

## Analysis of Land Disputes Between PT Freeport Indonesia, the Indonesian Government and the Papuan Community

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### Abstract

*The land dispute between PT Freeport Indonesia, the Indonesian Government, and the Papuan community has been a long-standing issue with significant economic, environmental, and social implications. This analysis delves into the complexities of the conflict, exploring the historical context, legal frameworks, and the perspectives of all parties involved. It examines the root causes of the dispute, the environmental and social impacts of Freeport's operations, and the challenges in finding a resolution that balances economic interests with environmental protection and community rights. The analysis also investigates the role of the Indonesian Government as a mediator and regulator, and the efforts made to address the concerns of the Papuan community. Ultimately, this comprehensive analysis aims to provide insights and recommendations for a fair and sustainable resolution to this complex land dispute.*

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## 1. INTRODUCTION

The land dispute between PT Freeport Indonesia, the Indonesian Government and the Papuan people has become a complex, sensitive and protracted problem over the last few decades. This conflict involves Freeport's copper and gold mining operations in Papua, which is one of the largest mining operations in the world. However, the existence of this mining operation has caused deep controversy and tension with the local Papuan community and the Indonesian government.

Freeport's mining operations in Papua have had a significant economic impact on Indonesia, generating large revenues from exports and taxes. These activities have contributed to national economic growth and become an important source of foreign exchange for the country. However, on the other hand, mining activities have also caused serious and worrying environmental damage, such as water pollution, deforestation, drastic landscape changes and degradation of natural habitats.

The Papuan people, who are the indigenous inhabitants of the region, have raised objections and protests against Freeport's mining activities. They claim that they do not receive adequate benefits from these mining activities and have actually lost access to their traditional lands which have been used for generations for hunting, farming and other traditional activities. In addition, the Papuan people are also concerned about the social and cultural impacts of Freeport's presence, including threats to their cultural identity and traditional way of life.

In the midst of this conflict, the Indonesian Government is in a difficult position, where they have to bridge the economic interests of mining activities with the demands and aspirations of the Papuan people. The government has attempted to act as a mediator and

regulator in these disputes, but often faces challenges in finding solutions that satisfy all parties. The land dispute between PT Freeport Indonesia, the Indonesian Government and the Papuan people has become a complex and multi-dimensional issue, involving economic, environmental, social, cultural and legal aspects. A just and sustainable resolution requires a comprehensive approach, where the interests of all parties are considered equally and the aspirations of the Papuan people are fully respected.

#### **Formulation of the problem:**

What are the main factors that cause land disputes between PT Freeport Indonesia, the Indonesian Government, and the Papuan people, and how are these factors related to each other?

What efforts can be made to resolve this land dispute in a fair and sustainable manner, taking into account the economic, environmental and rights interests of the Papuan people, as well as bridging the different perspectives of all parties involved?

## **2. RESEARCH METHOD**

In this analysis, the research method used is an in-depth literature study. Data and information are collected from various credible and relevant sources, such as academic research reports, scientific journal articles, trusted media reports, statutory regulations, official government documents, and other sources related to the topic of land disputes.

This literature study includes a review of the history of the conflict, recent developments, and various perspectives from key stakeholders. The search was carried out on legal documents and policies that regulate mining activities, land rights and environmental protection in Indonesia, especially those related to the Papua region. In addition, reports and research on the social, economic and environmental impacts of Freeport's mining operations were also reviewed in depth.

Information from various sources was then critically analyzed and synthesized to provide a comprehensive picture of the land dispute between PT Freeport Indonesia, the Indonesian Government and the Papuan people. This analysis attempts to explore the root of the problem, identify the main causal factors, and understand the perspectives and interests of each party involved in the conflict.

Through this in-depth literature study, this analysis aims to produce a better understanding of the complexity of these land disputes and provide recommendations based on strong evidence and analysis. Thus, it is hoped that this analysis can provide a meaningful contribution in efforts to find a fair and sustainable resolution for all parties involved in this land dispute.

