



Land use Aspects of Tenureplantation for Development in the Province of Riau, Indonesia

Pazli. SIP MSi

University of Riau, Indonesia Doctoral Regional Development Studies at the University of Riau, Indonesia
pazliku@gmail.com

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Abstract

The research appears as seeing some of the plantation land stewardship policies do not lead to equitable development. At least in the area of research is in the province of Riau, which implements some kind of agrarian policies which directly represent the policy of the central government, as well as those initiated by the government of Riau province. This phenomenon needs to be studied by conducting in-depth research in order to describe the facts justice on the substance and implementation of a land use policy for plantation in Riau province and how to perfect policy agrarian justice to the subject. Problems on the study "how the substance and implementation of agrarian policy aspects of mastery for estate development?". Does the policy have been fair to state plantation company, private plantation companies and the people?. Further refinement of how these policies?. The method used in this study is a qualitative method that is based on the concept and dimensions of injustice among others; i. marginalization; ii. monopoly; iii. dominance. Data collected from the relevant documents, interviews of subjects plantations. This study found that; stewardship unjust where the substance has not been adequate mastery policies to accommodate and accommodate the access, control, expediency, political policies, power/power, agrarian economies of scale to the subject. In the implementation of land use has occurred; marginalization policies (on access rights, access opportunities, the benefits for the people, especially the partnership pattern PIR-Trans and PIR KKPA); monopoly and domination in the resource policies to the people and economies of scale typical land business. Furthermore, this research has contributed to the concepts of stewardship of land for plantation development with justice: the dimensions and elements of injustice: marginalization, monopoly and domination, which can be used to measure and analyze whether the model /pattern of land use for the development of plantations have been fair to the subject or not.

Keywords: Tenure, Not Fair for Construction of Riau plantations.

Introduction

This article about a land use policy aspects of mastery for plantation development that reveal the interaction between the subject plantation (state plantation companies, private plantation companies and people) in the sub aspect of mastery for developing plantations in Riau province.

The significance of the substance of the study in terms of thinking, among others: (i) substantially land use policy for plantation development to contribute significantly to the country, state plantation companies and private plantation company, compared to the people who are both subject agrarian.

Conditions substance of this policy is seen as a form of injustice eksistnya between agrarian subject. During the colonial rule, land in Indonesia is used for the production of agricultural commodities, and therefore in the transition of power from the colonial period to Indonesia, the agricultural sector and sub-sector into be disturbed. Kartodirjo and Djoko illustrates that the plantation sub-sector of agricultural production suffered because of security problems instability of social life and national politics, both at the central and regional levels, investors are not

interested because of political instability followed by wage increases workers' demands as well as the dominance of the social power of labor organizations¹.

In the terms of the Round Table Conference (RTC), which occurred in December 1949, explained that the foreign-owned estates restored, while the state-owned estates to the new government restored colonial Indonesia. To accommodate the plantations previously in September 1949 established the State Plantation Corporation. As the umbrella law on the takeover of the former plantation belonging to the colonial administration was the Basic Agrarian Law (BAL) No. 5 on the date 24 September 1960, BAL is in turn the dominant influence on the development of plantations in Indonesia².

Furthermore BAL No. 5/1960 will be used as a master policy that underlies the entire next agrarian policy. Especially for land use and plantation development BAL No. 5/1960 in favor by other agrarian policies relating to Law No. 18/2004 on Oil and Government Regulation (PP) No. 16/2004 on Land Stewardship, which specifically regulates Land Rights holders (HAT), especially in creating a land use policy for the benefit of plantation development.

Post-transition of power up to a decade after independence until the 1960s, the agrarian problem is a problem that occurs more frequently in the rural areas, which is triggered by a pattern of patron-client between the farmer owners who usually have large amounts of land to landless farmers and farm workers which has a very small and narrow land. This condition is at the root of land conflicts in the countryside, on an individual's access to land or the land, which is also known as the hungry land "(land hunger)". Where according Husein these conditions is difficult to avoid because the land in addition to an economic asset for the owner is also a political asset for the owner to be able to actively participate in influencing and contributing to the decision-making process to specific policies in the area where he lives. For those who do not own the land will experience two types of poverty at the same time, the economic poverty and political poverty³.

