

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

The Role of Regional Government in Providing Legal Protection to Communities Around Palm Oil Plantation Companies

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Abstract *The purpose of this writing is to find out and describe the role of regional government in providing legal protection to communities around palm oil plantation companies. The approach method in writing uses a sociological juridical approach. The results of the research conducted state that the role of regional governments in providing legal protection to communities around oil palm plantation companies is to update conflict resolution policies by creating independent institutions at the national and regional levels accompanied by operational mechanisms and procedures for conflict resolution. The government provides space for voluntary mediator institutions to be involved in conflict resolution at both the national and regional levels. The government must immediately identify and map the existence of forests and customary lands so that parties can guide them in resolving conflicts based on customary rights claims. The National Land Agency and the Ministry of Forestry must have an understanding in translating the authority to issue rights in forest areas to third parties, so that if a conflict is resolved through mediation, the agreement can no longer be challenged for reasons of authority. It is important to determine that in the event of community conflict with companies that are already operating, a temporary pause in operations must be implemented.*

Keywords: *Community; Legal Protection; Regional Government; Palm Oil.*

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1. Introduction

Indonesia is strategically positioned as a global leader in the palm oil industry. The vast expansion of palm oil plantations has become a cornerstone of the national economy, contributing significantly to foreign exchange earnings and providing millions of jobs. However, this massive industrial growth often comes at a high social cost. In many regions, the rapid transformation of forests and community lands into monolithic plantation estates has triggered a wave of complex, protracted, and often violent conflicts between large-scale plantation companies and local communities. These disputes typically center on land ownership, overlapping boundaries, and the erosion of customary (*adat*) rights (Mashdurohatun, 2018).

The legal protection of communities living around these plantations is a fundamental human rights issue. Under the 1945 Constitution of the Republic of Indonesia, the state has a sovereign duty to manage natural resources for the maximum prosperity of the people. This means that economic investment must not override the basic rights of citizens to their land and livelihoods. However, a significant gap remains between the legal ideals (*das sollen*) and the social reality (*das sein*). Communities often find themselves in an inferior position—economically, politically, and legally—when facing powerful corporate entities that possess formal legal titles such as the Cultivation Right Title (*HGU*).

The Regional Government (*Pemerintah Daerah*) serves as the closest representative of the state for these communities. Under the framework of regional autonomy, as regulated by Law No. 23 of 2014, the Regional Government is not merely an administrative gatekeeper for permits but a primary protector of public interest and social justice. The role of the Regional Government is critical because land conflicts are deeply rooted in local history and socio-geographical contexts that the central government may not fully grasp. Without proactive intervention from local authorities, legal protection for the community remains illusory, limited to the text of the law without actual enforcement (Soekanto, 2012).

Furthermore, the complexity is intensified by the overlapping jurisdictions of the National Land Agency (*BPN*) and the Ministry of Forestry. This administrative "ego-sectoralism" often leaves local communities in a state of legal limbo, where their managed lands are suddenly reclassified or granted to third parties without adequate consultation or compensation. This research explores how the Regional Government can transcend its role as a passive observer to become an active mediator and protector, ensuring that the presence of palm oil companies fosters inclusive growth rather than social marginalization.

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2. Research Method

This research utilizes a sociological juridical approach (empirical legal research). This approach views law as a social reality and examines how legal norms regarding regional governance and plantation management interact with social realities in conflict-prone areas (Wignjosoebroto, 2002).

1. Data Sources: Primary data collected through interviews with regional officials, community leaders, and legal practitioners. Secondary data involves a critical review of Law No. 39 of 2014 concerning Plantations and relevant Regional Regulations (*Perda*).
2. Analysis: Qualitative analysis focusing on the effectiveness of existing mediation frameworks and the identification of systemic barriers to legal protection.

3. Results and Discussion

3.1. The Structural Inferiority of Communities in Plantation Conflicts

In the socio-legal landscape of palm oil plantations, there is a clear power imbalance. Companies enter the arena with legal counsel, financial resources, and formal state-issued titles (*HGU*). In contrast, local communities often rely on "living law" or customary claims that may lack formal documentation in the national land registry. This asymmetry makes "legal protection" a difficult goal to achieve through conventional litigation. The Regional Government's role must address this imbalance. Legal protection should not be narrowly defined as winning a court case; it must be understood as the state's effort to guarantee that community voices are heard and their ancestral rights are respected during the licensing and operational phases of a plantation (Gultom, 2014).

Institutional Innovation: Independent Regional Commissions

One of the primary results of this research is that existing government-led mediation teams are often perceived as biased or ineffective due to bureaucratic inertia. To provide genuine legal protection, the Regional Government must update its conflict resolution policies by creating independent regional institutions. These commissions should include non-government actors, such as academics and independent mediators, to gain community trust. Furthermore, the Regional Government must establish clear operational procedures ensuring that any settlement reached via mediation is legally binding and can be registered in a District Court as a Consent Decree (*Akta Perdamaian*), providing it with the same executory power as a court ruling (Marzuki, 2011).

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Participatory Mapping as a Preventive Protection Tool

Conflict often arises because the boundaries of "state land" and "customary land" are blurred. The Regional Government has a vital role in identifying and mapping the existence of customary forests and lands. This involves proactively identifying indigenous law communities (*Masyarakat Hukum Adat*) through Regional Regulations. By utilizing participatory mapping techniques where the community defines its own traditional boundaries, the government can integrate these into the regional spatial plan. This preventive measure ensures that when a company applies for a permit, the Regional Government can immediately flag areas that are already under community management (Nashriana, 2011).

3.2. Bridging the Gap: BPN and the Ministry of Forestry

A major obstacle identified in the research is the conflicting authorities between BPN (land titles) and the Ministry of Forestry (forest area management). Often, a conflict is settled via mediation, but the agreement cannot be implemented because it involves changing the status of a forest area, which the Regional Government or BPN cannot do unilaterally. The Regional Government must act as a "Harmonizer." It must initiate a coordinated understanding between these central agencies at the local level. Legal protection is achieved when the Regional Government ensures that a mediation agreement leads to actual changes in the land administration system, preventing the agreement from being challenged later on the grounds of "lack of authority" (Mashdurohatun, 2018).

Mandatory Operational Pause (Moratorium)

When a land conflict escalates to the point of social unrest or physical violence, the Regional Government must exercise its police power to protect its citizens. This research emphasizes the importance of a "temporary pause in operations." When a company's operations are paused, they are incentivized to resolve the conflict fairly and quickly. Moreover, stopping operations prevents further clashes between company security personnel and local residents, providing a safe space for dialogue. This is a crucial "repressive" legal protection measure that reinforces the Regional Government's authority over its territory (Ali, 2009).

Integration of Voluntary and Community-Based Mediators

The Regional Government often lacks the budget or personnel to handle hundreds of localized land disputes. Therefore, it is essential to provide a legal framework that allows voluntary mediator institutions (NGOs or professional mediation centers) to be involved. By certifying these institutions and integrating their findings into the official regional report, the

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government expands the reach of legal protection while ensuring that resolution efforts remain grounded in the community's needs (Suhariyono, 2014).

4. Conclusion

The Regional Government plays a pivotal role in bridging the gap between national investment goals and local community rights. Legal protection is not a passive state but an active pursuit involving policy renewal, spatial justice, and administrative harmonization. The Regional Government must evolve from a mere administrator into a proactive mediator and regulator. By establishing independent institutions, accelerating customary land mapping, and enforcing operational pauses during active conflicts, the Regional Government fulfills its constitutional duty to protect all citizens and ensures that plantation investments contribute to sustainable and just regional development.

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