



## Equitable of Agrarian Policy: Analysis of land use for plantations in Riau Province

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### Abstract

*This paper is a research article about "how the reality of agrarian policy aspects of land use for plantations in Riau Province?, what are the implications to the subject of agrarian (state plantation companies, private plantation companies and people) and how reconstruction ?. The analysis uses the concept of o. the marginalization; ii. monopoly; iii. the dominance of the aspects and sub-aspects. A sample of 50 respondents. The results of this study found agrarian policy aspects of land use plans and the implementation of agrarian does equitable to the subject. In the aspect of policy content control, ownership and land use that would be realized is not adequate to accommodate the rights and interests of agrarian subject. In the implementation of the policy has occurred marginalization plantation on access (rights and opportunities); the benefits of control, ownership, land us to the people, both on the pattern right to cultivate pure and in a partnership:HGUNES Transmigration Plasma and Plasma NES Loan Primary Member; occurs monopoly plantation company to the people on the typical resources and economies of scale plantings business; there is dominance of the people on the policy aspects; implications for strengthening the existence of marginalization, monopoly and domination of state and private plantation companies in the sub-aspects of access, control, expediency, political policy; 'alienation right of the people to access the benefits and political policies of land resources; away of independent smallholders to have factors of production (land) to prosper. Reconstruction of equitable agrarian policy recommended that; i. reduction of power for domination; ii. strengthening economic democracy against monopolies; iii. strengthening equalization of rights subject to marginalization and agrarian; iv. strengthening the government's obligation to the prosperity and welfare of the people.*

**Keywords:** Agricultural policy fair, fairness land stewardship, the subject of agrarian justice.

### Introduction

This research article on agrarian policy for estates that reveal aspects of land use which includes control, ownership and allotment of the land between the agrarian subjects which state plantation companies and private plantation companies and people in some plantation development pattern is the pattern of HGU-Pure; pattern leasehold estate partnerships Nucleus-Plasma Transmigration; pattern leasehold partnership NES-Plasma Primary Cooperative Member Ownership; patterns and pattern Empowerment Organization for Economic Democracy, which is alleged to have occurred is not fair to the segment and the segment plan agrarian policy implementation aspects of land use.

Agrarian policies relating directly to such plantations; Joint Decree of the Minister of Forestry, among others, the Minister of agriculture and the National Land Agency that consist of two numbers, namely No. 364 / Kpts-II / 90 and No. 519 / Kpts / HK.050 / 7/90 on Release of Forest Areas and Government

Regulation No. 40/1996 on leasehold, the Minister of Forestry and Plantation No. 728 / Kpts-II / 1998 on the policy governing the release of the maximum area for the cultivation of plantation forests, Presidential Decree No. 34/2003 of the National Policy on land, the Director General of Plantation No. 38/1995 on Technical Guidelines Clearing without burning. Furthermore, the Law No.26 / 2007 on Spatial Planning, Government Regulation No.18 / 2010 on Business Size Scale Plant Cultivation, the spirit and the power and the implementation dominated the market. The consequences of some of the agrarian policy concerning is the wider plantation by plantation conglomerate forces, increasing the passed Law No.41 / 1999 on forestry, plantation expansion of oil palm plantation land through forest conversion has shown enormous growth.

Previous studies on the implementation of the agrarian policy aspects of land use which includes control, ownership and land use, as Ihdhal Kasim and Law Suhendar<sup>1</sup> concluded that land policy focus on the new order is more oriented economic growth. Land policy focused solely to facilitate the owners of

capital, both domestic and foreign, thus creating a conducive investment climate for investment. Andi Muttaqien, et al found<sup>2</sup> that the process of annexation plantations pre independence is already limiting people's rights to land estates, and even some evidence shows workers access to land is becoming increasingly limited and even disappear altogether. This means that access to the agrarian folk in Indonesia has occurred in the period before independence. Research Ricardo Simarmata<sup>3</sup> that occur renewal of government bureaucracy that supports the application of a state relationship with the land in order to succeed the plantation sector capitalization; production factors of land and labor and occupy a very important strategic role; Private interests of the plantation is the ease of getting land on a large scale. This is why private land estates in need of government regulation that can facilitate ease of gaining ground. Furthermore<sup>4</sup> suggests that the expansion of plantations has removed the living area to develop its social system. Besides the vertical face of tribal children in conflict also face the conflict, a stratum of society to support the presence of plantation companies since they became skipper oil derived from residents both local and from newcomers.

