

Agrarian Conflict Resolution, Forestry Companies Versus Plantation Companies in North Kalimantan

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Abstract

Agrarian conflict often occurs when two or more concerned parties have different interests in the same land. This study aims to analyze the conflict between PT. NJL and PT. Adindo in North Kalimantan. The research uses qualitative methods, and the location of research is in Sei Menggaris, Nunukan, North Kalimantan. The research was carried out in August 2020. The results showed the status of the area, which has the permit of Cultivation Right owned by PT. NJL for an area of 17,000 hectares, there is an area of 3,510 hectares for Industrial Plantation Forest overlaps with the Business Permit that has already been owned by PT. Adindo which is engaged in the industrial plantation forest. From this conflict, the local government seeks a resolution that does not harm all parties, including workers. An agreement was reached that an area of approximately 2,800 ha which was not the object of the conflict and had been cultivated into oil palm plantations by PT. NJL would be continued so that local people would not lose their jobs. We argue that agrarian conflict resolution can occur with the participation of pro-active and responsible local governments.

Keywords

agrarian conflict; forestry; overlaps; plantation; resolution

INTRODUCTION

Agrarian conflict often occurs when two or more concerned parties have different interests in the same land. It usually occurs between local communities and the state, local communities and companies, the government and companies, local communities and local communities, or companies and companies. The triggers for conflict can be various.

An example of agrarian conflict is found in North Kalimantan. PT. Nunukan Jaya Lestari (NJL), a foreign investor from

Malaysia who manages oil palm plantations in Sei Menggaris, Nunukan, North Kalimantan, was laying off its workers. It is because of an ongoing review (in Indonesian: *Peninjauan Kembali* (PK)) at the Supreme Court for the cancellation or revocation of the permit of Cultivation Right (in Indonesian: *Hak Guna Usaha* (HGU)). The termination of the company activities since July

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31th 2020 has resulted in no activity at all so that thousands of workers and partnered-farmer groups (*kelompok petani plasma*) have begun to worry about their livelihoods. PT. NJL lost in a land dispute case with PT. Adindo Hutan Lestari (Adindo) so that the Plantation Business Permit (in Indonesian: *Izin Usaha Perkebunan* (IUP)) owned by PT. NJL was revoked by the concerned ministry. Even though the land has a certificate of Cultivation Right (in Indonesian: *Hak Guna Usaha/ HGU*), it turns out that a part of the land area overlaps with PT Adindo's HGU (<https://kaltara.antaranews.com/> (on Monday, August 3th 2020). Because of losing in this case, it then caused unrest in thousands of workers of PT. NJL who were dismissed or freed from work. They are worried because they will have no income to meet the needs of their family.

Studies on agrarian conflicts have been carried out several times such as follows. Suharman (2004) examined community forest management conflicts in Gunungkidul, Yogyakarta. R.S. Wijono and S.R.M. Herwati (2004) studied the plantation land conflict by PT. Pagilaran in Batang, Central Java. Hartoyo (2004) examined conflict resolution from land conflicts between ethnic groups in East Lampung Regency, Lampung. L.A. Savitri et al. (ed., 2009) studied agrarian problems in West Java, Central Java, and Yogyakarta. Muryanti et al. (2013) examined agrarian conflicts in rural areas, particularly in villages in Kediri, East Java and Kulonprogo, Yogyakarta. Furthermore, N.T. Brata (2018) analyzed the conflict in the people's oil mining that involved the military and police. Those studies above attempted to disentangle, analyze, and find solutions to problems that lead to conflicts related to land use.

