

Land Disputes in Places of Worship: A Conflict Study

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Suggested Citation:

Nurcahya, Y., Sugiarto, D., Maulana, I., Putra, M., Z., O., & Hambaliana, D. (2024). Land Disputes in Places of Worship: A Conflict Study. *Definisi: Jurnal Agama dan Sosial Humaniora*, Volume 3, Nomor 1: -. 10.1557/djash.v3i1.32313

Article's History:

Received October 2023; Revised December 2023; Accepted January 2024.
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Abstract:

This study aims to investigate the land dispute involving the Nurul Ikhlas Mosque in Bandung, West Java, which is listed as a cultural heritage building, and its impact on the social and religious life of the surrounding community. This research uses a qualitative approach with data collection techniques including interviews with local residents, the Head of the Neighborhood Association (RW), the Head of the Mosque Management Board (DKM) of the Nurul Ikhlas Mosque, and field observations. Secondary data is also gathered from related documents, media reports, and relevant literature. The findings show that the land dispute is not only related to land rights but also has significant social impacts on the community, such as the loss of cultural and social identity due to the mosque's demolition. Furthermore, this study reveals the discrepancy between land law, which prioritizes legal and economic aspects, and the need to preserve cultural heritage buildings that hold social and religious value. This research contributes to a deeper understanding of land law application in the context of cultural preservation and religious identity and highlights the importance of a more holistic approach to resolving land disputes involving cultural heritage buildings. This study opens the discussion for more inclusive policies that consider social and cultural aspects in land dispute resolutions.

Keywords: Land Dispute, Mosque, Cultural Heritage, Land Law, Social Identity.

Abstrak

Penelitian ini bertujuan untuk menyelidiki sengketa tanah yang melibatkan Masjid Nurul Ikhlas di Kota Bandung, Jawa Barat, yang terdaftar sebagai bangunan cagar budaya, serta dampaknya terhadap

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kehidupan sosial dan keagamaan masyarakat sekitar. Penelitian ini menggunakan pendekatan kualitatif dengan teknik pengumpulan data melalui wawancara dengan warga setempat, Ketua RW, Ketua DKM Masjid Nurul Ikhlas, dan observasi lapangan. Data sekunder juga dikumpulkan melalui dokumen terkait, berita media, dan literatur yang relevan. Temuan penelitian ini menunjukkan bahwa sengketa tanah tersebut tidak hanya berkaitan dengan hak atas tanah, tetapi juga memiliki dampak sosial yang besar terhadap komunitas, seperti kehilangan identitas budaya dan sosial akibat pembongkaran masjid. Selain itu, penelitian ini juga mengungkapkan ketidaksesuaian antara hukum pertanahan yang lebih mengutamakan aspek legal dan ekonomi dengan kebutuhan untuk mempertahankan bangunan cagar budaya yang memiliki nilai sosial dan agama. Kontribusi penelitian ini terletak pada pemahaman yang lebih mendalam mengenai penerapan hukum pertanahan dalam konteks pelestarian budaya dan identitas agama, serta pentingnya pendekatan yang lebih holistik dalam menangani sengketa tanah yang melibatkan bangunan cagar budaya. Penelitian ini membuka ruang untuk kebijakan yang lebih inklusif yang mempertimbangkan aspek sosial dan budaya dalam penyelesaian sengketa tanah.

Kata Kunci: Sengketa Tanah, Masjid, Cagar Budaya, Hukum Pertanahan, Identitas Sosial.

INTRODUCTION

Land disputes in Indonesia, especially those involving religious buildings such as mosques, have become a significant issue that requires serious attention (Fahmi et al., 2023; Iswantoro, 2021). A mosque, as a place of worship for Muslims, serves not only as a spiritual space but also as a center for social and cultural activities (Raksamani, 2008). However, the existence of mosques is often threatened by land conflicts involving various parties, including government institutions and private entities (Ginting, 2021). This phenomenon encompasses not only land law aspects but also touches on the social, political, and economic dimensions of the surrounding community.

