

The Causes of Protracted Land Conflict in Indonesia's Democracy: The Case of Land Conflict in Register 45, Mesuji Lampung Province, Indonesia

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Received: January 24, 2014/ Accepted: February 3, 2014

Abstract

The land conflict in Mesuji, Lampung Province Indonesia is one of the protracted land conflict cases in Indonesia which has been marked by violent conflict dynamics among the actors, including the state, private sector, and civil society. Since Mesuji's land conflict started in 1999, the predominant situation has been tension, violence, and mass protests in which problem solving has been thrown away. The state manages the conflict mostly through violence through the police institution. Meanwhile, the civil society, particularly the local community, specifically the indigenous community and farmer groups, unavoidably responds to the state's conflict management through violent resistance. Therefore, under the circumstance of protracted conflict, the conflicting actors tend to use a contentious strategy. This research examined the question: how is the land conflict in Mesuji Lampung Province protracted by the conflicting actors? The study found that the protracted conflict is linked with contentious strategies, such as violence and repression. Furthermore, this study found that the vested interest of some strategic actors to control the "idle land" has promoted this contentious strategy by the conflicting actors. This strategy has in turn created the protracted land conflict in Mesuji, Lampung Province. This reality is one of the biggest obstacles in transforming land conflict toward a problem solving approach based on democratic values. This study used qualitative research methods through the activities of field observation, FGD (Focus

Group Discussion), and interviews during 2010-2011.

Keywords: conflict dynamics, protracted land conflict, violence, democracy.

1. Introduction

Indonesia's land conflicts tend to take the form of protracted conflict. Such protracted land conflicts put the conflicting actors into a vicious cycle of violence. In critical studies, violence is more likely carried out by the dominant actors who have large capital ownership, such as states and companies. In the case of land conflict between a company and local community in Lampung Province, the state is able to mobilize its means of violence, i.e. police and military to manage the conflict. The company with its economic capital is also able to hire and mobilize security personnel to deal with the local community's protests. The state and company often work hand in hand to mobilize violence against local community voicing their grievances, as this research found that the company 'pays' the police institution to regulate the community, both farmers groups and the customary community, in the conflicted area. The mobilization of violence by the dominant actors, therefore, is responded to with violent resistance by the local community. This resistance is manifested in mass protests, land occupation and violent action against the government [1] [2]. This study has examined the key research question: how is the land conflict in Mesuji Lampung Province protracted by the conflicting actors?

The protracted land conflicts in Lampung Province are indicated in the report of the NLA Office (National Land Agency) (2010) showing that by the end of 2010 there were 107 land cases, disputes and conflicts in total. The land conflicts reached 32 cases, including conflict between customary communities and companies (see Table 1).

Table 1 Typology of land dispute and conflict

Typology	2009	New cases	Resolved cases	2010
Land dispute	24	13	10	27
Land Conflict	35	2	5	32
Land case	47	8	7	48
Total	106	23	22	107

Source: NLA Office Lampung Province, Annual Report 2010.

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2. Conflict Analysis

2.1. Actor Mapping

The case study for this research is located in two districts, namely Mesuji and Tulang Bawang, since the conflicting actors are spread over these two districts. Fundamentally, the actors of land conflicts in Lampung are divided into primary actors, secondary actors, third actors and gray actors. Primary actors are those who are directly involved in the conflict relationship. Primary actors here are the indigenous customary community named *mequopak* and the migrant customary community in Mesuji and Tulang Bawang districts, illegal farmers, and PT. Silva Inhutani Lampung (*hereinafter* SIL). Secondary actors are those who have interest in influencing the conflict dynamics by providing support for the primary actors. Secondary actors of Mesuji's land conflict include police, military and central government which are represented by the forestry minister and NLA, regent/mayor, local and national civil society elements, such as KPA (Agrarian Reform Consortium), Kanigoro and LBH Lampung (Legal Aid Institution). The third actor is a neutral party and competently provides conflict mediation. Ideally, a neutral, third party is the government, such as NLA, the police and local political leaders. However, a neutral third actor in the context of land conflicts in Lampung province does not clearly exist. Later on, the central government established an adhoc committee named the Joint Fact Finding Team (*here in after* TPGF) for land conflicts in Mesuji Lampung. Nevertheless, TPGF did not play the role as a third party. The committee only produced some recommendations for the central government.