The significance of this study were: i. substantially agrarian policy on aspects of control, ownership and land use subject to pro-agrarian estates; state plantation companies and private plantation companies; ii. a land use plan for the plantation consisting of aspects of control, ownership and land use manifested in the form of capitalization of land and labor capitalization, full transactional political interests between the agrarian subjects so as to isolate one of the subjects of agrarian iii. implementation of land use for the estate has land use is sourced from state-owned land, communal land of indigenous peoples and individual land; change the culture of the people of the farm; the use and expansion has led to conflict with the government vertical and plantation companies; horizontally with plasma plantation participants who come from different regions of origin in Indonesia. This means that existing agrarian policy is a series of land use in the aspect of control, ownership and land use on the substance and implementation indicated no agrarian justice to the subject.

In contrast to some other research ideas, on this occasion we conducted an in-depth and comprehensive study, to describe the reality of agrarian policy aspects of land use (control, ownership and land use) that occurred between the agrarian subjects in Riau province. In general formulation of the problem of land use is "What is the reality of agrarian policy aspects of land use for the plantation took place between the agrarian subjects in Riau?".

Furthermore, there are two questions that the authors pointed out that; first, is it true agrarian policy aspects of land use for plantations occurred unfair?. How the injustice taking place in policy and implementation plan ?; second, how its implications, and as if the reconstruction is fair and beneficial to all three subjects agrarian in Riau province ?. Analysis of theoretical

concepts and approaches of justice and injustice can be used to answer the above questions.

This paper intends to: i. identify the reality of the facts of inequality in land use policies for both plantations on the policy plan and the implementation of policies; ii. find a land use policy implications for the plantation until the implementation of the plan; iii. propose the construction of a land use plan and the implementation of equitable estates to three subjects, namely agrarian country estate firms, private plantation companies and people.

Operational definition can be explained that the dimensions of "not fair" is the occurrence of i. the marginalization of the upayah led to the marginalization of the position of a subject by subject land use others, can be seen in three main aspects, namely; on access, the control and the benefits of land use. In other words marginalization is a social process that makes people become marginalized, either naturally occurring or the result of creativity that particular society is transformed to the exclusion of marginalized social status. By their very nature will occur and result in injustice in the distribution of resources available to the public (individuals in the community are not able to access and enjoy public services, programs and policies made by the government), According to J. Yee marginalization can be understood in three levels, i.e. the level of the individual, community and global structures. The present marginalization of individuals usually occurs in the form of individual tercerabutnya in the participation or their participation in the aktifitas community. Marginalization dilevel community happens in a wider dimension. It occurs because the programmes and development policies favoring more social circles on the top rather than the bottom circle. For example, lower class communities do not have ample access to enter into the job market due to an overly competitive eligibility while the Government has not managed to empower them. Whereas the present global marginalization have shapes that are more complex and extensive. Capitalism creates inequity and unequal distribution of resources and public services. Public goods were taken over by a private local communities while not being able to access the resources that are around them for free. On a more practical level and marginalization of local, usually have some form of arms, among others: local communities lose the right and the authority to govern themselves or self governing community in managing economic activity; the loss of most of the wealth of local communities for the management of the country which is not fair. Usually the advantage from the results of natural wealth are taken to the Central Government even by foreigners; local communities could potentially lose their identities because of the traffic of goods, people and values that come out in<sup>5</sup>.

Referring to the opinions expressed Duffy that 'the marginalization can be seen from the inability to participate effectively in some other dimension of life among the economic, social, political and cultural away from the mainstream of

society; (ii) the monopoly control of certain parties that preceded a dominant role since the segment upstream and downstream segments, so as to create a monopoly in the domination of the other parties on specific aspects of the resources as provider/manufacture of the type of goods produced. In the aspect of economies of scale or scope of the broad market and aspects of supportive policies or laws that encourage or inhibit; (iii) Dominance is the mastery of certain agrarian subject to other agrarian subjects, in this case through the dominance of state enterprises and private companies working in the elements aspects of land use planning and implementation: land tenure, land ownership, land use for development plantation.

