

Legal Review of SISKU KU INTIP Program as Substitution for Plasma Obligations in Livestock Partnerships

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Abstract. *This research examines the SISKU KU INTIP Program (Palm Oil–Cattle Integration System Based on Core–Plasma Livestock Business Partnerships) as a role model for partnerships between palm oil plantation companies and communities. This program is an alternative to the obligation to build plasma plantations of 20% of the area regulated in Law No. 39 of 2014 concerning Plantations. In practice, limited land and high levels of agrarian conflict often hinder the implementation of plasma. SISKU KU INTIP offers a more flexible and productive solution through a palm-cattle integration. This research aims to: (1) find out how the SISKU KU INTIP program is implemented in oil palm plantations, and (2) analyze the legal politics in supporting this program as a role model for developing cattle-oil palm integration as a substitute for plasma obligations in Indonesia. The research method was normative juridical, with a statutory regulation and legal policy approach. Data was obtained through a literature study of primary, secondary, and tertiary legal materials. The analysis is carried out systematically, teleologically, in legal politics, legal discovery (reasoning and interpretation), and legal certainty. The research results show that although it has not been explicitly regulated as a substitute for plasma obligations, SISKU KU INTIP has a legal basis in various supporting sectoral and regional regulations. In addition, several academic studies have been conducted regarding the results or impact of SISKU KU INTIP on the plantation sector. This program can be applied normatively, technically, and socially as a model for substituting plasma obligations, as long as there is policy harmonization between the central and regional governments. This program also supports social justice and sustainable development through the values of Pancasila and the 1945 Constitution.*

Keywords: *Business; Integration; Oil; Palm; Politic.*

1. INTRODUCTION

Nuclear and plasma plantations are two terms commonly used in the palm oil industry. The company owns core plantations, while plasma plantations are community gardens that are members of the plasma partnership program. By Minister of Agriculture Regulation Number 18 of 2021 concerning Facilitation of Development of Surrounding Community Gardens, every oil palm plantation company must build a plasma plantation covering an area of 20% of the total permits granted. Plasma plantations must be built

outside company permits, creating an obligation for companies to provide additional land outside their HGU (*Hak Guna Usaha*).

However, the availability of land for developing plasma plantations is increasingly running low, triggering various agrarian conflicts. Several residents demanded that the company's HGU be reduced to make way for a plasma plantation, which often triggered social conflict between the community and the company. This conflict occurred because the company did not accept these demands, considering that most available land was forest area, which could not be used for oil palm plantations. This situation is exacerbated by unilateral recognition of company land, which often triggers physical tensions in the field (Minister of Agriculture Regulation Number 18 of 2021). The plasma program is not only considered corporate social responsibility (CSR) but also an effort to ensure that the presence of plantation companies provides tangible economic benefits for the surrounding community. However, without adequate land availability and a precise conflict resolution mechanism, the implementation of this program still faces many challenges. Oil palm plantation companies must build plasma plantations for 20% of the HGU permits, as regulated in the Minister of Agrarian and Spatial Planning/BPN Regulation Number 18 of 2021 and the Minister of Agriculture Regulation Number 98 of 2013. The Palm Oil-Cattle Integration System (SISKA) program was introduced to increase the productivity and welfare of farmers, with research results showing that the productivity and income of SISKA pattern plantations is higher than without this pattern (Edwina et al., 2019: 13). This approach is in line with the principles of justice and sustainability in natural resource management. Palm oil-cattle integration (SISKA) aims to create a sustainable agricultural system by utilizing palm oil waste as animal feed and cow dung as fertilizer, creating an efficient economic cycle. This program improves farmer welfare through higher productivity (Utomo and Widjaja, 2012: 7). In South Kalimantan, this program developed into SISKA KU INTIP, integrating livestock businesses on plasma plantations, not just core plantations, to support economic equality and a fairer distribution of profits in the palm oil industry.