To make an effective communication channel between local government and the company with coastal communities to manage conflict potential and its escalation by reaching consensus based on convergence of interests. The flow of communication between local government, the company and communities is managed in stages to bring collective needs, interests and agree-

ments as a conflict solution from the sources of conflict. The communication practices of conflicting parties are carried out during the latent conflict/conflict potential collaboratively based on interactive communication patterns, communication which aims to build consensus, persuasive communication message styles, communication participants representing all coastal communities with equal and egalitarian communication participant structures (Muldi, et al., 2019; Jumiayati, S., Rajindra, R., Arsyad, M., Pulu-buhu, D. A. T., & Hadid, A., 2019; Kharisma, B. U., Sularso, P., Priambada, B. S., Agustiwi, A., & Wulandari, S. 2020).

In Nusa Tenggara Timur Province, laws and regulation of national parks and its implementation does not guarantee security of rights and indigenous people access because of the constraints of knowledge and understanding of the laws and regulations, as well as the issue of limited resources and administrative development. Custom of the community determines their traditional territory option to pull out from the Ruteng Recreation Park (Kiswoyo, 2019).

Post-conflict Acehese society has experienced psychosocial problems that have an impact on the next generation. Various phenomena experienced by the community in the form of anxiety, fear, mutual suspicion, perceptions of long-term enemies, fear, and various emotions that hinder peace-building are also reflected in the classroom. Therefore, this condition requires systematic handling in the form of peace education (Riyani, et al., 2021). Peace education in schools is a conflict resolution offered by Riyani et al.

Conflict resolution is an individual's way to resolve problems that are being faced with other individuals voluntarily. Conflict resolution also suggests the use of more democratic and constructive ways to resolve conflicts by giving the conflict parties the opportunity to resolve their problems on their own or by engaging a wise, neutral and fair third party to assist the conflict parties solve their problems (Sudarnoto, 2015; Indri, S., Wardhana, M., & Perwitasari, D., 2019; Ginting, D., 2020).

Furthermore, this study also examines conflicts due to different interests in forest or plantation land area and its resolution mechanism. The definition of conflict resolution is an effective comparative problem-solving process in which conflict is a joint problem that must be resolved comparatively. According to Muryanti et al. (2013: 12), conflict resolution is an effort to deal with the causes of conflict and try to build new and lasting relationships between hostile groups. This conflict resolution is a part of conflict management which is more than just conflict resolution. One of the conflict management techniques used in managing conflict in a democratic country is negotiation. It is a creative process, tends to focus on issues, and its success depends on the skills of involved people.

From the description above, this study can contribute to the resolution of conflicts within the community, especially conflicts related to conflicts over plantation land or industrial forest plantations.

Therefore, the aims of this study was to analyze the conflict between PT. Nunukan Jaya Lestari (NJL) which is engaged in oil palm plantation sector and PT. Adindo Hutan Lestari (Adindo) which operates in the industrial plantation forest sector. In this case, it is necessary to explain why conflict can occur and how its resolution mechanism is? We argue that agrarian conflict resolution can occur with the participation of pro-active and responsible local governments. This study gives nuances to the existing studies on agrarian conflicts which have not found resolution (Muldi, et al., 2019; Jumiyati, S., Rajindra, R., Arsyad, M., Pulubuhu, D. A. T., & Hadid, A., 2019; Kharrisma, B. U., Sularso, P., Priambada, B. S., Agustiwi, A., & Wulandari, S. 2020).

METHODS

The method used to achieve the objectives of this research was a qualitative method. Meanwhile, the applied data collection techniques were observation, in-depth interviews, and reviewing news from the mass media. The research location was Sei Menggaris,

Nunukan, North Kalimantan. Field research was carried out in August 18th-27th 2020. To make it easier to explore primary data, the researchers stayed at the house of one of the residents during the field research in Srinanti Village, Sei Menggaris, Nunukan.

