

## Hibernation of the Village Law in Large-Scale Palm Oil Plantations: A Case Study of Oil Palm Expansion in Sintang District, West Kalimantan

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### *Abstract*

This paper seeks to present the results of testing the implementation of the Village Law in villages covered by large-scale oil palm plantations. The socio-economic and political dynamics of villages with oil palm are in stark contrast to villages that are relatively free from the circle of the plantation capitalist system. This research examines it by focusing on the study of customary land acquisition practices and partnerships between smallholders and oil palm plantation companies in the Sintang District. Qualitative research using a case study approach which is the basis for writing this paper found that the Village Law, which many people hoped would free villages from the threats of the industrialization of forests and oil palm plantations, in fact, could not do much or, in the author's language, the Village Law was in hibernation.

**Keywords:** village law; indigenous people; land acquisition; partnership.

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## 1. Introduction

Writing this paper aims to examine how far the implementation of Law Number 6 of 2014 Concerning Villages (UU Desa) is related to the Indonesian government's efforts to create economic governance, natural resources, and democracy in favor of rural communities. To find the answer, the author specifically examines it by analyzing the practice of village law *in* villages that are currently involved or have been integrated into the modern oil palm plantation system. This paper does not conduct a *desk study* of the many legal products related to villages or sectoral legal products that are against village regulations but analyzes cases of the dynamics of power relations that have been built between villages and large-scale oil palm plantation companies in Sintang District, West Kalimantan.

As we all know, the Village Law was enacted in January 2014. Normatively, this law has the goal of responding to the weak centralistic development paradigm, which is ineffective in producing a responsive bureaucracy in distributing state resources, a decentralized paradigm that does not touch village interests, residual village development budget needs, and rearranging village power and authority and strengthening representation. Civil society politics in governance arrangements and village development (Vedeld, 2011; Antlov et al., 2016). In fact, according to Vel et al. (2017), the Village Law is very revolutionary because its vision brings the nature of decentralization closer to the forefront of the Indonesian state, which is called the Village and no longer places the Village as the lowest government or administrative unit under the organizational structure of the district government. Administration and development, which initially stopped at the district level, were pushed closer to the Village by the Village Law.

Talking about the political economy of rural development in Indonesia basically cannot be separated from the existence of agreements and global development goals. In fact, Indonesia's decision to reform a centralized to a decentralized government in the 2000s has a close connection with decentralization which has become a project of a global movement that has influenced the politics of developing countries since the 1980s (Larson & Ribot, 2007; Hadiz, 2022). The global treaty was then ratified into the governance and development regulatory system in Indonesia. One of them is ratified into the national law at the level of law. Long before the birth of a global agreement called the Millennium Development Goals (MDGs) or Sustainable Development Goals (SDGs) which concentrated on eradicating poverty (Astuti & Prasetyo, 2014), the development of rural villages in Indonesia had been based on the western developmentalism model promoted by international development assistance such as IGGI, the World Trade Organization (WTO), and the World Bank (Ansong, 2020; Eskelinen, 2021).

The approach to the industrialization of oil palm plantations (Etuah et al., 2020), which has been ratified into the Plantations Law, is one example of development technology promoted by international development agencies, then adopted by the Indonesian government, leading Indonesia to become a palm oil producing country. world's largest (White, 2012; Morgan, 2017; Krishna & Kubitzka, 2021;). The experience of the New Order regime in applying the development recipe suggested by international development aid agencies, which is often referred to as the "green revolution" recipe, on the one hand, led Indonesia to become an agricultural-producing country, but on the other hand, the policy damaged natural ecosystems and threatened women's health. And rural children on a massive scale (Dauster, 2006; Edmundson & Edmundson, 2006). How is it applied in the oil palm

plantation sector? How far is the application of plantation industry technology in Indonesia answering village problems? If we refer to Escobar (2012), the industrial economy is basically derived from Western cultural constructions that adhere to schools of capital accumulation, expansion, and prioritization of high exchange values (Escobar, 2012). Meanwhile, the economic culture of people in Indonesia, most of whom live in villages, is closer to traditional economic activities, which are more subsistence in nature and prioritize ecological cohesion.

Oil palm plants are not native to the archipelago but are suitable for planting in Indonesia (Baudoin, et al, 2017). The development of oil palm plantations in Indonesia takes two approaches, namely involving private actors to produce large-scale oil palm plantations and involving smallholders or farming communities. Oil palm plantations, both carried out by corporations and smallholders, employ millions of Indonesians with higher average wages than those cultivating other food crops (Sayer et al., 2012; Moulin, 2016; Etuah, 2020). In addition, the expansion of oil palm plantations in Indonesia has penetrated into villages, consuming and converting millions of hectares of forest land, rice fields, and fields into oil palm monoculture plantations (Germer, 2008; White, 2012). According to government data, there are around 25,000 villages out of seven tens of thousands of villages in Indonesia located in forest areas, with 48 million people living in them. Ten million people living in villages around the forest live below the poverty line.

There are four archipelagic regions that are the main targets for the expansion of large-scale national oil palm plantations, namely Sumatra, Sulawesi, Kalimantan, and Papua. On the island of Kalimantan, West Kalimantan Province is one of the areas that has developed the most oil palm plantations. In fact, the provincial government has made plans for the expansion of oil palm plantations from 1.5 million hectares to 4.5 million hectares by 2025 (White, 2012). In the 1970s, almost the entire geographical area of Kalimantan was still covered by tropical forests. But in the last few decades, in the 1990s, Kalimantan experienced extraordinary deforestation. A study by Austin et al. (2017) reported deforestation due to plantation development on a national scale for ten years (1990-2000) in the range of 52% - 79%. In Kalimantan it reaches 89% -90% (Austin et al, 2017). One of the causes of deforestation is the clearing of large-scale oil palm plantations (Osato et al., 2013; Yuliani et al., 2020).