Theologically, the oil palm-cattle integration program is in line with Islamic values. The principle of trust encourages fair and responsible management of resources (QS. An-Nisa: 58). The principle of public benefit (*maslahah murlah*) emphasizes the importance of increasing land productivity for the welfare of society, in accordance with wise management (QS. Al-Maidah: 6). Apart from that, Islam prohibits excessive exploitation which damages the environment (QS. Al-A'raf: 56). The principle of justice in muamalah emphasizes the fair distribution of economic benefits, avoiding practices that are detrimental to society (QS. An-Nisa: 29). Humans as caliphs on earth are responsible for managing natural resources wisely for future generations (QS. Al-Qashash: 77). Lastly, the principle of economic empowerment of the people encourages cooperation for mutual prosperity, in line with the teaching of helping each other in goodness (QS. Al-Maidah: 2). On this basis, the SISKA KU INTIP program has theological legitimacy to support the welfare of communities around plantations, while preserving the environment and strengthening the people's economy.

The philosophical basis of the SISKA KU INTIP Program lies in the 5th principle of Pancasila, "Social Justice for All Indonesian People," which is stated in the Preamble to the 1945 Constitution, paragraph 4. The state's goal in the Preamble to the 1945 Constitution is to "protect all Indonesian people and all of Indonesia's territory, advance public welfare, improve the nation's intelligence, and participate in implementing world order based on independence, eternal peace, and social justice." This principle of social

justice emphasizes fair economic distribution, especially in managing natural resources such as oil palm plantations and cattle ranches. The SISKU KU INTIP Program aims to create more inclusive prosperity by supporting local farmers and ranchers through sustainable partnership patterns. In addition, Article 33, Paragraph (3) of the 1945 Constitution emphasizes that "the land, water, and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people." Thus, integrating palm oil and cattle is not only an economic innovation, but also a manifestation of social justice as mandated in the 1945 Constitution. This program ensures that the benefits of the plantation industry are not only enjoyed by corporations but also by local communities, creating a fairer and more sustainable economic balance and strengthening the aspect of social justice in the agribusiness sector in Indonesia.

Sociologically, the SISKU KU INTIP program was born as a response to various problems in developing plasma plantations on oil palm plantations, such as limited land, agrarian conflicts, and legal uncertainty. This program offers a more flexible partnership for farmers and ranchers and supports food security by increasing the cattle population. In addition to providing more inclusive economic solutions, this program reflects a legal approach responsive to social change. Considering the great potential of SISKU KU INTIP in improving social welfare, it is essential to examine the legal and policy aspects that can be implemented to ensure their conformity with existing regulations and overcome challenges in implementation as a substitute for plasma obligations. This program can become a role model in creating sustainable prosperity for farmers and surrounding communities with proper analysis.

Juridically, the SISKU KU INTIP program has a strong legal basis, including Article 33 Paragraph (3) of the 1945 Constitution, which emphasizes the use of natural resources for the prosperity of the people. Law No. 39 of 2014 concerning Plantations requires companies to build plasma plantations on 20% of the HGU, while Minister of Agriculture Regulation Number 18 of 2021 regulates partnership mechanisms that include livestock integration. Law No. 41 of 2014 concerning Livestock also supports this integration for efficient food production, making this program in line with the principles of good *governance*.

The SISKU KU INTIP program has a strong philosophical, sociological, and legal basis to become a model for sustainable plantation development. To ensure its success, the program must comply with the Plantation Law, the Regulation of the Minister of Agriculture, and regional regulations, and support sustainable development goals. It is also essential to pay attention to the rights of farmers and plantation workers, including the right to a decent living and access to resources.

2. RESEARCH METHODS

This research used normative juridical, with a statutory regulation and legal policy approach. Data was obtained through a literature study of primary, secondary, and tertiary legal materials. The analysis was carried out systematically, teleologically, in legal politics, legal discovery (reasoning and interpretation), and legal certainty.

3. RESULTS AND DISCUSSION

3.1 Arrangements for the Implementation of the SISKU KU INTIP Program in Oil Palm Plantations

The SISKU KU INTIP program does not yet have a specific legal basis as a substitute for plasma obligations, so regulations are needed to provide legal certainty.

3.1.1 Legal Regulations Regarding the SISKU KU INTIP Program in Oil Palm Plantations

Implementing the Cattle-Palm Oil Integration System program based on Core-Plasma Livestock Business Partnership (SISKU KU INTIP) is a strategic effort to increase resource utilization efficiency in the plantation and livestock sectors. This program aims to create synergy between oil palm cultivation and beef cattle farming through an integrated, sustainable, and partnership-based approach. In the legal context, the implementation of SISKU KU INTIP has a normative basis at the national and regional levels, including Minister of Agriculture Regulations, Governor Regulations, and Regent Regulations, which provide technical guidance and the obligations of plantation business actors in implementing this program.

