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THE FIRST  
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& GOVERNANCE**

**23-24**

OCTOBER 2013  
BANDAR LAMPUNG  
UNIVERSITY (UBL),  
INDONESIA

**ICON-UBG**  
2013

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**PROCEEDINGS**



# Icon-LBG 2013

THE FIRST INTERNATIONAL CONFERENCE  
ON LAW, BUSINESS AND GOVERNANCE 2013

22, 23, 24 October 2013  
Bandar Lampung University (UBL)  
Lampung, Indonesia

## PROCEEDINGS

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## **PREFACE**

The Activities of the International Conference are in line and very appropriate with the vision and mission of Bandar Lampung University (UBL) to promote training and education as well as research in these areas.

On behalf of the First International Conference on Law, Business and Governance (Icon-LBG 2013) organizing committee, we are very pleased with the very good response especially from the keynote speaker and from the participants. It is noteworthy to point out that about 67 technical papers were received for this conference.

The participants of the conference come from many well known universities, among others : International Islamic University Malaysia, Utrech University, Maastricht University, Unika ATMA JAYA, Universitas Sebelas Maret, Universitas Negeri Surabaya, Universitas Jambi (UNJA), Diponegoro University, Semarang, Universitas 17 Agustus 1945 Jakarta, Universitas Bandar Lampung, Universitas Andalas Padang, University of Dian Nuswantoro, Semarang, Universitas Terbuka, Universitas Airlangga, Bangka Belitung University, President University, Tujuh Belas Agustus University Jakarta, International Business Management Ciputra University, Surabaya, University of Indonesia, Business School Pelita Harapan University, STIE EKUITAS, Bandung, STAN Indonesia Mandiri School of Economics Bandung, Lampung University.

I would like to express my deepest gratitude to the International Advisory Board members, sponsor and also to all keynote speakers and all participants. I am also gratefull to all organizing committee and all of the reviewers who contribute to the high standard of the conference. Also I would like to express my deepest gratitude to the Rector of Bandar Lampung University (UBL) who give us endless support to these activities, so that the conference can be administrated on time

Bandar Lampung, 22 October 2013

**Mustofa Usman, Ph.D**  
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# CHILD PROTECTION STRATEGIES AT AGRARIAN CONFLICT AREA (A Case Study at Moro-Moro Village, Register 45, Mesuji Regency)

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## Abstract

Moro-Moro community understands that education is one of the most important parts of human basic right, especially at agrarian conflict area. There are several points that Moro-Moro community provides for child protection by education: 1) established school committee and gained some voluntary teachers, 2) established some school buildings, 3) integrates system to 'main office, 4) finding scholarship for some students who continue to higher education, and) send back some graduates to teach at some school at Moro-Moro. This paper is aim to explain those points as fundamental strategies to actualize child welfare at agrarian conflict area.

*Keywords:* Child protection, Child Welfare, Agrarian Conflict, Education

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## 1. INTRODUCTION

Moro-Moro community discovered as a community who live at Register 45 forest at Mesuji Regency when the political and social reform arose at 1997-1998. They claimed approximately 10.000 hectares which is neglected land at that time. They came to manage the land and improve their economic condition and plant cassava for tapioca industry. But later, a company named PT. Silva Inhutani Lampung (SIL) that known has HPHTI / Industrial Forest Plantation Permit claimed that Moro-Moro community grabbed their concession areas. The company known has permitted to manage approximately 43.100 hectares land at Register 45 and its granted by the Ministry of Forestry by the Decree of Ministry of Forestry No.93/Kpts-II/1997. Even though the community claimed that land unused when they came, the company assumed the existence of Moro-Moro community is illegal according to the HPHTI. And also, the local government showed that Moro-Moro community against the Forestry Law No. 29 year 1999. Then, we have known that they called "*encroaches*".

