

Beyond Hardin's Tragedy: The Role of Communication, Trust, and Repeated Interaction in Formulating Solutions to Right-to-Cultivate Agrarian Conflict in East Lombok

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ABSTRACT

Agrarian conflicts involving Rights to Cultivate (Hak Guna Usaha, HGU) in Indonesia demonstrate that disputes over the control of shared resources cannot always be adequately explained by Garrett Hardin's tragedy-of-the-commons assumption. This study examines the role of communication, trust, and repeated interaction in formulating solutions to the HGU agrarian conflict between the Sembalun Village community and PT Sembalun Kusuma Emas (SKE) in East Lombok. The study employs a socio-legal method with a qualitative approach based on library research and documentary analysis of legislation, dispute documents, scholarly articles, and relevant news sources. The analysis shows that conflict resolution cannot rely solely on formal legality and litigation; it must also incorporate deliberative communication, information transparency, trust building, and sustained interaction among the parties. These elements may provide the foundation for collaborative institutional mechanisms and self-governance in the management of common-pool resources (CPRs). The study concludes that HGU conflict resolution oriented toward substantive justice and sustainability requires the integration of formal legal mechanisms with social mechanisms that enable ongoing communication, trust building, monitoring, and evaluation.



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INTRODUCTION

Agrarian conflicts continue to occur in various regions of Indonesia despite the government's adoption of agrarian reform policies. Presidential Regulation Number 62 of 2023 on the Acceleration of Agrarian Reform Implementation establishes strategies encompassing asset legalization, land redistribution, economic empowerment, agrarian reform institutions, and community participation, including the settlement of agrarian conflicts. This situation indicates that the existence of legal instruments and agrarian reform policies has not, in itself, eliminated conflicts over land control and use. In practice, agrarian conflicts may involve competing claims, interests, and forms of control among communities, business entities, and the government (Republik Indonesia, 2023).

One form of such conflict concerns the granting or control of land through the Right to Cultivate (Hak Guna Usaha, HGU) regime, which may intersect with pre-existing community claims to land. Normatively, the HGU constitutes one of the land rights regulated under Law Number 5 of 1960 on the Basic Agrarian Principles. In practice, however, the granting and exercise of HGU rights may conflict with longstanding community claims. This situation is evident in the agrarian conflict in Sembalun District, East Lombok Regency. Umaruddin (2021) demonstrates that the agrarian conflict in Sembalun during 1979–2019 was structural in nature, involving indigenous communities, the government, and companies competing for access to land and natural resources. In the HGU dispute between the Sembalun Village community and PT Sembalun Kusuma Emas (SKE), the divergence between the formal legal status of land and community-based claims to control constitutes a central issue requiring analysis.

The HGU conflict in Sembalun can further be examined through Garrett Hardin's tragedy of the commons and Elinor Ostrom's concept of self-governance. Hardin (1968) argues that common-resource use may be vulnerable to overexploitation when individual interests are not constrained by effective regulatory mechanisms. Ostrom (1990), however, demonstrates that such conditions do not

inevitably result in the failure of common-resource management because resource users are capable of developing rules and institutions for collective governance. In this study, these perspectives are not employed to claim that the Sembalun community has already established an effective system of self-governance, but rather as an analytical basis for formulating potential conflict-resolution mechanisms involving communication, trust, and repeated interaction among the parties.

Previous studies indicate that agrarian conflict resolution does not depend solely on formal legal mechanisms, but also on communication, collaboration, and participation among stakeholders. Nindyatmoko, Setyowati, and Haryanti (2022), for example, show that the resolution of tenure conflicts in Lombok can evolve through stakeholder dialogue, collaborative action, and community capacity building. Although the object of that study differs from the Sembalun HGU conflict, its findings provide a useful point of comparison regarding the importance of dialogue in establishing a conflict-resolution process. Mustopa, Sadono, and Hapsari (2020) likewise demonstrate that dialogical communication can contribute to developing farmers' critical awareness in agrarian conflicts involving corporations. Meanwhile, through a systematic literature review, Siregar et al. (2024) identify communication, mediation, negotiation, cooperation, and participation as important elements in agrarian conflict resolution.

