

# **Juridical Review of Palm Oil Plantations in Forest Areas in Bangka Regency (Case Study of Palm Oil Plantations in Production Forest Areas Permit for Forest Utilization Business PT Inhutani V Unit Bangka)**

Winanti Meilia Rahayu<sup>1</sup>, Jeanne Darc Noviayanti Manik<sup>2</sup>, and Faidatul Hikmah<sup>3</sup>

{winantimr@gmail.com<sup>1</sup>, novi\_palembang@yahoo.com,<sup>2</sup>  
faidatulhikmahfhubbprogressive@gmail.com<sup>3</sup>}

Master of Law Study Program, Faculty of Law<sup>1,2</sup>, Bangka Belitung University and Faculty of Law, Bangka Belitung University<sup>3</sup>

**Abstract.** In Indonesia, oil palm plantations that are developed in Forest Areas are considered legally prohibited. This is based on the provisions contained in Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction that oil palm plantation activities in forest areas are illegal use of forest areas. However, after the enactment of Law Number 11 of 2020 concerning Job Creation, there have been several changes in the P3H Law, including legal provisions relating to oil palm plantations in forest areas. The purpose of this research is to find out how the regulation of the use or utilization of forest areas for oil palm plantations in Indonesia and to analyze the legal aspects of oil palm plantations in production forest areas with business permits for forest utilization of PT Inhutani V Bangka unit. This study uses normative legal research methods and literature studies to collect the necessary data. The results of this study are that after the Job Creation Law was passed, several articles in the P3H Law and the Forestry Law have been amended. Including legalizing the existence of illegal oil palm plantations at this time through the fulfillment of certain mandatory requirements. Then oil palm plantations in the concept of using forest areas can only be carried out or it can be said that oil palm plantations are legal, when they already have permission from the relevant ministry. If you don't have a permit, the oil palm plantation can be said to be illegal.

**Keywords:** Juridical Review; Oil palm plantations; Forest

## 1 Introduction

The forest resources given to the Indonesian nation are a gift that must be protected and managed sustainably. Very extensive forests, more than 100 million hectares, After Brazil and the Democratic Republic of Congo, Indonesia possesses the world's third-largest tropical rainforest. Apart from that, Indonesia is the fourth largest country which has 8% of the world's carbon reserves or the equivalent of 8800 MtC (million tons of carbon). Taking into account the vast extent of forests and carbon reserves that have attracted international attention, Indonesia is expected to be able to preserve its forests and not be separated from the issues of global warming and climate change which are currently of global concern.[1]

In practice, the management of forest areas in Indonesia falls significantly short of embodying the principles of effective forest governance. This is evident in the substantial rates of forest degradation and deforestation recorded annually, along with a notable rise in conflicts related to forest areas occurring ubiquitously. The consequences that arise from deforestation are a decrease in environmental quality which ultimately increases the occurrence of natural disasters, such as landslides and floods. For this reason, the problem of deforestation in Indonesia is also in the international spotlight, because Indonesia is the lung of the world.[2] The management of forests in Indonesia continues to lack adherence to the principles of sound forest governance, consequently contributing to degradation. According to the National Development Planning Agency (BAPPENAS), an examination of the fundamental issues in the Indonesian forestry sector reveals key problems such as inadequate governance, misaligned spatial planning between the central and regional levels, ambiguous tenure rights, and insufficient capacity in forest management, including law enforcement. These issues fundamentally contribute to the depletion of forest resources, emphasizing the pressing need for the government to address and prioritize efforts to enhance forest governance.[2]

