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Exclusion and Land Grabbing in Transmigrant Communities in the Bahodopi Morowali Mining Area, Central Sulawesi

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ABSTRACT: The article discusses the exclusion and land grabbing carried out by mining companies against transmigrants in the Bahodopi mining area. Transmigrants are placed in areas controlled by PT. Inco through the mechanism of a contract of work since 1968. Overlapping land rights due to "mistaken" placement by the government resulted in conflicts between transmigrants and companies. PT. Inco tried to reclaim land controlled by transmigrants for the purpose of developing mining businesses by carrying out exclusionary practices, trying to acquire land and/or imposing conditions for farmers to give up their agricultural land. The practice of exclusion and land grabbing involves corporations and the state acting on behalf of the authority to use land facilitated by the state. This situation encourages dynamics in local communities to fight for land rights. The complexity of the problems in the nickel mining area has triggered awareness about the importance of dialogue, actions to protect land rights, the right to life, and access to opportunities as the Bahodopi area develops into an industrial area. Ethnographic data on exclusion and land grabbing practices as well as the dynamics of responses from communities are of primary concern with the assumption that these practices open room for transformative change. Local communities and transmigrants in Onepute Jaya village and Lele village still carry out agricultural activities even with limited land ownership with new commodities, maintaining and taking opportunities with business or services along with the growth of the increasingly complex Bahodopi mining area.

Keywords: Exclusion, Land Grabbing, Mine, Nickel, Farmer, Transmigrant

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Introduction

The overlap in land tenure rights between companies holding contracts of work (KK) and the placement of transmigration in Bahodopi today illustrates the complexity of the problems that occur in the Bahodopi mining area. The intended subjects and objects are transmigrant residents in Onepute Jaya village and Lele village who are placed in the contract of work area owned by PT. Vale Indonesia (PT. Inco). Two policies that form the basis for controlling land rights are Law No.1 of 1967 concerning Foreign Investment (PMA) and Law No.3 of 1972 concerning Transmigration. PT. Inco is one of the companies holding a contract of work from Indonesia with the approval of the President of the Republic of Indonesia B/91/pres/7/1968 with PT. Rio Tinto Indonesia. PT Inco Limited has now changed its name to CVRD Inco Limited since January 3, 2007 or better known as PT Vale Indonesia because it is the majority owner (87.78 percent). Since the beginning of its construction, PT. Inco based in Sorowako built a nickel processing plant (smelter) while the contract of work area in Bahodopi Morowali was left without activity.

During the ownership of the contract of work permit, PT. Inco (PT. Vale) has extended the license of the contract of work until now. Changes in mining regulations in Indonesia such as Law Number 4 of 2009 (Mining Law) have an impact on reducing the area of the contract of work. The area of the contract of work of PT. Vale has shrunk (reduced) now only controls an area of 184,435 Ha in three provinces. In South Sulawesi covering an area of 70,984 Ha (in the Sorowako-Towuti area covering an area of 70,398 Ha, in Bulubalang covering an area of 586 Ha); in Southeast Sulawesi covering an area of 24,752 Ha (in the Pomalaa area of 20,286 Ha, Lasusua covering an area of 4,466 Ha); and in Central Sulawesi in the Bahodopi area of 22,699 Ha. On the land included in the contract of work controlled, there are non-company land users, namely local communities with various activities such as gardening, illegal logging in fairly large quantities (Zakaria, 2021).

Two transmigration locations within the contract of work area of PT. Inco (PT. Vale) is Onepute Jaya Village and Lele Village. Transmigrants UPT. Bahomotefe was imported gradually from 1990-1991 and 1992/1993 from Lombok (NTB) 180 households, East Java (Banyuwangi) 50 households, from Bali 70 households, APDT (insert/local transmigration) 100 households, from Central Java 100 households. UPT assisted citizens. Bahomotefe 512 families or a total of 3,013 people. During UPT. Bahomotefe definitively became Onepute Jaya village in 1996, covering an area of 1,400 Ha covering the location of UPT. Bahomotefe and part of the village of Bahomuahi. In Lele village, potential village transmigration (Despot) is placed as many as 100 families because the population is less. The placement of transmigrants aims to develop the potential of modern paddy rice farming because it has the potential of paddy fields and water sources for sufficient irrigation (Andika, 2014). Lele village is inhabited by immigrant residents, namely Toraja (Islamic), Bugis and Tolaki people. They come from Lere'ea and Batupali, the confluence of the borders of Central Sulawesi, Southeast Sulawesi and South Sulawesi since 1958. They sought protection from security disturbances by the DI/TII movement (Kahar Muzakkar) as well as from security operations by the TNI to quell DI/TII resistance (Gogali, 2012; Junaidi, 2010; P4K-UNTAD, 2019; Sangaji, 2002). By King Bungku, Abdul Rabbi'e gave a place to settle in Pariwasi (Bahomotefe area), but due to floods in 1960 they moved to a new location which became Lele and Dampala villages (P4K-UNTAD, 2019).