Studies on agrarian conflict resolution also underscore the importance of approaches that reconcile legal and social interests. Petrescu-Mag et al. (2018) demonstrate that land-use conflicts are vulnerable to legal restrictions, divergent interests, and the absence or inadequacy of negotiation frameworks. Other studies concerning conflicts between communities and corporations show that the complexity of tenure disputes is shaped not only by the legal status of land, but also by power relations and the competing interests of the parties (Hariri et al., 2022; Ritonga et al., 2022). These findings reinforce the need to conceptualize agrarian conflict resolution as a process that extends beyond the determination of formal legality.

Conversely, scholarship on common-pool resources demonstrates that the durability of cooperation is influenced not only by formal rules, but also by trust and reciprocal relationships among actors. Van Klinger (2020) identifies a positive relationship between trust and cooperation in the management of common-pool resources. Van Klinger and de Graaf (2021) similarly show that heterogeneity and trust are associated with the management of shared resources. These perspectives strengthen Ostrom's proposition that actors' capacity to construct shared rules and institutions may provide an alternative to approaches that rely exclusively on external control.

Nevertheless, studies of agrarian conflict in Indonesia still tend to examine communication, collaboration, or common-resource management separately. Relatively few studies have specifically integrated communication, trust, and repeated interaction into the analysis of HGU conflict resolution between private companies and local communities. Addressing this gap, the present study treats the HGU dispute between the Sembalun Village community and PT Sembalun Kusuma Emas (SKE) as a case through which to formulate a resolution model integrating these three elements.

Unlike previous studies that have generally examined collaboration, conflict communication, or common-pool resource management in a fragmented manner, this study offers an integrated reading of the Sembalun HGU conflict by positioning communication, trust, and repeated interaction as mechanisms linking the critique of Hardin's tragedy of the commons with Ostrom's possibility of self-governance. The novelty of the study lies not in the separate application of these theories, but in the formulation of a post-judgment HGU conflict-resolution framework explaining how formal legality can be translated into governance arrangements that are accepted and sustained by the parties. The framework positions deliberative communication as a mechanism for establishing shared information, trust as a prerequisite for compliance and legitimacy, and repeated interaction as a mechanism for correcting and stabilizing cooperation. In this respect, the study contributes conceptually by proposing a transition model from judgment-based settlement to collaborative governance, while also offering a practical contribution to the design of HGU agrarian conflict resolution oriented toward substantive justice and sustainable resource governance.

RESEARCH METHOD

This study employs a socio-legal method with a qualitative approach to examine the relationship between legal norms governing land control—particularly HGU and agrarian reform—and

the social dynamics of conflict resolution at the local level. A socio-legal approach is adopted because the issue under examination extends beyond the validity of legal norms and judicial decisions to encompass how law operates, is received, negotiated, and produces consequences within relationships among communities, corporations, and land institutions (Friedman, 1975). The case study is limited to the HGU conflict involving PT Sembalun Kusuma Emas (SKE) in Sembalun Village, East Lombok, covering the period from the issuance of the HGU in the late 1980s to post-judgment developments documented through 2025. The case was selected purposively because it clearly demonstrates the intersection between the administrative legality of HGU, historical community claims to land, multi-level litigation, and the need to restructure relations among the parties following judicial decisions.

The study relies entirely on library research and documentary analysis. The materials examined include Law Number 5 of 1960 on the Basic Agrarian Principles, Presidential Regulation Number 62 of 2023, Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Number 21 of 2020, Regulation of the Coordinating Minister for Economic Affairs Number 11 of 2024, and judicial decisions related to the HGU dispute, namely Mataram Administrative Court Decision No. 58/G/2022/PTUN.MTR, Mataram Administrative High Court Decision No. 28/B/2023/PT.TUN.MTR, Supreme Court Cassation Decision No. 567 K/TUN/2023, and Judicial Review Decision No. 109 PK/TUN/2024. Relevant scholarly literature and news reports are used as secondary sources to reconstruct the chronology, the positions of the actors, and the social context of the conflict.