Another impact that occurs is that, even though the government has issued various regulations, this big problem has not been handled properly, this is also because prevention efforts are often too late or the state cannot completely eradicate the causes of deforestation. The causes of forest destruction that occur in Indonesia are not only due to illegal logging, forest and land fires, mining activities, forest encroachment, conversion of forests into plantation areas and industrial crops. As happened in Bangka Regency regarding oil palm plantations in forest areas. This has become a phenomenon in itself, communities and business entities seem to be competing to open land for oil palm plantations. As an example in this research, there is an oil palm plantation located in the Production Forest Area of Forest Utilization Business Licensing of PT Inhutani V Unit Bangka. In its implementation, many areas were occupied by the community and planted with oil palm plants. Palm oil is indeed one of the leading commodities of the Indonesian agricultural country, but behind this there is a problem in the form of palm oil being abandoned in forest areas, which until now has not found a bright spot. Based on the results of data analysis of the total area of oil palm in the production forest area of PBPH PT Inhutani V, namely 1,824.35 Ha,

consisting of 1,801.35 Ha of old palm oil and 23 Ha of newly planted Palm Oil from 1,801.35 Ha of old palm oil (outstanding). ) consist of :<sup>1</sup>

1. An area of 139 Ha has been identified, has been partnered and the Forestry Partnership application process has been submitted to the Ministry of Forestry.
2. Covering an area of 293 hectares, the owner has been identified, and divided into 2, namely:
  - a. 138 Ha already wants to partner;
  - b. 155 Ha does not want to and refuses to partner.
3. Covering an area of 1,369.35 hectares, the owner has not yet been identified.

As per the regulations outlined in Law Number 41 of 1999 concerning Forestry (the Forestry Law), there is provision for the utilization of production forest areas and protected forest areas for non-forestry development purposes, without altering the fundamental function of the forest area. This utilization occurs through Forest Area Borrow-to-Use Permits (IPPKH) for mining activities, with the stipulation that open mining patterns are not permitted in protected forest areas.[3]According to the Forestry Law, engaging in non-forestry activities, except for mining, is not permitted. For activities like plantation businesses, the utilization of forest areas is only permissible after the area has been officially released.

From a search of several laws and regulations related to the use and utilization of forest areas, no form of licensing for non-forestry activities in forest areas was found, except for mining activities carried out with a Forest Area Borrow-to-Use Permit (IPPKH). Thus, the existence of oil palm plantations in forest areas is the use of forest areas without valid permits. Apart from the Forestry Law, Law Number 18 of 2003 concerning Prevention and Eradication of Forest Destruction (UU P3H) also prohibits plantation business activities in forest areas without a valid permit.

However, after the enactment of Law Number 11 of 2020 concerning Job Creation (UU CK), there were several changes to the P3H Law and other laws relating to the forestry sector. The forestry sector is one of the sectors that has been changed. The amendment to Law No. 41 of 1999 on Forestry was undertaken due to the perception that the forestry sector, while deemed productive, faced intricate licensing procedures. Simultaneously, forest management in Indonesia grapples with persistent issues, including a diminishing forest cover, deforestation, encroachments into forest areas, illegal logging, and forest fires, resulting in heightened carbon emissions..[4]

From the explanation of the background above, the author is interested in studying further regarding the regulation of utilization or use of forest areas for oil palm plantations in Indonesia after the passing of Law Number 11 of 2020 with the Case Approach used in this research is oil palm plantations in forest areas Production of Business Licensing Forest Utilization PT Inhutani V Bangka Unit. Based on the description above, the problem can then be formulated as follows:

1. How is the use of forest areas for oil palm plantations regulated in Indonesia?

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<sup>1</sup>PT Inhutani V Bangka Sustainable Palm Oil Report 2022.

2. What are the legal aspects of Palm Oil Plantation in Production Forest Areas for PT Inhutani V Unit Bangka Forest Utilization Business Permits?

## **2 Discussion**

### **2.1. Regulation of Forest Area Utilization for Palm Oil Plantations in Indonesia**

Over the last 20 years, the main cause of deforestation in Indonesia has been the conversion of land for oil palm plantations. To address this issue, it is essential to establish national forest areas, clearly outlining zones designated for sustained forest management. These areas cover production forests, where economic activities like extracting forest products are limited. They also encompass forests protecting water catchment zones and conservation forests, which include nature reserves and national parks.[3]

Within forest areas, there exist three primary categories, each serving distinct functions and varying levels of environmental protection:[2]