Agrarian policy in Indonesia is closely linked to national economic policy in the early years of the New Order, agrarian policies directed to stimulate the inflow of investment from abroad. Thus in general, in the context of economic history and agriculture development in Indonesia, in general, people are on the weak side even marginalized by the policies of existing land use, where the absence of the real impact that accepted people for improvement of quality of life.

Iskandar give some indication of the deterioration of people's lives as farmers of all time. In pre-colonial times, on Java island structure highly skewed land ownership in which the king as absolute owner of the land. Farmers as farm workers who depend on the local nobility. In the Dutch colonial period, farmers are forced to follow the rules of cultivation and experiencing various tragedies famine in the 1940s. In the post-colonial period was, inequality of land tenure remains striking. As the results of Agricultural Census in 1971 showed 14% of upper class households have average farm 1.16 ha and vice versa household bottom layer (59)% only had an average of 0.25 hectare of land tenure⁴.

In the years 1970-1980 the green revolution succeeded in increasing self-sufficiency in rice in 1984. However, due to unequal access to land and management centralized and dependent on the input from outside Indonesia back then imported rice. In general, agricultural development has been enjoyed top layer that has power in all things, while the people who are part simply enjoy a little alone. This slump deepened because of the lack of concern of the government.

Land use planning functions as a sub-system of the national land system as a whole is involved either support all development activities undertaken by the government, private and other community members, so that ultimately the aim that the use of the land provides the overall prosperity of the people can actually be realized. In Indonesia today stewardship of land based on the PP 16/2004, which consists of eight chapters and is divided into 31 chapters, is a manifestation of a legal product in

an attempt implementation of the Law on Spatial Planning No. 24/1992 on spatial planning.

Land stewardship consists of sub aspects of control, ownership and land allotment. Aspects of "mastery" and "ownership" relates to how the legal relationship of man to the ground. Mastery aspects with regard to how the legal relationship with the subject of agrarian land which is the object of agrarian. Agrarian subjects in this study is a state plantation companies; company private estates and smallholder agriculture.

As more Harsono clarify the concept of land ownership in addition to property can also be done with liens, lease or sell the right to annual. Thus Article 7 UUPA 1960 prohibits not only beyond the boundaries of land ownership, but also control of land in another form. Legally between own and control the land will reflect the intrinsic legal status by the subject to the object of agrarian law in the form of land. Judging from social and economic point of view, the concept of "ownership" is pointing to the formal mastery, while the concept of "control" refers to the existence of effective occupation. While the concept of cultivated land can be attributed to the form of land use, patterns of crops and other farming costs⁶.

Further in this section will be the authors expressed tenure from the perspective of the government, private enterprise and the public; i. Based on the results of that investigation Raffles draw the conclusion that all the land belongs to the king or the government. This is in line with British law as stated "In English law, owing to feudal doctrine that all land is held of the king, the land cannot Become a res nullius and even in the case of personal property the list of such things is very limited"⁷.

The application of the theory of the domains is then forwarded by the Netherlands, notably to justify the state gave the land to the private sector for the purposes of their businesses in Indonesia. The theory of the domains defined in article 1 Agrarisch Besluit 1870 (S.1870No.119) which states that without prejudice to the stipulation of the 2nd and 3rd of the Act (ie paragraphs 5 and 6 of article 51 IS), it still held unswerving principle which states that all land that can not be proven as a right belonging to (eigendom), belonged to the State.

In addition to the well known statement "domain specific", which stated that all land is vacant or wild lands belonging to the state, unless the lands are the rights of the people based on the right to open ground. Verklaringdomein particular this applies to Sumatra, Manado, South Kalimantan and East Kalimantan, Domeinverklaring. This allows the state as the owner of the land, so that it can provide certain rights to private companies in the form of rights erfpacht, Opstal rights and so forth. In terms of proof of ownership of land, based on Article 1 Agrarisch Besluit in 1870, the state does not have to prove it, otherwise people will have to prove that they own the land. This reinforces the expert opinion which describes the relationship agrarian agrarian society with only two, namely the large

landowners and the slaves are oppressed or do not have the absolute ground.