The land where the object of the conflict was located in the Sei Menggaris District, Nunukan Regency, North Kalimantan Province. From the center of Nunukan Regency on Nunukan Island, the researcher took a speed boat from the Bolong River pier in Nunukan to Sei Menggaris for about 1-hour journey. After arriving in the Menggaris District, the speed boat docked at the Sekitang pier on the edge of the Menggaris River (Sei=river). The Sekitang pier is located in the Sri Nanti Village area. There are four villages in Sei Menggaris District, namely: Srinanti, Tabur Lestari, Sekaduyan Taka, and Samaenre Semaja. The administrative and government center of the Sei Menggaris District is located in Srinanti Village. In this village, there is a district office, a public health center with inpatient facilities, a village office, a sub-sector police post of Sei Menggaris, and a Kaltimara bank office.

The residents of all four villages in Sei Menggaris are immigrants because this area was previously an uninhabited jungle. When forestry companies and oil palm plantations were operating in this area in early 2000, workers also came. Some workers brought their families to live in this area. Via the transmigration program, the government built Settlement Units 1 (SP /Satuan Pemukiman 1) and Units 2 (SP 2) for transmigrants from Java, residents of Nunukan Regency, and former Indonesian migrant workers who were deported from Malaysia. Next, the community came independently to live in Sei Menggaris. Soon as the population got crowded, the SP 1 was upgraded to Tabur Lestari Village; the SP 2 was also upgraded to Srinanti Village. Residential settlements within the plantation area were later converted into Sekaduyan Taka Village and Samaenre Semaja Village. In 2011, the Sei Menggaris District was established due to the division of the Nunukan District. Sei Menggaris District has a region of four 4

villages (Tabur Lestari, Srinanti, Sekaduyan Taka, and Samaenre Semaja).

The natural resources in the Sei Menggaris District are mainly forest products, oil palm plantations, and coal mining. In Sei Menggaris, dozens operate to manage or exploit the three types of natural resources. These companies include:

- (1) PT. Pohon Emas Lestari (PT. PEL) or oil palm plantation,
- (2) PT. Nunukan Jaya Lestari (PT. NJL) or oil palm plantations, with a refinery or processing factory for oil palm plantations,
- (3) PT. Tunas Mandiri Lumbis (PT. TML) or oil palm plantation,
- (4) PT. Adimitra or plantation forest industrial (HTI) and log wood processing,
- (5) PT. Bumi Sei Menggaris Indah (PT. BSI) or oil palm plantation,
- (6) PT. Adindo or HTI and paper wood producer,
- (7) PT. PNS or palm oil processing mill or refinery,
- (8) PT. Sebakis Inti Lestari (PT. SIL),
- (9) PT. Sebakis Inti Plantation (PT. SIP),
- (10) PT. Duta Tambang ReKayasa (PT. DTR) which mines coal,
- (11) PT. Dewa Ruci Mandiri (PT. DRM) which mines coal,
- (12) PT. Sago Prima Pratama (PT. Sago), which mines gold and is also a subsidiary whose main company is in the USA.

There are many companies operating in the Sei Menggaris District; apart from creating job opportunities, the population is getting more crowded and creates conflicts between one company and another. The researcher had interviewed informants who had understood the conflict. The informants were community members, former employees of the conflicting company, and state officials. The researcher had to cross plantation roads; the researcher rented a double axle car suitable for road conditions in plantations and mining.

RESULTS AND DISCUSSION

Forest & Plantation Land Disputes

The root of this land conflict has occurred for a long time. Initially, an oil palm plantation company named PT. Nunukan Jaya Lestari (NJL) entered East Kalimantan to open a business and apply for a permit. This company comes from Malaysia. According to the informant AB (real name suppressed), PT. NJL was founded in 2002 – 2003 at the same time as the deportation of Indonesian migrant workers from Malaysia, which numbered hundreds of thousands of people. They were deported from Malaysia because they worked in Malaysia illegally. In short, they entered Indonesia through Tunontaka Port in Nunukan. It is recorded that around 140,000 people were accommodated in Nunukan. However, those who are not registered may reach around 300,000 people. In total, they reached 440,000 people or even more. Some of them became sick and died after the deportation. This deportation can be considered a human tragedy. Migration back to Indonesia caught the attention of the central government so that several ministers came to Nunukan to meet the migrant workers. Furthermore, in 2004, President Susilo Bambang Yudhoyono came and met them in their shelters. They were given three options by the Indonesian government, i.e. returning to their hometown, staying and settling in Nunukan, or working back to Malaysia with a passport and a permit to work in Malaysia. Many migrant workers chose to live in Nunukan and were placed in forestry and plantation companies operating in Sei Menggaris, such as PT. NJL.