For instance, the dispute over the Nurul Ikhlas Mosque in Bandung illustrates how complex land issues can arise in religious buildings (Nurullah, 2023). Previously, the mosque was considered a cultural heritage building, but with changes in land status, the construction of an Indomaret near the mosque, and the relocation of the mosque to a more restricted area, this phenomenon has significant social impacts on the surrounding community (Wildan, 2023). Therefore, this research is essential to investigate the impact of land disputes on religious buildings, how land law is applied, and how solutions can be found to resolve these disputes in a way that is not only legally compliant but also considers the social and religious interests of the community.

According to previous studies, disputes regarding places of worship, both in terms of land rights and access to worship, have become important topics in legal and social studies. Susila and Risvan (2022) examined the reconstruction of the formation of Israeli religion in the context of the Old Testament texts, highlighting how religious conflicts often stem from contested sacred lands. Similarly, Cesari (2021) discusses disputes over the Temple Mount and Ayodhya, showing how claims over sacred sites can escalate social and political tensions between religions. Kandil (2024) expanded this study by exploring the impact of restricted access to religious heritage sites, demonstrating that such restrictions can worsen interfaith relations—a relevant issue in Indonesia, which is home to religious diversity and places of worship.

In Indonesia, Ali-Fauzi (2019) studied religious place disputes with a focus on the role of the Forum for Religious Harmony (FKUB) in resolving interfaith conflicts. Meanwhile, Arifin et al. (2021) discussed the difficulties of establishing places of worship in Indonesia, especially for minorities, often hindered by zoning policies and suboptimal religious freedom. This study aligns with findings by Germain and Gagnon (2003), who highlighted zoning dilemmas for minority religious places of worship in Montreal, Canada, which can help understand similar

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challenges in Indonesia regarding the protection of places of worship as vital spaces for religious community identity.

While many studies discuss religious place disputes, research on land conflicts involving mosques, especially those with historical and cultural value like Masjid Nurul Ikhlas, remains underexplored. There is a gap in the literature that needs further explanation concerning the role of land law in protecting religious buildings that also serve as cultural heritage sites. This research also distinguishes itself from previous studies by emphasizing the social role of the mosque within the local community and its impact on religious identity amid land disputes.

The gap in existing research is the lack of studies linking land disputes with religious buildings that also have cultural heritage value and the resulting impact on religious and social communities. While studies on religious place conflicts often focus more on social and religious aspects, few have examined in depth how land law can either resolve or exacerbate such conflicts, particularly when it involves buildings registered as cultural heritage.

This study aims to explore how land disputes involving mosques, especially those designated as cultural heritage buildings, affect the social and religious life of the surrounding community. Additionally, this research aims to explore the role of land law in resolving such disputes and offer solutions that are not only based on land law but also consider broader social and cultural aspects.

This research argues that land disputes involving religious buildings like mosques require a comprehensive legal approach that not only focuses on land law aspects but also takes into account the social and cultural impact on the community. Furthermore, the study suggests that to prevent further harm, clearer regulations are needed regarding the protection of cultural heritage buildings used as places of worship and the importance of resolving disputes by involving parties with social and cultural interests in the mediation process.

METHOD

This study focuses on the land dispute and conflict occurring at the Nurul Ikhlas Mosque, located at Jalan Cihampelas 149, Kelurahan Cipaganti, Kecamatan Coblong, Bandung City, West Java. The choice of location is based on the importance of the mosque as both a place of worship and a cultural heritage building that has been directly affected by the land dispute involving changes in status and the relocation of the mosque (Muda, 2023). The researcher aims to explore the impact of this land dispute on the surrounding community, especially regarding the threatened existence of the house of worship.

The type of research used is qualitative research, which aims to understand the social phenomenon in depth (Lune & Berg, 2017; Supriatna et al., 2024). The data used consists of primary and secondary data. Primary data is obtained through interviews with local residents, the Head of the Neighborhood Association (RW), and the Chairman of the Mosque Management Board (*Dewan Kemakmuran Masjid*) of Nurul Ikhlas Mosque to gain direct perspectives from individuals involved or affected. Secondary data is obtained from related documents, such as media reports, documents, and literature relevant to land disputes and the management of places of worship in Indonesia.