This study found that there are other actors who are in a gray position of not having clear issues, demands and a system of relations with the conflicting parties. The actors have built a complex relation with all conflicting parties, whether primary, secondary or third actors. The relation is characterized by opportunistic interests in order to benefit from the conflict situations. In the context of this study, gray actors have a role in creating a more complex conflict situation and these coalitions of violence. A gray actor role is played by the land broker who moves swiftly among the members of the indigenous communities, police and government agencies. Some of the gray actors have set up NGOs. However, other gray actors have a lot of members with martial arts skills. The second type of gray actors is the tacit network of local elites that utilizes idle land for economic profit. The tacit network is very strong in the political economy of Lampung; it determines the form of land conflict management by government.

2.2. Conflict Dynamics

Mesuji's land conflicts received attention nationally after the *mequopak* customary community visited the National House of Representative (DPR [Dewan Perwakilan Rakyat]). The customary communities reported the use of state violence to manage land conflicts in Mesuji. They claimed that state violence had killed 30 people and injured hundreds during the period 1999-2011. The customary community was supported by Maj. Gen. (Ret.) Saudi Karip, a former member of DPR from the period of 1994-1999. The company involved was Silva Inhutani Lampung inc. (*hereinafter* SIL). SIL is actually a joint venture company between a Malaysian company and a state owned enterprises namely PT. Inhutani V. SIL's status is as a private company under the Sungai Budi Group (*hereinafter* SBG) in Lampung. Hence, the community members usually call it "Budi" rather than referring to it as SIL. SBG was established in 1947 in Lampung. This company's areas of business are plantation and consumer goods, such as tapioca powder, oil palm and some others products. [3] In 2012, BWG had revenue of \$710 million and ranked number 55 out of the 100 biggest Indonesian companies. [4]

Prior to the land disputes, SIL had a temporary concession area of industrial forests (HTI) in Register 45 of the Sungai Buaya area of 32,600 hectares. Sungai Buaya area is a forest area in Mesuji District. Following the Lampung Governor's letter in 1997, the Forestry Ministry issued a new license for expanding this land area by an additional 10,500 hectares in Register 45. Thus, SIL obtained a license for industrial forest areas totalling 43,100 hectares. The expansion became the conflict trigger in the industrial forest lands because there are customary indigenous communities who have lived in the area of the Sungai Buaya or register 45 for generations.

In 1999, the indigenous customary communities in Register 45 demanded the return of customary land rights for land which was acquired by SIL. The land requested was approximately of 7,000 hectares. According to the customary leader, the land did not belong to any one individual, but was collectively owned. Each customary community in the villages of Sungai Buaya had a certain land area that belonged to the community. However, the land use policy of the government had damaged or destroyed their existence as one of the leaders urges:

"We have lived here already since hundreds of years ago before the country existed. We utilize this land by hereditary customs without bloody conflict. All problems will be resolved between members customarily through dialogue. We have customs. However, since the SIL entry in 1997, we all lost our lives. We lost our dignity as human beings. Think about it."[5]

In responding to the customary communities' grievance on Register 45, the central and local government

made a policy of “enclave areas”. This policy was to create a special areas for three villages. The enclave area was 2,600 hectares, while the rest of 4,400 hectares still belonged to SIL’s forest concession. The enclave policy was rejected by the customary communities. Actually, the forestry ministry cancelled the forest concession of SIL in 1999 because of the company’s management incapacity. However, in 2004, after the new Lampung Governor was elected, the forestry ministry reissued a decree of forest concession to SIL. In an interview with staff of the NLA office in Bandar Lampung, the decree was upon the request of local government. He stated that the decision was more political while the NLA has no authority to intervene. The forestry ministry’s decree on this forest concession was actually in response to the local government’s request, not NLA. [6]

After the reissuing of SIL’s forest concession, the land conflict was re-escalated. The conflict situation became more complicated when ‘illegal farmers’ occupied some areas of Register 45. [7] The illegal farmer community set up three new villages in the 2000’s, including Moro Seneng, Moro Dewe and Moro-Moro village. Most of them came from Bali. However, they claimed that the use of some areas of Register 45 was based on the permission from customary community leaders. The illegal farmers paid some amount of money to someone who claimed to be a customary community leader. Other illegal farmers explained that they bought the land from an NGO. [8]

We bought it (the land) from the NGO; its centre is in Bandar Lampung there. They said that they are assigned by the government to regulate the exploitation of ground in Register 45. They said the land register 45 is not owned by the company, so this (land) is back to the community. I myself paid 5 million dollars, paid it 3times.