But today the concentration of land ownership in a particular person is true and is running smoothly and quickly; ii. The fact of plantation development in many developing countries that embrace the capitalist economic system as a form of dependence on the international economic system shows that the capital or local or international capital owners always chasing agrarian existence for plantation development. But as Gertz, see cultivation bulges and stretch, meaning that there will be expansion of crop acreage to commodities that longevity to 30 years so that it is possible to do intensification, the consequences to maximize results it is necessary that extending the expansion of land⁸; iii. The concept of land ownership under customary law system based on customary rights, which is a community rights law as an entity that has the authority to the outside as well as inside.

The stronger the individual rights on the ground then weakened its power of customary rights to the land. Conversely the weaker the rights of the individual, the more powerful the entry into force of customary rights. Individual rights will disappear and the land will be back in power if the customary rights land "abandoned" into the field or forest land ownership back⁹. Tenure and individually obtained by open land, as saying Van setten : "The right to control the land begins and comes from a person's work open land that was previously not explored. Land recently opened known as feeder. Individual ownership rights apply to a farmer if he has opened a pioneering new ground, he was given three years to build and print the fields before it is considered appropriate to be taxed. The opening of land and paddy fields were carried out by several people together to make the land belongs combined. If all villagers work together to open the land for the benefit of all citizens of the village, the land becomes the property of openings collectively as the fields of the village"¹⁰.

To understand the relationship of land tenure in the traditional villages, the concept *beschikkingsrecht* (right seigniorial or customary rights) introduced by Van Vollenhoven very helpful. Two key elements that characterize this type of rights is the first, the lack of power to transfer the land and second, there was an interaction between communal rights and individual rights¹¹.

These customary rights applies to the outward and inward. In, first communion and its members have the right to withdraw the land and all that is on it the land, establish a place of residence, herding livestock, gathering food, hunting and fishing, two still dependent rights of the individual (individual) on the public's right *ulayat* , Third, alliances can assign land for public purposes such as for cemeteries, cattle paddock together, the grounds of mosques and schools, to land positions (*bent*) as a gift to the authorities of the community; Exit, applies a ban on outsiders to profit from the land except with the permission and after paying admission. Likewise outsiders are prohibited from owning

private land in farmland.

Acquisition of the right system is traditionally the above is in line with the old theory regarding the acquisition of property rights for *occupatio*, namely the occupation of lands classified as *res nullius*, ie land that is not owned by anyone. What has been discovered by a person will become the property of the person concerned. The Romans had set *occupatio* way as a means to acquire property rights naturally¹². How this *occupatio* contains a weakness because people just imagine the empty land, which is uninhabited and not yet discovered by someone. All the land has now become the object of power of the state or individuals, who could not have imagined that there was no control of the land or its owners. It is also due to the rapid advances in technology that can reach all parts of the world and an increasingly aging population requires land.

Aspects of "tenure" is pointing to the formal mastery, while the concept of "control" refers to the existence of effective occupation. Meanwhile the "concessions" more refers to how a piece of land was cultivated productively. The concept of ownership on land rights began in Athens which is considered as the first democracy during the reign of Solon¹³. In its efforts to reform the constitutional, democratically managed to give birth agrarian law known as (*seisachtheia*) is essentially aimed at freeing hektamor of debt, and once freed from their status of slaves in agriculture.

Starting from the division of the land, monopoly ownership of the land at that time can be stopped, so that the land is no longer owned or controlled by a group or class of people, but the land in accordance with the laws of agrarian reform must be widely shared on the hektamor were originally thought to be a slave and must free of attachment to the landlords.