The analysis proceeds through data reduction, thematic categorization, cross-document reading, and theoretical interpretation. Legal facts and the chronology of the conflict are first distinguished from normative interpretations and then grouped into themes concerning HGU legality, conflict structure, inter-party communication, trust, patterns of interaction, and possible post-conflict governance arrangements. These themes are interpreted through Hardin's tragedy of the commons, Ostrom's self-governance framework, Axelrod's theory of iterated cooperation, and Satjipto Rahardjo's Progressive Law. Analytical validity is strengthened through documentary-source triangulation by comparing regulations, judicial decisions, scholarly literature, and news sources in order to reduce dependence on any single narrative.

The methodological limitations of this study must be explicitly acknowledged because it does not involve interviews, participant observation, or field ethnography. Consequently, the study does not claim to measure the parties' actual levels of trust, capture the entirety of living customary mechanisms, or record real-time changes in informal power relations. Communication, trust, and repeated interaction are therefore treated as analytical categories derived from documents and the literature rather than as variables measured through direct perception data. This limitation also defines the scope of the study's contribution: the findings are directed toward the formulation of a conceptual model and institutional recommendations that require further testing through field-based research

RESULTS AND DISCUSSION

The Sembalun HGU Conflict as a Problem of Legality and Institutional Failure

The agrarian conflict in Sembalun Village demonstrates that an HGU dispute cannot be understood merely as a confrontation between a state-issued certificate and community claims to land. The conflict is rooted in competing sources of legitimacy: the company relies on administrative decisions and the HGU certificate, whereas the community bases its claims on a history of control, use, and social relationships with the land. Umaruddin (2021) characterizes the Sembalun conflict as a structural conflict involving communities, the government, and corporations in competition for access to land and resources. Accordingly, the chronology of HGU issuance since the late 1980s, subsequent land demarcation and surveying, and community mobilization through local organizations and advocacy networks should not be treated merely as a sequence of events. Rather, these developments reveal a disjunction between the production of administrative legality and the social acceptance of land control.

This divergence becomes even more apparent in relation to the most recent object of dispute. The historical land area associated with PT SKE's concession must be distinguished from the object of the administrative dispute, namely HGU Certificate Number 00037/East Lombok/2021 covering 112.01 hectares. This distinction is analytically important so that the conflict is not reduced to a debate over the numerical extent of land, but is instead understood as a problem of institutional legitimacy: who is authorized to determine rights, how historical patterns of land control are assessed, and what

mechanisms are available when administrative decisions are rejected by affected groups. From a socio-legal perspective, the certainty provided by a certificate is not necessarily equivalent to social legitimacy. Conversely, social claims do not automatically eliminate the need for legal certainty. The central issue lies in the absence of a mechanism capable of reconciling these two sources of legitimacy.

The successive decisions of the Mataram Administrative Court, the Mataram Administrative High Court, the Supreme Court at cassation, and judicial review, which ultimately resulted in the annulment of the HGU, demonstrate the capacity of formal law to correct administrative decisions. Nevertheless, successful litigation does not, by itself, resolve questions concerning control, distribution, use, and relations among the parties after judgment. The need for further administrative procedures under land regulations reveals a gap between juridical victory and social settlement. The Sembalun conflict can therefore be understood as a two-stage problem: the first stage concerns the correction of legality, whereas the second concerns the reconstruction of governance. It is this second stage that is often overlooked when conflict resolution is assessed solely by the existence or absence of a court decision.

At this point, Hardin's (1968) tragedy-of-the-commons assumption provides a useful starting point, but it is insufficient as a stand-alone explanation. Hardin warns of the risk of common-resource exploitation when actors pursue individual interests in the absence of effective rules. The Sembalun conflict, however, is not merely an open-access situation in which users are free to exploit resources. Rather, it reflects overlapping regulatory regimes: HGU legality, historical claims of control, local norms, and agrarian reform policies. In other words, the problem is not the absence of rules, but competition among rules and authorities. Accordingly, invoking Hardin to justify exclusive state control or privatization risks oversimplifying a conflict whose principal source lies in institutional misalignment.