The transmigration program aims to relocate people from densely populated areas such as Java and Bali to areas such as Sumatra, Kalimantan, Sulawesi, Papua, and Nusa Tenggara. In addition, the problem of poverty experienced by transmigrants because they do not have agricultural land in their place of origin causes them to take opportunities to obtain agricultural land in transmigration areas. The transmigration program guarantees the availability of land for agriculture, housing, living costs and basic infrastructure. Each family gets rights in the form of housing land and agricultural production

mineral areas such as Bahodopi developed into industrial estate centers. In addition, the Government of Indonesia also has an important agenda related to global issues so as to protect the exploration of natural resources such as nickel. Banning the export of nickel raw materials (ore') and encouraging downstream by preparing supporting infrastructure indicates that nickel mining is a priority for the government. The need for nickel for the global industry, both the metal industry and the use of renewable energy for electric vehicles, is a trend of change in the future. Nickel is the main material of batteries used to store energy used for electric cars and other motor vehicles. The Indonesian government as a resource owner is aware and trying to take advantage of the change by controlling the nickel trade. Mineral resources such as nickel are prohibited from exporting raw materials (ore'), encouraging downstream nickel mining sectors to obtain more value than just producing raw materials.

Seeing the complexity of the problems surrounding the Bahodopi mining area, the author limits it to the context of transmigrant communities. The author sees from the perspective of how mining companies and the government carry out exclusionary practices such as prohibiting and limiting community access (Hall et al., 2013) to land resources as well as the processes carried out to take over power (land grabbing) over land (Aditjondro, 2002; Peluso & Lund, 2011; Ribot & Peluso, 2003) potential such as the Bahodopi mining area. Actors use power to control who can and cannot access land, as well as the benefits resulting from its use. In terms of regulation, namely how the rules of law and policies determine who has land rights; how physical force or threats are used to control access to land; how market mechanisms affect who can buy or sell land; and how the legitimacy of social norms and recognition that gives legitimacy to certain land claims.

The practice of exclusion carried out by mining companies on lands controlled and entitled to transmigrants as well as efforts to take over power by acquisition through compensation mechanisms and / or on the power of rights by the state to confiscate as well as physical and mental pressures became an experience for transmigrants in Onepute Jaya village and Lele village. This poses a threat to transmigrants who are also farmers whose economic production base is agricultural land. Land grabbing results in farmers "losing vital rights and resources", especially local communities who solely rely on agriculture, increasing the risk of poverty and economic inequality (Borras Jr. et al., 2011; Borras Jr & Franco, 2012; Cotula, 2012).

Methods

This paper uses a critical ethnographic approach that analyzes in depth the social, political, and economic aspects of the society under study (Denzin & Lincoln, 2010; Marcus, 1999). This approach highlights power, opposition, and policy aspects that affect people's lives, and explores how social and cultural structures affect the distribution of power and access to resources (Marcus & Fischer, 1986). This research was conducted by Onepute Jaya village and Lele village from June 2021 to September 2022 which is the location of transmigration placement in the contract of work (KK) area of PT. Vale Indonesia. Ethnographic data describes the practices of exclusion and land grabbing of transmigrant communities related to the use, control and access to agricultural land that should belong to them as transmigrants. Data collection through literature study, in-depth interviews, participatory observation and focused discussion (Puspo, 2005; Spradley, 1997). Data sources are selected by selecting informants purposively and setting certain criteria (Creswell, 2017) such as transmigrant community leaders, village governments, youth leaders. This ethnographic data analysis includes interpretation of processes, looking for the meaning and function of various human actions, explicitly as a form of descriptive and verbal explanation that represents the condition of a conscientious society (Atkinson & Hammersley, 2010).

Results and Discussion

Land rights; Contract of work versus Transmigrants

Activities of PT. Inco in the Bahodopi block began by conducting survey and sampling activities in several villages in the Bahodopi block. In December 1969 in Lalampu; in Dampala village in 1971 and set up camp posts in the forest; in the village of Bahomoteffe in 1973, established offices and built workers' barracks on community land and built a small airfield to facilitate transportation from Malili to Bahomoteffe. Survey and exploration activities in Bahodopi left many excavated pits deep enough for

soil sampling (test pits) in forests and community gardens. Survey activities ceased at the end of 1976 and PT. Inco left Bahomotefe village without any explanation to the community or government about the continuation of mining activities in Bahodopi. PT. Inco then hired a third party to fill the hole used for sampling drilling during the survey. After that, PT. Inco did not carry out activities in Bahodopi until a number of land and forest uses in the contract of work area were granted permission by the government.