According to the informant RH (real name suppressed), who had worked as an employee in PT. NJL for administration section in 2002 – 2005 (forestry company) and 2005 – 2010 (oil palm plantation company), PT. NJL is owned by a Malaysian named Datuk Andi Yakin. Even though he is a Malaysian, he is originally a Buginese descent from South Sulawesi who has Malaysian citizenship. He got the title of “*Datuk*” from the Malaysian government because of his lo-

yalty to social activities such as donating to mosques and orphanages. At first, PT. NJL operated in a forest logging sector. After the forest wood ran out, PT. NJL then changed its business to oil palm plantations on the former forest land.

It turns out that PT. NJL as a forestry company (2002 – 2005), which later turned into an oil palm plantation (2005 – present) in Sei Menggaris, got problems. According to AB (informan), in 2016, the land for oil palm plantation possessed by PT. NJL was at issue. PT. Adindo Hutan Lestari (Adindo) sued the land cultivated by PT. NJL. After tracing it, the status of oil palm plantation owned by PT. NJL is still a forest area, even though PT. NJL has already received the permit of Cultivation Right (in Indonesian: *Hak Guna Usaha* (HGU)) for oil palm plantations. If the status of the land is still forest, it cannot be cultivated for plantation crops or built permanent buildings. In North Kalimantan (officially established on 22 April 2013), 80% of the total land area is still forest. Therefore, it is difficult to build public facilities in the area. There is information that the Governor of North Kalimantan has applied for a land conversion of 500,000 hectares. The forest function conversion is planned for the area of agriculture, fisheries or aquaculture, offices, and others.

Back to HGU land possessed by PT. NJL, the area is approximately 19,000 ha. It can be found out that PT. NJL has the permit of Cultivation Right (in Indonesian: *Hak Guna Usaha* (HGU)) for the plantation area based on the Decree of the Head of the National Land Agency (in Indonesian: *Badan Pertanahan Nasional* (BPN)) on 2 April 2003, located in Nunukan, East Kalimantan. This HGU is issued by BPN at the same time in which the work area permit of PT. Adindo is still valid. Furthermore, a part of the plantation area possessed by PT. NJL is the work area of PT. Adindo, which is still a forest area. Therefore, it results in an overlapping area. The total HGU area owned by PT. NJL is approximately 19,974.13 ha. From the total of this area, it turns out that an area of approximately 17,092.26 ha is located in the forest area which serves as a production fo-

rest. Therefore, the oil palm plantation area possessed by PT. NJL is only about 2,881 ha, while the rest is the production forest area. Within the forest area, there is an area of approximately 3,510.32 ha possessed by PT. Adindo in which the status is an Industrial Plantation Forest (*Hutan Tanaman Industri / HTI*). Therefore, it becomes an overlapping area between PT. Adindo, which firstly existed and PT. NJL, which came later. PT. Adindo has a permit for the work area based on the Decree of the Minister of Forestry No.88/Kpts-II/1996 on 12 March 1996 concerning the granting of Forest Concession Rights (in Indonesian: *Hak Pengusahaan Hutan* (HPH)) for Industrial Plantation in an area of approximately 201,821 ha located in East Kalimantan.