The question is, to what extent the implementation of the large-scale oil palm plantation development policy respects the Village? Because as we know, in accordance with the Village Law, the existence of the Dayak community is recognized as a legal entity of the Unitary State of the Republic of Indonesia (NKRI) which has the right to realize the ideals of the state. We find this clause in the section considering point a, which states that the Village has the right of origin and traditional rights in regulating and managing the interests of the local community and plays a role in realizing the ideals of independence based on the 1945 Constitution of the Republic of Indonesia. The proposal, the Village Law, develops several clauses of the article which give authority to the Village independently to arrange spatial planning, land use, and village boundaries, make village planning and development, revive traditional villages or customary institutions, and determine whether or not an economic investment enters into the Village. villages (de Vos, 2018). In fact, the Village Law guarantees budgetary support from the center, which is transferred specifically to villages as a form of recognition and support for implementing village development independently (subsidiarity) (Watts, 2019).

According to Muqowam (2019), the Village Law does not explicitly regulate land and investment, resulting in a lot of criticism from many activists. However, the Village Law contains provisions that are relevant to the issue of agrarian reform, namely territorialization and jurisdictional arrangements. The Village Law provides definitions and boundaries for villages. What is called a village, according to the Village Law, has clear regional boundaries as a symbol of jurisdictional or territorial power (Muqowam, 2019). Unfortunately, for the regime of sectoral ministries/institutions that carry out forestry and plantation issues, villages are made part of the jurisdiction of forests and plantations. As a result of the expansionist policies of sectoral institutions like this, around 30,000 villages have the status of *pseudo villages* because their territories are within the jurisdiction of forests or plantations. Almost in line with Muqowam, Shohibuddin et al. (2017) argue that the Village Law provides a great opportunity for villages to access natural resources in the Village and access political processes related to the management of village natural resources. But at the same time, this great authority has the opportunity to make it easier for the ruling village elite to seek pragmatic advantages and negate the general rights and interests of the village community. Thus, while there are opportunities for reform, the Village Law still contains opportunities for exclusion (Shohibuddin et al., 2017).

From the narrative about the Village Law, knowledge was gained that the Village Law strengthened the Village's power over its natural resources from the onslaught of plantation investment. Using Dahrendorf's analytical knife regarding power relations in conflict, the research which forms the basis for writing this paper has mapped the conditions of power relations between village government and central government, indigenous peoples and village government and the local government, village government and large private plantation companies, before and after the enactment of Village Law. This mapping of power relations is intended to find out how the Village Law is implemented in oil palm plantation villages. Is the function of the Village Law safety belt, which protects the sovereignty of villages and indigenous peoples, really manifest in the dynamics of production social relations between villages and indigenous peoples with the oil palm plantation industrial system? To find out these conditions, this research specifically analyzes the role of villages in managing natural resources and the response of village governments and customary institutions to the strategies adopted by companies in land acquisition processes for the development of oil palm plantations.

After the introductory section and research methodology, in simple terms, the discussion of this paper is written in several discussion threads. First, it presents patterns of changes in the social and institutional systems of villages and indigenous Dayak communities before and after being integrated into the modern oil palm plantation system. Second, discussing the social dynamics that occur between oil palm plantation companies and villages and indigenous peoples in the process of acquiring land with the status of community property and customary land. Third, the government's role in land acquisition efforts in order to achieve the policy goals of developing oil palm plantations. Fourth, the implications and resistance of indigenous communities to land tenure practices by large-scale oil palm plantation companies.

## 2. Methods

This paper is lifted from the results of the author's research using qualitative methods and a case study approach in four villages inhabited by the Dayak sub-tribe and in which oil palm plantations have grown in Sintang District. The four villages are Perembang Village, where the Dayak Lintah community lives in Sungai Tebelian District; Begori Village, where the Uud Danum Dayak Sub Tribe lives; Bedaha Village, where the Kubink Dayak Sub Tribe lives and Tanjung Raya Village, which is inhabited by the Dayak Melahui Sub Tribe. The last three villages are located in the upper reaches of the Kapuas River, in Serawai District, to be precise. Primary and secondary data collection was carried out through field observations, conducting a series of snowball interviews with key informants from local government representatives, village government (village heads, village officials, and BPD), NGO activists, plantation company employees, farming communities (oil palm independent smallholders as well as rice and crops cultivators) and women farmers. Gradually field research activities will be carried out at the end of 2021 and will continue in early 2022. In this activity, the researcher stayed for several weeks at the research location. The results of the interviews were then recorded into daily notes to make it easier for the writer to analyze the results, which were then combined with secondary data analysis. Some of the secondary data that researchers obtained included partnership cooperation contract documents, maps of oil palm plantation development locations owned by several companies, AMDAL documents, and several official policy documents regarding oil palm issued by the local government.

## 3. Results and Discussion

Before discussing the thematic and in-depth research results to answer the research questions above, in this section, the author presents an overview of the local socio-political dynamics of the research location villages when the field research was conducted. When conducting field research, the social conditions of the four villages that were the locations of this research showed different conditions, especially in terms of the escalation of conflicts that occurred due to changes in the social integration relations of villages into the market system and the large-scale oil palm plantation industry.

In the four research villages, large-scale private oil palm plantation companies have been operating, with different durations of operation. In Perembang Village, there is already a PT. SDK has been clearing land more or less since the mid-1990s. It can be said here that the tension of agrarian conflict in Palembang has relatively decreased in line with the company's success in building large-scale plantations in this Village. If there is an outbreak of conflict, it is partial in nature, not on a massive scale. In Begori village, agrarian conflict tensions occurred in the 2010s, when PT. SHP conducted land acquisition for residents. When the field research was conducted, the social interaction between farmers and companies was in the position of a patron-client relationship. In this position, on average, local residents no longer work as planters but become plantation workers at PT. SHP starts from lowly laborers and garden foremen. In contrast to these two villages, local socio-political conditions in Tanjung Raya Village and Bedaha Village are currently in a fairly high escalation of conflict. When this field research was conducted, the two villages were in triangular conflict, in the sense that Bedaha Village was in conflict versus Tanjung Raya and Bedaha and Tanjung Raya versus PT. LJA.

### 3.1. Village democracy and the breakdown of Dayak community governance

The genetics of village traditions in Indonesia is different from village traditions in Europe. Villages in Europe are characterized as social communities, while villages in Indonesia are characterized by *self-governing community units*. As a society or social community, the rights of rural communities in Europe are fulfilled by the state. Meanwhile, as a *self-giving community*, people in Indonesia fulfill their daily needs and manage their own lives without having to rely on the state or government (Antlov, 2003; Eko, 2017). Simply put, in Europe, the government or state serves the Village; in Indonesia, the Village can independently organize and manage its own needs, strengthening the role of the state.