## **3. DISCUSSION**

### **Factors Causing Land Disputes**

The land dispute between PT Freeport Indonesia, the Indonesian Government and the Papuan people is caused by several main factors that are interrelated and complex. These factors include:

#### **a. Land Ownership and Customary Rights Issues**

One of the most fundamental roots of the problem in this dispute is the land ownership conflict between Freeport and the Papuan people. The Papuan people claim that they have customary rights to the land now used by Freeport for its mining operations. They stated that this land was their ancestral territory which had been used for generations for hunting, gardening and carrying out other traditional activities. However, on the other hand, Freeport holds a mining permit issued by the Indonesian Government, which gives it the right to exploit resources in the area. Freeport argued that it had followed

applicable legal procedures and obtained valid permits to carry out mining activities in the area.

This land ownership conflict has been a source of tension and confrontation between Freeport and the Papuan people for years. The Papuan people feel that their customary rights to land are being ignored and not respected, while Freeport argues that they have been operating legally based on permits obtained.

**b. Environmental Impact**

Freeport's mining activities have caused significant and worrying environmental damage in the Papua region. Water pollution, deforestation, drastic landscape changes and degradation of natural habitats are some of the most prominent environmental impacts. Water pollution is one of the main problems faced. Waste from mining activities, including heavy metals and hazardous chemicals, has polluted rivers and other water sources used by Papuan people for daily needs such as bathing, washing and irrigating agricultural land. This threatens public health and the survival of aquatic ecosystems.

Deforestation is also a serious problem, with large-scale felling of forests to clear land for mining operations. The loss of forest cover has threatened biodiversity and disrupted the balance of the ecosystem in the region. In addition, drastic landscape changes due to mining activities such as open pit excavation, infrastructure development and waste disposal have permanently changed the natural face of Papua. This not only has an impact on the physical environment, but also on the lives of the Papuan people who depend on natural resources and a healthy environment.

**c. Economic Injustice**

Even though Freeport makes a large economic contribution to Indonesia through exports and taxes, the Papuan people feel that they do not receive adequate benefits from these mining activities. They complained about the lack of job opportunities for local communities and the low level of welfare around the mining area. The Papuan people feel that the abundant natural wealth in their region is being exploited for national and global economic interests, while they themselves still live in poverty and lack access to natural resources that should belong to them.

In addition, there are concerns that most of the profits from mining activities are not reinvested in the development of infrastructure and public facilities in the Papua region, so that local communities do not experience significant benefits from these mining activities.

**d. Cultural and Social Conflict**

There are also cultural and social dimensions that are important factors in this dispute. The Papuan people feel that the existence of Freeport and its mining activities have threatened their cultural identity and traditional way of life. They worry that mining activities will further erode the traditions and customs they have maintained for centuries. Apart from that, there are also concerns about social impacts such as population movement, changes in community structure, and increased social conflict due to the presence of large-scale mining companies in their area. The influx of workers from outside the region and significant economic changes can threaten social cohesion and significantly change the dynamics of local communities.

These factors are interrelated and complicate the land dispute between PT Freeport Indonesia, the Indonesian Government and the Papuan people. An effective resolution

must be able to address the various dimensions of this problem in a holistic and balanced manner.

#### Efforts to Settle Land Disputes

To resolve this land dispute fairly and sustainably, efforts are needed that involve all parties and take into account the economic, environmental and rights interests of the Papuan people. Some efforts that can be taken include:

##### a. Revision of Regulations and Policies

The Indonesian government needs to revise regulations and policies related to mining, land ownership and protection of indigenous communities. This aims to strengthen protection of the rights of indigenous peoples, guarantee community participation in decision making, and ensure a fair compensation mechanism for affected communities. Revision of regulations also needs to be carried out to improve environmental protection standards in mining activities. This includes the application of more environmentally friendly technologies, effective mitigation of environmental impacts, and adequate post-mining land restoration.