Ostrom's (1990) framework offers a more productive interpretation because it treats resource users as actors capable of participating in rule-making, monitoring, and conflict resolution. Principles such as clearly defined boundaries, congruence between rules and local conditions, user participation in rule-making, monitoring mechanisms, and low-cost conflict-resolution forums are relevant to assessing post-annulment needs. However, applying Ostrom to this case should not be understood as a claim that the Sembalun community already possesses a complete system of self-governance. Given the limitations of documentary data, the conclusion that can reasonably be drawn is that post-judgment settlement requires an institutional architecture that creates meaningful space for community participation and does not simply return governance to one-directional administrative decision-making.

Communication, Trust, and Repeated Interaction as an Infrastructure for Cooperation

If the Sembalun conflict is understood as an institutional problem, communication can no longer be treated merely as a supporting activity undertaken after a dispute emerges. Communication constitutes an infrastructure that determines whether the parties possess a shared informational basis before entering negotiations. Mustopa et al. (2020) demonstrate the role of dialogical communication in strengthening farmers' awareness and bargaining positions, while Siregar et al. (2024) identify communication, mediation, negotiation, cooperation, and participation as recurring elements in agrarian conflict resolution. In the Sembalun case, this implies that dialogue forums should be directed toward jointly verifying land histories, post-judgment legal status, the boundaries of the disputed object, residents' economic interests, and available governance options. Without a shared informational basis, dialogue can easily deteriorate into an exchange of competing claims in which each party relies on its own facts and standards of legality.

The relationship between communication and self-governance lies in communication's capacity to generate common knowledge. Shared rules can function only when the parties know not merely the content of those rules, but also that other parties understand and acknowledge the same procedures. Deliberative communication in HGU conflicts must therefore differ from one-way dissemination. It requires equal opportunities to scrutinize data, raise objections, request reasons for decisions, and revise draft agreements. Within this framework, the quality of communication can serve as an initial indicator of institutional quality: the more restricted access to land information and the narrower the space for correction, the greater the risk that formal procedures will be perceived as merely reproducing earlier decisions.

Trust subsequently functions as the link between information and compliance. Van Klingerén (2020) and Van Klingerén and de Graaf (2021) demonstrate the relationship between trust and cooperation in common-pool resource management. In protracted agrarian conflicts, trust cannot be assumed to exist at the outset; it must be produced through verifiable conduct. In the Sembalun case, document transparency, consistency in implementing judicial decisions, clarity regarding administrative stages, and accessible grievance mechanisms can be understood as trust-building measures. Trust is therefore treated not as an abstract moral value, but as a rational expectation that other actors will honor their commitments and that violations can be identified and corrected.

It is here that repeated interaction acquires an institutional function. Axelrod (1984) explains that the prospects for cooperation increase when actors take into account the likelihood of future encounters and the future consequences of their present actions. In the Sembalun conflict, this logic reveals the weakness of settlements that depend solely on a one-off mediation process or the signing of an agreement. Questions concerning boundaries, distribution of access, land use, and implementation monitoring may evolve over time. Regular communication and monitoring forums are therefore required not as administrative add-ons, but as mechanisms through which reputation, compliance, and correction can operate continuously. When parties know that today's decisions will be reviewed in subsequent meetings, incentives for unilateral action may be reduced.

These three elements are mutually interdependent. Communication without trust produces only an exchange of information that is not believed; trust without repeated interaction can become overly dependent on particular individuals or temporary promises; and repeated interaction without transparent communication can reproduce the same patterns of conflict. This relationship explains why agrarian dispute resolution requires more than the mere establishment of a dialogue forum. What is needed is an interaction design consisting of clear agendas, access to data, documented decisions, verification mechanisms, follow-up deadlines, and correction channels. Nindyatmoko et al. (2022) show that collaborative action in tenure conflicts in Lombok can develop through dialogue and capacity-building processes. Their findings support the argument that cooperation must be constructed as a process rather than treated as an automatic consequence of the conclusion of litigation.