The pattern of village independence in Indonesia can be traced from the early history of the formation of villages before being intervened by the knowledge and technology of the modern government as introduced by the Western colonialists. To be precise, when the Village still had the status of a customary law community unit, it had not yet become a village as a state administrative unit as it is today. According to Selo Soemardjan, as quoted by Zakaria (2000) in his book *Abih Tandeh*, there are at least two patterns of social processes forming a village. The first is starting from the process of forest clearing (*tripe, alas*) by certain family units. Forests that have been cleared are then used as residential locations. This family then had children, and gradually, a settlement was formed. Gradually, an order of living together was created until it grew into customary law and customary government. On the basis of this fact, Haar (1941) defines a village as a customary law community unit. They are a group of people who live together, who generally have a kinship relationship, and for generations inhabit a certain geographical unit based on the local legal system formulated by and enforced for that group unit (Haar, 1941; Raharja, 2021). The second pattern is that villages are formed because there is already a government called a kingdom (*self-government*). In this second pattern, land that is managed by the community belongs to the king, and every person or family unit who wants to manage the land must obtain permission from the king (Zakaria, 2000; Eko et al., 2017). The presence of the colonial state until then, the archipelago won independence in 1945 and became the Unitary State of the Republic of Indonesia, periodically changing and excluding traditional government organizations.

This research found that the origins of the formation of Perembang Village stem from the processes of forest clearing carried out by a family unit of the Dayak sub-tribe known as Linoh. This sub-tribe cleared the forest, then built betting houses and agricultural land units consisting of gulping and *babas* or *Bawas*. Gradually the customary law multiplied to form a village called "Peronam," which means a place to soak in water. In contrast to Perembang, Begori, Bedaha, and Tanjung Raya, historically, these were villages that were administratively under the authority of the government of the Melona kingdom. Quoted from a manuscript issued by the Tanjung Raya Village Government until 1837, this kingdom still had a king named Regang with the title Raden Paku Wiranegara. But in 1882, this kingdom fell into the hands of the Dutch colonists. Although they are different in terms of the origins of the formation of Dayak villages in the four villages, the customary regulations relating to land are relatively the same, namely adhering to customary law called "pemali." In the adat pemali rules, there is no recognition of privately owned land, but customary land, even though the land managed by each family originates from *tripe alas*. In the customary rules of email, land managed by each Dayak family cannot be traded but may be loaned out as long as it gets permission from a traditional institution called *Ketemunggunan*.

The fall of the Melona kingdom into the hands of the Dutch colonists did not change the customary land ownership structure of the Dayak people. However, the public is still required to pay taxes paid through the Ketumenggungan agency. After Nusantara became independent and became a nation-state, Indonesia recognized and respected customary law community units and their traditional rights as long as they were still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia. This recognition is regulated in the 1945 Constitution. Even though it received recognition during the New Order (Orba) government regime, the state produced sectoral laws that unilaterally excluded the villages of the Dayak community from the scope of the village definition as adhered to by the Constitution. 1945.

At least, there are two sectoral laws that exclude village rights as NKRI entities that have the authority to regulate social sovereignty and natural resources, namely the Forestry Law (UU No. 41/1999) and the Village Government Law (UU No. 5/1979). The Forestry Law adheres to the perspective of the forest state. This regulatory perspective imposes the Village because the Village is under the control of the forest. In other words, the Village is positioned as part of the forest, not the other way around; the forest is part of and is under the control of the Village. Because of this, villages must comply with forestry regulations, which are sectorally under the authority of the Ministry of Forestry. As a result of this Forestry Law, the Dayak community does not own customary forests and no longer has access to clear forests as they used to do under customary law. The Dayak people cannot change the land that has been managed for generations into private land because, under the provisions of the Forestry Law, customary land has changed its status as a state forest.

If the Forestry Law destroys the customary rights of the Dayak community, the UUPD destroys the local government system. The way it works is to replace the customary government system with a single government system called the "service village government." In this system, the state forms a modern bureaucratic unit under the local government (Eko, 2015). As a result of this new arrangement, the position of customary government is not recognized, and customary rights are ignored. In fact, the state takes village income sources (Widjaja, 2012). Finally, the customary government of Pemali, which has protected the lives and livelihoods of the indigenous Dayak people, has been destroyed. The remnants of its destruction can be traced from the existence of Dayak customary institutions or Ketemenggungan institutions in villages, which no longer have any authority to regulate the lands of the Dayak community. All land that is in a village unit is under the authority and affairs of the village government as a result of the formation of the UUPD. In fact, the current condition of village customary institutions is closer to their position as a corporatist organ that at any time can be steered by the authorities for the pragmatic interests of power.

The presence of the Village Law nine years ago disrupted the previous village regulatory system, which tended to marginalize villages. The Village Law accommodates regional diversity more, tending to build a balance of local village power and power (Vel et al., 2017) over village subordination practices. As mentioned above, the Village Law provides space for the return of traditional villages and the return of traditional authority as long as it still exists. However, the research facts show that village customary institutions in the four research villages are in a state of suspended animation, there are institutions and administrators, but their socio-political role in the Village is not clear. In practice, village decision-making is related to the inclusion of large-scale oil palm plantation investments,

including the process of negotiating and facilitating the release of customary land. Occasionally involved in raising the masses to resist the penetration of large-scale oil palm plantation capital, but at the same time, also involved in efforts to strengthen the relations of rural economic production with oil palm plantation companies.

### **3.2. Industrialization, Resilience, and Zoning**

Natural resources play an important role in the local economic development and democratization of villages. This is because rural communities depend on their livelihoods and governance for their livelihoods and depend on the surrounding natural wealth (Ribot, 2003). But it will be ironic if the direction of Indonesia's national development follows neoclassical theory, namely making the agricultural sector the starting point for development, then leaving it for the development of the manufacturing and service sectors (Abduh, 2023). Thus, the true direction of rural development in Indonesia is leaving the agricultural sector towards the non-agricultural sector. Ironically, 19.7 million people are estimated to live in poverty, and most of Indonesia's population lives in villages. So the highest threat of poverty is in the Village. If the national development roadmap leaves the agricultural sector, the question is, what will be the fate of farmers? Even though the Village is the living area mostly inhabited by the poor, three-quarters of them come from farming families (Iskandar et al., 2023).