1. The conservation forest, covering 22.1 million hectares, strictly prohibits commercial development within its boundaries. Predominantly, this category includes national parks (around 11 million hectares), along with 48 nature reserves (4.25 million hectares) and wildlife reserves (4.98 million hectares). Additional conservation areas in forest regions encompass nature conservation areas, nature reserves, natural tourism parks, hunting parks, and grand forest parks.
2. Protected forest, spanning 29.6 million hectares, consists of forests crucial for safeguarding water catchments, lands, or slopes prone to erosion, and other areas susceptible to damage if forest land is cleared. This zone is not designated for plantations.
3. Production forest, defined by the Forestry Law as a fundamental component of forest areas, is intended to maintain its role as a forested region. Indonesia's production forests, totaling 68.8 million hectares, are categorized into three subtypes:
  - a. Forests with limited production, considered ecologically delicate, are off-limits for clearance for plantations but can be used for highly restricted selective logging. This subtype encompasses an area of 26.8 million hectares.
  - b. Permanent production forests are determined based on factors like slope and soil type, exclusively designated for selective logging. This is the largest subtype, spanning 29.2 million hectares.
  - c. Convertible production forests are the only subtype that can be 'released' from forest areas by the Minister of Environment and Forestry, following the request of plantation companies. If authorized, the conversion of a production forest plot for plantation use means the land is no longer part of the forest area and is reclassified for alternative purposes. This subtype covers the smallest area, specifically 12.8 million hectares.

In Indonesia, the law strictly prohibits the establishment of oil palm plantations within Forest Areas. This prohibition is clearly outlined in the P3H Law, which considers oil palm plantation activities in forest areas as unauthorized use, qualifying them as acts of forest destruction. Law No. 18 of 2013, focused on P3H, directly addresses such illegitimate uses. Article 17, paragraph

(2) explicitly states that "Every person is forbidden from: b. engaging in plantation activities in forest areas without the Minister's permission." Additionally, Law No. 41 of 1999 concerning Forestry, in Article 50, paragraph (3), reinforces this prohibition, declaring that "Every person is prohibited from a. working on and/or using and/or occupying forest areas illegally." The term "working in a forest area" encompasses activities such as cultivating land within a forest area without proper authorization from an authorized official, including for farming, agriculture, or other commercial ventures.

Unauthorized utilization of an area refers to an organized activity conducted in a forest area for plantations and/or mining without obtaining permission from the Minister. The Minister of Forestry is the designated authority for the forestry sector, responsible for granting permits for management and utilization activities in forest areas. These permits serve the dual purpose of preventing environmental damage and maintaining control over the environment. In the event of any legal actions causing losses, accountability can be established through adherence to the required permits.[6]

Following the enactment of the 2020 Job Creation Omnibus Law, there was a modification in the regulations outlined in Law Number 18 of 2013, which addresses the Prevention and Eradication of Forest Destruction. The implementation of the Omnibus Law on November 2, 2020, marked a significant stride in enhancing the investment climate in Indonesia and streamlining the process of obtaining business licenses. [6] These modifications prolong the grace period to three years, legitimize the establishment of plantations in Forest Areas, promote collaboration between plantation owners and the government, facilitate the return of plantation areas to the state, and substitute criminal penalties with administrative sanctions. Consequently, this significantly expands opportunities for companies to gain control over forest areas.[7]

The Job Creation Law has the potential to legitimize certain existing illegal palm oil plantations by meeting specific mandatory criteria. However, it's important to note that the enactment of the Job Creation Law does not automatically guarantee the legalization of all current illegal palm oil plantations. Not all oil palm plantations established before the implementation of the Job Creation Law in Forest Areas, based on the Regional Spatial Planning in effect when the law came into force, can be legalized through legislation.

