there was also no dissenting opinion from the Judges, indicating that the revocation of the permit had also been used as an opportunity for the local government not to declare the revocation of the permit seriously. This ruling has tarnished the government, which is not severe about issuing the revocation of plantation business licenses. Moreover, there is no legal remedy for appeals to the government. The revocation of this license includes a particular decision of the government in supervising the implementation of plantation businesses in Jambi Province.

Another legal case is the Orang Rimba Case (SAD) 113, in Bungku, which was in conflict for 37 years (since 1985) between SAD and PT Berkah Sawit Utama (BSU) until finally, a Pansus was formed in the House of Representatives of the Republic of Indonesia, so that in 2022 the government issued a Certificate of Land Rights with SAD 113 Number 00766 dated November 30, 2022 in Singkawang village, Muara Bulian District, Batanghari Regency. On behalf of Abas Subuk and friends, there is an important note that the certificate can be transferred in part or whole with permission for financial repayment. Based on the above legal events, several things become legal records:

1. The location of the SAD customary rights land from Bungku village is shifted to the Singkawang village location; the absolute customary rights are in the area that has been issued Business Use Rights (HGU), so what is removed is not the HGU, but the customary rights.
2. The customary land can be transferred for debt settlement, meaning that selling land can pay tax obligations.

Shared ownership with a large enough area, it is likely that without government guidance through cooperatives in land management, it is inevitable that this land will cooperate with the Company, and SAD only benefits without any education process as the plasma system so far has not educated the community to become good farmers and planters.

4.1. Orang Rimba Protection Efforts

Legal protection for the Orang Rimba is essential and urgent because it is certain that the Orang Rimba, in terms of their numbers and land, is dwindling and even allegedly further distances the Orang Rimba (SAD) from their real lives, namely forest guards in Jambi province.

Legal protection conceptually can be interpreted as protection for vulnerable groups because they do not have sufficient access to the government and state; the Law must also pay attention to groups who are weak and marginalized by state structures.

The Orang Rimba in Jambi Province need to be protected from forest criminals and land mafias that continue to be formed from an uncontrolled land tenure system; the form of legal protection is not only normative and procedural but really must be thoughtfully presented by the government to protect the forest again, with the development of some skills, especially their original mantras that are very philosophical.

The forms of legal protection of the Orang Rimba include issuing Decree Number 330 of 2021 and the Decree of the Regent of Tebo during the Regent of Sukandar, Decree (SK) Number 331 of 2021. The Decree (SK) also explains the Customary Law System, customary territories, and customary management structures initiated by the Orang Rimbo Kito Foundation (ORIK). The two decrees are intended for the Orang Rimba in the Temenggung Ngadap group in Tanah Garo village, Muara Tabir District, Tebo Regency, Jambi Province.

The form of legal protection in the form of recognition of the use of the Orang Rimba forest must also be accompanied by continuous guidance for local governments so that the Orang Rimba can carry out their lives in the forest wisely and wisely, namely protecting the forest from irresponsible human actions.

5. Conclusion

The sociology of Orang Rimba Law is increasingly unprotected by state law and government policy; the establishment of various kinds of government agreements with the Orang Rimba, both in the form of Decrees and regulations, does not affect the Orang Rimba as a symbol of people who do not have good access to the government and the state, which is certain sociologically the relationship between the Orang Rimba and the forest has become increasingly thin and concerning. Land and land conflicts between the state, the government, and the Orang Rimba continue to occur through various government approvals to institutions and legal entities not owned by the Orang Rimba but have official legality with various government permits. It has caused the Orang Rimba to leave the Forest and have their customary rights replaced with the Right to Cultivate (HGU) and other rights so that the Orang Rimba have not only lost their magical religious function but have also changed the mutually beneficial relationship between humans and forests that take care of each other and integrate through natural rituals that simultaneously occur.

It is hoped that the State can protect the Orang Rimba with various regulations and policies that do not shift it outside their customary rights, as happened to the SAD in Bungku Village, Batanghari Jambi regency. In addition, the government can provide policies that protect the Orang Rimba from various businesses that want to change the Orang Rimba land rights to the ruler's Land Rights with profits and commercial benefits to the Orang Rimba land and land. On the other hand, the business world can apply to bring to the community without conflicts and prolonged land disputes. However, the community must be able to jointly protect the Orang

Rimba from various threats of their extinction due to unplanned and sustainable development for the safety of future generations.

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