The illegal farmer community, then, socially mixed with customary communities in Lampung. This phenomenon rendered the land conflict more complex. Moreover, the conflict management by the government was implemented mostly through means of violence as mentioned earlier, whereby the police were looking at the whole community in register 45 as illegal farmers or forest encroachers. In 2010, the illegal farmers requested 2,500 hectares of land removed from the concession status. However the ministry only offered an enclave policy where the communities were allowed to utilize the forest in the area of 149.1 hectares. The communities rejected the enclave policy and still wanted to claim 2,500 hectares land area in Register 45. Therefore, many areas of SIL had been taken over by the community. Thus, the farmers are regarded as encroachers. Ridwan, a member of the police force of Tulang Bawang district said that farmers in Register 45 have violated criminal law. They stole palm oil and have undertaken *penjarahan* (looting) or illegally occupied the land which is owned by the SIL and BSMI. [9]

Lampung civil society elements condemned the state violence mobilized by the government. The regulations of the operation were to treat people without mercy. Moreover, the indigenous customary communities existed in the area of Register 45 coexisting with the new comers. However, the police evicted all communities mercilessly. Wardi, an activist of KPA Lampung, said that local and central governments only knew how to use violence. However, they did not know how to solve the problem. Wardi stated that the police and local governments earned huge amounts of money in order to implement the regulation operation. He pointed out [10]:

So you must be aware now why the communities resist using violence, too, because the government has started using it. The government prefers to take a side on the company and give up the land to economic elites. You know .I ensure you that the government is preparing a grave for the country.

The local Legislative Assembly of Tulang Bawang District and Lampung Province established a fact finding team for the land conflict in Register 45. The team recommended SIL to give a compensation of land “management rights”. One of the legislative members argued that the land conflict in Lampung, such as in Register 45, was obviously complicated. There was a problem of weak governance by the executive government, particularly in managing land use policy. Actually, the illegal farmers’ occupation in Register 45 was to confuse the government officials, police and military. They were also utilizing the weak governance to enjoy the side lines of the conflict in which they cultivated some areas of idle land in Lampung tacitly.[11] One official of the NLA Office also confirmed the legislature’s discourse on the utilization of idle land. He testified that many government officials, including police and military, cultivated the idle land for their own benefit. They protected each other while NLA was powerless in dealing with that network.

The land conflict situation was complicated and loaded by so many interests of the political and economic elites. Therefore, the land conflict management in Lampung was manifested in violence. The regulation operation conducted by the police force of Tulang Bawang was started in 2006. According to the community member in Register 45, since 2006 until 2011, the police personnel often intimidated the families. In 2006, the regulation operation destroyed 74 houses of community members and injured more than two dozen people. Every year, there are on average two regulation operations and a routine operation for almost every month, undertaken by the police and *pamswakarsa*. According to the testimony of villagers, during 2009 and 2010, there were two farmers shot by the police; meanwhile, the integrated operation team under police coordination conducted two operations in November 2010 and November 2011 which killed two farmers.

When the land conflict in Register 45 drew national attention, the central government rushed to create an ad-hoc team named *Tim Gabungan Pencari Fakta* or Joint Fact Finding Team (*here in after* TGPF) in December 2011. The President, Mr. Susilo Bambang Yudhoyono appointed Deputy to Law and Human Rights Minister Denny Indrayana to lead TGPF for the Mesuji land conflict case. The team consisted of eight members from the departments of Coordinating Minister for Political, Legal and Security Affairs, the law and forestry ministries, the National Police, Lampung and South Sumatra administrations and the National Commission on Human Rights.

TGPF found five preliminary findings and six recommendations: (1). the land conflicts in Lampung Province factually existed; (2). the land conflicts have been there for a long time, causing loss of lives, injuries and loss of materials; (3). TGPF would conduct investigations and coordinate more closely related to casualties in Register 45; (4). The conflict actors in Register 45 were comprising of the company, security, society-customary community and government; (5). The death toll at three locations in the period of 2010-2011 was up to 9 people; meanwhile, the initial recommendations of TPGF included to accelerate the legal process in particular against actors who caused loss of lives, to seek legal assistance for the suspects for a fair legal process, to protect witnesses and victims, to give medical aid, to anticipate the possibility of the spread of tents in the conflicted area, to conduct law enforcement against land speculators or land brokers who exploited the situation, and to evaluate the use of private security forces (pamswakarsa). [12]

3. Conflict Spoiler

The concept of “spoilers” was originally conceived by Stedman in his article of “*Spoiler Problems in Peace Processes*” (1997). [13] He defined spoilers as actors that caused conflict dynamics to become more complex and prone to violence. However, actual spoilers were not primary actors who were directly involved in a competition or open conflict. Stedman argued that spoilers were differentiated into three types, namely limited, greedy and total spoilers. The limited spoilers are considered to have a limited purpose and can conceivably be included in the responsive conflict management, given the right concessions. Total spoilers are more ideological and radical, rejecting the creation of a negotiation process. Greedy spoilers are the combination of the other two types; however, their interest is more on wealth accumulation.