Minister of Agriculture Regulation Number 105 of 2014 regulates palm oil-cattle integration explicitly. Article 4, paragraph (1) provides space for planters and companies to carry out integration on mature oil palm land, with a maximum limit of two cows per hectare (Article 5, paragraph (1)). In addition, Articles 6 to 9 explain three integration implementation models: intensive, semi-intensive, and extensive, which are adapted to field conditions. Article 10 stipulates that a minimum of 30% of the livestock population must come from broodstock, while Article 11 requires partnerships between companies and surrounding communities to support business sustainability.

Several regional heads also regulate the palm oil-cattle integration program, including Central Kalimantan Governor Regulation Number 43 of 2018, supporting the acceleration of beef self-sufficiency through the palm oil-cattle integration system. Article 4, paragraph (1) requires plantation companies to implement this program as a form of business diversification. Articles 5 to 8 regulate the use of plantation waste for animal feed. Article 11, paragraph (1) provides a one-year time limit for companies to start integration, with the threat of revocation of business permits if, within three years, the balance of fattening and breeding is not achieved (Article 13). Regulation of the Governor of the Bangka Belitung Islands Number 43 of 2019 also supports palm oil-cattle integration. Article 4 regulates various forms of partnership, including independent patterns, CSR, and cooperation with regional technical implementation units. Article 21, paragraph (1) provides a time limit of one year to start integration, while Article 22, paragraph (2) provides up to three years to achieve business balance. East Kalimantan Governor Regulation Number 33 of 2023 emphasizes the integrated use of palm oil and livestock waste. Article 7 encourages using waste as feed and organic fertilizer, with a maximum limit of one cow per two hectares of oil palm land (Article 8, paragraph 2). South Kalimantan Governor Regulation Number 13 of 2023 strengthens the direction of sustainable development with a partnership strategy between companies and local breeders (Article 6, letter f). South Labuhanbatu Regent Regulation Number 37 of 2018 and South Pesisir Regent Regulation Number 47 of 2017 also regulate this integration with a focus on using palm oil waste as animal feed and the economic development of local communities.

3.1.2 Absence of Explicit Provisions Regarding SISKU KU INTIP as a Plasma Substitute and the Urgency of Legal Certainty

Although several regulations have encouraged the integration of oil palm and cattle as a form of business diversification, no regulations explicitly make this integration a

substitute for plasma obligations (Permentan No. 98 of 2013). Plantation companies with business permits over 250 hectares must build community gardens amounting to 20% of their total land permits, which is normative and binding. This ambiguity creates a vacuum in norms, as stated by (Hasibuan, 2016), that the law must provide guarantees of certainty, justice, and benefit. Kurniawan (2024:2) highlights that legal uncertainty requires the formulation of new norms to prevent ambiguity. Apart from that, Mahfud MD, as quoted by (Islamiyati & Hendrawati, 2019), emphasized that policies without explicit legal norms will only be weak administration. Therefore, regulatory changes are needed to recognize SISKAs as an alternative to plasma obligations.

3.2 Politics, Law and Policy in Supporting the Development of the SISKAs KU INTIP Program to Become *Role Model* Plasma Liability Substitution in Palm Oil Plantations

The SISKAs KU INTIP program strengthens partnerships between companies and communities through palm oil-cattle integration. Legalization and harmonization of regulations at the central and regional levels are needed to substitute for plasma obligations, ensuring fairness and sustainability in developing partnership-based agribusiness.

3.2.1 Legal Regulations Regarding Plasma Obligations in Plantation Businesses

(Parlina et al., 2022) states that oil palm plasma plantations must be established by companies to distribute economic benefits evenly and strengthen partnerships with surrounding communities.

