

## **Analysis of indigenous community conflicts on illegal mining in Botak mountain of Buru district**

**La Ode Alimin**

### **Abstract**

*The results of the study by the authors of the analysis that four factors influence the occurrence of conflict in the area of Buru Regency mountain gold mining of Botak. First, there is a struggle for mining land between indigenous peoples. Secondly, indigenous peoples claim land ownership over their customary rights. Third, Conflict Policy from the government towards the closure of Mining in the Botak mountain area. This factor is the stage in the problem in the Botak mountain until the conflict from the real gold mining which opens until now. The instructions from the Buru Regency Regent followed up by issuing the Regent Instruction Number 1 of 2012 concerning the handling of social disasters as a result of the management of illegal gold mining on Mount Botak in Buru Regency. In this case, to follow up on the policy, the two Instructions by the Regional Government agencies along with the Security Apparatus from the TNI and POLRI conducted sweeping in the illegal gold mining area on Botak mountain.*

**Keywords:** *Traditional Community; Conflict; Illegal Gold Mining;*

### **Author's Information:**

Magister Ilmu Hukum  
Universitas Muhammadiyah  
Yogyakarta, Indonesia  
([laodealimin55@gmail.com](mailto:laodealimin55@gmail.com))

### **Article's Information:**

DOI:

<https://doi.org/10.35326/volkgeist.v4i1.451>

### **1. Introduction**

Conflict is not something new in the human world; humans as social creatures always interact with other humans. When communicating, it will always be colored by two things, conflict and cooperation (Winardi, 1994; Wirawan, 2013). Thus conflict is a part of human life. Conflict comes from the Latin verb that is "configare," which means to hit each other. Sociologically, conflict is defined as a social process between two or more people (can also be a group) in which one party tries to get rid of the other party by destroying or rendering them helpless (Fischer, 2001; Liliweri, 2005). In a sizeable Indonesian dictionary, conflict is defined as strife, disagreement, conflict. In the history of human civilization, conflict is inevitable and will always occur. From this, human history is indeed a history of conflict. Conflict ever happens in the world. In a social system called the State, nation, organization, company, and even in the smallest social network called family and friendship, conflicts occur in the past, present, and will inevitably arise in the future.

Gold mining carried out by miners without using a permit is a community mining activity that occurs in several regions in Indonesia, one of which, in Dongi-Dongi, Poso District, Central Sulawesi, does not have a legal permit. The mining activity is mining in the traditional way that is usually carried out by the community around the mining area. It is not only West Java and Kalimantan that are feeling the effects of illegal mining or cultural disputes or land in indigenous territories, but almost every region in Indonesia feels that one of them is community mining in the Botak mountains of Buru Regency.

In November 2011, gold was discovered in Botak Mountain in Wamsait Hamlet, Dafa Village, Waelata District, Buru District, Maluku Province. The gold mining findings were discovered by Mr. Suyono a farmer through his dream with curiosity from his dreams, Mr. Suyono headed to the area Anoni River, Wamsait Hamlet, Botak Mountain Dafa Village. The location is occupied by the indigenous people of Soa / Marga Besan, Wael, and Nurlatu who are in the Petuanan Kayeli area. Illegal mining in Mount Botak is one of the mining areas visited by many miners from various regions in Indonesia.

Until people from various regions began to arrive at Mount Botak to pan for gold. Along with this, miners from various regions carry out mining activities. Since 2012, the number of migrants to Buru Regency has been estimated at around 7,000 miners. As for the community as well as the miners who carry out gold mining in the Botak mountains, a fee of Rp 100,000 per person is collected by the indigenous people at each adat post.