The research process is carried out in two main stages. The first stage is data collection through field observation to understand the surrounding environment of the mosque and its impact on the community. The second stage involves interviews with local residents, the Head of RW, and the Chairman of DKM to gain further insights into their views and experiences related to the land dispute. In addition, the researcher also collects secondary data from documents, articles, and reports to enrich the analysis.

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Data analysis is conducted through data reduction, which involves selecting and filtering relevant information for the research objectives (Miles & Huberman, 2013). Subsequently, the collected data is compared and synthesized to produce systematic and communicative findings. This process enables the researcher to clearly depict the conditions that occurred and provide recommendations for solutions related to resolving the land dispute at Nurul Ikhlas Mosque.

RESULTS AND DISCUSSION

The Nurul Ikhlas Mosque Land Dispute in Bandung

The Nurul Ikhlas Mosque, located at Jalan Cihampelas No. 149, Kelurahan Cipaganti, Kecamatan Coblong, Bandung City, has become the center of controversy in recent years. This mosque, which has a long history as a place of worship for Muslims, is also listed as a cultural heritage building based on the Regional Regulation (Perda) of Bandung City No. 7 of 2018 on the Management of Cultural Heritage (Muda, 2023). Initially, the building was a staff house owned by PT Kereta Api Indonesia (PT KAI), which was used by company employees in 1954. This staff house was later converted into a place of worship in 2014 after one of PT KAI's employees' heirs, Hadi Winarso, donated it as a wakaf to establish the Nurul Ikhlas Mosque.

Figure 1. The situation of the Nurul Ikhlas Mosque in 2017



Source: Susanto, 2022.

However, in 2021, a dispute arose when PT KAI reclaimed ownership of the land. PT KAI insisted that they had purchased the land in 1954, and the staff house, which had been used by their employees, was no longer functioning as a residence since 2007. In 2014, after several years of vacancy, Hari Nugraha claimed to have received a wakaf from Hadi Winarso and began converting the staff house into a mosque. PT KAI then sought to regulate the use of the land, arguing that the individuals who established the mosque had no right to the property (Kurniawan, 2022).

According to M. Rizal Fadillah, a political and national observer involved in this issue, "The Nurul Ikhlas Mosque is a Cultural Heritage building according to the Bandung City Regional Regulation No. 7 of 2018 on the Management of Cultural Heritage. It is a cultural heritage that not only holds religious value but also historical significance that must be preserved." Rizal regarded PT KAI's actions in demolishing the mosque as a destruction of cultural heritage, which was deeply regrettable. "This mosque is part of Sundanese identity that cannot be ignored." (Interview with FNN, 2023).

Figure 2. The Nurul Ikhlas Mosque dispute situation in 2018



Source: Metro Bandung, 2023.

The dispute became more complicated when it was revealed that the Nurul Ikhlas Mosque had been registered as a cultural heritage building by the Bandung City Cultural and Tourism Office in 2018. This added a new dimension to the dispute, as the demolition of a cultural heritage building should be subject to strict regulations. Although the status as a cultural heritage provides protection, PT KAI continued its plan to demolish the building and replace it with an Indomaret minimarket in 2021. This demolition sparked protests from various parties, particularly local residents, cultural activists, and community leaders, who felt that the action damaged both cultural and religious heritage (Fadillah, 2023).

For example, Agus Nurdin, the head of RW 07, expressed that many residents were disappointed with PT KAI's decision. "The vendors often ask me why there's suddenly an Indomaret here. But they know there's a replacement mosque behind it. However, some of them are still confused as to why a mosque that had been standing for so long could just disappear like that" (Interview, January 25, 2022).

The conflict intensified with the emergence of peaceful protests organized by the Mosque Cultural Heritage Legal Defense Team (TPH-MPCB), demanding that PT KAI and those involved in the mosque's destruction be held accountable for their actions. They also demanded that the mosque be rebuilt, even if using new materials, while preserving its shape and historical value. "The Nurul Ikhlas Mosque is cultural heritage that cannot be separated from our identity. Its demolition is a legal violation that must be punished severely," said Muhtar Efendi, the legal representative of TPH-MPCB, during a protest in front of the Indomaret on Cihampelas (Muda, 2023).