3.2.1.1 Law No. 39 of 2014 concerning Plantations

Developing community gardens or plasma plantations is a central element in the plantation business in Indonesia, as regulated in Law No. 39 of 2014 concerning Plantations. Article 58 paragraph (1) emphasizes that plantation companies must "facilitate the development of community gardens" of at least 20% of the total area cultivated. This provision aims to create equal distribution of economic benefits and strengthen sustainable partnership relations with the surrounding community. The flexibility of partnership patterns is also regulated in paragraph (2), which allows forms of credit, profit sharing, or other mechanisms appropriate to local conditions. Article 60 strengthens this provision with administrative sanctions for companies that do not carry out their obligations to facilitate the development of community gardens, including fines, temporary suspension, or revocation of business permits. This provision ensures that plasma obligations have binding legal consequences.

3.2.1.2 Government Regulation Number 26 of 2021 concerning Implementation of the Agricultural Sector

Government Regulation Number 26 of 2021 concerning the Implementation of the Agricultural Sector strengthens the obligation of plantation companies to "facilitate the development of community gardens", especially for those who obtain land from the state (Article 12, paragraph 1). This obligation covers a minimum of 20% of the cultivated land area and must be fulfilled within three years of the HGU being issued (Article 12, paragraph 2). Apart from that, Articles 14 to 24 regulate various other forms of partnership, such as credit, grants, profit sharing, and business assistance, which must be stated in a written agreement to ensure transparency. Administrative sanctions for

companies that do not fulfill these obligations are regulated in Articles 25 to 29, including warnings, fines, temporary suspension, and revocation of permits. However, this regulation does not yet provide explicit space for integration models such as SISKAKU INTIP as an alternative to plasma obligations, even though they have great potential for community empowerment.

3.2.1.3 Minister of Agriculture Regulation Number 98/Permentan/OT.140/9/2013 of 2013 concerning Guidelines for Plantation Business Licensing

Minister of Agriculture Regulation Number 98 of 2013 is important in implementing plantation companies' obligations to "facilitate community gardens" or plasma. Article 15, paragraph (1) regulates that every company with a Plantation Business License (IUP) of at least 250 hectares is obliged to facilitate the development of community gardens covering an area of 20% of the total area cultivated. This obligation must be outside the company area (Article 15 paragraph (2)) as a form of redistribution of benefits. However, it can be adjusted to the availability of land and the number of participating families (Article 15 paragraph (3)). Forms of facilitation can be through credit, profit sharing, grants, or other funding (Article 16 paragraph (1)), while cooperatives are exempt from this obligation (Article 16 paragraph (2)). Articles 29-30 emphasize the importance of partnerships with the community, which must be made in a written agreement with a minimum validity period of four years. However, this partnership does not eliminate the plasma obligation (Article 30 paragraph (3)), which is a challenge for developing substitution programs such as SISKAKU INTIP. In order for SISKAKU INTIP to be recognized as a plasma substitute, regulatory changes, the preparation of a new Minister of Agriculture Regulation, or harmonization of sectoral regulations are needed to ensure economic sustainability and reduce legal uncertainty in plantation investment (Permentan 98/2013).

3.2.1.4 Minister of Agriculture Regulation Number 29/Permentan/PP.210/7/2018 of 2018 concerning Procedures for Business Licensing in the Agricultural Sector.

Minister of Agriculture Regulation Number 29 of 2018 requires every plantation company to declare its ability to "facilitate community gardens" as a licensing condition. Article 9, paragraph (1), letter g, number 2 requires a commitment document to facilitate the development of a community garden covering an area of at least 20% of the permit requested, complete with a work plan and financing. This provision also applies to integrated businesses (Article 11 paragraph (1) letter g number 2), making this commitment an integral part of business legality, so it is binding from the administrative process (Permentan 29/2018).

3.2.1.5 Minister of Agriculture Regulation Number 18 of 2021 concerning Facilitation of Garden Development in Surrounding Communities

The "community garden facilitation" program in this Ministerial Regulation provides space for innovative approaches such as SISKAKU INTIP. Article 2 states that this facilitation can be carried out through credit patterns, profit sharing, other forms of funding, and other partnerships agreed upon by the parties, including integration of the livestock subsector (SISKAKU INTIP), as long as justice and sustainability are taken into account. Article 7, paragraph (2) expands the scope of partnerships to include upstream, cultivation, downstream, supporting, and plant rejuvenation subsystems, opening up opportunities for livestock integration as part of the supporting system. Article 8, paragraph (6), point (b) even explicitly recognizes the provision of livestock and livestock

facilities in the context of integration with oil palm as a legitimate form of activity, strengthening the legal legitimacy of making SISKAKU INTIP a form of fulfilling the obligation to "facilitate community gardens".