Over time there was a dispute problem in the Botak mountain mining area between the indigenous people of Soa / Marga Wael and Besan as ticket collectors entered, so that the location of the gold mine was temporarily closed within one month to anticipate conflicts between the indigenous communities, in this case, there is a demand from the Indigenous Peoples to immediately reopen the gold mining area in Botak mountain, and on December 31, 2011 the regional government together with the security forces held a meeting between the local government of the Buru Regent (Husni Hentihu) together with the police with the Indigenous Peoples. During the meeting, the government gave an opportunity to reopen the gold mining area until 2 February 2012. At the end of January, illegal miners reached as many as 15 thousand miners from various regions in Indonesia.

The impact is seen from the increasing number of illegal miners causing a conflict with a very large intensity that occurred between the two groups, namely the Ambalau community and the Marga Adat Nurlatu community which resulted in 21 deaths and 44 injuries. Clashes often occur between Indigenous Peoples and the mining community. Until the high level of crime that occurred in the Botak mountain mining area in the resolution of the conflict was not done in a thorough manner to the concern of the miners and the community around the mining area. Talking about the conflict that occurred at the Mount Botak gold mining site after it was opened at the end of 2011 to 2016 there were recorded conflicts with intensity (Light, Medium and Large) 26 times and resulted in a death toll of 578 people and Injured 900 people more.

As for minimizing conflicts in the Botak mountains that occur between indigenous peoples and miners, the Regional Government has issued Maluku Governor Instruction No. 522-1 2012 concerning the closure of mining activities and the handling of the restructuring of the Mount Botak area in Buru Regency. Then it was followed up by the Buru Regent through Bupati Instruction No. 1/2012 regarding the closure of mining activities and handling of the arrangement of the Botak mountain area in Buru Regency, through three methods namely: Pre-emissive, Preventive, and Repressive.

The visit of the president of the Republic of Indonesia Joko Widodo on August 8, 2015, finally the president issued instructions to Maluku Regional Police Chief Brigadier General (Pol) Murad Isamil to immediately close illegal mining in Botak Mountain in Buru Regency. The instructions have been followed up by sending around 500 joint security personnel from the TNI and Polri to conduct sweeping and emptying of mining areas from miners on Mount Botak. The illegal mining was successfully

stopped in November 2015 by completing 19 joint security posts consisting of the TNI and the Police.

The Regional Government issues the Bupati's Instruction No. 1/2012 as a continuation of Governor Instruction No. 522-1 of 2012 concerning the closure of the Botak mountain mining area due to various impacts occurring in the mining area. The impact caused not only in terms of the conflict, but in terms of health, safety, and environmental damage is also a reference for local governments to immediately close the mining location. From these instructions, it is very clear that government agencies together with security forces insisted that immediate illegal gold mining in the Botak mountain district be closed.

Based on the description in the background above, the problem in this study is What are the factors causing the occurrence of conflicts of community miners in illegal gold mining in the Botak mountain of Buru Regency?

## **2. Method**

This type of research conducted for writing this thesis is empirical legal research. Empirical juridical research is sociological legal research and can also be referred to as field research, or reviewing applicable legal provisions and what happens in reality in the community (Abdulkadir, 2004). In other opinions, empirical jurisdiction is the law regarding the enforcement or implementation of normative law in action on a legal event that occurs in society.

Empirical research that is done by looking at the reality that exists in practice in the field. It also said sociological research was carried out directly in the field (Waluyo, 2002). Field research is research conducted to obtain primary data by jumping directly into the field.

Empirical juridical research is a field of research (research on primary data), which is a study that examines the laws and regulations and then combined with data that researchers get in the fields and behavior / events that are found in the midst of the community (Abdulkadir, 2004; Waluyo, 2002). Primary data in this study were obtained directly from respondents who were members of the indigenous community and the miners who were around the gold mining in the Botak mountain Buru District.

## **3. Main Heading of the Analysis or Results**

### **3.1. Factors Causing People Mining Conflict In Illegal Gold Mining In Botak Mountain, Buru Regency**

In 2011 in Buru Regency there were no conflicts between residents and between tribes, but at the end of 2011 precisely in December, there were latent conflicts or conflicts that were still small scale and did not involve many people.