Pause activities of PT. Inco which has been stopped for a long time causes the Bahodopi mining area to be considered a sleeping land by the government. The government then gave permission to companies such as PT Gunung Huma Group to open 30,000 ha of land in the areas of Ululere, Bahomoahi, Bahomotefe, Siumbatu, Lalampu and Bahodopi to become plantation land, PT Handy Cahaya Timber managed forest products covering an area of 125,000 ha. Including being the destination of transmigration placement by the government in 1991, namely in UPT Bahomotefe (Onepute Jaya village) and Lele village. During the same period as the placement of transmigrants, PT. Inco again began monitoring the activities of land users in the Bahodopi Block. The land and forests included in the contract of work it controls have been used for transmigrants and several company permits issued by the government. PT. Inco reactivated the representative office in Bahomotefe and assigned his employees to supervise land users within the contract of work area.

Transmigrant residents' unrest about the status of land on the land they occupy and manage began when PT. Inco made measurements of the area included in the contract of work. PT. Inco made a map of their concession area based on an aerial map of 32,000 Ha in 1993-1994. The concession areas included in PT Inco's map are lands in 2 sub-districts, namely Bahodopi District in Bahodopi Village, Bahomakmur Village, and in Bungku Tengah District, Lalampu, Siumbatu Village, Dampala Village, Lele Village. Making maps of concession areas is carried out without socialization to residents in the affected villages on the map. PT Inco installed stakes marking their concession areas and transmigrant residents learned that their garden, housing, farms, rice fields, school buildings, houses of worship were included in the contract of work area. Overlapping land does not only exist in transmigrant residential areas, but almost in every village in Bungku Tengah sub-district and Bahodopi sub-district, company-owned marker pegs are installed by PT Inco in plantation areas and community yards in Ululere village, in rice fields, coconut plantations in Bahomotefe village, in rice fields in Lele village, in coconut plantation areas in Siumbatu village and Lalampu. Company markers are even in the yards of people's houses in Bahodopi village, Bahomakmur village, Onepute Jaya village and Lalampu.

Mr. Makali (Javanese transmigrant leader and elder in Onepute Jaya) was once recruited by the measurement team of PT. Inco worked to set up corporate pegs. He works on lifting cast concrete stakes, taking measurements, planting stakes on land that has been determined by the measuring team members. The location of the stake is in the fields, in the garden and even in the yard of residents' homes. According to him, he did not know the purpose of installing the pegs to mark the areas included in PT's contract of work. Inco, even including his own gardens and rice fields. (Pak Makali interview, 2021). Another statement from Mr. Muhtar, the head of Onepute Jaya village that since the existence of transmigrants in this place has never paid obligations in the form of land and building taxes. According to him, the business land ownership letter 1 was not given to them, so they did not pay taxes because it had been paid by PT. Vale, except for residential land. (interview, 2021).

The Onepute Jaya transmigrants knew that the land prepared as land 2 was APL (Other Use Area) land in the Onepute Jaya village area. The map of the location of transmigrants since it was placed is still kept a copy by residents showing the area in the form of hilly areas in the form of secondary forests. The land has not been handed over by UPT since the beginning. Bahomotefe has no boundary markers from the transmigration party and has not been divided. The transmigration management suggested that land 1 be managed immediately so that it would immediately produce so that the transmigrant's food needs were met and not dependent on government subsidies and land 2 would be given after measuring and regulating its distribution. PT. Inco then appeared to claim ownership of the contract of work area over land managed by transmigrants. Onepute Jaya villagers did not dare to open garden land in the location of land 2, especially after a ban from PT. Inco and the subdistrict government. The company's access road (hauling) is closed to the public so that residents cannot easily access the

location, only using the footpath for motorcycles. The company installed barrier portals at certain points, guard posts were installed to prevent residents from entering the contract of work area.

The same thing happened with transmigrant residents in Lele village, they continued to cultivate their 1 land but also without clear land ownership rights. Transmigrant residents in Lele village whose business land 2 was never given because the land map in question was never shown and was not known by the residents so they did not know the location of the object of land 2 which was their right as transmigrants. When residents confirmed to the transmigration authorities and the land office, it was explained that they were not a transmigration program, but an increase in population. By officials at the Badan Pertanahan mentioned that it is impossible to issue a certificate over the territory of the contract of work. Transmigrant residents in Lele village did not protest collectively such as demonstrations but wrote to relevant ministries or departments, government officials in districts to provinces. According to Mr. Sentono, what was done to ask for certainty of his rights to land was done a long time ago, he told his experience asking the land office and the answer he got that there could be no certificate on land 2 because it had been entered in the contract of work area, except for the settlement land that was released. Writing to the Regent, Governor and to the Transmigration ministry but also to no avail. Even the truth about farmers' land in Lele village is covered for unclear reasons because the land map for transmigrants in Lele is "hidden", deliberately not opened and shown to residents (interview 2021).