3.2.1.6 Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 18 of 2021 concerning Arrangements and Procedures for Determining Cultivation Rights

Article 82 paragraph (1) of the ATR Ministerial Regulation requires legal entity companies holding HGU to "facilitate community gardens" covering an area of 20% of the requested land, including technical, financial and institutional support, not just providing land.

3.2.2 Juridical Review of the SISKAKU INTIP Program as a Substitution for Plasma Obligations

The SISKAKU INTIP program is an integrated agricultural innovation that integrates oil palm and cattle. Even though it is not a conventional plasma, this program has a similar substance in community empowerment, namely facilitating the development of community gardens with other forms and activities. The following are some of the regulations related to this:

a. Law No. 39 of 2014 concerning Plantations

This law emphasizes that the aim of plantation businesses is to improve people's welfare and protect the surrounding community, in line with the principles of social justice, which are also promoted by the SISKAKU INTIP program (Article 3 letters a and f).

b. Government Regulation Number 26 of 2021 concerning the Implementation of the Agricultural Sector

This Government Regulation in Article 12 paragraph (1) states that plantation companies that obtain land from the release of forest areas or other use areas must facilitate community gardens of at least 20% of the land area. However, this Government Regulation does not rigidly limit forms of facilitation. In the following articles, especially Articles 14 to 24, there is room for flexibility in the form of partnerships and other facilities, as long as they remain oriented towards improving the welfare of the surrounding community. This legal loophole can be exploited to develop non-conventional forms of partnership, such as SISKAKU INTIP.

c. Minister of Agriculture Regulation Number 98/Permentan/OT.140/9/2013 of 2013 concerning Guidelines for Plantation Business Licensing

This Minister of Agriculture Regulation supports a more flexible approach, especially in Articles 15 and 16, which require companies with IUPs ≥ 250 hectares to facilitate the development of community plantations of 20% of the total area of their business. This facilitation can be done through credit, profit sharing, or other agreed forms of funding. Although technically focused on oil palm plantations, this regulation does not rule out the possibility of innovative approaches as long as they are agreed upon by the parties and provide equal or better benefits.

d. Minister of Agriculture Regulation Number 18 of 2021 concerning Facilitation of Garden Development in Surrounding Communities

Suppose we use the method of legal discovery according to Monteiro (2018: 5-8) through legal interpretation, namely grammatical interpretation (grammar) and interpretation of text and context. This Ministerial Regulation is the most relevant and explicit normative basis for recognizing SISKU KU INTIP as a form of substitution for plasma obligations contained in the Minister of Agriculture Regulation Number 18 of 2021 concerning Facilitation for the Development of Surrounding Community Gardens. This regulation is a direct derivative of Government Regulation Number 26 of 2021 concerning the Implementation of the Agricultural Sector and regulates explicitly the form, pattern, and scope of plasma facilitation. Article 2 states that facilitation can be carried out through other forms of partnership besides credit, profit sharing, and grants. Furthermore, Article 7 paragraph (2) letter f and Article 8 paragraph (6) letter b explicitly state that other partnership activities can provide *livestock/livestock seeds and/or livestock facilities for integration with oil palm plantations*. This provision opens up juridical space for models such as SISKU KU INTIP to be recognized as part of implementing plasma obligations.

Article 1576 of the Civil Code can be used for extensive legal interpretation, buying and selling, and other transfer forms such as gifts, inheritance, pawning, exchange, release of rights, and auction. This principle can be applied to fulfill the obligation to develop 20% of the plasma plantations in oil palm plantation businesses. With this approach, innovative programs such as SISKU KU INTIP (Partnership-Based Oil Palm-Cattle Integration System) can be considered a valid substitute, as long as they provide economic benefits equal to or greater than traditional plasma patterns. This approach emphasizes protecting people's rights to be empowered and obtain fair economic benefits, which aligns with the spirit of protecting third-party rights in Article 1576 of the Civil Code. Thus, this program supports legal flexibility in responding to socio-economic changes without compromising the principles of justice.