In December 2011 a dispute arose between ticket collectors from the Besan and Wael clans, but it could be anticipated and resolved, so there was no conflict, with the mine closed by the customary clan together with the Muspika of Waeapo District, after being closed demands and residents customs that have felt the results of ticket collectors to be reopened immediately. In December 2011, this was followed up by the Buru Regent (Mr. Husnie Hentihu) by holding a meeting with all the Soa / Adat chiefs at the Agriculture Seed Center of Kec. Waeapo, which was attended by all Muspida elements and in the meeting the community was given the opportunity to gain gold again (specifically for Indigenous people) until February 2012 (the end of the Regent's position).

In February 2012, the Buru Regency government together with security forces and all the Head of Soa as well as the Indigenous people held a meeting in the Waelata Subdistrict which was attended by all government agencies, miners and members of the Buru District Representative Council. In the meeting, it was agreed in February that the gold mining area was temporarily closed from activities carried out by miners to prevent conflicts from occurring and would be regulated and licensed. With the Regent Instruction Number 1 of 2012 concerns the handling of social disasters as from illegal mining.

From February 8 to February 11, 2012, the government together with the indigenous people carried out socialization activities and appealed to the miners to immediately go down and leave the Botak mountain mining area. At that time there were still indigenous groups that had not agreed (Marga Nurlatu) other than that the information on the existence of a gold mine on Buru Island was expanding to areas outside of Buru Island.

In mid-May 2012, there was a conflict between 2 (two) community groups in the mine between the Indigenous people and the Ambalau Community, resulting in 18 injured people. The conflict between the 2 (two) community groups continued, resulting in 14 deaths. The conflict continued at the end of May 2012 where there were conflicts between two community groups at the Mount Botak mine site, resulting in 16 deaths.

And on July 11, 2012, a large-scale conflict occurred in the mining area between Indigenous Peoples and Ambalau Communities, which resulted in 92 injuries while 70 people were edited. The following is the impact of a conflict of interest between two community groups that occurred at the Mount Warmoly (Mount Botak) gold mine site.

In addition, based on the results of the author's interview with the traditional leader Irwan Wael about the conflict that occurred in the area in July 2012, it took 105 victims and injured 160 people. He said that:

"The problem of the conflict that occurred in Mount Botak with a very large scale in July last until early August, the cause of the conflict occurred because the community groups or individuals involved hold grudges against indigenous peoples. In this case, there is a big problem until there is a massive conflict in the near future where both groups use traditional and Modern warfare tools to attack each other and take casualties".

In addition, it coincides with the holy month of Ramadan, the gold mine is closed again to maintain conditions during the holy month of Ramadan so that security continues to run safely and in control. However, at the end of the seventh day of Eid, the location of the gold mine was reopened by the Indigenous people, in September, there was a huge conflict in which there was a bombing at the gold mine site by the warring groups. This resulted in a battle between the two conflicting groups at the gold mine site where up to 72 people were edited and 99 were injured. Meanwhile, conflicts with small-scale conflicts still occur almost every day at gold mining sites, including debates on the pit of the theft of minerals, but the conflict does not reach a larger scale.

On the way, a dispute arose between ticket collectors and miners from the Ambalau Community, which resulted in the killing of a mountain resident, and then retaliation against an Ambalau resident. From the conflicts above we can see that the conditions in the mining area are prone to conflicts, as well as on Buru Island. In July, there was a large-scale conflict that resulted in increasing or increasing fatalities, which in September 2012 fell from 44 people to 72 people edited in 2012. For more details, we

can see in the following table:

The results should summarize (scientific) findings of the study. It should be written in clear and concise. The separation or combination of Results and Discussion is accepted. If the result is separated into some subheadings, the subheading should be numbered as following example:

Table 3.1 The intensity of conflict in the Mount Botak mining site.