The truth of the facts about the land map 2 for transmigrants in Lele village was only known when the aftermath of the 2018 earthquake and tsunami disaster in Palu. Former head of UPT. Transmigration Lele met Mr. Sentono with a map of the land of migrants in Lele village. As the manager at that time, he also obtained rights in the form of 2 hectares of land like transmigration assisted residents. When pointing to the object of the land part, it turns out that the land in question has been purchased by the company and the person selling is a government person.

The rights of transmigrants, namely agricultural land in both villages, were questioned to the land office in Poso district, especially about the clarity of the land rights they occupy, especially business land 1 and business land 2. However, the information they obtained that no title letter for land within the contract of work area would be issued. PT Inco even issued a letter prohibiting land cultivation to the people of One Pute Jaya village and Bahomotefe village. This ban on cultivating land was accompanied by drilling activities (test pits) on residential land in 1996. The Bungku Tengah sub-district government even issued a follow-up ban letter to the Bahomotefe community to stop all forms of house construction and land clearing (Gogali, 2012). De facto land tenure by transmigrants is true because the presence of transmigrants in the destination area coincides with the right to agricultural land, but *de jure* evidence of the basis of land ownership rights is not owned so that the narrative of ownership claims is stronger by the company that owns the contract of work that is owned issued earlier than the transmigrant program. This reason is also the basis so that the legality of ownership in the form of certificates is not given because the same object or land does not have two different ownership letters, so that the company that owns the contract of work feels stronger.

In contrast to the narrative of land ownership and tenure from local communities who are old settlers. They have a long history related to land use that has long settled in mining areas. The presence of Bugis, Toraja (Islamic) and Tolaki immigrants in the Bahodopi mining area before the contract of work permit was issued. In terms of economic activity, land, forests and swamps have been used for a long time with gathering, gardening, rice fields. Land and forests in the area by local communities already have designation markers such as forest areas called *keu daa* are forests that can be accessed together to extract wood, agarwood, resin, rattan, medicinal plants, honey and other forest products. The forest objects in question are timber production forests and limited production forests within the contract of work area. *Kura ete'* (*ate'*) is a term for former gardens that have been abandoned and overgrown with trees The object of the land in question is the APL area which has become a secondary forest also included in the contract of work area, and *Uma* is the name for garden land that is still being cultivated (Sangaji, 2002; Zakaria, 2021). The basis for ownership or use of these objects is sometimes on certain land there are still annual plants left proving that the land or forest was once managed. In addition, the collective memory of local people who worked the land and forest is still in the memory of the old

people. These historical and cultural aspects strengthen claims to the collective use of land and forests in the contract of work area, but they can still be converted to mining areas because there are no claims to collective ownership or traditional communal ownership (adat) other than land processing.



Figure 2. Onepute Jaya residents protest in front of the village gate and citizen demonstration in 2009

Source: Author 2021

Various ways were carried out by transmigrant residents to obtain certainty of rights such as the action of occupying the Morowali Land Agency office in Bungku, demonstrations to the Central Sulawesi DPRD and the Governor of Central Sulawesi until then obtaining certificates for land 1 and housing issued by BPN Morowali as many as 612 certificates from the supposed 1412 certificates for 503 households. The ownership of this land title did not fully reduce the tension and concern of Onepute Jaya and Lele transmigrant residents towards PT Inco because land status 2 was never granted.

Exclusion and Land Grabbing practices; capital power and acquisition of transmigrant land in the Bahodopi mining area.

The power of exclusion when seen in the local narrative in the Bahodopi mining area in situations where some people do not have access to land or when land is controlled as private property; Exclusion as a process refers to large-scale and often violent actions that drive poor people from their land by, or on behalf of, those in power. Exclusion in practice can be understood from the interrelationships between regulation, coercion, markets and legitimacy (Borras Jr & Franco, 2012; Hall et al., 2013). Mining permits in the name of contracts of work represent the power of corporate capital and political capital that gives mining companies the privilege to access land in mining areas, but on the other hand, the government as a policy change and revision related to the interests of the country's political economy, in the name of people's welfare. Two different sides illustrate that politically the mineral resources owned by Indonesia are global political and economic capital when dealing with the global world. On the other hand, the government needs legitimacy from the people to support policies related to the use of mineral resources. Naturally, nowadays foreign investment is facilitated easily by various neoliberal pro-reform post-reform regime policies on mining companies. From the government side, there is a change in the way of viewing commodities or natural resources owned for industrial needs. It is very different from the era of the New Order regime which had a spirit for welfare by maximizing natural resources such as land to meet food needs (self-sufficiency) which gave birth to programs such as transmigration.