The new provisions, Articles 110A and 110B, introduced by the Job Creation Law in the Law on the Prevention and Eradication of Forest Destruction (P3H), outline explicit requirements that business entities (including companies or individuals, such as independent palm oil farmers) must fulfill to legalize their plantations. As an illustration:

- a) a) Palm oil plantations established by companies or individuals before the implementation of the Job Creation Law in Forest Areas, with valid location permits and/or permits in the plantation sector issued by the Provincial or Regency/City Regional Spatial Planning (RTRW) at the time of initiating business activities, are eligible for a "grace period" of three years. This grace period is granted since the enactment of the Job Creation Law to allow for the completion of the necessary forestry permit application process, as outlined in Article 110A, paragraph (1) of the P3H Law. Failure to fulfill this procedure within the stipulated three years will lead to the imposition of Administrative Sanctions in the form of paying fines. Non-payment of the Administrative Fine will result in the revocation

of the location permit and/or plantation business permit. Independent palm oil farmers will have the right to complete their forestry permits in Article 110A paragraph (1) as long as they have STD-B and STD-P.

- b) Palm oil plantations established by companies or individuals prior to the enactment of the Job Creation Law in Forest Areas, lacking a forestry permit, location permit, and plantation permit, are categorized as illegal plantations and will face Administrative Sanctions. This is in accordance with Article 110B, paragraph (1) of the P3H Law, in conjunction with Article 3, paragraph (3) of the Forestry Administrative Sanctions Regulations. The resolution process for illegal palm oil plantations outlined in Article 110B, paragraph (1), after the payment of Administrative Fines, differs from that specified in Article 110A
- c) Individuals classified as independent oil palm farmers, engaging in encroachment on Forest Areas for a minimum of five (5) consecutive years, with a maximum area of five (5) hectares, fall under the provisions of Article 110B, paragraph (2) of the P3H Law, which is linked to Article 41 of the Forestry Administrative Sanctions Regulations. The resolution process for such cases involves forest area management, with specific requirements that individuals must meet.

In carrying out palm oil plantation business activities, all business actors in Indonesia must comply with the licensing provisions and requirements stated in, among others:

1. Law no. 39 of 2014 concerning Plantations (Plantation Law)
2. Law no. 41 of 1999 concerning Forestry (Forestry Law)
3. Law no. 32 of 2009 concerning Environmental Protection and Management (UU PPLH) and
4. Law no. 18 of 2013 concerning Prevention and Eradication of Forest Destruction (UU P3H).

Specifically, business actors intending to develop oil palm plantations in Forest Areas must obtain certain permits from the Minister of Environment and Forestry (MenLHK):

1. Forest Area Release Permit to allow plantation businesses within Production Forest Areas to be Converted (HPK) through the release of production functions to non-forest Areas.
2. Forest Area Release Permit and Ministerial Decree regarding Appointment of Replacement Land/Ministry Decree regarding Changes in Land Function permits plantation businesses in Limited Production Forests (HPT) and Permanent Production Forests (HP) through the Forest Area Exchange scheme, if the replacement land comes from HPK.

Based on the explanation above, regulation of the use or utilization of forest areas for oil palm plantations in forest areas is prohibited in the P3H Law and the Forestry Law. However, after the publication of the CK Law and its derivative regulations, several articles in the P3H Law and the Forestry Law were amended, four of which were changes to the provisions on the proportion of forest area retained; simplification of permits for use of protected forests and production forests; potential foreign investment in utilizing protected forest areas, and mainstreaming social forestry, which includes legalizing the current existence of illegal palm oil plantations through fulfilling certain mandatory requirements.

## 1.2. Legal Aspects of Palm Oil Plantation in Production Forest Areas Forest Utilization Business Licensing PT Inhutani V Unit Bangka

PT INHUTANI V is one of the companies holding a Forest Utilization Business Permit (PBPH) which obtained a permit based on the Decree of the Minister of Forestry Number: SK.377/Menhut-II/2009 dated 25 June 2009 concerning Granting Business Permits for the Utilization of Timber Forest Products in Internal Industrial Plantation Forests. Plantation Forest to PT. Inhutani V Over a Production Forest Area of  $\pm$  16,730 ha Jo SK.531/Menlhk/Setjen/PLA.2/8/2019. That Forest Utilization Business Licensing, hereinafter abbreviated as PBPH, is a Business Permit which is given to business actors to start and run Forest Utilization businesses and/or activities.