No.	Date	Location	Description of Conflict
1	December 21, 2011	Mine Location	Ticket dispute between Marga Besan and Marga Wael. two people edited
2	February 13, 2012	Mine Location	The conflict between 2 Indigenous people groups (Marga Nurlatu) and the Ambalau community. Resulting in 10 people edited and 4 injured.
3	February 18, 2012	Mine Location	The conflict continues between the 2 Indigenous Peoples groups with the Ambalau Community with a motive for revenge. Resulting in 22 people edited and 48 injured.
4	May 14, 2012	Mine Location	The conflict between Indigenous Peoples and Ambalau people is still with the same motive 'revenge'. This conflict resulted in 35 people edited and 56 injured.
5	May 15, 2012	Mine Location	The conflict occurred again between the Indigenous Peoples and the Ambalau community, resulting in 54 deaths and 67 injuries
6	July 11, 2012	Mine Location	Very-large-scale conflict between the Indigenous Peoples and the Ambalau community which resulted in 105 victims killed and 160 injured
7	September 18, 2012	Mine Location	Conflicts still occur but are still small or latent.

Source: Maluku Regional Police Resort Buru Island, Maluku. Year 2014

In the table above is a conflict process that occurred in the gold mining area in Buru Regency from 2011-2015 with various intensities (light, medium and large). From the results of this study, the authors analyze that the intensity of the conflict above is a stage or process of conflict that occurs from the nature of escalation, de-escalation, polarization and destructive. This stage of the conflict describes the intensity of the conflict occurring in the mining area. Escalation is the initial stage where the conflict first occurs. From the data on the intensity of the conflict between the Indigenous Peoples, namely the Marga Wael and the Marga Besan, is the stage of the conflict that occurred in the mining area.

Desecration is a stage of conflict where the conflict is still colored by armed disputes that take casualties so that the bearers of conflict resolution try to find the right time to start (Bonger, 1982; Winardi, 1994; Wirawan, 2013). From the data of conflict intensity, the authors analyze that the conflict that occurred between Ambalau and

Indigenous Peoples is a stage of de-escalation conflict. Polarization is a stage that is almost the same as the stage of de-escalation. However, this polarization stage looks more at the process of conflict. Meanwhile, the destructive stage is the end of the conflict stage. Destructive Conflict is a stage of conflict that has experienced social gaps and change that is causing resentment and hatred for each group in the mining area (Winardi, 1994).

Conflicts that occurred in the area of Mount Botak during the initial discovery at the end of 2011 to 2015, recorded conflicts have occurred 26 times. Conflict in mining areas of various scales, from the small, medium and large scale. Small scale conflict will cause few people to be involved in the conflict and will not cover a large scale. In this case conflict between individuals and conflicts in the family is a small-scale conflict. The conflict between tribes and conflicts between countries is a large-scale conflict which covers a very wide area and causes more and more stakeholders to be involved in the conflict (Syafri, 2016). Based on the first conflict including small-scale conflicts because no further clashes occurred and could be resolved. However, in the second and third cases conflicts occurred between two groups of people which resulted in physical clashes between groups causing death.

### **3.2. Analysis of Conflict of Indigenous Peoples with Miners in the Mount Botak Gold Mining in Buru Regency**

According to the author in analyzing the conflicts that occur in the mining area, we first explain about the parties involved in the mining area of Mount Botak, Buru Regency, as follows:

#### **3.2.1. Culture**

Perspectives on customary rights issues by indigenous peoples and individual rights have resulted in a long-running conflict from the disapproval of indigenous peoples and miners regarding the issue of the Local Government's policy to close the Botak mountain mining area based on instructions from the president together with the Governor's policy to instructions from the Buru Regency Regent in No. 1 of 2012 concerning the closure of mining activities and the handling of the structuring and rehabilitation of the Mount Botak area in Buru Regency, and resulting in the taking up of indigenous peoples' inherited and customary lands. Customary land is claimed as an authority according to customary law over certain areas which are the environment of the community, where the authority of the customary community allows indigenous people to take advantage of natural resources, including land, within the territory of the indigenous peoples' territories for their survival. The communities and resources in question have an outward and inward relationship between generations and the uninterrupted relationship between the customary law community and the area of concern. In this case, the taking of land and customary rights of indigenous peoples severed the local wisdom relationship between indigenous peoples and their ancestors.