Regulations governing mining from upstream to downstream such as Law No. 4 of 2009 (Mining Law); Government Regulation (PP) No. 23 of 2010 concerning the implementation of mineral and coal mining business activities; Law No. 23 of 2014 concerning the authority of local governments in granting permits and returning part of the authority to the central government; Law No. 3 of 2020 concerning amendments to Law No. 4 of 2009 concerning central government control over mining permits, extension of mining business licenses, and ease of investment; PP No. 96 of 2021 concerning procedures for licensing, supervision, and management of the mining environment, and the Job

Creation Law. 11, 2020 simplifies regulations to increase investment and ease of doing business by amending several provisions in the Mineral and Coal Law. The role of the government is not only limited to regulation, but a number of national strategic state policies such as MP3EI make changes in orientation and land allocation in potential mineral resource areas such as in Bahodopi.

Regulation through regulations with various derivative rules makes potential land for mineral natural resources more private because it only provides opportunities for a small number of investors who have the willingness to invest in the mining sector. Land is not a resource that can be generally accessed by many people and the commodities developed are not oriented towards land use for food production (agriculture) but exploitation of mineral resources means that potential areas of mineral materials are prepared only for the activities of the mining industry sector. The arrangement creates a practice of exclusion in the mining area in Bahodopi in particular and Morowali will occur repeatedly to local communities because the mining sector is a priority.

The government's alignment with the mining industry can be seen from the many companies investing in Bahodopi. The practice of exclusion by the government by prioritizing mining companies to access land on the other hand local communities need land for agriculture. Companies that joined PT. IMIP as many as 52 companies (PT.IMIP, 2023) when starting the construction of the area in 2013 covering an area of 2000 hectares and in 2023 have obtained permission from the Morowali regional government for the expansion of an area of 2000 hectares. PT. Wanxiang Nickel Indonesia after obtaining a permit to build a processing plant (smelter) in 2015 in Bahomotefe due to regulations prohibiting the export ban of raw materials by the government. PT. Wanxiang then made investments from upstream to downstream in consideration of the guarantee of raw material safety and the company's long-term development. The land controlled is both in the form of acquisitions and joint ventures and has several IUP locations in the smelter area covering an area of 20,000 hectares. Local and national mining companies also obtain material mining permits on a small scale by freeing up land owned by local communities to be mined and the results supplied to smelters such as PT. IMIP and Wanxiang. PT. Vale, which shrank due to the consequences of the Law, was returned to the government through PT. Antam (BUMN) was then subcontracted to national and local private companies; and the construction of a smelter by PT Vale in Sambalagi for the Bahodopi block area or within the area/land of Onepute Jaya, Dampala, Lele, Bahomotefe, Bahomuahi and Ululere villages.

The regulatory policy on mining exclusion of land is carried out on communities and mining companies for the purpose of exporting raw materials, but opportunities are opened for companies that invest from the upstream to downstream sectors for reasons of added value and employment. This pro-mining policy excludes communities in mining areas, by granting mining permits. Restrictions on access to land that occur to transmigrant residents in Onepute Jaya and Lele villages, especially by mining companies by using security forces to maintain their investments both verbally and physically which sometimes cause collective resistance from the community. At the time this study was conducted, access to plantations managed by local communities (including transmigrants) used footpaths because they were not allowed by installing portals at several road points and guarded by company security.

Mining companies that obtain permits in Bahodopi show developments that bring changes to the surrounding communities even though the mining activities exclude the community with the consequences of the impact of mining activities such as environmental damage causing floods and damaging agricultural lands so that agriculture fails to produce. Transmigrant communities who are actually farmers, but cannot farm because of the quality of the land and damaged irrigation are a form of exclusion of farmers and their land. Another exclusionary practice is the practice of individuals who cover up the truth by hiding or not publishing land ownership rights to transmigrants. One form of BPN's partiality towards PT Inco is shown by withholding a total of 3,728 land certifications for 1,246 households (Gogali, 2012).