Based on the results of data analysis of the total area of oil palm in the production forest area of PBPH PT Inhutani V, namely 1,824.35 Ha, consisting of 1,801.35 Ha of old palm oil (outstanding) and 23 Ha of newly planted Palm Oil from 1,801.35 Ha of old palm oil (outstanding). ) consist of:<sup>2</sup>

1. An area of 139 Ha has been identified, has been partnered and the Forestry Partnership application process has been submitted to the Ministry of Forestry.
2. Covering an area of 293 hectares, the owner has been identified, and divided into 2, namely:
3. 138 Ha already wants to partner;
4. 155 Ha does not want to and refuses to partner.
5. Covering an area of 1,369.35 hectares, the owner has not yet been identified.

In February 2021 the Government issued Government Regulation (PP) Number 23 of 2021 concerning forestry administration and PP Number 24 of 2021 concerning procedures for the imposition of administrative sanctions and procedures for non-tax state revenue originating from administrative fines in the forestry sector. These two PPs are derivative regulations for the forestry sector from Law Number 11 of 2021 concerning job creation. In both PPs, it is stated that efforts to resolve the issue of "continuity" of people's plantations and "overlapping" of palm oil plantation business permits in forest areas are carried out by implementing a term of improvement. This clause appears in PP number 23 of 2021 article 82 paragraph (2):[8]

*"Changes in the main function of Conservation Forest Areas as intended in paragraph (1) can only be made in the event of: a. there has been a change in the biophysical condition of the Forest Area due to natural, environmental or human phenomena; b. long-term improvements are needed to optimize the functions and benefits of Forest Areas; or*

Then article 213:

*"Owners of community plantations located in Conservation Forest, Protected Forest and Production Forest areas prior to the enactment of Law Number 11 of 2020 concerning Job Creation who meet the provisions of statutory regulations, can apply for approval for Social Forestry management within a certain period of time which is then carried out planting trees in the framework of long-term improvement. Utilization of community gardens as intended in paragraph (1) is carried out in the form of: a. Forestry partnerships or conservation partnerships; b. Village Forest; and/or c. Community Forestry."*

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<sup>2</sup>PT Inhutani V Bangka Sustainable Palm Oil Report 2022.

As well as PP number 24 of 2021 article 27 (Paragraphs 1-4):

1. “In the event that oil palm plantation business activities overlap with permits in the forestry sector in the Production Forest area, management cooperation will be carried out between the applicant and the permit holder in the forestry sector;
2. The period of cooperation as intended in paragraph (1) is carried out for 1 (one) long cycle of a maximum of 25 (twenty five) years from the planting period;
3. The Minister facilitates cooperation as intended in paragraph (2);
4. The cooperation as intended in paragraph (1) contains obligations for each person to:
  - a) carrying out long-term maintenance activities with forestry staple plants according to silviculture between oil palm plantations;
  - b) not planting new palm oil (replanting); And
  - c) After completing 1 (one) cycle of 25 (twenty five) years from the planting period as intended in paragraph (2), the business area within the Forest Area is obliged to return to the state.”

The improvement period is the period required to achieve the desired forest structure and ecosystem function according to management objectives. If it is related to the "sustainable" condition of monoculture oil palm plantations in forest areas which has an impact on disrupting the existing forest structure and ecosystem function, then the improvement period can be interpreted as the period needed to restore the disturbed condition.[9]

Hero Marhaento also conveyed alternative solutions for resolving palm oil plantations in forest areas through the Long Term Improvement Strategy (SJB). That SJB is the best option for resolving palm oil plantations in forest areas. The implementation of SJB through complex agroforestry hopes that farmers will be able to maintain the household economy by not depending on one commodity so that when the selling value of one commodity falls, it can be supported by other commodities on the farmer's land. In the SJB scheme, farmers are the main actors in improving environmental quality as well as improving the community's economy.[10]The Juridical Status of Palm Oil Plantations covering an area of 1,824.35 Ha in the PBPH PT Inhutani V production forest area is in the following table:<sup>3</sup>

