

## THE BEGINNING OF OWNERSHIP AND PLOT CONFLICT OF RAMUNIA PLANTATION VILLAGE: BETWEEN PLOT OF CUSTOM AND STATE

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**ABSTRACT:** *Case study about plot in North Sumatera, especially Deli Serdang always leaves a typical study of plot in Indonesia, namely conflict. The plot conflicts occurring in East Sumatra such as Ramunia Plantation Village has long history. Since the colonial arrival until independence Indonesia, the plot in Ramunia plantation has the issue of ownership and conflict of seizure of rights. The form of plot as local plot or state plot is the effort of various parties to have and rule over the land. Therefore the questions such as How does control the plot in East Sumatra? Why does happend the change of plot ownership? What are the impacts on the social development of the people in East Sumatra itself? This review will address these questions into scientific studies that can present deductions based on the occured facts.*

**KEYWORDS:** Ownership; Conflict; Local Plot, State Plot

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### INTRODUCTION

Referring to the history of plot in Indonesia, pre-colonial, various regions in Indonesia have differences in ownership case. In Java or other place having a kingdom, the plot or region is dominated by the King and is absolutely owned by the king. In Java, especially the region known as *vorstenlanden* today, the plot is absolute owned by the palace. In terms of management, the region of the king's power recognizes the terms of reward for the giving of plot cultivated by his maids. The giving recognizes *cecaos* (tribute / tax tribute) to the king that is held regularly. Given the vastness of the territory controlled by the king and all the territories is the king's possession (this situation refers to pre-colonial times) and the affairs of the plot administration are managed by *bekel*, and is regarded as a representation of the small kings that is responsible for the benefit of the plot from the people to the palace (king). The social structure of ownership is systematically clear who the ruler of the plot is.

If it relates to the issue of plot ownership in East Sumatra, the issue of plot ownership becomes completely different. In the context of power, the plot in East Sumatra is not absolute controlled by one person or king. During the pre-colonial period, the plot is regarded as ownership together held by custom. It means that the matter of land ownership is determined by deliberation. Everyone has the right to own the plot in accordance with his ability to manage the plot as long as he is in a tribal clan. Nevertheless, in meetings and deliberations on plot issues, there is always someone who is urged to be a leader in deciding the right of plot to a person, but without violating customary rules that have been determined. This is what is called customary leaders who are commonly found in East Sumatra.

This distinction in plot ownership becomes blurred when the colonials come, especially while Britain has power in command of Thomas S. Raffles, the Governor-General of the Dutch Indies before Indonesia is born into an independent state. The policy of making uniform of plot

ownership is the first milestone in the conversion of customary plot into state plot. When the plantation capitalists have begun to come to East Sumatra since the mid-19th century the plot shifts from customary ownership to more exclusive. It has made more confusing in ownership since the arrival of other migrants from outside East Sumatra, especially since Indonesia has declared its independence in 1945.

Plot domain renewal is begun when the VOC (Vereniging Oost Indische Company) is dissolved in 1799 by the Dutch Indies. The renewal is inseparable from the context of politics in Europe when England replaces the Dutch to rule the Dutch Indies. The most important renewal is the tax collection system by Raffles known as *Domain van den Staat*, where all the plots in the Dutch-Indies land belonged to the king or the government. Based on that policy, Raffles made tax on the earth known as *landrente*, the farmers are obliged to pay taxes from the result of the harvest. This tax assumes that the people (indigenous peasants) are tenants, while the landowner is a colonial government.

In other words, in the Raffles era the colonial government changes the status of plot originally owned by the king then it is distributed to the people to be managed. It means that the Dutch party will be easy in directing them in accordance with the interests of the colonials. Based on Raffles' idea, both the rice field and the moor should be sorted into three classes, where the class I has tax half of the harvest, class II has tax two-fifths, and class III has tax one-third of the results. Meanwhile, the plot tax on class I tax is two-fifths, the class II tax is one-third, and the class III tax is one-quarter of the harvest. Because of the lack of time and personnel, a survey of plot classes are never conducted, so tax collection is done carelessly based on fictitious research. In addition, most of the "cultivators" listed as tax payer of landowners in the determination of these tax rates are high-class villagers. In other words, lower-class farmers are not recognized as holders of land, because they are excluded from direct taxes.