As this study found in the case of land conflict in Lampung Province, there were gray actors who built a complex relationship structure with all conflicting parties. However, their relationships are characterized by opportunistic interests in order to benefit from the conflict

situation. The gray actors in this study were the “spoilers” of the conflict. In this case, they can be considered close to greedy spoilers who pursue a sectorial interest and take profit from the conflict situation. This section explores the gray actors of conflict in Lampung land conflicts.

On the exposure of conflict dynamics, there were two actual practices indicating the existence of gray actors, namely: (1). The phenomenon of buying and selling land at the site of conflict made by certain individuals and groups; and (2). The phenomenon of government officials at the local level, police and military personnel who make use of idle-land for plantations. Both of these phenomena created two groups of gray actors, namely the land broker and the tacit network of local elites.

3.1. Land Brokers Invitation

One of TGPF findings was the existence of land speculators or land brokers. This shows the determinant position of land brokers in the Lampung land conflict, especially relating to the conflict dynamics which are increasingly complex and involve overlapping interests. On the field, the land brokers are not created by a clear political economic affiliation. The land brokers practice their land business both individually and organizationally. Based on the field observations, there was no indication that the land brokers worked together. Instead, they competed with each other in getting potential buyers.

Mapping the land brokers may not be perfect in this study, however, it has been attempted to map land brokers through some samples found in the field. The mapping was simply to determine the social identity and social practices in offering the land to prospective buyers. As mentioned earlier, this study found two models of land brokers, namely individual and organizational models.

Individual models of land brokers were played by individuals who comprehended the local information and had strong social networking. Individual land brokers were very aware of the land problems in Lampung. However, at the field level, they were not formally well-educated. This confirmed the study's hypothesis that the individual land brokers were born and raised in Lampung. Therefore, the individual land brokers also had strong social connections with leaders or community leaders. One of the individual land brokers encountered by the author was a leader of one of the customary communities in Tulang Bawang. We will call him Ato. He “owned” 800 hectares of lands spread across several districts in Lampung. According to him, the land still belonged to the customary community that could be used by the people. However, he mentioned that most of the land was the outcome of his own business. Therefore, lands categorized as customary and mutually-owned were not for sale but only for rent for farmers wherever they came from. Ato stated:

If the customary lands...yes...I am not allowed to sell it. It is just...sort of rent. Well, if the lands owned by my self...yes, it can be sold. I have the certificates. If you want to buy land, you can contact me.[14]

Organizational land brokers are a group of individuals who establish an organization. This model works by having the organizational structure of mass organizations, such as NGOs. The organizations have a letter head and office stamp. The composition of the members in the organization land brokers is quite varied. Some are indigenous residents of Lampung and others are from outside of Lampung. The education of the members is likely to be higher than the individual land brokers. The information gained from some members of the farming community in Register 45 demonstrated that one of the organization's members worked as a lawyer. This phenomenon was surprising, in that there was a lawyer –a local, who played a role as an organizational land broker. One organization that was named by the members of the community was "Pekat Raya". This organization began actively selling land of register 45 to farmers during 2008; the farmers came from Bali, Makassar, Java and some cities in Sumatra. Table 2 shows the land brokers mapping.

Table2 Land Brokers Model

Individual Land Brokers	Organizational Land Broker
Individually, non-formal player.	Group and semi-formal players.
Tend to be born and raised in Lampung.	Heterogenic members.
Tend to be not well educated.	Tend to be well educated.
Strong social network based on kinship or customary community.	Social network based on profession and NGOs.
Difficult to detect.	Tend to be more easily detected.

Source: Author's research analysis.

The number of individual land brokers was more numerous and difficult to detect. However, between the individual and the organizational land brokers, they have the same position and role in land conflict dynamic, namely gray actors. In particular, the gray actors are instrumental in opening the doors for illegal farmers' entry into Lampung. Thus, since the 2000's, the number of illegal farmers were increasingly growing inLampung.

3.1.1. The Tacit Network of Local Elites

It has become public knowledge among Lampung people that local elites utilize the idle land whose status is not managed by the company. As mentioned by members of the local legislature, many government officials have been utilizing the idle land for their own benefit.