## Methodology

This study is a combination of quantitative and qualitative research. Implemented in Riau Province. Sampling was done with Multi-Stage sampling and purposive random sampling. The data collected are primary and secondary data. Primary data from 50 respondent, derived from the subject countries plantation companies/private-pure pattern HGU/PIR-Plasma partnership: transmigrasi-Loan Primary Member, the People's: Populist Ekonomi Empowerment Pattern, pattern Organization. Secondary data obtained from research reports and publications of government institutions in the province of Riau analysis using the concept of i. was measured from the marginalization; access, control and benefits; ii. monopoly is measured from the typical resources, economies of scale or business, political policy; iii. measure of dominance; magnitude power.

**Hypothesis:** The hypothesis is that the agrarian policy aspects of land use for the plantation between the agrarian subject to the existing pattern of development has occurred is not fair to the agrarian subjects or people that occurred marginalization, monopoly and domination of the agrarian subject so widespread implications to third agrarian subjects.

## Results and Discussion

Sub aspects of agrarian land tenure between subjects: Reality tenure state plantation companies, private estates and folk patterns Pure and leasehold occurred unfair partnership. Marginalization occurs in access between subjects tenure estates, implementation of land tenure and state plantation company private plantation companies where access is greater than the access control of land by people who are relatively small. The Government firmly enforce minimum and maximum limits for the people of the land holding of two hectares for the head of the family, less government Responsibility to appropriate land tenure to meet the needs of the people. In reality peguasaan land only two hectares to the head of the family has not economically feasible for the welfare of the farmers of oil palm plantations in Riau province. In contrast to the policy of the state plantation companies and private plantation companies,

which have access to the garden pursue opportunities through Forest Management Rights and leasehold estates. Furthermore, the provision of leasehold to large companies has led to the vertical conflict between farmers and plantation companies and horizontal conflicts among farmers<sup>7</sup>. Policies that limit the maximum and minimum tenure for state enterprises and private plantation companies are not enforced consistently in its implementation, as well as extensive tenure and state plantation company private plantation company until 2008, reaching 90 446 ha including PIR core transmigrasi, among others, in the study area Kampar and Kuantan Singingi district<sup>8</sup>. Access tenure among private plantation company with people who do not fair as mentioned above in line with the thinking of Hans Kelsen where there is a relationship between justice and legality. Justice implies legality. A general rule is "fair" if he really applied, while the general rule is "unfair" when applied to a case and are not applied to other similar cases<sup>9</sup>. How monopoly ?. Monopoly has occurred on a typical plantation resources (land) which measures the state plantation companies and private plantation companies who monopolize land tenure as a typical resource for the vast estate. One of the private plantation companies, as the object of this study are; PT Surya Agrolika Mutual master of leasehold land in Kuantan Singingi district, downstream precisely in the district is an area of 7000 hectares<sup>10</sup>. On a scale of economic or business of land, private plantation companies monopolize the business of land for plantations since plantation companies have the ability to buy land, the price is not affordable by the masses as the ability of farmers, then the company is able to capture signals plantation land markets in rural areas which are the basis plantation in Riau province.

Reality domination of agrarian subjects are people that can be seen on the political aspects of the policy, which the existing agrarian policies such as Law No. 26/2007 on Spatial has to accommodate the rights and interests of the government in the state plantation companies and private plantation companies as opposed to *akomodasi* rights and interests of the people. Besides, the implementation of Law No. 5/1967 on forestry staple it to deviate from its operational procedures, control of plantations on land for plantations through the proper procedures for leasehold estates, but found the reality of tenure for plantations is not solely derived from the Right to businesses that have been awarded but also obtained from purchases made to the public, so that the plantation company owns land through leasehold procedures and land Ownership rights. On the other hand the control of the people of the land with the existing pattern of plantation development in the region is very small study of only covering 1.5 hectares on average, so it is below the minimum limit the government outlined. Land tenure is obtained from the distribution of the village communal land. This condition illustrates the limited economic power of the people as a farmer to control the land as the basis of life. It is true throughout the history of the plantation in Indonesia has led to the deprivation of the lands of farmers throughout the country that raises *perlawanan* mancam farmers in various ways. Start

of struggle by means of legal and extralegal turned into resistance where farmers are dealing with state security forces and perkebuan company. The presence of extra resistance is legal what he viewed as a form of State failure and the rise of agrarian law contradict formal<sup>11</sup>.