The SISKU KU INTIP program has a strong juridical basis as a substitute for the obligation to develop community gardens, as long as it meets the goals of empowerment, distribution of economic benefits, and business sustainability. Ginting and Elizabeth (Syarifuddin et al., 2019) stated that the palm oil-cattle integration system is the best alternative for achieving beef food self-sufficiency through optimizing land by utilizing palm oil waste as animal feed.

3.2.3 Eligibility of the SISKU KU INTIP Program as *Role Model* Plasma Obligation Substitution

Various empirical studies show that the palm oil-cattle integration program (SISKU) has high economic, technical, and social feasibility and provides sustainable benefits for farmers and companies. (Sari & Silalahi, 2022) noted that the extensive model had the highest IRR at 63.5% in Deli Serdang Regency. (Indrayani & Hellyward, 2015) found that breeders in Dharmasraya Regency can achieve optimal profits of up to IDR 8.4 million per cow in 3 years. (Sirait et al., 2015) reported an increase in income of IDR 7.87 million per year in Labuhanbatu. (Ilham et al., 2021) recommend strengthening the legal basis for integration through regional regulations. Giving (2022: 14) found a profit difference of 12.9-15.7% in integrated farming in Muara Wahau. Meanwhile, Edwina et al. (2019: 1) noted that the productivity of SISKU gardens was higher (18,899 kg/ha/year) than that of non-SISKU.

3.2.4 Ideas for New Legal Models in SISKU KU INTIP Partnership Arrangements

The SISKU KU INTIP program, as a partnership innovation in the oil palm plantation business, requires legal strengthening and certainty to be recognized as a substitute for plasma obligations. Until now, no positive legal norm explicitly states that a palm oil-cattle integration partnership pattern, such as SISKU KU INTIP, can be a substitute for the obligation to develop plasma plantations, creating a legal vacuum that creates uncertainty for business actors and the community. According to Jimly (Asshiddiqie et al., 2006), the formation of laws and regulations must be based on five main foundations, namely: philosophical, reflecting the noble values of society; sociological, according to community needs; political, according to the national political system; juridical, has a clear legal basis; and administrative, paying attention to regulatory needs (Mahfuz, 2020b).

New legal models can use legal discovery methods to overcome regulatory gaps. (Kurniawan, 2022) explains that legal discovery is needed when there is a legal vacuum, ambiguity, or conflict between applicable legal rules. In this context, several forms of new legal models that can be developed are:

- a. Revised Minister of Agriculture Regulation - Added provisions in Minister of Agriculture Regulation Number 18 of 2021 to recognize SISKU KU INTIP as an alternative to plasma obligations, taking into account the principle of *lex superior derogat legi inferiori* (Nugraha, 2025).
- b. Presidential Regulation (Perpres) – Create a Presidential Decree that establishes alternative models of plasma partnerships including SISKU KU INTIP to strengthen the cross-sectoral legal basis (Nugraha, 2025)
- c. Regional Regulations (Perda) – Strengthen legality at the local level through Regional Regulations to ensure strict monitoring and evaluation (Nugraha, 2025)

Limited Amendment to the Plantation Law – Proposing changes to Law No. 39 of 2014 to include alternative partnership models such as SISKU KU INTIP (Nugraha, 2025)

4. CONCLUSION

Regulations for implementing the SISKU KU INTIP program in oil palm plantations: there are many reasonable implementing regulations at the central and regional levels, which make the palm oil-cattle integration program a new and innovative *model* in system plantations. Legal policy in supporting the SISKU KU INTIP program becomes role *model* development of cattle-oil palm integration as substitution plasma obligations in oil palm plantations in Indonesia: through grammatical legal reasoning and expansion of the meaning of the Law, PP to Permentan, it provides space and is feasible for the SISKU KU INTIP Program to become role *model* substitute for plasma obligations in oil palm plantations, namely Ministerial Regulations Agriculture Number 18 of 2021 through Other Forms of Partnership (Article 2 point d) and Other Forms of Activities (Article 7 paragraph (2) point d) in the form of palm oil-cattle integration (Article 8 Paragraph () letter b). Apart from that, by using an expansion of the meaning of Article 1576 of the Civil Code, namely the same meaning in the form of similar benefits between plasma and cattle-oil palm integration (SISKU KU INTIP).

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