In Indonesia, the Basic Agrarian Law (BAL No. 5/1960 governing the right to land, his form of land ownership certificate as an evidentiary tool (BAL No. 5/1960). Its legal basis is Government Regulation No. 24 / 1997 on land ownership, in addition to other legal basis is the Decree or TAP MPR No. IX / 2001, article 2, "agrarian reform includes an ongoing process with respect to the realignment of control, ownership, use and utilization of agrarian resources" aspect of mastery and possession relating to how the legal relationship of man to the ground.

In the explanation of the BAL No.5 / 1960, article 2, paragraph 1, which contains the provisions of Article 33, paragraph 3 of the 1945 Constitution of the concept of state authority, which authorizes the state as the supreme power organization of the Indonesian people to organize and allocation, usage, inventory and maintainance, regulates the rights to possess the top part of the earth, water and space, define and regulate the legal relationship between the individual and the deeds of the law of the land, water and space.

Appropriation of land for state- owned plantation company, Also based on the People's Consultative Assembly Decree No. IX of 2001 on agrarian reform and natural resources managed in Indonesia. Chapter 2, "agrarian reform includes an ongoing process with respect to the realignment included mastery of agrarian resources. In BAL No. 5/1960, article 2, paragraph 1 asserts that the state set up the land for the welfare of the people.

Furthermore, to provide a foundation for the operations aspect of the allotment and land use in 2004, the government issued Law No. 18/2004 on Plantation. Well here's Law plantation until today being the regulation of allotment of land for plantations, especially for subjek agrarian and estates are subject state enterprises and private firms.

Law on this plantation does not stand alone, but with regard to holders of land rights in government policies No. 16/2004 shall land use as Mentioned in Article 4.7, 8 and 11. As in Article 4 of this Regulation , that the stewardship of the land Referred to in paragraph i. shall be based on the spatial plan , counties and cities, the resulting in the allotment of land for plantation by plantation subject must make- spatial as implementation guidelines.

In contrast to some of the ideas and the results of previous studies, on this occasion the author focuses on the policy aspects of land tenure stewardship used for plantation development analysis of the substance of policy and implementation of the policies implemented in the province of Riau. The main question in this research is "How can the reality of a land use policy for plantation development aspects of mastery contained in the province of Riau?.

The next question is derived as follows: i. whether the segment of the substance and implementation of a land use policy aspects of land for mastery plantations "unjust" to the subject of agrarian?; ii. the extent to which the substance and implementation of land policy that is "unjust" to the subject of agrarian?; Based on the questions, this paper intends to: i. identify the reality of the facts of injustice on a policy of land use aspects of mastery for plantation development. ii. identify the factors and defining element of the size of the inequities in the implementation of land use aspects of land acquisition for plantations. Estate development is preceded by a land use from forested land, indigenous land (communal land) and the ground state as a basis for the development of plantation sub sector, both for state plantation company, the company private estates or in smallholdings were carried out in different patterns of development.

Some land stewardship policies, especially on sub aspects of tenure are; LAW No. 5/1967 on Basic Provisions of Forestry; Government Policies No. 40/1996 concerning HGU, HAT and HGB; LAW no. 41/1999; Singingi Regency Kuantan Regulations No. 9/2009 regarding Business Estate; Joint Decree of the Minister of Forestry and the National Land Agency No.

364 and 519 /decisions / HK. 050/7/90 , and No. 23 / Decisions / VIII -1999 concerning the release of forest area for the concession; SK Menhutbun No. 728 / Kpts - II / 1998 on broad policy governing the maximum release of forest land for plantation agriculture.

For the state plantation companies and private plantation company, the form of land tenure is in the form of land concession rights. This concession rights in the form of HGU, namely the right to the utilization of land. In general acquisition of Land Concessions sourced from forest areas primarily intended for plantation development or the development of other businesses.