Marginalization, monopoly and domination depicted above as a form of injustice that occurs on land-use plan for the three subjects agrarian plantation. As Rawls thought that listening program populist dimension of justice that should be noticed that the two principles of justice; first, to give the same rights and opportunities on the basis of the most extensive freedom covering the same freedom for everyone; second, able to reorganize the socio-economic gap that occurs so as to provide reciprocal benefits for everyone, whether they are derived from the group lucky or unlucky<sup>12</sup> Issues arrangement agrarian resources that do not fit the carrying capacity of the community and the environment will lead to conflict, especially the presence of structuring and management of agrarian resources that accompanied the practice of capital accumulation is the basis of conflict in the region hidup<sup>13</sup>.

Sub aspects of land ownership between the agrarian subject: Reality on the implementation of sub-segment aspects of land ownership between the agrarian subjects also have occurred unfair. How injustices that happen?. Marginalisai agrarian policy aspects of land use for the plantation of Government Regulation No. 40/1996 on Land Rights, leasehold and Broking, which Article 5 of the implementation of government regulations deviate from the normative provisions. State plantation companies and private plantation companies are not justified to "tenure" for plantations, since the facility has been granted leasehold estates, but in reality there are still companies who have earned a private plantation forest concession, then leasehold to ownership of farms also perform land for plantations, resulting in the implementation of existing policies are not consistent, and sided with one of the subjects of agriculture, especially the private plantation company, consequently provide a double benefit to the estates that capitalistic and isolate people from land ownership as an important production factor for development of people's welfare.

According Sarbini<sup>14</sup> in the development of community economy we reject the letter and spirit of capitalism that is negative, which seeks maximum profit regardless of the consequences, ultimately always lead to exploitation, poverty and the concentration of power and authority in the form of monopoly. Assets, among others, ownership and control of the production factors of land, capital equipment technologies, the opportunity to get credit, the opportunity and the ability to market production, as well as education and skills.

Indeed, in this connection, the distribution of land ownership rights between the state plantation companies, private plantation companies and people are not required to obtain the same rights

to land because the extent of the scheme and the equal division is not necessarily fair because it should be the same, but it is fair to describe the consistency of the division between the input – output<sup>15</sup>.

Later in the implementation of Government Regulation No. 24/1997 on land ownership, also occurs where the isolation of the people get the right people access to land ownership is very difficult. Implementation of agrarian policy aspects of land use that have ignored the rights of people such as land compensation agrarian society with decent prices below when their land is used for private plantation companies. Reality is in line with the thinking Dillon "that in the control of assets by economic sectors of the people, the most vulnerable is the status of ownership and control, farmers landowners necessarily regarded as poor by modern sector or mainly banks in the absence of legal proof of ownership and governance<sup>16</sup>.

Monopoly and dominance also occur on land for plantations policy politics, especially by state plantation companies and private plantation companies in which implementation of Law No. 56 / Prp / 1960 on the establishment of agricultural land area monopolized state plantation companies and private plantation companies. Facts dominance for example on the substance of Presidential Decree No. 34/2003 on the national policy in the area of land that do not accommodate the interests of farmers on important production factor is land ownership. If referring to the three principles of justice are often referred to by some experts, namely: the principle of equal freedom, the principle of distinction, the principle of equality of opportunity as Rawls, which is based on the notion of reflective equilibrium with characteristics based on rationality, freedom, and equality to set the basic structure of society<sup>17</sup> had certainly occurred since the agrarian inequality between the subject and the implementation plan for plantation land use policies.

**Sub aspects of allotment / agrarian land use between subjects:** Reality on the implementation of segments or sub aspects of land use designation for the subject agrarian plantation has occurred is not fair. Government grant privileges to the estates land use state and private plantation companies as outlined in the document Spatial Plan each district, which include into the region through the construction of plantation area release,

Beside it, the government also provides greater opportunities to the company private estates for the use of land with leasehold schemes are extended, in fact for the people there is no land that is intended specifically especially in extended used it, even for the people of the land owners that are intended for planting, must pass stringent requirements. This situation is certainly not fair for development should continue, as Dillon emphasizes that the future growth strategy must be long-term, a comprehensive, ambitious, provide opportunities for all groups to contribute public private partnership people<sup>18</sup>.