PT. Adindo has an office in Malinau, North Kalimantan. In Sei Menggaris, this company only owns the land. PT. Adindo is engaged in Industrial Plantation Forest (in Indonesian: *Hutan Tanaman Industri* (HTI)). This company cuts trees in the forest which are then turned into logs. PT. Adindo also planted acacia trees. After having five years old, they were then cut down. Acacia wood is processed into pulp as a material for making paper. In Sei Menggaris, there is also PT. Adimitra which owns HTI like PT. Adindo. There are rumors that total land owned by PT. Adindo is around 6,000,000 hectares and is owned by Tanoto Foundation together with a retired general.

The emergence of various oil palm plantation companies in Indonesia has created many jobs and revived the dynamics of the economy related to the results of oil palm plantations. The oil palm companies are owned by State-Owned Enterprises (BUMN-*Ind.*), national private companies, and foreign private companies. In addition, there are oil palm plantations owned by local people, whose scale is relatively small. In addition to creating jobs, it turns out that the presence of oil palm plantation companies also creates environmental and social problems. According to L. Rosalia (2017), in 2009 – 2013, there was deforestation of 516,000 hectares of land inside oil palm plantation concessions. In addition,

oil palm plantations also triggered various agrarian conflicts; in 2015 alone, there had been 252 agrarian conflicts, and 50% of these cases occurred in the plantation sector. The expansion of oil palm plantations to increase plantations had triggered agrarian conflicts to worsen. As many as 25 palm oil companies owned by tycoons controlled 31% of the land or 5.1 million hectares of Indonesia's total palm plantation area. The tycoons came from Indonesia, Malaysia, and Scotland. The control of land by big investors can impoverish the small people since it can destroy the production tools of the small people, such as arable land and water sources which support their survival.

The conflicts between two companies related to land use rights reflect the reality of the different interests of two parties on the same land. Referring to Bebbington's opinion that conflicts can occur in areas between power rooms. In an imaginary way in social life, it can be imagined that there are three power spaces, namely: state power, civil society power or social collective, and private power or profit-oriented economic entity. Social conflicts can occur between these power spaces (Bebbington, 1997; Luckham, 1998; and Dharmawan, 2006:2). Agrarian conflicts may occur between state power against civil society power, state power against private power, civil society power against private power, or private power against fellow private powers. In this case, a conflict occurs between private and private power, namely two companies fighting over the same land. The two companies in conflict certainly have an orientation to get economic profit from their activities.

Overlapping Land in Industrial Plantation Forest

The overlapping area of approximately 3,510 ha, between PT. Adindo, which firstly existed and PT. NJL, which came later, was made the object of the dispute by PT. Adindo. It can found out that the dispute was proceeding to legal channels. On October 11th 2011, PT. Adindo reported PT. NJL to the East Kalimantan Regional Police on suspicion of forestry crimes, i.e. working, using,

and/or occupying forest areas illegally and/or encroaching on forest areas. Based on this report, investigators named three suspects (convicted). The court sentenced the directors of PT. NJL to 8 months in prison. Meanwhile, two former officials of the Regional Office of the National Land Agency of East Kalimantan were sentenced to 6 months imprisonment. On 25 July 2016, the Minister of Agrarian Affairs and Spatial Planning / the Head of the National Land Agency canceled the HGU possess by PT. NJL for an area of 19,974,130 ha.

PT Adindo responded to this land conflict by taking legal action to minimize the involvement of the community and company employees so as not to intervene in this conflict to trigger massive social conflict. Referring to *Research on patterns of land conflicts in plantation areas* by the Research and Development Center of the Ministry of ATR/BPN (2015:21), it can be seen that in Indonesia, agrarian conflicts can be resolved through the General Court and the State Administrative Court. It is also justified to resolve agrarian conflicts by negotiation, deliberation, mediation, and adopting local wisdom. Negotiations are carried out through the conflicting parties to resolve a problem by adhering to the principle of no party being harmed (win-win solution). If negotiations fail, then a consensus can be reached by presenting another party as an intermediary. Other parties can play mediation with the principle of justice. Local wisdom can be used as a guide in resolving conflicts if the conflict involves customary lands by presenting traditional leaders.