Methodology

This study is a qualitative research, Carried out in the province of Riau. The data is collected are primary and secondary data. Secondary Data Obtained from research reports and publications of government agencies in the province of Riau. The primary Data Obtained through interviews with key informants. The analysis uses the concept; marginalization, Refers to the opinion of Duffy, who described the inability of a person or group to engage and-access in various aspects of life such as economic, social, political and cultural isolation amid society¹⁴. Marginalization measured on; on access, on the control and on the merits; monopoly is the ability of the overall control of a party (to the total number / market price) than other parties on specific aspects of resources. Monopoly measured on; Typical resources, scale economics / business, political policy; the dominance that the mastery of a particular subject by subject so any other on the subject consequently be no role. Domination measured on; magnitut power.

Results and Discussion

The administration of the substance of policy aspects of land: Indonesian government policy on land tenure first in the New Order government is Law No. 5/1967 on Principles of Forestry. In chapter 14, has provided access to the mastery of the form of exploitation and utilization of the subject agrarian to land sourced from a forest area as the sound of article 14 paragraph (3), (4) respectively reads: Article (3) To the state enterprises, regional companies and companies private forest concession rights can be granted. And; Article (4) To Indonesian citizens and Indonesian legal entities that are wholly owned by Indonesian citizens can be given the right to collect forest products. The policy has given tenure via concessions to the estates of state and private plantation company. While in use in the form of forest product collection was given to people.

Occurs giving treatment to the subject of the agrarian to commercialize and or benefit in the form of harvesting forests. So there has been a marginalization, monopolies and political domination of agrarian policy to a specific subject. Further on the subject of agrarian entitled to the forest, then granted

concessions called leasehold. Cultivation Rights regulated by Government Regulation (PP) No. 40/1996 on leasehold, Land and Building Rights. Under PP 40/1996, article 2 states; "That can have a leasehold is: i. Indonesian citizens. ii. Legal Entity established under Indonesian law and domiciled in Indonesia". In PP 40/1996 Article 4 (1), (2) states that; (1) Land can be given concession is state land ". (2) In the case of land will be given by HGU it is state land is forest area, then granting the concession can be made after the relevant land removed from its status as forests".

The policy has been basically provided the opportunity and the access rights to third mastery of agrarian subjects to cultivate the ground state. This policy does not indicate the occurrence of marginalization on access rights to third agrarian subject. Besides, under PP 40/1996 Article 16 (1), the concession may be transferred to another party that is among the state plantation companies, enterprises and people's private estates. As Article 16 (1) (2) "(1) leasehold may be transferred to another party ". (2) Transition leasehold occurs by: Buying and selling, exchange, equity, grants, inherited land.

Article 16 of the PP has provided access to divert resources to the control of the concession company incorporated in Indonesia as contained in article (2). The policy monopolistic on political alignments, favorable policy and dominating the people on the economic scale of the land, because not all subjects agrarian gain access easily to the article 16 of this Regulation, for the people is not a subject that generally have a legal entity.

Then the transfer of rights to land also is not able to be followed by the possession of power people who are generally weak and economically limited. The conclusion that these policies marginalize certain rights subject to wetland resources, especially to the people, so this policy is not fair to the people. In 1999 with the spirit of the policy of political reform in Indonesia, the government issued Law No. agrarian policy 41/1999 on Forestry. By this law Recognizes customary rights of the people as stated in article 1 number 6: "Indigenous Forest is a state forest located in the area of indigenous communities". Besides, in article 5, paragraph (2) that: "The Forest of the States referred to in paragraph (1) letter a, may be adat forest"; and that "the state forest is a forest that is located on land that is not encumbered land rights (article 1, paragraph (4). In the article 4 paragraphs (3) provide guidelines for the host country, especially for the forestry authorities to keep attention to the rights indigenous peoples. Article 4 paragraph (3) states "the state forest control by taking into account the rights of indigenous people, along the fact still exist and be recognized and not contrary to the national interest".

Explanation of article 5, paragraph (1) also states: "State forests can be either indigenous forests, the state forest transferred to communities of indigenous community (rechtsgemeenschap). Special about the source of tenure, Law No. 41/1999 on Forestry mentioned in Article 28 (1) (2) of the "use of

production forests". In article 28 paragraph (2) and section 30 provide access, opportunity and permission to individuals, cooperatives and state-owned State or Region for land sourced from the region or the existing forest area.