The use of indigenous peoples over the location and eucalyptus oil production areas that have been abandoned, so far it has never been an issue for indigenous peoples or governing, but when the discovery of gold content in the area, suddenly the issue of community customary rights raised. As is the case in Buru Regency, the closing momentum of the mining area carried out by the Buru Regency government together with the joint security forces of the TNI and POLRI were used by a number of indigenous community leaders to claim the location of the customary land as the area of

customary rights of the indigenous people. As a consequence, a number of indigenous leaders of Petaian Kayeli began to impose levies on miners who conducted mining in their customary areas. if the miners are mining to mine on the land. Then the indigenous people consider the miners to be active in the area of customary land.

### **3.2.2. Miners (Ambalau Community)**

Gold mining was first discovered in November 2011 in the Anoni river, Wamsait Hamlet, Dafa Village, Waelata District, Buru Regency. The gold mining area is occupied by the indigenous people of Soa / Marga Besan, Wael, and Nurlatu who are in the petuanan area of Kayeli. After hearing of the potential for gold mining, miners from all over the archipelago began arriving in Buru Island to conduct gold mining. The miners arrived with more efficient gold mining techniques. Previously, the Buru community had conducted gold mining in a simple way in the Botak mountain area, but only with improvised techniques, namely by pan or pan.

Factors that are of interest to the miners in the gold mining area are:

- a. The mining community, especially the Ambalau community considers that the mining area is a legacy for the community, not the government.
- b. Provide benefits felt by the community and the assumption that the community also has the right to benefit from natural resources in the area.
- c. The perception that the mining community is people who are looking for a livelihood that must be protected, so dealing with the community for the government is an unfavorable issue.

Conflict of interest According to Fuad & Maskanah caused by competition that is felt to be real is indeed incompatible. conflicts of interest occur because of fundamental or substantive issues (eg material and resources).

According to the author, quoting from what was explained by Fuad & Maskanah conflicts of interest that occurred in the mining area and became a trigger for conflict in the Mount Botak mining area that is the interests of both individuals, and groups that are equally competing for the gold mining results in Mount Botak.

Based on the results of the author's research through interviews with several respondents, according to the author the conflict mapping is based on the identification and analysis of the stakeholders involved based on the level of influence-interest, the nature of the conflict and conflict issues that occur between stakeholders in conflicts between Indigenous Peoples and Local Governments, and Indigenous Peoples with Miners (Ambalau Community) as explained below:

#### **Indigenous Peoples with Local Government**

Based on the issue of conflicting law enforcement that is sticking out between the Indigenous people and the Regional Government. This is related to the views and issues circulating among the Indigenous people that the Regional Government wants to close the community mining area based on Regent Instruction No. 1 of 2012 concerning the closure of mining activities and the handling of the arrangement of the Mount Botak area and its nation will be given to foreign companies for exploitation.

With the presence of investors to exploit mining in the Botak mountain area, it will actually open up employment opportunities for communities around the mine, but the Indigenous people assume that the community and the resources in question have a hereditary and inner relationship between generations and the uninterrupted between the customary law community and the concerned area together with its ancestors.

### **Indigenous Peoples with Miners (Ambalau Communities)**

Based on the high level of influence and high importance, the conflict that occurs between the Indigenous People and the Miners (Ambalau Community), is because in the resolution of land conflicts there is no support from each of these stakeholders.

According to the authors the Regional Government is needed as a facilitator and historical source of land status. Besides that, this is also the duty and responsibility of the government to maintain the investment climate. While the direction of the influence of low-high interests occurred between Indigenous Peoples and Ambalau Communities because Ambalau Communities began to fret and get angry with Indigenous Peoples who run the management wheel and make regulations in the mining areas resulting in conflicts in mining areas that were considered too authoritarian. This made the miners from the Ambalau community group start to fret, triggering conflict in the mining area.