This system has a major effect on the change of land mastery model in East Sumatra later, because the political and power struggles between the Netherlands and Britain are felt in the Malacca Strait. How is the mastery of land in East Sumatra? Why does happen the change of plot ownership? What is the impact on the social development of the people in East Sumatra itself? These questions will be answered through a historical search of the roots of plot ownership in East Sumatra.

### **King Appointment as Instrument of Colonial's Plot Power**

In Anderson's account, communities along the coast of East Sumatra in 1911 amount very little. The plot is so vast, so they are free to control the land everywhere. Society is considered primitive with the rules that are also still primitive. However, this region is part of the vassal state, which until 1854 becomes part of Siak Sultanate. Small countries in East Sumatra are subjugated by the Siak Sultanate. When Siak becomes a Dutch residency area, automatically these small countries become part of the Dutch territory as well, but the problem that stands at that time is that the small countries of East Sumatra have long been unrelated to the Siak Sultanate and direct their allegiance to the Aceh Sultanate. Here the problem is begun, because the plot becomes difficult to be mastered, especially when Britain intervenes legally and overshadows Dutch rule in East Sumatra.

Dutch move fast enough. Military exhibitions are several times able to provoke some small countries. Deli as the weakest region among the various small countries is immediately subdued. Nevertheless the conquest is accompanied by the appointment of the Deli ruler to

become Sultan that is equivalent to Siak Sultanate, so the position is equal. This principle becomes the territorial principle and hierarchy principle in the early rule in East Sumatra.

"By recognizing the authority of local rulers, or by raising their degrees, is by allowing them to have low titles to use the title of the sultan, the colonial government succeeded in buying the allegiance of the indigenous officials. According to the gardens of the first gardens, the native rulers are actually ordinary people who are differed greatly from their maids. Originally their power is limited, but their power over the population and the lowly chiefs become even greater."

Such appointment is very important in the control of plot in East Sumatra. Besides Deli, there are also Serdang, Langkat and so that are affected in the same way. The plot that exist in East Sumatra can finally be entirely controlled. Newly appointed rulers surrenders plot to Europeans to be used in long-term, this is one of the few transactions that require permission from the local government-they take ownership rights on plot that they do not previously own. In 1864 for example, the Sultan allows Nienhuys to plant tobacco as much as he wished without requiring rent on the plot used, even with a plot-use agreement of up to 99 years.

In the Serdang region there is a little different story, because the custom rulers who is eventually later appointed as the Sultan as in the Deli has its own way to make an agreement. In plot tenure agreement by NV plantation, Sanembah Maatschappij, Sultan Serdang reminds to keep taking to welfare of local communities. His actions have result where of local people are allowed to cultivate the plot of the street, because the local community has basically been doing *reba* field, ie shifting cultivation. Therefore when the plantation business expands, the plot becomes narrow and it is impossible for local people to become plantation laborers because it is not their habit to work in plantations.

In line with the development of plantations in East Sumatra and Serdang, the conflicts with the customary rights of the local population are increasing. Since the end of the nineteenth century, C. Van Vollenhoven and B. Ter Haar have paid attention to customary rights toward the plot held by local communities such as clans and villages (they call customary rights in the Dutch term *beschikkingsrecht*, means the same as *ulayat* rights). Influenced by the theory, the colonial government adopts a dualistic system within the jurisdiction and local administration. In this dualistic system, law issues among local people (called "indigenous peoples") are resolved by customary law, while issues between "indigenous" and "non-indigenous" (or "non-indigenous") settled with state law.