Articles of the above policies for granting access rights to the subject of agrarian and also on resources, political policy to the existing agrarian subject. The conclusion that the substance of the policy is not marginalizing, monopolistic and dominating the agrarian three subjects that can be said is fair.

Furthermore, in the District Regulation No. 9/2009 created the District government (one level below the provincial government) of the Plantation Business, this policy is substantially regulates sources of tenure, as in Article 10 states that: (1) "The land of plantation can be derived from communal land is communal public land, land to plantations, the ground state or other area of allotment land in accordance with spatial planning (spatial plans). (2) "In the case of land that is required is a land of customary rights of indigenous people's in fact still exist, the use of land for plantations shall conduct deliberations with the customary law communities holders of customary rights and citizens rights holders over the land, to obtain agreement on handover land, and in return ".

For the second paragraph in the article in terms of the substance of the source of tenure for granting access rights, on the third occasion of agrarian subjects. As Article 1 (15) reads: "Businesses are plantation smallholders and plantation companies that manage the plantation".

Regional Regulation No. 9/2009 that provides resources as land tenure where Article 10 (2) does not marginalize not monopolize control of the source of that land for agrarian subject. But there is a condition with the political interests of land policy, in which the source for a large plantation companies also come from the land of ancestral community. Conclusion that this policy alienated people from their land, going de-consolidation of land, so it is said is not fair to subject the people.

Other policies, decision between the Minister of Forestry and the Ministry of Agriculture as well as the Head of the National Land Agency, on Release of Forest Zone and the concession procedure, this policy has given clear land tenure procedures against the existing land resources.

This policy has opened an access, the chance to get HGU to the state plantation company, the company private estates and the people as stipulated in Article 2 s / d of article 19 of the removal procedure for issuing the concession forest area. This policy does not marginalize, not monopolize and dominate one of agrarian subjects. Substantially, this policy is fair to all three subjects.

Policies that form the Minister of Forestry and Plantation (the

minister's decision and plantation forestry) No. 728 / Kpts-II / 1998 on the policies that govern the maximum area limit the release of forest land for plantation agriculture, the substance of this policy is about the rights of tenure and broad subject mastery are allowed. Applicants who have had a plantation HGU corresponding maximum size limit, no longer given approval in principle or disposal of forest area. As the decision of the Minister of forestry and plantations No. 728 / decision- II / 1998, Article 4 states states of the plantation companies are only given to the exploitation permit covering an area of 20,000 hectares in the territory of one province or an area of 100,000 hectares in Indonesia for company or group of companies with the same shareholders. The minister's decision and plantation forestry No. 728 / Kpts-II / 1998 only gives access to the concession for cooperatives and not to the People of individuals, occur exclusion to subject people to close access to land tenure through exploitation, substantially structuring maximum area of forest utilization and release of forest land for plantation agriculture with more provide business opportunities to small and medium enterprises and cooperatives to grow and develop into an economic power of the people is real, this policy to accommodate the large companies while marginalizing the people of the individual, the condition had been marginalizing ie close access rights and access opportunities of the people, so that the substance of this policy is unfair to agrarian subject. Furthermore, extensive provision of tenure for people who set policy in the PP 40/1996 as well as Article 5 paragraph; (1) The minimum area of land that can be provided by Cultivation Rights is five hectares; and (2) the maximum area of land which can be rendered to an individual leasehold is twenty-five hectares.

In the provisions of this policy is contained the charge that accommodate the rights and obligations of the parties, especially the people as subject and object of development, especially for state-owned companies are required to meet the compensation rights-society proportional and adequate if in the construction area perkebunanya contained community land rights. Based on indicators measuring injustice substance above policies are fair to the subject of agrarian.