Although it has not completely abandoned the agricultural sector, the development project in Sintang has moved away from traditional agricultural traditions towards modern plantation industrialization. This project has converted forests and customary land into large-scale oil palm plantations. In fact, forests and land for farming, for the Dayak community, are not just a mooring place for life and death but as a medium of social communication to increase social solidarity. For the Dayak people, forests and fields are not just tools for producing economic resilience but also media for building social communication resilience for the Dayak community. In an interview in the field, the author met Mrs. Esah, a farmer woman in Bedaha Village, who said this:

If there are no clouds

It doesn't rain down to earth

If you are not looking for friends

Where did we come to this field

The expression above would like to convey that farming for the Dayak community is not carrying the ambition of capital accumulation but expanding human relations and strengthening human relations with nature. This ecological vision can also be seen from the use of land by Dayak farmers, which is not intended to produce industrial plantation crops, especially oil palm. From the research diaries, the authors found evidence that without cultivating oil palm, the Dayak community was actually able to build household economic resilience in a sustainable manner. This is known from the results of interviews with Sidin, a resident of Bedaha Village, as follows:

Sidin is a member of the Kubink Dayak tribe who survives with farming and gardening traditions. Sidin's seven brothers. Sidin is the first child. By his father, Sidin was often invited to the garden to take care of the rubber plantation and to cut rubber. Sidin himself doesn't want work that is cumbersome; if it's out of reach, he's afraid it will make him dizzy, he said. However, from the results of his rubber plantation, Sidin,



and his father were able to send their younger siblings to school. After finishing school, his younger brother number two became the Camat in Nanga Pinoh, Melawi Regency. His third younger brother, named Songkon, lives in Pontianak and works in the private sector as manager of the Pancur Kasih Credit Union. His fourth brother, Lego, works in Malawi Regency at the Regent's office. Lego has also been placed as the head of the section that manages the Village. Her fifth sister, Herlina Nangai, a housewife, is now joining her husband, who is a civil servant and a public (SD) teacher in Serawai. His younger brother, Adang, became the village head of surgery. Her seventh sister, Duboi (female), works at the office of the Malawi district head (Sidin, M, 58 years, 26/01/2022).

From Sidin's narrative above, it can be concluded that by cultivating multicultural crops without oil palm, the Dayak people remain economically empowered even though the circulation of money in the traditional economy of cultivating rubber, rice, and crops is not as much as the circulation of money in the business circle of oil palm plantations. Next, even though the value of household income from the non-palm economy is relatively lower, the Sidin family is able to prove the resilience of the traditional economy by farming non-palm agricultural commodities. In fact, these agricultural products can be used to send Sidin's younger siblings to school to pursue higher education.

The charm of a sustainable forest-based economy that develops in the Dayak community in Bedaha Village, as reflected in the lives of Mrs. Esah and Mr. Sidin above, does not rule out that it will soon disappear because at the time this research was conducted in Bedaha Village was experiencing quite a severe social contraction. Residents of Bedaha Village, Tanjung Raya Village, and its surroundings are involved in an agrarian conflict with PT. LJA, which since 2020 has obtained a location permit and has started excavation processes for the development of large-scale oil palm plantations in Serawai District.

Learning from the lives of the farming communities in Perembang Village and Begori Village, the penetration of large-scale private oil palm plantation capital has changed the social structure and socio-economic system, changed the spatial planning and land use of the Village (landscape transformation) in extreme ways. PT. SDK in Palembang Village has reached more than 20 years, while PT. SHP in Begori Village is almost ten years old. This research found various social, economic, political, and ecological facts from which it could be concluded that the industrialization of oil palm plantations had a negative impact on the quality of life and livelihood of the Dayak community. By using a sociological definition of social structure, social system, and social problems (Setiadi & Kolip, 2011) within the framework of the oil palm plantation expansion case in the four research villages, maps of social transformation before and after the research location villages were involved in the oil palm plantation system such as literacy Organizing among farmers has increased. Still, in terms of power relations, it remains co-opted by the power of capital, land uses spatial changes from forests or multicultural fields to monoculture gardens, namely oil palm plantations, and loss of protection of customary land jurisdiction by the state.

By joining into economic relations with the modern oil palm plantation industry, the Dayak people became acquainted with the organization. But in general, sovereignty as a farmer is still co-opted by the power of the company's game inserted through cooperation contracts (*contract farming*). One of the forces that subordinate farmers is the zoning and territorialization practices companies apply. The Dayak farming community became aware of, then formed and got involved in the activities of social organizations such as the

Kelompok Tani Hamparan (KTH), an association of oil palm smallholders in a plasma plantation area or plantation units owned by independent smallholders and Cooperatives. This organization liaises cooperation between oil palm smallholders and companies. Unfortunately, the integration of farming communities into farmer organizational units is still co-opted by company rules, especially in land management and marketing.

Based on the experience of Palembang Village, the initial formation of KTH and Cooperatives aimed more at accommodating company interests. Why is that? Because KTH is basically zoning management imposed by the company, it is easy to distinguish between the nucleus plantation area and the plasma plantation area. In fact, if traced far back, behind the zoning policy, the division of the nucleus and plasma plantations resulted from an unfair process. From the results of the author's interview with Sul (M, 50 years), the following diary notes were obtained:

Farmers in Palembang Village built a partnership with a company in the PIR Trans scheme, with the planting period starting in 1997. In one stretch of oil palm plantation, an average of 32 plots of land are involved. The size of one plot is equal to two hectares. This means that 32 plots equal 64 hectares. Sul himself owns 10 hectares or equal to five lots. From 1997 to 2004, the oil palm plantations in one area were managed and harvested by the company. The partnering company is PT SDK. In this system, farmers work for companies (laborers). They work starting from *land clearing* or the local term "falling period" or logging period, clearing land that is still forest to become land ready for planting. Land that is still "gung liwang liwang," or still in the form of wilderness, is arranged in such a way that it becomes a plot. With a change in the spatial layout of *the land cleared*, the layout or position of the farmer's land ownership changes without the farmer's knowledge. In other words, the layout or position of the plots of land owned by farmers is shuffled again.