Mining activities in Bahodopi caused ecological changes that changed the pattern of production of the community no longer based on agriculture alone. Agricultural production activities only survive at certain points that have not been affected by ecosystem damage due to mining. The change brought

relations with the market to a halt, switching activities to selling services, wage labor, or becoming employees of mining companies. Agricultural land is slowly abandoned by farming communities because it does not guarantee the necessities of life. But that does not mean that land is not unimportant and valuable. Rice fields or gardens experience a shift in meaning from a factor of production to an asset that can provide higher value for the owner. Land is needed by mining companies and other investors to build infrastructure along with the growth of Bahodopi into an industrial city. Transfer of ownership through compensation mechanisms by companies if needed, including business sectors that are not directly related to mining. Land that is not included in the mining project development area still has value because of the level of land demand for informal sector businesses and for residential rental houses (kost) with higher rental prices. High land value is one of the reasons landowners maintain their land, holding until they get a fair price from the company sometimes the price is many times more than NJOP (Selling Value of Tax Objects). One thing that is contrary to their struggle to acquire land for agricultural activities when dealing with companies is that people are more likely to sell it. This is experienced by transmigrant residents in Onepute Jaya, rice farming is still carried out in certain places, but in other parts it has not been converted to grow vegetables, and many companies have been acquired to build company roads (hauling) with large compensation.

The status of land ownership is uncertain by transmigrant communities in Bahodopi because land certificates as proof of rights and ownership have never been handed over to them. Transmigrants cannot even build permanent homes for fear that they will be relocated by the government at any time to fulfill the company's wishes. Transmigrants complain that both PT Inco and the government have abandoned their lives for decades. Land grabbing often exacerbates public distrust of the government, especially if the government is involved in granting permits and support to mining companies without regard for community interests (Borras Jr. et al., 2011). The government's alignment with mining companies, especially foreign capital investment, has further encouraged the practice of land grabbing by companies by acquiring land owned by farmers.

Areas that have potential mineral resources have always been the main target for land grabbing practices. Mining companies often want easy and cheap access to land for the exploitation of their natural resources. But land or lands are home to local communities who use the land for farming. Local communities in villages within the Bahodopi mining area including transmigrants in Onepute Jaya village and Lele village are considered to be obstacles to mining companies' production activities because they access the same space or land. Mining companies often want easy and cheap access to land for the exploitation of their natural resources (Oxfam, 2011). In the context of Indonesia, easy access to investment is facilitated by the state with easy rules including tax incentives in the areas it manages. The large value of mining investment causes it to ensure the security of investment for the continuity of production. The principle of *clean and clear* is not only in licensing and administrative issues but also must consider socio-cultural issues surrounding the investment area.

Precondition of land grabbing when land that should be the right of transmigrants is reclaimed by a mining company (PT. Inco) on the grounds of the right to a contract of work by letter to citizens. The local government (Camat) also issued a letter prohibiting the cultivation and use of land for transmigrants and residents of Bahomotefe village. Transmigrants assume that their ownership and control are legal because they are placed by the government through the transmigrant program. The policy of placing transmigrants regulated in state law is a strong reason to make claims on agricultural land intended for transmigrants. The main reason they join the transmigration program by the government is because they do not have agricultural land to meet the needs of life in their home areas.

The solution offered by the company is to relocate transmigrants in Onepute Jaya and Lele villages by involving the local government of Central Sulawesi. Relocation of transmigrants in Onepute Jaya and Lele to a new area in Saembalawati in Mori Atas sub-district. The local government as the implementer uses the financing of PT. Inco provides 250 housing units out of the planned 700 units. PT Inco itself provided funds of 17 billion for the population transfer plan. In its implementation, local government officials unilaterally collect data on transmigrant residents by including all residents agreeing to relocation, including a number of fictitious data. Transmigrants consider that this relocation is actually

used by the government to take advantage of PT. Inco. This relocation was not fully accepted by transmigrants because the land in Saembalawati was no better than in Bahodopi. The location of virgin forests and some swamps must be cleared by transmigrants themselves, unlike transmigration programs in general, the available land already resembles the form of rice fields and gardens, including the risk of flooding that inundates swamps if used as rice fields. "... We are like starting from scratch again, the environment has not been arranged, the land for rice fields is still swamps and the water discharge if the rainy season does not know which area will be discharged ...," according to H. Kusen (former village head).

Seeing this condition, some community leaders decided not to move because the risk of failure to grow crops to meet food needs if they moved was very low. Some of the relocated families eventually returned to Onepute Jaya after riots in Poso. The company then thought of a new location option as an alternative to relocation such as in the village of Labota (Bahodopi) but it did not happen. PT. Inco prefers to keep the land issue quiet with transmigrants and hang the fate of transmigrants so that some residents have started selling land or entrusting it to transmigrants who live to survive. The refusal to relocate by Onepute Jaya residents initiated protests by residents in villages that became PT Inco's contract of work area. This situation was responded by the villagers of Bahomotefe, Bahomoahi, and Onepute Jaya declared the Onepute Jaya Declaration in the LMND/LMD meeting and inter-village Dialogue Forum on May 6, 2001. The declaration rejects all forms of PT Inco's activities, rejects the planned relocation of One Pute Jaya residents, states that the people of Bahomotefe and Bahomoahi support the people of One Pute Jaya to obtain certificates, warns PT Inco to revoke all their pegs and once again confirms that One Pute Jaya Village is part of the customary land area that has been handed over to the Transmigration Department for use by transmigrant communities.