At the same time, PT KAI stated that they had the legal right to the land and denied that the demolition of the mosque was intentional destruction of cultural heritage. Kuswardoyo, the Head of Public Relations for PT KAI Daop 2 Bandung, explained, "We purchased this asset in 1954, and the staff house has not been inhabited since 2007. Then, in 2014, the person who established the mosque claimed ownership of the land through an invalid wakaf letter. We are

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only regulating the use of land that is not in accordance with its intended purpose” (Interview with PRFM.News, 2022).

The conflict has yet to be resolved, even though the local government, through the Cultural and Tourism Office, has acknowledged that PT KAI and Indomaret violated laws concerning the protection of cultural heritage. Moreover, the government has recommended that appropriate sanctions be imposed on the parties involved in the mosque's destruction. However, despite efforts for mediation and pressure from the community, the conflict persists, becoming a debate between those supporting the preservation of cultural heritage buildings and those who see it as private property that must be managed according to economic interests.

Meanwhile, to replace the demolished Nurul Ikhlas Mosque, a replacement mosque named Masjid Darussalam was built behind the Indomaret area. While Masjid Darussalam has more modern facilities and can accommodate more worshippers, many feel that its presence cannot replace the mosque with historical and cultural significance like the Nurul Ikhlas Mosque. Thus, even though there is a replacement mosque, the conflict over the loss of the cultural heritage building and its impact on the religious community in Cihampelas continues to this day.

Therefore, the Nurul Ikhlas Mosque dispute illustrates the complexity of issues involving land rights, cultural heritage protection, and the resulting social and cultural impacts. This conflict not only relates to a disagreement between two parties claiming rights over the land but also touches upon broader issues of cultural heritage preservation and the protection of places of worship as integral parts of community identity.

Social and Economic Impact of the Nurul Ikhlas Mosque Land Dispute

The land dispute over the Nurul Ikhlas Mosque has not only sparked debates between PT KAI and the community but also had significant social and economic impacts on the surrounding area of Jalan Cihampelas, Bandung City. As a mosque that has become part of the local community, the presence of Nurul Ikhlas Mosque played an important role in connecting people, particularly in religious and social activities. However, after the demolition of the mosque and the conversion of the land into an Indomaret, many residents felt they had lost an important part of their identity.

Agus Nurdin, the Head of RW 07, representing the local community, revealed that many small traders and residents were unsettled by this change. “Vendors often ask me why there's an Indomaret here, whereas there used to be a mosque that was frequently visited for worship and social activities” (Interview, January 25, 2022). According to Agus, even though there is a replacement mosque behind the minimarket, many residents still feel that this new mosque does not replace the social and religious functions that Nurul Ikhlas Mosque provided, which was larger and closer to the center of their activities.

The economic impact is also undeniable. With the presence of Indomaret on the site that was previously a mosque area, several small traders around the Cihampelas area have directly felt the decline in their income. Several street vendors (*Pedagang Kaki Lima*) expressed their concerns about the dominance of large businesses that seem to “overpower” their small enterprises. “With Indomaret here, we feel it's harder to compete. Before, many visitors came to the mosque and also bought goods from us,” said one of the vendors who preferred to remain anonymous (Interview, January 25, 2022).

Figure 3. Situation of Indomaret Cihampelas 149 March 2023



Source: Muda, 2023.

In addition to the economic impact on traders, this change also affected social relationships in the area. The Nurul Ikhlas Mosque previously functioned as a meeting place for residents for religious activities, such as study groups and congregational prayers, which helped strengthen the bonds among residents. However, with the loss of the mosque, many residents felt isolated. HN, the Chairman of the Mosque Management Board (DKM) of Masjid Jami Nurul Ikhlas, which was previously established at that location, also expressed his disappointment. “We feel that this action has erased our cultural and social identity as a community,” (Interview, January 25, 2022).