According to the theory of the custom law sect, local communities that hold customary rights can be classified into two distinct types, ie genealogical communities and territorial communities. They assume that in Java customary rights of the plot are held by village communities as a territorial rule. With this Assumption the ownership of communal plot in Javanese villages is justified, while in many areas outside Java customary rights of clans or community types on the basis of lineage are maintained. These theoretical tools are effective at preventing conflicts between local people and plantation companies. On the other hand, for autonomous regions in the outer islands managed by tribal chiefs, special rules are introduced to open up access to plot for plantations. They are granted a special right called *landbouwconcessi*.

## Ground Plots

In 1907, the Kingdom of Serdang is represented by Sultan Suleiman Shah Alam Sarifoel binding Politiek Contract with the colonial government represented by East Coast Resident Jacob Ballot with the ratification of Governor General Ir. De Graeff, which on the contract governs among others:

1. Lend the plot to the Dutch Indies with Dutch Indies law, and promise to be faithful and obedient to the surrender.
2. Land lent includes area: Serdang, Serdang Senembah with Tandjong Moeda, Timor Batakdoesoen, Serbadjadi, Perbaengan, Denai.
3. The authority of the Sultan and his country takes care of his own internal. The Sultan and his people shall not be left to any other country, except to the Government of the Dutch Indies.
4. From this Contract Politics the Sultan receives fixed income of Fl.50.850, - / year. While the non-fixed income is obtained from Rantau Pandjang, Denai and Pantai Cermin Perbaungan.

In the beginning the exploitation of plantations in the Serdang area is carried out by Firma Naehér & Grob, a joint venture between Hermann Naehér, a Bavarian Sicilian merchant with Carl Furchtegott Grob, the Swiss founder of onderneming Helvetia. In 1871 they got a plot contract from Sultan Serdang with 7,588 shoulders (1 shoulder = 7.096,50 M<sup>2</sup>). In 1876 their plot is added to a plot of land located in Deli, then in 1886 it expands to 31,563 shoulders in 1889.

The strategic location of Naehér & Grob's gardens on the edge of Sei Belumai provides its own advantages because they do not require opening roads to and from Medan City in order to supply needs and deliver their products. At that time, Sei Belumau is the ideal river to be used as a means of transportation, while in the estuary there is nipah garden utilized by the company for the purpose of making the roof of the tobacco warehouse.

The rapid development of Firma Naehér & Grob is caused by the plot that they own produces large, heavy and dark tobacco leaf which is favored by Europeans at that time, but unfortunately the condition does not take place long, because approximately the year 1887 there is a change of taste from Europeans, they prefer tobacco is brightly colored.

Toward 1888, hot and dry air temperatures results in the production of heavy and heavy tobacco leaves making prices of tobacco leaves low. This bad price makes Firma Naehér & Grob suffered huge losses. While at the same time Karl Furchtegott Grob also suffered health problems, so finally because of financial pressure, Naehér & Grob intend to sell their firm. Naehér & Grob offer their Firm to Deli Maatschappij. Deli Maatschappij's leadership suggests that they change the form of Naehér & Grob's legal entity into the Naamloze Vennootschap (NV), and do stock split for sale; where Deli Maatschappij will become a Ltd of the newly formed company.

Naehér & Grob welcomes the suggestion and being adjusted by the government regulation in relation to the change of legal entity, on September 30 1889 officially all the gardens and assets owned by Naehér & Grob moves to Senembah Maatschappij (inbrenge the newly formed

company) with Jacobus Nienhuys and CW Janssen as directors, while the commissioners are JT Cremer, H Naehar, GE Haarsma, AL Wurfain and R Von Seutter; and managing the gardens of Tanjung Morawa, Tanjung Morawa Kiri, Sei Languages, Batang Quiz, Mount Rinteh and Petumbak.

At the beginning of the establishment of Senembah Maatschappij is assisted by Deli Maatschappij in case of operational and technical financing and marketing of their tobacco production. Weather and financial conditions in the early days of the company stood create the company's doubts about the company's ability to thrive, due to Europe's appetite for tobacco changes and bad weather conditions that year. However, after several years, the results obtained from the Maatschappij Senembah is further than what is expected by its founders. This is because even though the plot owned by Senembah Maatschappij is not the same and even under the quality of Deli Maatschappij plot, but the tobacco of Senembah plantation is still the best of East Coast tobacco.