Land stewardship policy implementation: Aspect Mastery (The state-owned plantation company, private plantation companies and people): In the implementation of the policy is law 5/1967 on Basic Provisions of Forestry, the policies substantially on access, has given tenure and the benefits do not limit the participation to the subject of the agrarian to work it and take benefit from the potential of the existing forest area. But the policy implementation of Law No. 5/1967 on Basic Provisions of Forestry more to the state plantation companies. In the implementation of Article 14 paragraph (3) and (4) the political policy on land tenure has privileges primarily to large enterprises, namely state PTPNV in Riau province, for the first time based on the Minister of Agriculture No. 178 / KPTS / UM / III / 1979 on Regional Development P.N/P.T Plantation and Riau Governor Decree No: KPTS. 131 / V / 1983 on reserve

land for plantations. The release of forest area of 32 235 ha of forest area Lindai River, Tapung Left Rokan Hulu. Tenure sourced from a third state forest land for agrarian subjects.

Private Plantation Company and people are stigmatized subject to access rights, access to land tenure opportunities derived from the release of the forest area, due to private plantation company is considered not given priority to the development of the plantation land sourced from forests in Riau. While on the individual people do not have the economic power to acquire land through concession facilities waiver of forest area.

Furthermore, policies that regulate the source of tenure is under PP 40/1996, in the implementation of the above policy can be seen in the source of tenure for state plantation company (PTPN V) which is the result of the consolidation of plantation development PTPN II, IV and V in the province of Riau. Pendirianya legal basis under PP 10/1996 concerning Capital Remittance of the Republic of Indonesia for the Establishment of a Limited Liability Company PT. Perkebunan Nusantara V. Where land or land used for plantation development in addition to originating from the concession of state land, and also derived from the delivery of public lands and land selling mainly in plantation development PIR / Plasma / creditor. Land tenure state plantation company until the year 2011 reached 90 447 hectares¹⁵.

Then tenure private plantation company HGU-Pure is PT. Adi Mulya Agro Lestari, now located precisely in the village Suka Maju, District Singingi Hilir Regency Kuantan Singingi master HGU garden land of 7000 ha. While the tenure of the people as obtained from the sale and purchase, gift, inheritance and distribution of communal land (not HGU) the minimum limits deemed acceptable for one household is 2 hectares/KK. The land area is 2,439 ha people's plantation, with the number of plantation workers reached 1051.143 KK, so that the average tenure of plantation land between 1.5-2 hectares/ KK¹⁶.

Besides, under PP 40/1996 Article 16 (1), concerning HGU transition to other parties that fellow state plantation companies, enterprises and people's private estates. As Article 16 (1) (2) has been realized favorable to large plantation companies both public and private just because people seldom have a legal entity plantations. Transition HGU also not able to put people in general is economically weak and limited. The evidence suggests that the source of tenure gardens to the state company obtained through the concession of state land and reserve land for plantations, especially private enterprises in the implementation of the people only get land sourced from state land and state land or not. Implementation of these policies marginalizes certain rights subject to wetland resources, especially to the estates and the people, so that the land policy is not fair.

The policy as Law No. 41/1999 on Forestry as landasan land acquisition for plantations, the law recognizes the existence of

indigenous peoples' territories, but the implementation is going on de-consolidation of the people's rights to access to their communal forests as a source of land in plantation development. By law the majority of people are not able to prove that the institutional linkage of land owned by customary law or no proof of mastery.

For the entire territory of the province of Riau State Plantation Company (PTPN V) control of land from various sources tenure exceeds 90 477 ha area (Plantation Office of Riau Province , 2012) . While the overall area of which is managed company is covering 160 745 hectares, the which consists of 86 219 hectares of land alone / cores and 74 526 hectares of land plasma. PTPN V, as a state plantation company dominates the area because of land tenure has mastered more than 90,000 ha for the province of Riau¹⁷.

Similarly to what happened in the private plantation company PT. AdiMulya Agro Lestari which has a land area of plantation concession covering an area of approximately 7000 hectares. Private plantation company has benefited by Law No. 41/1999 on Forestry, which indirectly marginalize indigenous peoples to develop plantations on the land of communal land, leading to the de-consolidation of communal land into smaller ones measuring only 1-2 hectares/KK). In the end, customary rights land which was originally intact in the vast expanse of unity, becomes fragmented.