The local elites who utilize idle lands include the government officials, members of the police, military and

political party leaders. Each local elite gets an idle land package allotted on average up to 10 hectares per person. This data is not the result of a statistical count, but was estimated by several NGO activists in Lampung. Interestingly, most local elites are planting cassava in idle land areas. Thus, companies producing tapioca powder, including SIL, benefit in the form of supply of raw materials. The price is cheaper because the company does not have to handle the risk of production. Therefore, local elites in government and the economic elites have created an "invisible network" of production that is very smooth and mutually beneficial.

One key person in the study who is close to local government officials explained that a government official gets a "quota" of idle land. The land was not to be privately owned but to be used for self-profit. The lands were uncultivated by the companies; they even have licenses. He testified:

The quota of idle land usually is planted with cassava. Actually, just about anything can be planted. It is up to each user. We utilize the idle land because of empty derelict. The idle land is given through friendship in the office. If we later move from Lampung, the land may be used by others. [15]

The local elites get idle land from the friendship relationship in the office. Local elites who are "senior" typically offer idle land through that relationship. The utilization of idle land area is not in accordance with regulations. There are no legal papers showing that an area of idle land is owned or managed by specific political elite. The "quota" area of idle land that belongs to elites will be known collectively. It is maintained socially through a network. Local elites mutually protect each area. Therefore, the police will not arrest them; local government officials and the political elite did not talk much about the issue of land conflict.

Idle-land has stimulated "the tacit network of local elites". The network is not formal and not visible socially. It is silent yet strong. In that network, local elite stake advantage of the situation of land conflict. Staff of NLA Office in Bandar Lampung acknowledge the practice of idle land utilization by local elites. However, NLA does not have authority over that problem. The tacit network of local elites in utilizing idle land has been embedded politically in the political-economic elites' structure. The tacit network of local elites, in turn, may prefer for the land conflict situation to remain uncertain. The uncertainty towards land conflict resolution will provide more opportunities for the utilization of idle land. The drive for this greed is based on the profit calculation. The average value of the benefits obtained from cassava crops can reach up to 40 million rupiah per 1 hectare. If each elite owns 10 hectares of idle land cassava, they will gain 400 million rupiah for every harvest.

The elites within the tacit network have plantation workers who nurture and harvest the produce. In certain cases, there are areas of idle land that local elites have “not registered” in the tacit network; or, in other cases, local elites are political opponents or business competitors at the local level who have different networks. The condition results in the phenomenon of raids and arrests of the workers in the areas of idle land. Police usually allege the workers are illegal farmers. The police never catch the local elites who actually “master” the idle land. Gede Pasek Suardika, the political elite in DPR pointed out that there was a certain elite in land conflicts. The farmers or customary communities were usually the victims. [16] The plantations in the area of idle land were actually owned by some local elites. However, the workers were the target of law enforcement.

The tacit network of local conflicts of the elites maintains land conflict for the accumulation of their own wealth. This study has not identified empirical evidence of how the tacit network maintains the land conflicts. However, the practice of idle land utilization by the tacit network possibly influences the dynamics of land conflict in Lampung. Particularly, it affects the performance of local government in implementing responsive management of land conflicts. The tacit network of local elites can also be seen as evidence of the money game at the local level. Land conflicts in Indonesia, through the case of Lampung, have gray actors who cause the conflict relations to become increasingly complex and undermine responsiveness of land conflict management by the government.

4. Conclusion

The land conflict actors in Mesuji are very complex. The function of government as a third neutral party has not been realized. The police are not neutral and protect the company's interest. Moreover, the NLA is politically very weak although it has the legal authority to manage the land conflict. This fact reveals that the state institutions have transformed into secondary conflict actors. State institutions tend to protect SIL's interests rather than to implement democratic conflict management. The study found that the state managed conflicts based on coercion and violence in order to protect the company's interest. As shown in the conflict dynamic, state violence is often mobilized to regulate the communities at the request of the company. The company finances the mobilization of state violence. The conflict situation is more complex with the identification of gray actors in the land conflict in Lampung, namely land brokers and the tacit network of local elites. Land brokers have invited farmers illegally to occupy and cultivate idle lands. Mean while, the tacit network of local elites has an interest to utilize idle land for their own economic benefits. The consequence, theoretically, is that

the tacit network affects the performance of the state to implement democratic conflict management. Based on those findings the protracted land conflict in Lampung Province is determined by the partial or non-neutral position of state institutions to manage the conflict and the emergence of gray actors at local level.

Acknowledgements

The study was undertaken under the supervision of Prof. Eiji Oyamada, the School of Global Studies, Doshisha University.

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