### **3.2.3. Analysis of Land Ownership at the mining site**

Based on the results of research on land ownership and management at the mining location, so it can be analyzed as follows. The classifications of miners in the mining location, namely:

- a. Indigenous people of Petuanan Kayeli, which consists of
- b. Marga Wael
- c. Marga Besan
- d. Marga Nurlatu and
- e. Mountain communities/mountain people who are still isolated communities, these communities have the same clan as the three clans above, so they are given the freedom to produce gold at the mine site.
- f. The Leisela community guide
- g. Tagalisa petuanan community
- h. Lilialy Society
- i. Ambalau people
- j. Non-native mining communities in general.

From the miner's classification above, indigenous peoples / communities consisting of several applications are not charged entry fees to the mine site. Whereas miners who are not from the community guide are charged a ticket to the mine site. In searching for gold at the mine site. Each miner must pay a ticket for Rp. 100,000 except Indigenous people. According to the author, the action to do ticket billing is the desire to control and take advantage of more mining locations.

According to Bonger, the desire to have is a sociological element in the occurrence of crime. Furthermore, Bonger asserted that the desire to have had a

psychological predisposition - there is no event in society that has nothing to do with the human soul but this predisposition is nothing more than a possibility.

A ticket collector is a Mountain Society/mountain person who is included in the structure of the Indigenous People of Kaylan. They were given the trust by the King and the Head of Soa, to guard each entrance to the mine site. The characteristics of mountain residents/mountain people can be known when they use the attributes they wear, namely: otters, machetes and spears. According to the Waeapo police chief, the people of the mountains, as long as they were at the mine site, used sharp tools in the form of spears and machetes, making each miner uncomfortable.

Central to the conflict between Indigenous communities and the Ambalau community in the mining area is the 'land ownership claim at the mining site'. The Ambalau people claim that even the land in the gold mining area has the right to control even though there is no legality governing that the land in the mining location can be controlled by the Ambalau Community. The Ambalau people assume even though they are not included in the lineage of the Indigenous Peoples on Buru Island, but they are also the people of Buru Regency who have the right to extract and produce gold free of charge.

#### 4. Conclusion

Factors underlying the occurrence of conflict in the Botak mountain gold mining area, the authors can analyze that, the Regional Government and law enforcement officials should provide socialization and guidance to the community. The conflict that caused the Ambalau people claimed that the location in the gold mining area was their right to control it. In this case, there is no regulation or legality regulating that the land in the mining location is controlled by the Ambalau community. The factor of conflict can be said as a battle between cultures where there are other people who are not included in the structure of the Buru Island Indigenous Peoples want to make a levy from the payment of a ticket at a mining location which according to the Indigenous Peoples is an area inherited from the ancestors to them. The local government issued Bupati Instruction No. 1 of 2012, which aims to close the illegal gold mining area.

#### References

- Abdulkadir, M. (2004). *Law and Legal Research*. Bandung: Citra Aditya Bakti.
- Bonger, M. W. A. (1982). *Introduction to Criminology*. Ghalia Indonesia.
- Fischer, S. (2001). *Managing Conflicts, Skills, and Strategies for actio*. Jakarta: British Council.
- Liliweri. (2005). *Prejudice and Conflict*. PT LKiS Pelangi Aksara.
- Syafrisal, H. (2016). *Analysis of conflicts of interest and conflict management in gold mining on Buru Island*. Universitas Muhammadiyah Yogyakarta.
- Waluyo, B. (2002). *Legal Research in Practice*. Jakarta: Sinar Grafika.
- Winardi. (1994). *Conflict Change and Development Management*. Bandung: Mandar Maju.
- Wirawan. (2013). *Conflict and Conflict Management theory, applications, and research*. Jakarta: Salemba Humanika.