Based on indicators measuring injustice aspects and sub-aspects of the policies of marginalization, monopoly and dominance, then the description above, suggests that the implementation of land policy are not directly rid the people of their customary rights. Thus the implementation of Law No. 41/1999 on Forestry underlying land acquisition for plantations in Riau province in implementation unfair.

Next how the implementation of the substance that is the source of tenure Regional Regulation No. Singingi Kuantan District 9/2009 on Plantation Business, which is a policy that substantially regulates sources of tenure. Substantially source of tenure for granting access rights, on the third occasion of agrarian subjects. As Article 1 (15) reads: "Businesses are plantation smallholders and plantation companies that manage the plantation". But the implementation is contained private plantation company that replanting through lahanya KKPA source comes from an area of ancestral community. As is done PT. Surya Agroleka Mutual as a private company nucleus estates in reality have mastered ancestral community land area of 964 ha.

In contrast to the tenure by the people who obtained independently derived from inheritance or grants as evidenced by a plantation land ownership in the number and extent. But the people are farmers KKPA participants had no evidence of an important asset such as land tenure, customary land because they have become collateral to the banks the government to

build gardens KKPA pattern. The description above, gave the conclusion that this policy alienated people from their land, going de-consolidation of land to agrarian subjects, namely the people.

Furthermore, the implementation of the decision of the Minister of Forestry, the Minister of Agriculture and head of the National Land Agency of Indonesia about the release of forest area , and the policy the same institution No. 23 / decision - VIII - 1990 on the concession procedure, mentioning the land in concession to private companies is a pristine forest areas that had been done Previously waiver of forest area.

In the implementation has followed the procedure of land tenure; and provide access to the People's concession. Implementation look at one of the concession holders of the private plantation company, PT. Adi Mulya Agro Lestari in Riau province that has Reached the 7000 hectares of land for plantations are in accordance with mechanism Ministry of Forestry and the Ministry of Agriculture together with the head of the National Land Agency about the release of forest area and No. 23 / decisions- VIII - 1990 concerning the concession procedure. This policy does not marginalize, monopolize and dominate one of agrarian subjects, the implementation of the policy substance of agrarian justice to the subject.

Implementation of the Decree of the Minister of Forestry and Plantation No. 728 / decision-II / 1998 on the policies that govern the maximum area limit the release of forest land for plantation agriculture. In the implementation of this policy only to accommodate the large companies both large public and private. On the other hand, the broad provisions of land tenure for people set in PP 40/1996, as in Article 5 (1) and (2), namely (1) the minimum area of land that can be provided by cultivation rights is five hectares; and (2) the maximum area of land which can be rendered to an individual leasehold is twenty-five hectares.

Implementation the minister's decision and plantation forestry No. 728 /decitions-II / 1998 set the boundary area of land concession in the mastery of the minimum and maximum for plantation agriculture (agrarian subjects) and PP 40/1996 on the concession which restrict access rights control of the people, contrary to the principle of justice is the principle of consistency and procedural, in which its operationalization on the segments or the implementation process with the concept of justice "implies legality, is" fair "if he actually applied. Policy has let the land tenure plantation companies state as a whole has reached an area of 160 745 hectares, which consists of 86 219 hectares of land alone / core and 74 526 hectares of plasma is procedural irregularities policies, as well as collaboration marginalized people is an act of stakeholders estates to the people deviate from land policy. Injustice has occurred on land stewardship aspect sub aspects of land tenure that the implementation of the policy or procedural segments filled with discrimination.

Conclusion

In reality, land stewardship policy aspects of land tenure on the substance of the policies and policy implementation in the province of Riau in general is not fair to the subject of agrarian; state plantation firms, private plantation firms. Injustice on the substance of the policy is no policy or legislation as a platform to accommodate the rights, access, political expediency policy of agrarian subjects, namely: People. While inequities in the implementation of the policy is the marginalization on access, on the control and on the merits; typical monopoly on resources, scale economics / business, political policy; and dominance on; magnitut power.

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