Although Masjid Darussalam, the replacement mosque built behind Indomaret, offers more modern facilities and can accommodate worshippers, residents still feel a lack of connection and meaning in the new place of worship. Although this new mosque can accommodate congregants, its existence cannot replace the history and social role that the Nurul Ikhlas Mosque held within the local community.

This land dispute also illustrates the tension between economic needs and cultural preservation. Community leaders and cultural activists argue that demolishing a cultural heritage building for commercial interests is an action that harms the broader community. They see it as an injustice to those who depended on the mosque as a center for social and spiritual activities.

The Role of Land Law in the Resolution of the Nurul Ikhlas Mosque Dispute

The land dispute involving the Nurul Ikhlas Mosque reflects a significant challenge in the implementation of land law in Indonesia, particularly regarding the protection of cultural heritage buildings and places of worship (Bedner & Arizona, 2019). Land law in Indonesia, regulated by the Basic Agrarian Law (UUPA) No. 5 of 1960 and various related regulations, provides a solid foundation for land rights (Widiyono & Khan, 2023). However, this case shows that the application of this law often clashes with other interests, such as asset

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management by companies and the sustainability of economic projects, as seen with PT KAI's efforts to reclaim the land previously used for the mosque.

Figure 4. Sealing of the Indomaret Cihampelas building 149 March 2023



Source: Personal Documentation, 2024.

At the beginning of the dispute, PT KAI claimed ownership of the land based on a deed of sale from 1954, even though the land had been functioning as a place of worship since 2014. According to Kuswardoyo, the Public Relations Manager of PT KAI Daop 2 Bandung, "We have the right to this land based on a valid deed of sale, and we are simply regulating the use of the asset, which was not in accordance with its intended purpose" (Interview with PRFM.News, 2022). However, PT KAI's claim contradicts the land's status, which had become part of a cultural heritage building, and according to Bandung City Regional Regulation No. 7 of 2018, it should have been subject to stricter legal protection.

The local regulation governing the management of cultural heritage buildings allows for changes in the function of cultural heritage buildings; however, such changes must consider the preservation of the building's original elements. In the case of the Nurul Ikhlas Mosque, PT KAI and Indomaret's actions to completely demolish the building, without preserving the facade or other architectural elements, violated the principles of cultural heritage protection stipulated in the regulations. As emphasized by Muhtar Efendi, the legal representative of the Mosque Cultural Heritage Legal Defense Team (TPH-MPCB), "This demolition is a serious violation of the existing regulations. This is not just about land rights, but about protecting our cultural heritage, which has become part of the community's identity" (Quoted from FNN, 2023).

In this case, the role of land law appears weak in addressing conflicts involving cultural heritage and places of worship. The resolution of land disputes involving places of worship often requires a more sensitive approach to the social and cultural context of the local community. Although the local government and the Bandung City Cultural and Tourism Office have acknowledged that PT KAI and Indomaret violated laws regarding the protection of cultural heritage, no clear legal action has been taken against these violations. This raises questions about the effectiveness of land regulations that should protect cultural heritage buildings while also considering the social and cultural interests of the community.

This dispute also reveals a gap in the understanding and application of law between the party managing the land, PT KAI, and those involved in social and cultural values, such as the community and cultural activists. Land law in Indonesia needs clearer provisions to handle cases like this, which involve a conflict between land rights, cultural preservation, and the

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right to worship (Agustina, 2018). As Rizal Fadillah stated, "Protection of cultural heritage buildings must be more than just regulations; it is about preserving identity and history that are invaluable to the community" (Quoted from FNN, 2023).

While legal resolution of this dispute is still ongoing, the findings suggest the need for a more holistic approach to land issues that involve many stakeholders, considering broader social, cultural, and economic aspects.

Discussion

The research findings on the land dispute involving the Nurul Ikhlas Mosque in Bandung not only reflect local dynamics between the private sector (PT KAI) and the surrounding community but also reveal a larger tension between economic interests and cultural preservation. This dispute signifies a broader phenomenon related to the changing roles of places of worship and cultural heritage buildings in modern society. In this context, Pierre Bourdieu's theory of habitus and social capital provides deeper insight (Bourdieu, 1983). Bourdieu argues that an individual's social space is shaped by their history, culture, and social relations, which he refers to as habitus (Rogošić & Baranović, 2016). In this case, the mosque is not just a place of worship but also a symbol of the social and cultural identity of the surrounding community. When this mosque was demolished to make way for a minimarket, it created a social void that affected the habitus of the residents who had felt connected to this place of worship. This change illustrates the tension between economic values that drive commercial development and cultural values that demand the preservation of local identity.