From Sul's narrative, it seems clear that the history of the birth of the oil palm farmer group in Palembang began with the implementation of plantation spatial management carried out by PT. SDK, not because of the growing critical awareness of the farming community when building social production relations with plantation industry players. At first glance, the division of space between the nucleus and plasma plantations seems to convey the ease of coordination between the company and the plasma farmers. From Sul's narrative above, it is clear that the zoning policy adopted by the plantation company is part of the company's scenario to facilitate spatial planning and plantation land. Community-owned lands that are included in the core plantation zone are excluded. Vice versa, the company's land, which is inside the circle of plasma plantations, is withdrawn. This research found that the company's delimitation of the area between the nucleus plantation and the plasma plantation was actually intended to build a company's safety barrier against the entry of villagers into the company's oil palm plantation area. If you want to sell harvested fresh fruit bunches, independent smallholders who do not have a partnership with the company are prohibited from entering the company's road. If you want to pass through the company road, you have to pay a certain amount of money so that the portal at the guard post will be opened by the company security guard. In fact, the company road is within the jurisdiction of the Village.

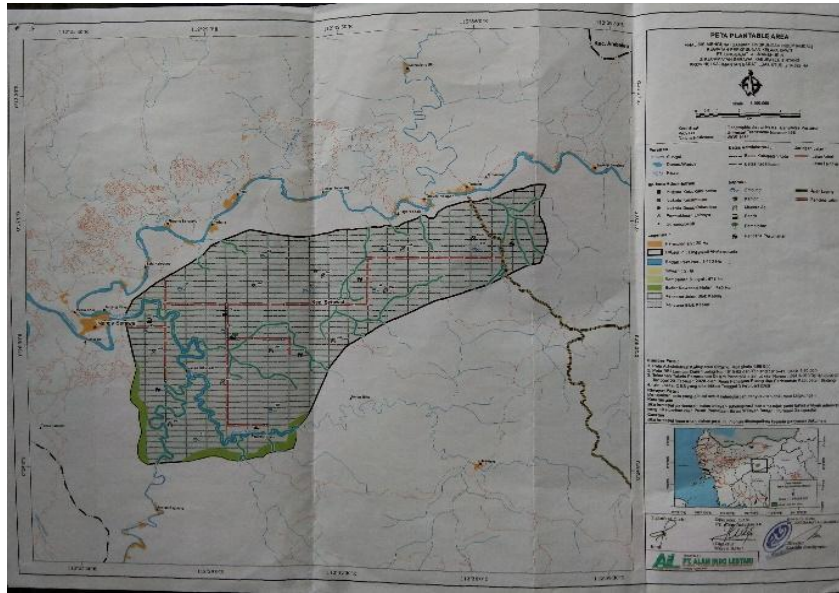
The zoning practice that led to the practice of exclusion of the farming community from access to the village road itself has subordinated the farming community to the Village itself. Finally, making their own farm roads became the chosen decision alternative. Field

research in Palembang Village found that the local farming community-built farm roads, even village roads, which were taken from privately owned land. In addition to land fees, they routinely also prepare a budget for road maintenance. Although this decision gives the impression of the mutual cooperation of the farming community, in essence, it is a symbol of the solitude and marginalization of farmers from their own living space due to zoning practices implemented by oil palm plantation companies that are established in the Village. In fact, according to information in the field, the district government and village government have almost never allocated a budget to help farmers maintain the roads they have built. Finally, this zoning practice created a new administrative area unit that tended not to comply with the living rules that apply in Palembang Village, the Village where PT. SDK was established and limited the residents' living space.

The practice of isolation and control of the movement space of traditional Dayak community farmers by oil palm plantation companies, when this field research was carried out was taking place in Begori Village, Bedaha Village, and Tanjung Raya Village. In fact, the practice of isolating the Dayak community's access to agrarian resources around their living space had occurred long before the industrialization of oil palm plantations entered Serawai in the 2010s. One of the momentums for marginalizing indigenous communities from the wealth of agrarian forest resources was when the New Order (Orde Baru) labeled customary forests with the status of *Limited-use Production Forests*. The enactment of this HPT status is specifically intended as an entry point for timber mining companies. Why timber companies? Because at that time, the government needed a lot of money to cover the economic crisis and then followed the advice from the IMF to make forests a new source of state revenue. Especially when the oil and gas sector is no longer expected to gain a lot of state revenue. As a result of this policy, the Dayak people in these three villages do not have access to take wood from the forest. The Dayak community's access to food is narrowing because they can only work on their own rain-fed fields. Because it is rainfed, the production period is very dependent on the season.

After the operating permit period expired, and there were no longer many large plantations to mine, and timber mining companies left the forests in Serawai, in 1991, the Sintang District Government opened the door for a permit to develop an oil palm plantation for PT. SHP in the 2015s and for PT. LJA in the 2020s. As is usually the case, the government always starts the process of developing oil palm plantations by issuing territorialization policies which Kumar (2013) calls *internal territorialization*. Kumar (2013) defines *internal territorialization* as a strategy and an integral part of the modern state in controlling resources in a political-economic zoning manner, in determining who may and may not access the resources therein (Vandergeest et al., 1995; Kumar, 2013).

In the case of expansion of oil palm plantations, in particular, PT. LJA received a business identification number from the local government, "9120402841133". The approved location is in Tanjung Raya Village, Serawai District, Sintang District, West Kalimantan Province. The area of land that is permitted as a location for the development of oil palm plantations along with the required installation is 14,629 Ha. Geographically, the location is at the ordinate point "0.3500000,112.5083300". The villages that are included in the target plantation location of PT. LJA are Bedaha, Buntut Ponte, Nanga Bihe, Nanga Segulang, Nanga Serawai, Nanga Tegjungai, Pagar Lebata, Telian Sahabung, Tamakung, Tanjung Harapan, Tanjung Raya and Tunas Harapan. The area reaches 14,926 Ha.