Land Conditions	Before UUCK	After UUCK
139 Ha have been identified, have been partnered and the Forestry Partnership application process has been submitted to the Ministry of Forestry	Law Number 18 of 2013 article 17 paragraph 2 b, “every person is prohibited from carrying out plantation activities without the minister's permission in Forest areas, the criminal provisions of which are as in article 92 paragraph 1, where individuals who deliberately carry out plantation activities without permission are subject to imprisonment a minimum of 3 years and a maximum of 10 years and a fine of at least 1,500,000,000 (one billion five hundred million) and a maximum of 5,000,000,000 (five billion rupiah).”	Legal Access

<sup>3</sup>PT Inhutani V Bangka Sustainable Palm Oil Report 2022.



<p>138 Ha already wants to partner</p>	<p>Law Number 18 of 2013 article 17 paragraph 2 b, “every person is prohibited from carrying out plantation activities without the minister's permission in Forest areas, the criminal provisions of which are as in article 92 paragraph 1, where individuals who deliberately carry out plantation activities without permission are subject to imprisonment a minimum of 3 years and a maximum of 10 years and a fine of at least 1,500,000,000 (one billion five hundred million) and a maximum of 5,000,000,000 (five billion rupiah).”</p>	<p>It is in accordance with the Forestry Partnership scheme through Minister of Environment and Forestry Regulation Number 9 of 2021 concerning Social Forestry</p>
<p>155 Ha does not want to and refuses to partner</p>	<p>Law Number 18 of 2013 article 17 paragraph 2 b, “every person is prohibited from carrying out plantation activities without the minister's permission in Forest areas, the criminal provisions of which are as in article 92 paragraph 1, where individuals who deliberately carry out plantation activities without permission are subject to imprisonment a minimum of 3 years and a maximum of 10 years and a fine of at least 1,500,000,000 (one billion five hundred million) and a maximum of 5,000,000,000 (five billion rupiah).”</p>	<p>In accordance with PP no.24 of 2021 Article 3:  “Every person who carries out oil palm plantation business activities that have been established in a Forest Area and has a Location Permit and/or business permit in the plantation sector before the enactment of Law Number 11 of 2020 concerning Job Creation who does not have a permit in the forestry sector, is obliged to complete requirements no later than 3 (three) years after Law Number 11 of 2020 concerning Job Creation comes into effect.  If the completion of the requirements as intended in paragraph (1) exceeds the period of 3 (three) years after Law Number 11 of 2020 concerning Job Creation comes into effect, every person will be subject to administrative sanctions.  Every person who carries out mining,</p>

plantation and/or other activities that have been established in Forest Areas before the enactment of Law Number 11 of 2020 concerning Job Creation, who does not have a permit in the forestry sector, is subject to Administrative Sanctions. Administrative sanctions as intended in paragraph (2) and paragraph (3) are in the form of: a. Temporary Suspension of Business Activities; b. Administrative Fines; c. revocation of Business Permit; and f or d. government coercion.”

#### Article 29

“(1) Administrative sanctions are imposed on every person who does not complete the licensing requirements in the forestry sector within a period of 3 (three) years from the enactment of Law Number 11 of 2020 concerning Job Creation

(2) Administrative Sanctions as intended in paragraph (1) consist of: a. payment of Administrative Fines; and/or b. revocation of Business License.