The agrarian conflict in Sei Menggaris is like the tip of the iceberg in the middle of the sea, that is, only one case can be seen above sea level, while many cases are almost the same below sea level, namely the agrarian conflict on the island of Kalimantan. In a research conducted by Wahyu and M. Kiptiyah (2016:3), it is stated that in the context of agrarian conflicts on the island of Kalimantan, the Minister of Agrarian Affairs and Spatial Planning/the Head of the National Land Agency, Ferry Mursildan Baldan, admits that there are many overlapping con-

flicts over land on the island of Kalimantan.

Land disputes usually involve residents, companies, and local government bureaucracies. In fact, these conflicts can occur in forest, plantation, or mining areas. Land with many natural resources attracts parties with economic interests to control it either legally or illegally. When there is an agrarian conflict in a developed and highly-populated area can become more complicated and violent.

The impact of the agrarian conflict on the island of Kalimantan is quite extensive, both on environmental degradation, community economy, security, preservation of customs and culture, and social life. According to B.E. Yulian et al. (2017:247), household entities around plantation sites strongly feel the impact of agrarian conflicts in plantation areas in East Kalimantan. In 2000, the community could no longer carry out shifting farming activities which became their livelihood tradition. This was because their village area had been converted into a Plantation Business Permit (IUP) and Certificate of Utilization Permit (HGU) area owned by PT. REA, for both nucleus and plasma plantations. The people were forced to get economic resources. They had to work as laborers in oil palm plantations operating in their villages since the ecosystem and power structure had changed.

Furthermore, B.E. Yulian et al. (2017:248) stated that the expansion of oil palm plantations has created integration and dependence of the rural economy on the global political economy of oil palm. Villages around oil palm plantations appear to be prosperous but are vulnerable and even experience the livelihood dilemma of families in rural areas. Slowly but surely, these villages are experiencing the loss of diversity of sources of livelihood because the ecosystem has changed, dominated by oil palm commodities.

The lack of livelihood options other than working as laborers in oil palm plantations can cause people's lives to be hegemonized by the economic dynamics of oil palm plantations. Dependence on the economy of oil palm plantations can plunge the commu-

nity into poverty if the plantation company closes its activities or no longer accommodates the community to become plantation workers for rational reasons. Companies experiencing bankruptcy, rationalization of workers for efficiency, agrarian conflicts with other companies or the government, or the stagnated marketing of fresh fruit bunches/CPO/kernels are examples of rational reasons that can cause people to lose their jobs and then be trapped in poverty. It is different if people have other jobs besides working in oil palm plantations. If they lose their jobs in oil palm plantations, people can work in other sectors to still earn a living for their families. A similar phenomenon to this case also occurred in Sei Menggaris, Nunukan, North Kalimantan. PT. NJL, originally a forestry company that later turned into an oil palm plantation company, was forced to close its activities; as a result, workers could not work and had no source of income, and plasma farmers could not sell their oil palm harvests.

As stated by informant RH earlier, PT. NJL was initially engaged in forestry from 2002 to 2005. However, from 2005 until the present day, PT. NJL has changed its business to a plantation company. Furthermore, PT. NJL planted oil palm in the former industrial plantation forest area. This is a violation of the law because forest areas cannot be converted without permission from the concerned authority. Moreover, in the forest area, there is an overlapping HGU for an area of approximately 3,510 ha with PT. Adindo, which firstly existed with a permit from the Minister of Forestry. Meanwhile, PT. NJL received a business permit from the National Land Agency of East Kalimantan.