Onepute Jaya villagers tried to claim business land 2 covering an area of 1 Ha located in APL by occupying the district land office. Morowali, conducted a demonstration, to the Central Sulawesi Provincial DPRD office, to the Governor's office until the receipt of citizen representatives, namely H. Kusen, Bukri, Dewa Made Sudarma, Gusti Sutaba, Radima, Nur Mukmin, Nurwahid (team seven) for completion. The main demand is the fulfillment of rights as transmigrants through official government programs even though they are within the territory of the contract of work. In the course of fighting for land rights, negotiations between transmigrant communities and mining companies such as in Onepute Jaya village obtained a compensation agreement for land 2 for Rp.35,000,000 / Ha to the company and land 2 in Lele village was given compensation for 1 cow each. According to the author, the compensation mechanism is detrimental to transmigrant residents of Onepute Jaya village and Lele village as farmers. Agricultural land as a characteristic of the identity of farmers has been "seized" by mining companies, meaning that farmers have lost their identity. At the same time, they also cannot maximize production on the land they control because the damage to the ecological environment due to mining activities causes flooding and decreased soil fertility. In the end, this situation led farmers in Onepute Jaya village to the choice of releasing their land to mining companies. The ecological damage that causes agricultural activities to fail and stop is the "covert coercion" of companies to take the land of transmigrant communities.

The position of transmigrants in Onepute Jaya village and Lele village is indeed rather weak compared to other communities living in villages in the Bahodopi mining area because the basis for land tenure by mining companies (permits) is issued earlier than the transmigrant placement policy. Unlike other communities that have a long history and strong cultural ties with the Bahodopi area, it can be a bargaining position with the company. However, if the ownership rules, the Bahodopi area itself is not included in the group or community that controls or owns the area collectively (customary rights) because customary institutions or traditional tenure claims (kingdoms) do not exist, only personal tenure claims. This means that the opportunity for land acquisition practices by companies for mining purposes can occur in agreement with land owners through compensation mechanisms. This can happen if it happens to all communities in villages within the Bahodopi mining area including transmigrants in Onepute Jaya village and Lele village.

Looking for a middle ground; Dialogue, Negotiation and Seizing Opportunities

The condition of the community and the changes that occurred after the existence of mining companies in the Bahodopi mining area at least affected the mindset of the Bahodopi people. Better economic life with a variety of jobs, pressures by companies on communities in mining areas including transmigrants raise awareness that they are fighting "global expansion" called mining companies. The change is recognized by those who consciously legitimize the acceptance of mining companies despite the various dynamics that occur. Even their collective attitude tends to accept every mining company that socializes its activity plan to residents. The acceptance happened because they had come to realize that the mining company they could not refuse. So their choice is to build agreements that bind the company and residents for the continuity of the company's work and provide benefits for the villagers.

PT. Inco had intended to change its mining plans in the Bahodopi block citing investment cost efficiency and production costs, mining ore in Bahodopi and refining it at the Sorowako smelter. This indication can be seen from a survey conducted by PT Environmental Resources Management (PT ERM) which is exploring the possibility of changing its production plan from building a smelter in Bahodopi to mining materials only. Another indication is the pioneering of a road route through Seba-Seba that connects Bahodopi to Sorowako closer and a short travel time. The two companies working on this project are CV. Megah Jasa Pratama which pioneered the road in Seba-Seba block and CV. Bumitama worked on the Ululere-Sorowako village line and the Onepute Jaya-Sorowako line. The response of the community, the Morowali Regional Government and the Central Sulawesi Provincial Government rejected this discourse and wanted PT. Inco stuck to plans to build a smelter in Morowali. At the time of the work on the Onepute Jaya-Sorowako and Ululere-Sorowako lines, the company that became a sub-contractor of PT. Inco acquired community land, especially business land 1 owned by transmigrants in Onepute Jaya village (Andika, 2010, 2014).

Resistance from local communities who joined the Gerakan Lingkar Tambang (Gelita) in February 2009. PT Inco is considered to cause prolonged poverty, hunger to communities around the mining circle. Protests were staged by a mob at the Morowali Regent office, burning PT Inco's representative office and all facilities, PT Inco documents. They demanded that PT Inco realize its commitment to the factory development plan and supporting infrastructure, especially in areas located in PT Inco's mining circle. The absence of certainty of production by PT. For decades in the contract of work area, hanging the fate of transmigrant farmers because they do not have access to land within the contract of work concession is a form of violence, including uncertainty of ownership due to the absence of a right to prove the legality of ownership.