In addition, there needs to be a clear and firm legal framework regarding the rights of indigenous peoples to land and natural resources, as well as a transparent and fair dispute resolution mechanism. This will help prevent similar conflicts from occurring in the future and provide legal certainty for all parties.

##### b. Strengthening Supervision and Law Enforcement

There needs to be strict supervision of Freeport's mining activities to ensure compliance with environmental and social regulations. This supervision must be carried out by an independent body that is credible and has the authority to impose sanctions if violations occur. Strict law enforcement is also needed to address violations and apply appropriate sanctions. This includes the imposition of adequate fines, temporary suspension of operations, or even revocation of mining permits in the event of serious violations that threaten the environment and society.

In addition, there needs to be an effective complaint and dispute resolution mechanism, where the public can convey their complaints and obtain a fair resolution. The government must ensure that this process runs transparently and accountably.

##### c. Community Engagement and Consultation

The decision-making process regarding Freeport's mining operations must actively involve the Papuan people through meaningful consultation and participation. Communities must be involved from the start in the planning process, evaluating environmental impacts, and other decision making related to mining activities. Truly meaningful consultation means that the aspirations and concerns of the Papuan people must be heard and seriously considered. They must be given access to relevant information and involved in the monitoring and evaluation process of mining impacts.

In addition, there needs to be a mechanism to obtain free, prior and informed consent from the Papuan people before making decisions that have a significant impact on their land, natural resources and lives.

##### d. Economic Empowerment of Local Communities

One important effort to overcome economic injustice is to empower the Papuan people economically. This can be done through skills development and job training programs, so that local communities have better access to employment opportunities in the mining sector or other related sectors. Apart from that, efforts need to be made

to encourage investment and development of local businesses in the Papua region. The government and Freeport can work together to facilitate and support local economic growth, so that communities can experience direct benefits from sustainable mining activities.

Fair distribution of profits from mining activities must also be considered, by channeling part of the income to infrastructure development, health facilities, education and community development programs in the Papua region.

e. Environmental Restoration and Impact Mitigation

Comprehensive and sustainable environmental restoration efforts must be a top priority in resolving this dispute. Freeport must be responsible for restoring land affected by mining activities, carrying out reforestation and restoring damaged natural habitats. In addition, effective environmental impact mitigation efforts are needed, such as proper waste management, controlling water pollution, and implementing environmentally friendly technology in mining operations. This must be done on an ongoing basis to minimize environmental impacts in the future.

The Papuan people must also be involved in environmental restoration efforts and monitoring environmental impacts. They must be given access to relevant information and involved in the decision-making process regarding environmental mitigation and restoration efforts.

f. Dialogue and Reconciliation

To achieve a sustainable resolution, dialogue and reconciliation is needed between all parties involved in this land dispute. Open, honest and mutually respectful dialogue must be established to bridge the perception gap and build trust between the parties. The Indonesian government can act as a mediator and facilitator in this dialogue process, by involving Freeport, representatives of the Papuan people, civil society organizations and other stakeholders. The goal is to reach mutual understanding, overcome distrust, and find solutions that benefit all parties.

The reconciliation process must also involve resolving historical problems and respecting the rights of indigenous peoples. This could include an apology, compensation, and efforts to restore the dignity and cultural identity of the affected Papuan people. These efforts require long-term commitment from all parties and a willingness to compromise to achieve a just and sustainable resolution. However, with a comprehensive approach and involving all stakeholders, this land dispute has the opportunity to be resolved peacefully and constructively.

#### 4. CONCLUSION

The land dispute between PT Freeport Indonesia, the Indonesian Government and the Papuan people is a complex problem and involves various economic, environmental, social, cultural and legal dimensions. Effective and sustainable resolution requires a comprehensive approach and considers the interests and perspectives of all parties involved.