**Figure 2.** Technical drawing of PT. LJA in Serawai District

Based on the location permit from the local government, PT. LJA made a map, or more precisely, a technical drawing of a spatial plan for the development of a large-scale oil palm plantation complete with production installations and company offices (figure 2). Observing the spatial pattern depicted in the technical drawings for the development of oil palm plantations by PT. LJA, which divides all the target locations into plots of oil palm plantation land, implies that the oil palm plantation development plan turns a blind eye to the existence of village spatial planning that has been built for generations by the Dayak community (customary land spatial planning). From a territorial perspective, the creation of technical drawings for oil palm plantation development plans is equivalent to what Hall (2011) and Cramb (2016) call *land grabbing*. So, the practice of limiting local people's space for movement and confiscation of customary land to agrarian conflicts between indigenous communities and companies has actually started since the state issued location permits for companies.

### 3.3. Hibernation of the Village Law in the Midst of Customary Land Acquisition

Although at a glance, from the review of the life of the farming community in Bedaha and the zoning or territorialization practices that accompanied the opening of land for oil palm plantations in Tanjung Raya above, it is illustrated that the land acquisition process of the Dayak people began since the concession policy was issued by the government to the company applying for the permit. Opening of new land for oil palm plantations.

As we know, the power of law in land acquisition has been produced since the New Order regime came to power. Some of its products are the Basic Forestry Law and Government Regulation No. 21/1970 concerning Forest Concession Rights (HPH) permits and the 1983 Minister of Forestry Regulation concerning *Consensus on Forest Zoning*. This Minister of Forestry regulation divides forests into four categories, namely (i) conservation forest, (ii) protection forest, (iii) *limited-use production forest*, and (iv) production forest. That can be converted (*convertible production forest*). Through this policy, the development and utilization of all state forests are under one permit *system*. Furthermore, the

development of oil palm plantations is placed in a forest classified as a *convertible production forest* (Mizuno et al., 2016).

Normatively, the Village Law does not equip itself with provisions for articles that explicitly reject the concession system as stipulated in the Forestry Law above. However, the Village Law provides authority for villages to manage resources, including customary forests. The Village Law legalized village meetings as democratic institutions in an effort to protect village resources, including communal land, from corporate acquisitions. Implicitly, this arrangement disrupts and fights the hegemony of forest management as stipulated in the legal products above. The question then is why and how can all large-scale private oil palm companies control customary lands in the four research villages. In fact, from the facts in Lembangan, the expansion of large-scale oil palm plantations has had a negative impact on the social, economic, and environmental resilience of villages. In general, this research concludes that the good strategy adopted by the company in order to obtain community land is through a strategy of changing hands or a strategy of borrowing the power of the village government.

In general, in the process of land acquisition, there are often tactics of "persuasion," manipulation, and intimidation of residents who own the land. Persuasion is usually in the form of sweet promises from the capital owner to the landowner. Manipulation is usually in the form of diverting information or smoothing information. For example, the use of the word development. This word is usually side by side with the term "welfare." This word is always used by developers of any industrial development to condition potentially affected communities to want to release their land. So, anyone who rejects development is the same as rejecting welfare. Therefore, the socialization phase is the stage that determines the success or failure of expanding oil palm plantations into a village. In comparison, intimidation is the last possible tactic for capital owners when landowners find it difficult to release land or even put up resistance (Yusriadi, 2010; Cramb & McCarthy, 2016).

This research found that apart from using the persuasion approach, promises of welfare, regulatory authority regarding land concessions, and spatial plans issued by the government, the plantation companies took several other approaches, which were to gain village political support by utilizing village democratic space. Some of these approaches are, *first*, using village head actors and customary institutions as the main operators controlled by the company to carry out land acquisition missions in the field. Utilizing the patron-client relationship that is still strong between the village head and the head of the village customary institution and the community makes this strategy easier to gain public sympathy.

In Perembang Village, PT. SDK managed to win the support of the local village head because of sweet promises and persuasion. As is known from the history of social life, the people of Palembang Village in the 1980s were poor and left behind. Even though it has become a transmigration area, the economic conditions of the people still find it difficult to get a decent income because there are no jobs that are formally and sustainably promising for household income. Because of this, the village head and head of the adat institution agreed to submit a proposal to PT. SDK is willing to build a factory and oil palm plantation in Palembang Village. As a form of support, the Perembang Village Government is preparing 1,000 hectares of land to be developed into an oil palm plantation. At Begori, PT. SHP also has the full support of the local village head, who concurrently serves as head of the sub-district level customary institution.

*Second*, support the institutionalization of oil palm plantation development into the village development policy framework. In Begori Village, the existence of PT. SHP has full support from the local village government. This form of support can be seen from the existence of the Begori Village Medium-Term Development Plan (RPJMDesa), which includes the formulation of oil palm plantation development as part of the Village's vision-mission and priority development programs. If the formulation of the oil palm plantation development plan has been included in the RPJMDes document, it means that it has gone through the village deliberation stage. Thus, the oil palm plantation development plan by PT. SHP has strong political legitimacy from the village government and the people of Begori Village.

*Third*, organizing villagers to create *pressure groups* that can be mobilized to influence policymakers in the Village to support company interests. Findings in Tanjung Raya Village, PT. LJA mobilizes local people by giving them jobs. With the power of an employer automatically, the company's position strengthens. Well, this is where these paid residents are conditioned and driven to speed up the process of releasing land from the community to the company and influencing *the goodwill* of the local village government, so they want to sign their support. The strength of the pressure group formed by the company, which was grown from within this community in Tanjung Raya, was able to condition the local village head to accept an offer of compensation or compensation of four billion as a symbol of transferring ownership of 2,500 hectares of customary land from the community to the company.

In terms of economic investment in oil palm plantations that enter villages, many facts prove that the industrialization of oil palm plantations in villages damages the ecology and livelihood systems of rural communities. To prevent greater damage due to investment, the Village Law provides scope for authority for villages to hold village meetings that specifically discuss strategic matters, including the investment sector. Through village meetings, the community and village government are expected to be able to discuss in a more thorough, rational, and participatory manner the benefits and drawbacks of the inclusion of economic investment in the Village.