Facing the attitude of the community in the Bahodopi mining area and changes in mining regulations by the government, PT. Inco (PT. Vale Indonesia) then changed its production strategy. Recent developments related to the Bahodopi Block, PT. Vale has been preparing since 2022 by building a processing plant (smelter). PT. Vale Indonesia cooperates with Taiyuan Iron & Steel Co., Ltd (Tisco) and Shandong Xinhai Technology Co., Ltd (Xinhai) by establishing PT Bahodopi Nickel Smelting Indonesia (BNSI) in Sambalagi, Bungku Pesisir District. In the current period (2004) the company and communities in the mining area including transmigrants in Onepute Jaya village and Lele village have established agreements related to the lands used by the company when the smelter in Sambalagi operates. The process of land compensation, compensation of crops in land, as well as partnership models for land with property rights status are options as a middle way for the mining process.

Community resistance to mining companies in the perspective of the author sees that it is a dynamic leading to patterns that are "ideal" for the prevailing conditions in Bahodopi. Conflicts that occur between local communities, including transmigrants, and mining companies related to land in the Bahodopi mining area always lead to a mutually agreed solution. Understanding this conflict is not just looking at the relationship between mining companies and local communities, but also there are national interests, global interests through investment in mining companies. The position of transmigrant communities when dealing with companies, and/or the position of communities in mining areas looks weak but is able to raise their position to be stronger when related to land. Local communities and transmigrants in the Bahodopi mining area can be a collective force to negotiate their interests when dealing with companies.

In the perspective of conflict resolution that conflict problems can only be resolved through dialogue if the positions of the actors in conflict are equal (Malik et al., 2003). This means that mining companies have lowered the ego of ownership of contracts of work and emphasized dialogue to solve problems with local communities such as transmigrants in Onepute Jaya village and Lele village. This also applies to all communities living in the Bahodopi mining area. For mining companies, building dialogue with the community is important because it is related to the continuity of operations and the security of the company's investment during operation.

Collective resistance is also part of the legitimacy of policies or regulations made related to mining. The "ambiguous" position of the Indonesian government related to mining companies, namely supporting the mining industry with a number of rules and policies, facilities that facilitate and at the time of public acceptance of mining companies is the reason for the government to pressure mining companies, both national private companies and transnational companies (PMA) to accept the consequences of policies and laws and agreements with local communities in mining area. The position played by the government shows how powerful it is to exert control over companies investing in the mining sector.

The condition of transmigrant communities in the Bahodopi mining area also adjusts individually and collectively to the practice of exclusion and land acquisition that occurs. Transmigrant communities try to maximize land use by adjusting to ecological changes in their villages. The house land and business land 1 controlled are maximized managed by transmigrant residents. Rice fields with sufficient water sources and not polluted by mining waste are still carried out by several transmigrant families. Damaged agricultural land is planted with new crops such as oil palm, but it does not grow optimally and is left unmaintained. Agriculture is carried out in a narrow land (yard) with all its limitations such as vegetable crops (kale, long beans) or spice plants such as chilies (rica), tomatoes, making ponds to raise freshwater fish such as catfish and tilapia. In the context of exclusion how the power of moal leads farmers to their agricultural production is not to meet the needs of the market openly, but the mode of agricultural production produces commodities because it is forced.

Options to work outside the agricultural sector such as being an employee in a mining company, entrepreneurship such as selling refillable drinking water (gallons) that supply the needs of stalls and households in villages in the Bahodopi area. 8 units of drinking water business with a capacity of hundreds of gallons per day, 62 mobile vegetable sellers (motorized), 2 units of tempeh factory business. The transmigrant community sees business opportunities because many migrants work in mining companies and live permanently in Bahodopi, so they try to provide for their daily consumption needs.

Conclusion

The practice of exclusion and land grabbing is the dark side of mining industry activities that place communities in mining areas as victims of injustice. Access to resources is given by the government to mining companies and on the other hand closes community access by using state instruments such as policies, regulations to suppress communities in areas such as in Bahodopi. The transmigrant community is excluded by the government with its policies as well as by companies with mining production interests that build company infrastructure, mining practices that damage irrigation systems and uncontrolled illegal mining damage the ecosystem so that rice farming does not produce. Attempts to expropriate land (acquisition) or forced conditions to seize land such as transmigrant relocation efforts, no ownership certificates on land owned are concerns for transmigrants that force them to be relocated or sell forcibly to companies. Despite the practice of exclusion and land grabbing by mining companies, transmigrant communities in Onepute Jaya village and Lele village still survive in various ways such as changing farming patterns, developing businesses in the service sector and other informal sectors after seeing opportunities for many workers in the mining sector who are targeted for their business. Regarding agricultural land rights, they tend to take the opportunity to make a profit through compensation mechanisms from companies or become assets that can be rented to migrants who open business premises.

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