(3) The amount of Administrative

		Sanctions in the form of payment of Administrative Fines as referred to in paragraph (2) letter a, is calculated at 10 (ten) times the amount of PSDH and DR.”
1,369.35 Ha, the owner has not been identified.	Law Number 18 of 2013 article 17 paragraph 2 b, “every person is prohibited from carrying out plantation activities without the minister's permission in Forest areas, the criminal provisions of which are as in article 92 paragraph 1, where individuals who deliberately carry out plantation activities without permission are subject to imprisonment a minimum of 3 years and a maximum of 10 years and a fine of at least 1,500,000,000 (one billion five hundred million) and a maximum of 5,000,000,000 (five billion rupiah).”	“Forestry Partnership through Minister of Environment and Forestry Regulation Number 9 of 2021 concerning Social Forestry When Partnering with PBPH Administrative sanctions according to PP no. 24 of 2021 if you refuse to partner with PBPH”
23 Ha Palm Oil New Plantation (after 2020)	Law Number 18 of 2013 article 17 paragraph 2 b, “every person is prohibited from carrying out plantation activities without the minister's permission in Forest areas, the criminal provisions of which are as in article 92 paragraph 1, where individuals who deliberately carry out plantation activities without permission are subject to imprisonment a minimum of 3 years and a maximum of 10 years and a fine of at least 1,500,000,000 (one billion five hundred million) and a maximum of 5,000,000,000 (five billion rupiah).”	“Law Number 18 of 2013 article 17 paragraph 2 b, every person is prohibited from carrying out plantation activities without the minister's permission in Forest areas, the criminal provisions of which are as in article 92 paragraph 1, where individuals who deliberately carry out plantation activities without permission are subject to imprisonment a minimum of 3 years and a maximum of 10 years and a fine of at least 1,500,000,000 (one billion five hundred million) and a maximum of 5,000,000,000 (five billion rupiah).”

Based on the explanation and explanation of the table above, it can be seen that the oil palm plantations in the production forest area with permits for forest utilization at PT Inhutani V Bangka unit, which are divided into three identified categories, have been identified as partners and in the process of applying for a Forestry Partnership to the Ministry of Forestry, covering an area of 293 hectares, a differentiated owner has been identified. into 2, namely: 138 Ha already want to partner and 155 Ha do not want to and refuse to partner. In principle, oil palm plantations in the concept of utilizing forest areas can only be carried out or can be said to be legal oil palm plantations, when they already have permission from the relevant ministry based on the mechanisms in the CK Law and if they do not carry out licensing efforts they will be subject to sanctions as regulated in the Law and including illegal palm oil plantations.

To overcome this, the government has attempted to provide solutions to independent farmers with a concept known as social forestry, which is regulated in Minister of Environment and Forestry Regulation Number 83 of 2016 concerning Social Forestry. Social forestry is a sustainable forest management system implemented in state forest areas or private/customary forests implemented by local communities or customary law communities as the main actors to improve their welfare, environmental balance and socio-cultural dynamics in the form of Village Forests, Community Forests, Forests Community Plantations, Community Forests, Customary Forests, and Forestry Partnerships.[11] The aim of this program itself is to improve community welfare through empowerment mechanisms and remaining guided by aspects of forest sustainability. In other words, social forestry is the community's legal access to manage forests, the provisions of which are regulated in statutory regulations.<sup>4</sup>One form of scheme is a forestry partnership, which is a partnership agreement given to the holder of a forest utilization business permit or the holder of an agreement to use forest areas with partners or the community to utilize forests in protected forest areas or production forest areas.

#### **4 Conclusion**

Based on the explanation above, regulation of the use or utilization of forest areas for oil palm plantations in forest areas is prohibited in the P3H Law and the Forestry Law. However, after the publication of the CK Law and its derivative regulations, several articles in the P3H Law and the Forestry Law were changed. Including legalizing the current existence of illegal palm oil plantations through fulfilling certain mandatory requirements. That the palm oil plantations in the production forest area with permits to try to utilize the forest of PT Inhutani V Bangka unit which is divided into three identified categories, have partnered and the Forestry Partnership application process to the Ministry of Forestry, an area of 293 Ha has been identified and the owner has been identified, divided into 2, namely: 138 Ha is ready partner and 155 Ha do not want to and refuse to partner. The author's suggestion is that coordinated, integrated and synchronized policies and regulations are needed between the land use, forestry and spatial planning systems at the central government level (which involves related ministries such as the Ministry of Agrarian Affairs and Spatial Planning, the Ministry of Environment and Forestry) and absolute regional governments. necessary to resolve and avoid agrarian conflicts. This coordination, integration and synchronization covers all stages from planning, implementation to monitoring land use.

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<sup>4</sup>Ibid, p. 45.

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