This dispute over an area of approximately 3,510 ha between PT. NJL and PT. Adindo is actually not an absolute mistake by PT. NJL because the HGU possessed by PT. NJL covering an area of 19,974,130 ha is issued by the National Land Agency. Therefore, it is very unfortunate when, in 2016, the Minister of Agrarian Affairs and Spatial Planning / the Head of the National Land Agency canceled as a whole the HGU possessed by PT. NJL for an area of 19,974,130

ha. The social impact of the cancellation of this HGU must also be considered because thousands of people work and earn income from PT. NJL. If the HGU is canceled, PT. NJL has to stop its operations so that thousands of workers will be laid off and their families have to suffer because they will have no source of income. Likewise, groups of oil palm farmers who are in *Plasma-Inti* cooperation with PT. NJL also lose their livelihoods.

Conflict and Its Resolution

The agrarian conflict in Sei Menggaris between the two companies is different from the conflict that occurred in Mesuji, Lampung in 2012. As stated by N.T. Brata (2012), the Mesuji agrarian dispute, which claimed lives and property and resulted in gross human rights violations, involved three parties, i.e. local communities, private companies, and the state. The location of the dispute is in Mesuji District, Ogan Komering Ilir (OKI) Regency, South Sumatra Province and in Tanjung Raya District, Mesuji Regency, Lampung Province. Based on the culture map, this dispute is in the territory of the Megoupak indigenous people which is only separated by provincial boundaries and is related to the customary land (*ulayat*) claimed by the Megoupak people. Local communities who were involved in the conflict came from villages in the HGU area possessed by private companies that were involved in conflicts against the people. Those companies were PT. Sumber Wangi Alam (SWA), PT. Barat Selatan Makmur Investindo (BSMI), and PT. Silva Inhutani Lampung (possessing HP-HTI). The state actors also played a role in this dispute, i.e. the Ministry of Forestry that granted permits for industrial plantation forest concessions, the National Land Agency that issued the HGU, and the security apparatus that fired to local people.

For the conflict in Sei Menggaris, it does not involve the local community directly in dealing with companies or state institutions. The demonstration carried by workers of PT. NJL and partnered-farmer groups demands PT. NJL to not stop operating

so that they can still work and earn income. Workers and farmers do not claim land controlled by the companies. Therefore, the conflict is only between two companies, namely PT. NJL and PT. Adindo. The impact of the conflict was the cancellation or revocation of the HGU by the Minister of Agrarian Affairs and Spatial Planning / the Head of the National Land Agency in 2016. This was then followed by the dismissal of workers by the management of PT. NJL even though the Review process at the Supreme Court is still ongoing.

There are two possible reasons why workers are laid off by the management of PT. NJL. First, if PT. NJL continues to operate, the company's operations are illegal in which it has the potential to be subject to criminal and civil penalties. Second, in the case at the Supreme Court, PT. NJL is seeking sympathy and support from the government and the wider community, especially from workers and farmers who work with PT. NJL. If they lose again in the Review process at the Supreme Court, then the company must stop operating so that it has a potential for layoffs of thousands of workers and termination of cooperation with oil palm partnered-farmer groups. Ultimately, those workers and farmers will lose their livelihoods.

As mentioned previously, the termination of the company activities since July 31st 2020 has resulted in no activity at all so that thousands of workers (1,400 people) and partnered-farmer groups have begun to worry about their livelihoods. By considering this case, the Regent of Nunukan, Hj. Asmin Laura Hafid, with his staff and community leaders stepped in to help find a resolution that did not harm all parties, including workers. Finally, an agreement was reached that an area of approximately 2,800 ha which was not the object of the conflict and had been cultivated into oil palm plantations by PT. NJL would be continued so that local people would not lose their jobs. Furthermore, PT. NJL was also asked to immediately apply for a plantation business permit to the concerned institution. Meanwhile, a Review result from the Supreme Court for the revoca-

tion of Cultivation Right regarding oil palm plantations in the name of PT. NJL remains to be awaited. Hj. Asmin Laura Hafid, who is also a candidate for regional head elections at the end of 2020, seems to get a stage for the early start of the campaign by defending the local community who has problems. It is natural for a leader to hear complaints and defend the interests of the people he leads.