Moro-Moro village is located in Register 45 forest, Mesuji Regency, Lampung Province. The village has been developing for approximately 15 years and consisted of 5 neighborhoods named Moroseneng (*came to be happy*), Morodadi (*came in place that ready to use*), Morodewe (*came alone*), Sukamakmur (*like to be prosperous*) and Asahan. The original meaning of Moro-Moro came from 'Moro' word from Javanese language that is mean "*to come*". Most of community is Javanese ethnic, and then Sundanese and Balinese and they came from some location in Lampung province. To support their life, Moro-Moro community built some facilities such as school building, Mosque, Church, Temple, Village hall, and traditional market by '*Gotong royong*' or mutual assistance mechanism.

Due to their illegal status, Moro-Moro community has long periods of conflict with both of local government and the company. The agrarian conflict were begun when the Ministry of Forestry gave new Decree of Ministry of Forestry No.322/Menhut-II/2004 to the company that invalidate Decree of Ministry of Forestry No. 9983/Kpts-II/2002. The result of the policy is up to 2006 around 15.000 people were dragged from Register 45 forest (Wahab, 2011, p.11-12). To deal with conflict, both of local and regional government is disposed to throwing their responsibility. On the one hand, Governor of Lampung province states that Regent of Mesuji regency has the responsibility to maintain of poor investment climate due to Mesuji image as a conflict area. On the other hand, the Regent of Mesuji states that both of national and province government work very slowly and worsen the conflict. The conflict has been happening until now and spreading to another place in Register 45 forest.



The illegal status and the title as “*forest encroaches*” makes Moro-Moro community cannot obtain their right as Indonesia citizen. Since 2004 they do not have any citizenship document such as birth certificate, card identity (KTP); cannot participate in politics and do not have any right to choose their leader during political selection; do not have any opportunity and right to involved in some social assistance program from Ministry of Social Affair; and do not have any support to get their basic right on health and education.

According to 1945 Constitution, the condition that has been happening in Moro-Moro community is unconstitutional. On the ideals goals, the constitution ensures the right of Indonesian citizens without discrimination. But, due to lack of government supports in reality, Moro-Moro community trying to get both of national and international supports, especially for the right of child to get formal education and its support.

## 2. LITERATURE REVIEW

Child protection is protect every child from violence, abuse and exploitation (UNICEF, 2004, p: 8). Moreover, international standard about Child protection is refer to the Convention on the Right of the Child, article 2 declares:

*“State Parties shall respect and ensure the rights set forth in the present Convention of **each child within their jurisdiction without discrimination** of any kind without regarded to race, color, sex, language, religion, political beliefs and opinions of others, nationality, ethnic or social origin, property, disability, birth or other position of the child or the child’s parents or legal guardians.”*

In Indonesia, Child Protection policy is one of several national policies about social welfare development, such as: 1945 Constitution; Law of Human Right No. 39/ 1999; Child Protection Law No. 23/ 2002; Law of National Education System No. 20/ 2003; Social Welfare Law No. 11/ 2009; Health Legislation No. 36/ 2009; and Law on the Handling of the Poor and Needy No. 13/2011. Furthermore, there are some Decrees from Ministries to realize those policies both of at regional and local level across Indonesia. For example, Child Protection Law No. 23/ 2002, chapter II article 2, declares:

*“The implementation of protection for children is based on the principles of (the Indonesian government philosophy of) Pancasila and on the Constitution of 1945 as well as the basic principles of the Convention on the Rights of Children, which cover: a) non-discrimination; b) prioritizing what is best for the child; c) the right to life, to perpetuation of life, and to development; and d) respect for the opinion of the child.”*

Decree of Ministry of Social Affair No. 15 A/Huk/2010 about General Guideless of Child Welfare Program, declares:

*“Child protection goal is to ensure the fulfillment of children's rights in order to live, grow, develop and participate optimally in accordance with the dignity of humanity, and get protection from violence and discrimination, in order to realize quality of Indonesian children, noble and prosperous.”*

## 3. THE METHODS

I have done the data collection on July-August 2013 and have interviewed 5 Moro-Moro peoples (informants) who manage formal education in Moro-Moro village. I have some information about ‘*who*’ can inform me about the education movement in Moro-Moro. But, due to some condition I just interviewed some of them. The interviews were conducted to get information about how Moro-Moro community provides child protection by giving education right. The general question addressed in this study was “*Why and how Moro-Moro community keep struggle to provide formal education for children without government support?*”

And also, I use some book and articles from newspaper as secondary data source. All in all, this paper aim to illustrate the strategy that Moro-Moro community provides child protection by education. In spite of the local government, as well as Education and Culture department no give formal education right nor way to get education right. Moro-Moro community has been conducting their own initiatives to build some school facilities from kindergarten to high school levels. And also, support their child to get higher education.