At the beginning of the Senembah Maatschappij in 1889 the plot area owned by this company is 31,563 shouldered. In 1897 the area of plot owned by Senembah Maatschappij became 50,994 shouldered, of which 40,340 are located in Serdang and the remaining 10,654 shouldered are in the Deli. The addition of this plantation area shows that Senembah Maatschappij has been healthy both from the operational and financial side. In addition to the addition of plantation areas, the company is also adding new and improving existing fermented warehouses. The harvest of subsequent years that does not match what they expected, no longer a significant threat to the company. Their funding reserves made Senembah Maatschappij able to overcome difficult times independently without the help of Deli Maatschappij.

In a more recent concession contract with Sultan Serdang it is clear that profit is derived from each contract bundle. Sultan Suleiman Shah Alam Sarifoel gets material benefits, does the NV plantation. The Maatschappij Senate is represented by the East Sumatran Resident Jacob Ballot who sharpened his nails in the rules applied to the plantation. Unfortunately the advantages of both parties do not include the welfare of the local community.

For indigenous peoples (Malay tribe) the treaty system is not a big and meaningful problem. However, plantation expansion becomes an irrelevant situation for indigenous survival. How to plant tobacco by system and shifting cultivation methods, where after one tobacco production process, the land is abandoned and left for about eight years and then can be replanted. This is because if after the completion of one time tobacco production, the land is immediately replanted, then the production will be not good. For this reason the opening of plot is very vigorous and widespread. Labu Beach area becomes a real expansion with the opening of a tobacco plantation in Ramunia Plantation.

### **Nationalization Case of Plantation**

On December 27, 1958, President Soekarno signs Law no. 86 about the Nationalization of Enterprises owned Dutch in Indonesia. The goal is both as a political tool to reclaim West Irian that is at that time still in debate and secure the welfare of the Indonesian people, strengthen national capabilities and eliminate economic discrimination and the conquest of the colonial economy. The law also provides for compensation for old owners to seek legal settlement in Indonesian courts if the compensation offered is not satisfactory. The nationalization 1958 is a national historical decision in Indonesian politics. The decision is taken under an unstable internal political condition and when tensions with the Dutch government are at a climax.



In North Sumatra, through the Announcement of Military Ruler No. PM / Peng 0010/12/57 the acquisition of Dutch company assets is begun. The announcement briefly reads: (1) The struggle for the liberation of West Irian is the struggle of the whole Indonesian people, led by the Government of the Republic of Indonesia; (2) The action in the liberation of West Irian must always be carried out in an orderly... etc. (3) Power (power over) of companies etc owned by the Netherlands shall only be made based on the decision of the Government or Military Administrator in the prescribed manner; (4)... unlawful acts shall not be spared from the investigation and demands according to the laws of our country; (5) Individual actions against Dutch companies by persons or groups are not justified .. (6) etc.

When tobacco plantations are nationalized based on Law No.86 of 1958, only two tobacco plantation companies survive, namely Deli Maatschappij with 17 tobacco estates and Senembah Maatschappij with 5 tobacco gardens. Shortly after takeover, ex plantation from NV. Senembah Maatschappij changes its name to PPN Baru Tandjong Morawa.

This case does not run long, according to Government Regulation No. 144 of 1960, PPN Baru Tandjong Morawa changes into PPN Kesatuan Sumut II. Besides changing the ownership, this regulation changes the assets of the company where PPN Baru Tandjong Morawa only stands from 5 Gardens (Batang Kwis, Kwala Namoe, Pagar Marbau, Patoembah, Tandjong Morawa) turned into PPN Kesatuan Sumut II consisting of 13 Gardens ( Bekalla, Batang Serangan, Tandjong Roving, Sawit Seberang, Bukit Melintang, Basilam, Bukit Lambasa, Bukit Lawang, Gohor Lama, Glugur Langkat, Marijke, Tea Factory "Langkat").