An HGU Resolution Model Integrating Formal Law and Self-Governance: Contribution and Novelty

Based on the foregoing analysis, this study formulates an HGU conflict-resolution model that does not treat litigation and self-governance as mutually exclusive alternatives. Formal law remains necessary to determine juridical status, correct administrative action, and define the limits of authority. Once legal status has been corrected, however, settlement must proceed toward social-institutional mechanisms governing who participates, how information is disclosed, how rules of use are formulated, and how compliance is monitored. Within Rahardjo's (2008) Progressive Law framework, this orientation can be understood as an effort to ensure that legal certainty does not end with procedure, but operates to produce substantive justice in social life.

The proposed model operates through four interconnected functions. First, legal clarification ensures that the consequences of judicial decisions and subsequent administrative procedures are understood consistently by all parties. Second, deliberative reconstruction restructures options for land control or use through data-based dialogue and the participation of affected groups. Third, trust building makes transparency, decision traceability, and consistency of implementation the foundations for generating trust. Fourth, iterative governance treats agreements as rules subject to periodic evaluation rather than as one-off decisions. Together, these four functions connect Ostromian principles, conflict communication, trust, and iterated cooperation within a single post-judgment institutional sequence.

The novelty of this study lies in shifting the analytical focus from the question of "who legally won the dispute" to "how legal victory or legal correction is translated into stable governance." The agrarian-conflict literature used in this study has demonstrated the importance of communication, collaboration, negotiation, and the complexity of company-community relations (Mustopa et al., 2020; Nindyatmoko et al., 2022; Hariri et al., 2022; Siregar et al., 2024). Meanwhile, the common-pool resource literature emphasizes trust and the capacity to establish shared rules. This study integrates these two bodies of scholarship to explain the post-litigation transition mechanism in HGU conflicts. Its contribution therefore goes beyond merely adding communication and trust as variables to agrarian studies; it clarifies the function of each element within the resolution sequence: communication

establishes a shared informational basis, trust sustains acceptance and compliance, and repeated interaction preserves the capacity for institutional correction.

In practical terms, the model points toward the establishment of a collaborative forum involving affected communities, local government, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), and the company in accordance with their respective legal positions after judgment. The forum is not intended to replace state authority or judicial decisions, but to ensure that legal implementation incorporates mechanisms for participation, verification, monitoring, and the resolution of local-level frictions. To avoid becoming merely symbolic, its design should include access to relevant land data, accountable representation, documentation of decisions, implementation indicators, and a schedule for periodic evaluation. These elements also provide a basis for assessing whether self-governance is genuinely developing or remains merely a normative label without changes in the distribution of authority.

The model nevertheless has limitations. Because the study relies on secondary documents, it cannot establish how actual levels of trust, local elite configurations, gender relations, or customary mechanisms influence acceptance of the collaborative scheme. The proposed model should therefore be understood as a testable institutional proposition rather than as evidence that all prerequisites for self-governance are already present in Sembalun. Further research should employ multi-stakeholder interviews, observation of mediation processes, and actor mapping to test the relationships among transparency, trust, compliance, and the durability of agreements. This qualification is essential to ensure that the study's conceptual novelty does not become an empirical generalization that exceeds the evidentiary capacity of the data.

CONCLUSION

The Sembalun HGU conflict demonstrates that correcting legality through judicial decisions is an important prerequisite, but not the endpoint of agrarian conflict resolution. The underlying problem lies in the misalignment between administrative legality, historical claims to land control, and the institutional mechanisms governing relations among the parties. Hardin's approach, which emphasizes the risk of failure in common-resource management, therefore needs to be complemented by Ostrom's perspective on actors' capacity to construct shared rules. In the Sembalun case, the prospects for self-governance depend on the availability of deliberative communication, the development of trust through verifiable actions, and repeated interaction that enables agreements to be monitored and corrected.

The principal contribution of this study is a post-litigation transition model integrating four functions: legal clarification, deliberative reconstruction, trust building, and iterative governance. The model positions formal law as the foundation of legal certainty, while social-institutional mechanisms translate that certainty into substantive justice and sustainable governance. Because the study is based on secondary documents, the model remains conceptual and does not measure the parties' actual perceptions or levels of trust. Future research should conduct multi-stakeholder interviews and field observations to test the effectiveness of collaborative forums, data transparency, and the relationship among trust, compliance, and the sustainability of land governance in Sembalun.

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