During the field study I took some time to ask some questions with some people who stayed at “Rumah Panjang/ Long House”. That shelter was built at 2010 when local government and the team dragged “*encroaches*” in another place (known as Pekat) at Register 45 forest. The two families who live

there said that they felt really hard to live in instability and choose to stay at Moro-Moro village. And also, they have been studying how to lives in a community which has a good organization and movement, and survived. I also discussed with some elders who came to the place around 1993-1997 before the conflict begin and arise. More information that I have gained during filed study, give me various perspectives about the history of Moro-Moro community and their struggle to get the citizen's right and justice from the government.

#### 4. EDUCATION : THE STRATEGY

Nelson Mandela, the former president of South Africa, states "*Education is the most powerful weapon, which you can use to change the world.*" Education is foundation to distribute and share knowledge, skills and values, and if its fail, every effort will useless. (Christo van der Rheede, 2009, p.1). Therefore, Moro-Moro community who understand that education is exceedingly important to attain better life, has been attempting to realize the best gift for their generation. As well as 1945 Constitution mandate in article 31, declares:

***"Everyone has the right to education. Every citizen is obliged to follow the compulsory basic education by government finance."*** (Verses 1-2).

1998-1999 Formal education in Moro-Moro village was initiated at 1998-1999 and an elementary school at Moroseneng constructed and called SDN 2 Labuhan Batin because of administratively have its main office SDN 2 Labuhan Batin. Some people who concerned with the basic problem in human development gathered and discussed about the way to established alternative education for their children and constructed another school in Moro-Moro area. They has three main reasons, "1) many students who dropped out from school because of the distance between the school and their homes are too far away and they feel very tired; 2) some parents do not cares about their children right in education and used to economic condition a reason to involved them to their economic activities in farming area; and 3) due to government absent to implement 1945 Constitution mandate, they temporary took over the government duty and founding alternative education.

At 2000, they built an elementary school in Morodewe and its called SD N 4 Indraloka because of have its administrative in SD N 4 Indraloka II, Way Kenanga (Tulang Bawang Barat regency). The school building is made from wood which later was renovaded into a permanent building. At 2003, they built another elementary school in Sukamakmur to have its administrative in SD N 1 Gedong Boga. The school bulding is not good enough, made from wood and floored by soil. But, both of teachers and students understand that the most important thing in their process to get citizen right and justice is enthusiasm and believe.

At 2006, the open high school named Harapan Rakyat was begun with 13 students, and used to villager houses as moving classroom. After that, Moro-Moro community were completed their permanent High School building with mutual assistance between student parents or guardians and some students activist. The school is center of hope for Moro-Moro community and it has seventh graduates. Most of graduate continue their study to senior high school at Way Serdang district or at Bandar Lampung city.

Table 1 : School Construction Process in Moro-Moro village

Level	Location		Year	School parent
	Main location	Total		
Kindergarten	Moroseneng	1	2007	TK Dharma Wanita, Way Serdang
Elementary School	Moroseneng	1	1998/1999	SD N 2 Labuhan Batin
	Morodewe	1	2000	SD N 4 Indraloka II, Tulang Bawang Barat regency
	Sukamakmur	1	2003	SD N 1 Gedong Boga
High School	Moro seneng	1	2006	MMT Tunas Harapan, Indraloka
<i>Total of school building</i>		<b>6</b>		

Source: Primary data (July, 2013)

Until now, there are more than 500 school-age children who lives in Moro-Moro village (Wahab, 2012, p.17) and with those efforts, Moro-Moro community claimed that result of the education development is the declining number of school drop-out rate up to 60%. Even though, teachers and school committee faced some problem. They knew that some of children-age schools are not in school and out of school. The main reasons are: 1) lack of parental understanding of the child's education as a right; 2)

family economic condition; 3) lack of social support; and 4) lack of government support. Due to those conditions, they tried to develop various strategies to embrace their generation.