Legally formal, in terms of permitting land clearing for oil palm plantations, the village government does not have the authority to be involved in it. However, Article 54 of the Village Law (UU No. 6/2014 on Villages) gives the rights and authority to the village government to refuse or accept economic investment coming into the Village. As stipulated in the article, the decision-making process must be carried out through village meetings as the highest political assembly in making decisions on village strategic issues. Other than that, if based on the legal logic of the definition of the Village Law on Villages or Traditional Villages and based on the experience of the zero roles of village government institutions and village customary institutions in resolving social conflicts in the villages on the Tebelian River with PT. SDK as the excesses of the expansion of oil palm plantations that control the living space and livelihoods of the village communities in Sungai Tebelian District above, we should ask the question, where is the position of the Village in terms of managing natural resources and protecting the living assets and livelihoods of its people.

Reflecting on the land acquisition processes carried out by PT. LJA and PT. SHP for the lands of the Dayak community, it is clear that the land acquisition process did not provide space for the functioning of village democratic institutions called village meetings. The company's success in influencing the village head as the village government authority holder

has power that is effective enough to hijack the direction of village deliberation decision-making. Likewise, the mobilization of paid citizens by the company has effectiveness in minimizing critical participation from the community on the one hand and is effective in suppressing the goodwill of the village government so that they want to support the development of oil palm plantations in the Village.

#### **3.4. Hibernation of the Village Law in the Midst of Partnership between Farmers and Companies**

Almost every oil palm expansion goes to the Village (Wulansari, 2017). In Kalimantan, the growth of oil palm plantations, on the one hand, has opened up village isolation. Rural communities have access to better life facilities and infrastructure such as electricity, sanitation, health, and education facilities and access to various capital and financial sources (Santika et al., 2019). But on the other hand, villages that do not or have not opened access to the palm oil economy have a lower malnutrition rate than villages that have received palm oil. This is because the Village has more access to forests or natural resources that offer various types of food crops (Santika et al., 2019).

In addition, the expansion of oil palm plantations is also prone to give birth to social conflict. A study by Levang et al. (2016) of 119 conflict cases collected from many secondary data sources related to the development of oil palm plantations in West Kalimantan shows that there are various conflicts that accompany the expansion of oil palm plantations. West Kalimantan has the second highest intensity of land conflicts after South Sumatra related to oil palm plantations in Indonesia. In detail, 31 cases in Sanggau, 27 cases in Ketapang, 17 cases in Sintang, 14 cases in Sekadai, and 12 cases in Sambas. The diversity of cases includes unwanted land conservation in 53 cases, company refusal in 24 cases, partnership scheme in 20 cases, fraud in 10 cases, environmental pollution in 5 cases, horizontal conflict in 3 cases, theft of fresh fruit bunches in 2 cases, and internal management in 2 cases (Cramb and McCarthy, 2016). The partnership scheme then became one of the ways taken by the company to overcome this conflict-ridden relationship with the farming community.

The concept of partnership in the palm oil industry in Indonesia is legally formally institutionalized in the form of a law, namely Law 39 of 2014 concerning Plantations, especially in Article 57. Some civil society organizations in Indonesia consider that partnership arrangements are more dominant with arrangements that benefit companies and harm farmers. Points of contract rules that should reflect an equal power relationship between farmers and the company are dominated by clauses of the rules that are more profitable for the company. Finally, partnership practices in Indonesia are more colored by the suffering of oil palm smallholders. This research found that there are four types of partnership schemes that are detrimental to smallholders on the one hand and profitable to oil palm plantation entrepreneurs on the other. The four types of partnership schemes are asymmetric partnerships, forced partnerships, and exploitative partnerships filled with mutual suspicion and distrust of one another. In brief, the author conveys an explanation of the four types of partnership relations, as can be seen in the table below:

**Table 1.** Typologies of power relations in the partnership scheme between large private companies and smallholders

Type of Partnership	Superordinate & subordinate	Rules of the game & benefit sharing
<i>Asymmetric partnerships</i>	Superordinate: large plantation companies & cooperatives	<ul style="list-style-type: none"> <li>- The company creates a cooperative as a subsidiary company;</li> <li>- Partnership contracts are not between companies - smallholders, but between cooperatives - companies;</li> </ul>
	Subordinate: Smallholder	<ul style="list-style-type: none"> <li>- Smallholders are bound in a one-stop partnership contract, fully managed by the company, and smallholders receive the results.</li> <li>- Information &amp; the rules of economic transactions are in the power of companies and cooperatives.</li> </ul>
<i>Exploitative partnerships</i>	Superordinate: large plantation companies	<ul style="list-style-type: none"> <li>- Scheme of land sharing 70: 30, 70 for companies, 30 for smallholders.</li> <li>- Smallholders lose arable land;</li> <li>- The company manages the land; peasants become laborers of plantation companies;</li> </ul>
	Subordinate: smallholder	
<i>Distrust partnership</i>	Superordinate: large plantation companies	<ul style="list-style-type: none"> <li>- The company promises to arrange land certificates for smallholders' land that have not been certified and will be returned after the credit agreement.</li> </ul>
	Subordinate: smallholder	<ul style="list-style-type: none"> <li>- Many smallholders did not receive the certificate promised by the company;</li> <li>- The company changed the location and position of smallholders' land ownership and monopolized the spatial arrangement of the nucleus-plasma plantations.</li> </ul>
<i>Forced partnership</i>	Superordinate: large plantation companies	<ul style="list-style-type: none"> <li>- Smallholders must be a member of the cooperative formed by the company;</li> <li>- Smallholders must obey the game's rules from contracts handed over by the company to the Cooperative.</li> </ul>
	Subordinate: smallholder	

**Source:** Kurniawan et al., (2023)

The author gives an example here, several regulatory clauses of a partnership contract between PT. SHP with Uud Danum Dayak farmers in Begori Village, which more or less reflects the company's dominance in partnership building. In terms of discussing the main points of the partnership, the position of the farmers is not vis a vis the company but is represented by a Cooperative institution called BSP. If we study carefully, the contents of the Agreement in the contract are very unprofitable for farmers. The following are excerpts from the contents of the Agreement made unilaterally by the company and must be approved by the farmers who are members of the BSP cooperative:



1. The parties have agreed that the sole and exclusive right to the development, maintenance, and management of the plasma scheme in the area as specified in more detail in Appendix A to this Agreement as amended every three months, and if there is a change in the area from time to time, will remain with the company, subject to and based on the terms and conditions agreed by the parties and included in this formal Agreement.
2. Subject to the provisions stated in this Agreement, the company is responsible for any and all matters related to the project and will enjoy the sole and exclusive right to develop, manage and maintain the Plasma Plantation Area as an oil palm plantation and harvest, collect, transportation and purchase of all FFB products originating from the Plasma Plantation Area.
3. The Cooperative hereby acknowledges that in order to carry out the project properly and successfully, the attitude, mindset, and approach of the members must be in accordance with the policies and concepts developed and implemented by the company for the project and the application of appropriate socialization methods of the company's policies and concepts. It is mandatory for the project's success, and it is understood that disseminating the company policies and concepts applicable to the project among the members is one of the most important and significant obligations imposed on the Cooperative under this Agreement.

There are several points that we need to highlight here. In point one, it is very clear that the company has absolute authority to change the area of the plasma plantation area from time to time without involving the smallholders who own the land. In the second point, the company enforces the provision "has the sole and exclusive right to develop, manage and the plasma plantation area." On the third point, the company requires cooperative members to think and act in accordance with company policy. The provisions above are very hegemonic and dominant because they need farmers to obey only company regulations. Meanwhile, the contract rules do not make provisions that require the company to respect the rights of farmers. In fact, isn't the main value of partnership equality?

The unequal relationship between oil palm smallholders and companies, seen from the practice of this partnership, can actually be minimized with the participation of village institutions, for example, the village government, or can be delegated to village economic institutions called BUMDes. The village government, or BUMDes, has the potential to become an institution that bridges the occurrence of fair partnership processes. This research obtains the facts why cooperative institutions cannot act fairly because the existence of cooperatives in partnership practices is an institution formed by a company, not an institution that was purely born from the initiative of the farmers themselves or an institution initiated by the village government together with the community. Unfortunately, as was

found in Perembang Village and Begori Village, the village government also did not have the initiative to build well-designed and strong BUMDes to protect the interests of farmers. Because of this, the exploitation of oil palm smallholders has the potential to continue to occur in this partnership space.

One indicator of the weakness of the village government's support for farmers based on the results of field research in the four research location villages is the low goodwill of the village government as the user power of the Village Fund budget to create village development budget allocations that are specifically aimed at meeting the needs of oil palm smallholders. The results of APBDes analysis in the four research location villages found the fact that the orientation of village development budget expenditures tended not to pay attention to the interests of farmers. For example, the need for independent oil palm smallholders in Palembang Village is the adequacy of the farming community's budget to finance the maintenance of farm roads. However, based on an analysis of the 2022 Perembang Village APBDes, there was no expenditure post that was specifically aimed at easing the burden on independent oil palm smallholders who had financed the maintenance of farm roads themselves for years even though the construction of farm roads is an obligation for the government.

## **4. Conclusion and Recommendation**

### **4.1. Conclusion**

From the above review, regarding the dynamics of the relationship between Dayak indigenous peoples, Dayak smallholders, and large-scale oil palm plantation companies in the perspective of implementing the Village Law, the following conclusions can be drawn. *First*, the implementation of the mission of reforming the Village Law, which some people say is revolutionary because it protects village agrarian rights, cannot do much in the sense of freeing villages that are shrouded in large-scale modern oil palm plantation systems from the practice of oil palm plantation capitalism that marginalizes villages. *Second*, the processes of acquisition of community land and customary land carried out by companies have never used the Village Law as a reference approach but instead prioritized the use of legal provisions that apply to sectoral laws. Meanwhile, the Sectoral Law itself tends to be anti-village. *Third*, partnership practices, which are normatively aimed at minimizing conflicts between farmers and companies by building equal cooperation, are, in fact, still heavily colored by exploitative partnership practices, filled with mutual distrust and asymmetrical relationships. One axis of the cause, due to the absence of the village government in the partnership relationship.

### **4.2. Recommendation**

Based on the main ideas and findings of this research, allow the authors to submit recommendations for policy input on villages. What's more, at the time this paper was written, the DPR RI was revising Law No. 6 of 2014 concerning Villages. The recommendations are, *first*, the government, in this case, the Ministry of Village, PDTT, and the Ministry of Home Affairs needs to pay more attention to the existence of the Dayak community and their customary rights. Nationally, Sintang is no exception; the Village Ministry of PDTT oversees community empowerment and village development through the Village Fund assistance program and village communities but pays little attention to the

rights of the Dayak people. The Ministry of Home Affairs did a lot to strengthen the official village government but was complacent that in the villages in Sintang, the existence of the village government is side by side with Ketumnggungan. So it is important for the Ministry of Home Affairs to strengthen the synergy of the two local government structures. *Second*, these two ministries need to encourage sectoral Ministries/Institutions, especially the Ministry of Forestry and the Ministry of Agriculture, to minimize territorialized policies that prioritize the market too much but cause suffering to the Dayak community.

## 5. Acknowledgment

The study concludes that the policy on the status of residential units (public/relocation) for rental Public Housing public housings in DKI Jakarta Province significantly affects rent overdue in residential unit rent. Communities with relocation residential unit status are known to have higher total monthly rent overdue when compared to people with public residential unit status. As suggested by a previous research (Manzi et al. 2022), the relocated residents are one of the groups with high rent overdue.

The rent overdue of relocated residents is higher because they live in rental Public Housing due to government policies. Meanwhile, the public residents voluntarily register to live in rental public housing with the government. Other things caused higher rent overdue for relocated residents because their livelihoods were lost, the economy was challenging, difficulty in job searching because the Public Housing was located quite far away, and the government policies weakened administrators (PUPR, 2020). In addition, the relocated residents are overdue because they feel they have to incur additional costs, namely rent costs, to spend their needs. At the same time, they do not receive compensation for the buildings they previously lived in (Ainurrofiq, 2018).

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