The implications of this research are that it is crucial to consider social and cultural dimensions in land policy and development. This dispute shows that policies focusing solely on land rights and legal status often overlook the social and cultural impacts on the community. If land and development policies do not account for social and cultural values, we will face broader cultural identity erosion, which can lead to social dissatisfaction and conflict (Agustina, 2018). In this regard, the role of law in protecting cultural heritage buildings and places of worship is vital, and there needs to be a deeper understanding of how changes in land use impact the community (Gautama & Hornick, 2022).

The research findings reflect the reality that in Indonesia, the process of resolving land disputes often prioritizes legal and economic aspects, while social and cultural dimensions are overlooked (Martono et al., 2021). This can be explained through Karl Marx's social conflict theory, which argues that in capitalist societies, economic interests often dominate over the social and cultural needs of the community (Hollander, 2008). PT KAI and Indomaret represent capital interests focused on the economic value of land, while the community and cultural activists demand the preservation of social and cultural identity, which extends beyond material value. This conflict also reflects a shift in values within Indonesian society, where commercial values are increasingly replacing traditional and cultural values.

So far, the actions taken by the material subjects of this research, namely PT KAI and Indomaret, have been to continue with the development plan, citing legitimate asset management. However, the response from the community and cultural legal activists shows dissatisfaction with this decision. The legal actions taken by the Mosque Cultural Heritage Legal Defense Team (TPH-MPCB) through peaceful protests and ongoing legal demands against PT KAI and Indomaret demonstrate that, even with the replacement of the mosque with Masjid Darussalam, social and cultural dissatisfaction persists. The local government also needs to be more proactive in addressing this conflict, not only relying on land law but also creating more inclusive policies that consider the cultural and social sustainability of the

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community. The implication of this is that existing regulations must integrate social and cultural aspects into land dispute resolutions, not just legal and economic factors.

CONCLUSION

This study reveals that the land dispute involving the Nurul Ikhlas Mosque in Bandung is not merely a matter of land rights but also involves broader social, cultural, and historical roles within the community. The main finding of this research is the mismatch between land law, which prioritizes legal and economic aspects, and the need to preserve cultural heritage buildings and places of worship that hold significant social and cultural value for the community. The findings show that, while many previous studies have examined land disputes in the context of places of worship, few have explored in depth how land law can either exacerbate or resolve conflicts involving places of worship that are also listed as cultural heritage sites, as in the case of the Nurul Ikhlas Mosque. This study offers novelty by highlighting the role of land law and its impact on communities that depend on places of worship as part of their social identity.

This study makes a significant contribution to understanding the dynamics of land disputes involving places of worship with cultural heritage status in Indonesia. The primary contribution of this research lies in the use of social theory, such as Pierre Bourdieu's theory of habitus and social capital, which helps illustrate how land disputes not only affect land rights but also transform the social and cultural patterns of the community linked to places of worship. Furthermore, this research provides a deeper understanding of the application of land law in the context of cultural preservation and religious identity, areas that have been insufficiently addressed in existing policies and regulations. Thus, this study opens further discussion on the importance of regulations that integrate social and cultural aspects into the resolution of land disputes involving cultural heritage buildings.

One limitation of this study is that it focuses on a single land dispute case, namely the Nurul Ikhlas Mosque in Bandung, which may not fully represent the complexity of land disputes involving places of worship across Indonesia. Therefore, future research could examine more land dispute cases involving places of worship and cultural heritage buildings in different regions to determine whether similar findings can be found in different contexts. Additionally, further research can deepen the study on the impact of zoning policies and land regulation on the social and cultural sustainability of places of worship in Indonesia, as well as how the government can create more inclusive policies to protect places of worship that are also part of the nation's cultural heritage.

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