Implementations of policy for the development of partnership pattern plant (PLASMA) by plantation companies in Barito East District Central Kalimantan

T Kristiana¹, S Jarias², Oktavina³

¹Faculty of Social and Political Sciences, Kristen University Palangka Raya, Central Kalimantan, Indonesia 73113
²Faculty of Law, Palangka Raya University, Central Kalimantan, Indonesia, 73113
³Faculty of Social and Politic Sciences, Indonesia Open University Palangka Raya, Central Kalimantan, Indonesia 73113

E-mail: tresiakristiana@yahoo.co.id

Abstract. Both of Law No.39 of 2014 and Minister of Agriculture Regulation No. 98 of 2013 are reinforced by the Central Kalimantan Provincial Regulation Number 5 of 2011 concerning Management of Sustainable Plantation Businesses. Based on these three rules, researchers are interested in researching the implementation of plantation development policies in partnership patterns by plantation companies in Barito Regency East, Central Kalimantan. This research is a qualitative descriptive study, the source of information is that the East Barito Regency government, in this case, is the Office of Plantation, Head of Plantation Companies as many as 14 companies in East Barito Regency. In-depth interviews do data collection. The results of the study were analyzed; triangulation was carried out to obtain accurate data. The results showed that the implementation of the Legal and Regulatory Policy which requires community involvement in the development of a partnership (plasma) scheme in East Barito District, has not been fully implemented in accordance with the provisions.

1. Introduction

Public policy that has been adopted and legitimized by the government and the legislature as regulation should be implemented through its public administration system. Indeed, every regulation issued by the government is basically for the good of all parties and has gone through various kinds of in-depth studies and considerations before finally, the regulation is rolled out.

One of the regulations that provide benefits to the community around the area of oil palm plantations, both those cultivated by the private sector and state-owned companies, is regulation about the obligation of a company to cooperate with communities around the plantation. The policy issued by the government regarding the construction of community gardens is summarized in Law Number 39 of 2014 concerning Plantation Article 58, which states that “Plantation companies that have plantation business licenses or plantation business licenses for cultivation must facilitate the development of community gardens at the lowest area of 20% (twenty percent) of the total plantation area cultivated by plantation companies” (1).

The construction of community gardens is also regulated in Minister of Agriculture Regulation No. 98 of 2013 Article 15 which emphasizes that if oil palm plantations are developed, the core company is obliged to develop community oil palm plantations (plasma) in the vicinity, where plantation
companies that apply for plantation business licenses (IUP-B) or 250 hectares of IUP or more, is obliged to facilitate the development of the gardens of the surrounding community with an area of at least 20% of the total area of the IUP-B or IUP. Regulations in the regions that regulate community plantation development are contained in the Central Kalimantan Provincial Regulation Number 5 of 2011 concerning Management of Sustainable Plantation Businesses Article 18 states that:

"The construction of community gardens is carried out through the Pattern of Nucleus Plantation (PIR), Project Implementing Units (UPP), Partial Patterns, Assistance Patterns, and Self-Help Patterns, Core Plasma Patterns and Partnership Patterns."

Central Kalimantan with an area of 157,983 Km² covering one city and 13 districts, one of which is East Barito Regency. The total area of East Barito Regency is recorded at 3,834 km² covering ten (10) sub-districts. Regarding regional autonomy, the policy of the Central Kalimantan Provincial Government in the field of economic development, the development of the plantation sub-sector occupies a priority. This is based and supported by the availability of land and agro-climate resources that are suitable for the development of plantation commodities.

Oil palm, as one of the leading commodities of the plantation sector, is considered capable of answering the challenges regarding the welfare of farmers. The company and farmer partnership program developed by the oil industry is thought to be able to provide business benefits and improve the welfare of farmers. The form of partnership in question is a mutually beneficial partnership, mutual need, and responsibility.

But the reality that happened was very concerning, and increasingly proved that the bargaining power of the people was very weak. The emergence of horizontal conflicts around oil palm plantations is believed to be due to the incomplete application of core-plasma provisions, thus triggering jealousy and land claims. Regulations that should be a reference and hope for the community, to have oil palm plantations to improve their destiny and improve their welfare, have turned out various interpretations. As a result, the development of community plasma plantations cannot be ascertained and has not become the focus of the company. While at the same time, the core company has obtained positive implications from the harvesting of oil palm fruit and processing it at the Palm Oil Mill (PKS). This condition eventually triggered a horizontal conflict between the company and the local community.

Some of the problems that often occur in the plasma partnership program are the authors' interest in examining the Implementation of Law No. 39 of 2014 concerning Plantation (a case study of Community Plantation Development (Plasma) in East Barito Regency.

2. Methods
This research is a qualitative descriptive study. Descriptive research is a study intended to collect information about a symptom that exists, that is, according to what it is at the time the research was conducted (6). Descriptive research is research that seeks to describe problem-solving based on data (6) This study focuses on developing oil palm plantations in partnership (Plasma) for the benefit of the community in accordance with the provisions of Law Number 39 of 2014 concerning Plantation on Article 18. Locus in East Kalimantan.