The resolution of a conflict, such as the conflict between forestry companies and oil palm plantation companies in Sei Menggaris, should be proportionally returned to the spirit of locality with a local approach as well. According to A.H. Dharmawan (2006:13), resolving a conflict must be in the spirit of local wisdom where the conflict occurs, gradually, and involves the parties involved in the conflict, either directly or indirectly involved, to seek conflict solutions actively.

Although oil palm plantation workers must still be assisted to continue a livelihood at PT. NJL, they should also be allowed to have other livelihoods so that their lives do not depend on the economic system of oil palm plantations. Palm oil plantation companies are indicated to be detrimental to state finances. According to L. Rosalina (2017), Sawit Watch revealed that there are indications that more than 40% of oil palm plantations managed by companies have harmed the state. These companies have opened oil palm plantations in forest areas without land conversion permits and HGU. According to data from the Ministry of Environment and Forestry in August 2011, there were state losses due to permits for conversion of forest functions to plantations in seven provinces, with losses reaching 273 trillion IDR. This happened because the opening of 727 plantation units was problematic.

The development programs adopted by the Indonesian government, initiated by developed countries, to improve the economic level of newly independent countries after World War II, and increase the purchasing power of the people of these countries, are often ambiguous. The noble goal of making developing countries newly independent after World War II often presents

the phenomenon of economic progress on the one hand. However, on the other hand, there is an anti-democratic government. Flowing investment often gives birth to two contradictory phenomena. According to Y. Ernis (2019:436), the development of industrialization, the entry of foreign investment into Indonesia, and the declaration of the Five-Year Development Program (Pelita) has boosted Indonesia's economic growth and impacted the impact on increasing the need for space and agrarian resources. Then massively, there was a change in the function of agricultural land and forests, the displacement of customary rights of indigenous peoples, land tenure by housing developers and industrial estate entrepreneurs.

CONCLUSION

From the discussion above, it can be seen that the conflict occurred because of an overlapping area of approximately 3,510 ha within the HGU area possessed by PT. Adindo and PT. NJL. This then triggered a conflict and land dispute between PT. Adindo and PT. NJL. Therefore, PT. Adindo sued PT. NJL to the police. In the court process, PT. Adindo won so that the HGU covering an area of 19,974,130 hectares belonging to PT. NJL was canceled by the Minister of Agrarian Affairs and Spatial Planning / the Head of the National Land Agency. This cancellation was considered not fair because what is being sued by PT. Adindo was only an area of 3,510.32 hectares.

The development movement in developing countries has a noble goal, namely increasing national economic growth, followed by an increase in people's purchasing power. The flow of capital or investment, which then emerges from goods and service industries, shopping centers, housing complexes, and offices that make the society more modern, should be seen critically since it all requires large land and produces marginalized people with no power to access symbols of modernity. The greedy nature of land occurs in Java, densely populated, and outside Java, where the population is relatively sparse. For example, in Sei Menggaris,

North Kalimantan, the case of agrarian conflict between two large companies illustrated how complicated development was and not easy to implement.

The agrarian conflict between PT. NJL and PT. Adindo was a matter between two large companies in the plantation and forestry sector. However, the impact was felt by the small people, namely the plantation workers at PT. NJL and the plasma farmers, who were highly dependent on the PT. NJL's activities. If the PT. NJL loses at the High Court level, then this company will be forced to stop its activities so that the workers do not get a source of livelihood, and the plasma farmers are unable to sell their oil palm harvests. The Regent of Nunukan has demonstrated a smart political decision to protect the people.

From the Regent of Nunukan (Asmin Laura Hafid) initiative, a conflict resolution emerged in which PT. NJL was asked to continue operating so that workers and farmers still have the income to meet their daily needs. Furthermore, PT. NJL must also immediately apply for the HGU for an oil palm plantation of 2,800 hectares that is not disputed by PT. Adindo. PT. NJL also has to wait for the results of the Review in the Supreme Court.

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