With the change of situation in 1965, where there is also a change in the pattern of thinking in the economy, with the New Order government's effort to rehabilitate the state plantations, the plantation structure is organised again, so that the management of Gohor Lama / Bukit Melintang Garden based on PP No.13 dated March 27, 1968 on the abolition of BPU and PP No.14 dated 13 April 1968 on the establishment of PNP, the VAT of Rubber II changes its name to State Plantation Company II centered in Tanjung Morawa.

Related to the credit (loan) of World Bank Cq Asia Development Bank (ADB) where as one of the conditions of credit receiving companies is a company having status and in accordance with Law No.9 / 1969 and PP No.12 / 1969 then PNP II / SWS assessed / appraised to be prepared to be a company for the establishment of the company so that in April 1976 with the Notary Act then PNP II / SWS changed its name to PT. Plantation II (Company). On March 11, 1996 another organizational change is reorganized.

Plantation II Ltd which is inaugurated by GHS Notary Certificate. Loemban Tobing, SH Number 6 dated April 1, 1974 and Plantation IX Ltd, which is inaugurated by the Notarial Deed of Ahmad Bajumi, SH Number 100 dated September 18, 1983 merged into one with the name of *Perkebunan Nusantara II* Archipeago Plantation II Ltd established by Notarial Deed of Harun Kamil, SH Number 35 dated March 11, 1996, by center office in Tanjung Morawa.

The interesting part of this section is that if we look chronologically, it appears that the two affiliated companies (Deli Maatschappij and Senembah Maatschappij) eventually become one. Only if formerly Deli Maatschappij is a mother, right now it moves to NV plantation former. Senembah Maatschappij is with centre office in Tanjung Morawa. Meanwhile, nationalization raises a new problem that will lead to a heightened level of conflict intensity. In the takeover of foreign companies, in this case the plantation company in East Sumatra, the government made a new mistake that eventually marginalize the right of Malays on the plot. Edy Ikhsan

considers in the nationalization of plantation along the east coast of Sumatra to be problematic. The use of customary law elements in legal advocates by advocates representing the Government of Indonesia in the meeting in Bremen shows the Government of Indonesia's recognition of the rights of the Swapraja government and the legal communities that govern them, but the recognition which is also followed by Bremen judges does not show his correlation in daily practice in the field of public life. The sultanates of East Sumatra with all their rights in legal relations with Dutch companies are ignored and does not form a basis for consideration in the conversation surrounding the nationalization of Dutch companies.

## CONCLUSION

The changes in plot ownership in East Sumatra since the arrival of plantation capitalists have unsheathed the model of plot to be exclusive and inclusive. This situation initiates claims against plot ownership, so it triggers conflict. The roots of plot ownership are known that it is the pre-colonial period, the plot is customary rights which are customarily cultivated and together with customary-agreed boundaries as well. The arrival of the Dutch has changed the perception into one large group of capital plot that is dominated in one business container. Conflict can not be avoided between capitalist parties and indigenous peoples (Malay) along the east coast of Sumatra. Custom rights are increasingly distant when local rulers who are supposed to be custom leader take part in the exploitation of plantation plot. The appointment of the custom head to be the Sultan changes the domain of the plot to be owned by the family of the custom ruler, so that the plot could be concessioned without abusing the available customary rules, even though the terms of the concession are essentially problematic. Through the indigenous rulers, the western capitalists easily seizes the plot and builds the plantation industry without local problems. When Indonesia has been independent, plantation plot in East Sumatra became more and more problematic, because the community does claim on plot. At its peak the nationalization of foreign companies prevail in Indonesia in 1959. This case obscures the roots of ownership and plot right. With the nationalization it means that the land back into the hands of Indonesia. The problem is that the plot in East Sumatra is more than the property of the Indonesian people, ie the right of the Malays on the plot has never been seen as important thing. Other tribes that came later as a result of colonial plantation expansion, it basically has no more right than Malays on plot. The inevitable struggle towards plot grabs will always be present decorating the plot issue in East Sumatra, especially on the former plot of colonial plantation industry.

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