Monopoly in land use, clearly visible on the element of political alignments and the favorable policy, where the plan and the implementation of Law No. 18/2004 on the plantation, in substance, the government sided with the state plantation companies and private plantation companies. In Law No. 18/2004 does not recognize the concept of "smallholders" but only adopted the "people as planters" Law No. 18/2004. In fact by the Regional Regulation No. 10/1994 on Spatial Planning (RTRW) Riau Province adapted to the potential region, the implementation of land use plantation development is an area of 3,133,398 hectares or 33.14% of the land area of Riau Province widest 9.45616 million hectare.

Allotment of land for plantations of 3,133,398 hectares or 33.14% of the land area of the province of Riau, this area is allocated to the state plantation companies and private plantation companies. The fact that the other is in the area of land use regulations for the people of planters as defined under Law No. 18/2004, not in the article Discuss or special chapter. Land use designation and government designed to agrarian subjects would lead to the environment, especially the social injustice that has presented a latent conflict both vertically and horizontally among the agrarian subject. Environmental justice related to the potential social conflicts and communal conflict, the conflict comes from various forms persingungan or friction due to the expansion of forestry and plantation industry. Issues around the issue of land and agrarian policy is indeed the most sensitive issues in this country<sup>19</sup>.

**Implications and Reconstruction:** Agrarian policy implications aspects of land use that land tenure, land ownership and land use between the agrarian subjects, as well as discussion of the findings of the study include: i. Implications for strengthening the existence of the plantation company access to state and private land, has a strong land use controls, controls vast land resources, become a political actor as well as a magnetic power policy of land use for plantations through procedures leasehold and Land Ownership Rights; ii Implications exclude people from access, from the benefits, of the typical resources, economies of scale or business, from the political policy of the power magnitud land policy with indicators of the people do not have access to the Land Rights easily, more and more people relinquish their rights to because the land is not able to finance its lands, including communal land for plantations, the more alienated people of the factors of production (land) so that people bounce from agrarian-based path to prosperity. Implications of the two mentioned above, there is a contribution to the collaboration between the power of the state to the company that has led to excesses of protracted injustice. As in the community Padang Island Riau province who get treatment so that the subject of agrarian people's marginalization suffered defeat in perjuanganya against the monopoly of private companies plantation. The defeat of the citizens in the fight peatlands as land for their lives caused by the state did not side with the people, too strong power structures that protect private company PT. RAPP or Riau

Andalan Pulp and Paper as capitalistic industrial timber estates in collaboration with the state<sup>20</sup>. Reconstruction of agrarian policy to be conducted As revealed Sumandawai that" in the face of control, ownership and resource use smaller agrarian happened due to unbalanced distribution of land tenure, strengthening civil society to be more value to compensate for land management practices that are likely to interest the government and private investors<sup>21</sup> While on the other hand "agrarian reform in terms of asset reform should follow the access reform and agricultural revitalization program<sup>22</sup>.

Reconstruction of agrarian policy aspects of land use including control, ownership and land use that justice is i. strengthening / equalization rights estates subject to marginalization in the access, control and benefit by gaining an important asset to the people that asset plantation processing production factors; ii. the dominant power reduction is to reduce the dominance of (magnitude of power / authority) concern of the government in the management of state plantation companies and private plantation companies in the resource processing plants, economies of scale plantation, plantation policy politics; iii. strengthening economic democracy against monopoly and iv. strengthening the government's obligation to the prosperity and welfare of planters.

## Conclusion

The reality of agrarian policy aspects of land use for the plantation is not fair, especially in the segment of the substance of the policy plan and the implementation of policy. Injustice on the substance of the policy plan is a form of weakness in the aspect of policy construction material so it does not accommodate the interests of all estates subject proportionally.

While injustice on policy implementation due to two aspects; The first construction policies to be implemented unfair because he had ignored the agrarian rights of the people are against control, ownership and land use; both in its implementation is not consistent, not procedural and tend to deviate from the normative provisions, causing injustice to the environment, especially the social environment.

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