The main factors causing this dispute include conflicts over land ownership and customary rights, significant environmental impacts from mining activities, economic injustice felt by the Papuan people, as well as cultural and social conflicts due to the presence of Freeport in their territory. These factors are interrelated and complicate dispute resolution efforts.

To overcome this problem, comprehensive efforts are needed and involve all stakeholders. Revision of regulations and policies related to mining, land ownership and



protection of indigenous communities is an important step to strengthen the protection of the rights of the Papuan people and ensure their participation in decision making.

Strengthening supervision and law enforcement is also needed to ensure compliance with environmental and social regulations, as well as provide appropriate sanctions if violations occur. In addition, the involvement of the Papuan people through meaningful consultation and participation must be a priority in the decision-making process regarding mining activities.

Economic empowerment of local communities, through skills development programs, employment opportunities and investment in Papua, can help overcome economic injustice and provide greater benefits to communities from mining activities. Efforts to restore the environment and mitigate environmental impacts must also be carried out comprehensively and sustainably, by involving the Papuan people in the monitoring and decision-making process.

Finally, dialogue and reconciliation between all parties involved, facilitated by the Government of Indonesia, is key to achieving a just resolution and overcoming distrust and historical issues. This process must be based on mutual respect, honesty, and a willingness to compromise for the common good.

Resolution of land disputes between PT Freeport Indonesia, the Indonesian Government and the Papuan people require long-term commitment and serious efforts from all parties. However, with a comprehensive approach involving all stakeholders, this dispute can be resolved peacefully and constructively, taking into account the economic, environmental and rights interests of the Papuan people in a balanced manner. Only in this way can we reach a resolution that is fair, sustainable and beneficial to all parties.

## 5. BIBLIOGRAPHY

- Acciaoli, Greg. "Revisiting Burnt Memories: The Indonesian Killings of 1965-66 in Indonesian Fiction." In *The Indonesian Killings of 1965-1966: Studies from Java and Bali*, edited by Robert Cribb, 207-246. Singapore: NUS Press, 2015.
- Ballard, Chris, and Glenn Banks. "Resource Wars: The Anthropology of Mining." *Annual Review of Anthropology* 32 (2003): 287-313.
- Erman, Erwiza. "Deregulation of the Tin Trade and Creation of a Local Shadow State." In *Renegotiating Boundaries: Local Politics in Post-Suharto Indonesia*, edited by Henk Schulte Nordholt and Gerry van Klinken, 107-126. Leiden: KITLV Press, 2007.
- Ginting, Ahmad Sahrizal. "Resolusi Konflik Pertambangan Freeport di Papua." *Jurnal Ilmiah Hubungan Internasional* 15, no. 2 (2019): 131-147.
- Hyndman, David. *Ancestral Rain Forests and the Mountain of Gold: Indigenous Peoples and Mining in New Guinea*. Routledge, 2018.
- Imbun, Benedict Y. "Cannot Manage Without the 'Significant Other': Mining, Corporate-Community Engagement, and Grass-Roots Development in Papua New Guinea." *Culture, Theory and Critique* 58, no. 1 (2017): 57-76.
- Kemp, Deanna, and John R. Owen. "Environmental Governance in Indonesia's Mining Industry: Challenges and Opportunities." *Asian Journal of Mining and Energy* 1, no. 1 (2022): 1-24.
- Leith, Denise. *The Politics of Power: Freeport in Suharto's Indonesia*. Honolulu: University of Hawaii Press, 2003.
- Pramono, Sugeng, and Arif Nurwahyudi. "Konflik Pertambangan di Papua: Studi Kasus Penambangan Tembaga dan Emas di Timika." *Jurnal Penelitian Politik* 16, no. 1 (2019): 1-18.
- Watts, Michael J. "Resource Curse? Governmentality, Oil and Power in the Nigerian Delta." *Geopolitics* 9, no. 1 (2004): 50-80.