*Firstly*, Moro-Moro education board tries to keep the spirit of voluntary teachers who usually work hard. They are the center of Moro-Moro education development. Without a satisfactory salary, they came to school and give the best effort for their student and then worked at their farming area to earn money until sun set. The teacher who never attend to university and gained teaching skills and knowledge understand that Moro-Moro needs educated and university graduates teacher to take care of children at school. Also, they are always support their high school graduates to attend the university and make them new voluntary teacher in some elementary school at Moro-Moro. The teacher and Moro-Moro community hope that their effort will maintain by their educated generation. *Secondly*, due to illegal status, Moro-Moro school board has been trying to keep their network with some public school around Mesuji and Tulang Bawang Barat regency which has good relation. Without government support, some public schools which are gives administrative permit to Moro-Moro student to involve in their system is exceedingly brave. The relation between Moro-Moro student and their mother school is similar with 'school with long distance system'. Since 1999, every year after that, Moro-Moro student visit their mother school to take final exam and get their diplomas as those school graduates.

*Thirdly*, for those special conditions, a lot of student activists continuously help Moro-Moro community, especially children-age school. They help find scholarship and foster parents for those children and cover their tuition fee. For example, those activists who usually help Moro-Moro develop a website and earn public donation to help the student. A one who wrote a book about Moro-Moro gives the royalty to Moro-Moro. The last, when a high school student from Moro-Moro named Rico Andreas, passed his exam to attend Faculty of Law at Lampung University a journalist who work at a local newspaper in Lampung having a commitment to paying his semester tuition fee. Rico's father, named Karyadi is a teacher at elementary school at Morodewe and he is bringing her wife and Rico's brother to be voluntary teacher. For Moro-Moro community, Rico is treasure and they hope he will return to Moro-Moro and continue their struggle to get justice. Rico is new phenomena and good evidence that Moro-Moro community shows to both of public and government. They teach their children to be educated generation, and take care of government in child protection duty.



Picture 1 : Elementary School in Moroseneng

Source: Primary data (July, 2013)

As well as 1945 Constitution mandate in article 31, verses 2, which declares "*Everyone has the right to education,*" Moro-Moro community shows that there is different problem between agrarian conflict and child protection in education right. They show to the government how to settle a problem without disturb another citizen problem. Moro-Moro community who lives without legal status, card identity, birth certificate, family card, and another citizenship documents survived and criticize government policy with their full effort.

Furthermore, Moro-Moro community and their supporters usually promote their movement to national and international community. They bring some international students to involve in their activities and show them how Moro-Moro community lives and keep in struggle without government support. Also, some of student promotes Moro-Moro community and their effort in child protection in several academic researches. Latest, an international student and also a researcher bring Moro-Moro problem to The 2013 International Conference on Sustainable Development Practice (ICS DP) at Columbia University, the US.

## 5. CONCLUSION

According to the United Nation Convention on the Right of Child, every child in Indonesia including Moro-Moro community has the right to get their education. As well as regulated in Law of National Education System, government have to give Moro-Moro child their right to be educated generation without discrimination as others. As Nelson Mandela quotes that, "education is the most powerful weapon, which you can use to change the world," government and community have to take care of. Moro-Moro community, who live as illegal resident has been giving a chance to public about the way to serve the nation. To manage formal education in their community, they develop a precious commitment and doing some good ways. They teaches their children as voluntary teacher without good salary; setting up good and long relation and network with public school which is part of government who against them; earn money to build proper school building; and campaign their movement I both national and international community.

## 6. RECOMMENDATION

The teacher at Moro-Moro believes that their children will bring new hope and good future. Due to formal education condition at Moro-Moro community, there are several recommendation:

1. Moro-Moro community has to emphasize education development in their community to give the best future for their generation. During the transition condition, they also have to continue their good effort in child protection program.
2. The government, especially department of education and culture have taking care of the right of the child and prioritize child protection program by education together with perform conflict resolution.
3. Child protection is not only government and family duty, but also its community as well. In order to give realize right of the child in formal education, the wider community should help to actualize 1945 Constitution mandate.

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