Barito Regency, Central Kalimantan Province. Data sources and informants came from civil servants, East Barito District Agricultural Service, PT. Agro Mandiri Sukses, Management of PT. Borneo Subur Semesta, Management of PT. Ciliandry Anky Abadi, Management of PT. Heroes of Green Energy, Management of PT. Tamiyang Sumber Rejeki, Management of PT. Tirta Madu, Management of PT. Bhadra Cemerlang, Management of PT. Borneo Ketapang Indah, Management of PT. Indopenta Sejahtera Abadi, Management of PT. Ketapang Subur Lestari, Management of PT. Sandabi Indah Lestari, Management of PT. Mitra Jaya Agro Palm, PTP Management. Nusantara XIII (PIR-SUSI), Management of PT. Sawit Graha Manunggal, and representatives of communities around plantation companies in East Barito Regency. Data collection is done through in-depth interviews with informants. The questionnaire is a technique of data collection conducted by giving a set of questions or written statements to the respondent to (7). Based on the definition above, the research
instrument/tool used is in the form of interviews with respondents with a list of questions that have been prepared by researchers based on documentation studies and observations in the field.

3. Results and Discussions
Tamiang Layang is located between 10°2’ north latitude and 20°5’ south latitude, 114°0 and 115° east longitude. With an area of 3,834 km² covering ten sub-districts with the sub-districts of East Hamlet and Paju Epat Subdistrict, they are the widest sub-districts, each 867.7 km², and 664.3 km² which add up to 39.96% of the total area of East Barito Regency (Barito Timur in Figures 2018, BPS in East Barito Regency). The population of East Barito Regency in 2017 is 120,254 people, consisting of 51.53% men and 48.47% women with a population density that is classified as rare, which is around 31-32 people per km². The number of households in 2017 is 31,625 households spread across ten sub-districts.

Based on the results of the study, the data obtained regarding the existence of Oil Palm Plantation Companies in East Barito Regency amounted to 14 companies. Data on plantation company permits as of July 2018 from the Agriculture Office of East Barito Regency in Plantation can be seen in Table 1.

| No | Nama Perusahaan                     | SK Ijin (IUP) | Usaha | Perkebunan | SK Lahan | Perubahan | Luas & Pemberi Ijin | SK Hak Usaha (HGU) | Luas & Pemberi Ijin |
|----|------------------------------------|---------------|-------|------------|----------|-----------|---------------------|---------------------|---------------------|
| 1  | Argo Mandiri Sukses                 | 387 Tahun 2009 | 13-8- | Bupati Barito Timur | 14.363 | 387 Tahun 2009 | 14.363 Bupati Barito Timur |
| 2  | PT. Borneo Subur Semesta            | 258 Tahun 2012 | 27-6- | Bupati Barito Timur | 6.000 | 258 Tahun 2012 | 6.000 Bupati Barito Timur |
| 3  | PT. Ciliandry Anky Abadi            | 508 Tahun 2009 | 27-6- | Bupati Barito Timur | 18.256 | 508 Tahun 2009 | 18.256 Bupati Barito Timur |
| 4  | PT. Heroes Green Energy             | 342 Tahun 2009 | 24-6- | Bupati Barito Timur | 14.900 | 342 Tahun 2009 | 14.900 Bupati Barito Timur |
| 5  | PT. Tamiyung Sumber Rejeki          | 283 Tahun 2012 | 4-7-  | Bupati Barito Timur | 20.000 | 283 Tahun 2012 | 20.000 Bupati Barito Timur |
| 6  | PT Tirta Madu                       | 509 Tahun 2009 | 30-9- | Bupati Barito Timur | 15.200 | 509 Tahun 2009 | 15.200 Bupati Barito Timur |
| 7  | PT. Badra Cemerlang                 | 187 Tahun 2006 | 16-6- | Bupati Barito Timur | 6.168 | 187 Tahun 2006 | 6.168 Bupati Barito Timur |
| 8  | PT. Borneo Ketapang Indah           | 515 Tahun 2009 | 4-12- | Bupati Barito Timur | 38.810 | 515 Tahun 2009 | 38.810 Bupati Barito Timur |
| 9  | PT. Indo Penta Sejahtera Abadi      | 389 Tahun 2009 | 13-8- | Bupati Barito Timur | 16.455 | 389 Tahun 2009 | 16.455 Bupati Barito Timur |
| 10 | PT. Ketapang Subur Lestari          | 341 Tahun 2009 | 24-6- | Bupati Barito Timur | 21.000 | 341 Tahun 2009 | 21.000 Bupati Barito Timur |
| 11 | PT. Sandabi Indah Lestari           | 366 Tahun 2011 | 4-11- | Bupati Barito Timur | 5.306, 112 | 366 Tahun 2011 | 5.306, 112 Bupati Barito Timur |
Of the 14 (fourteen) plantation companies in the East Barito Regency and have received permission from the Bupati as Regional Head, there are 7 (seven) companies that have implemented the implementation in accordance with Law No. 39 of 2014 concerning plantations in the form of community plantation development (plasma) through a partnership pattern that must be carried out by the company (8). The data up to July 2018 are as follows:

**Table 2.** Construction of community gardens through partnership patterns by plantation companies in East Barito Regency

| No | Nama Perusahaan                      | Nama Koperasi Kemitraan Plasma | Luas Kemitraan Plasma (Ha) | Jumlah peserta manfaat orang (KK) | No SK dan Tgl Penerbit |
|----|-------------------------------------|--------------------------------|---------------------------|----------------------------------|------------------------|
| 1. | PT. Argo Mandiri Sukses             | Koperasi Plasma Paju Epat Sejahtera Mandiri (Pembangunan Kebun Masyarakat Tahap 1) | 42,458                     | 21                               | Nomor 339 Th 2018 tanggal 23 Juli 2018 Bupati Barito Timur |
| 2. | PT. Heroes Green Energy             | Koperasi Berkat Mupakat (Pembangunan Kebun Masyarakat Tahap 1) | 384,20                     | 455                              | Nomor 133 Tahun 2017 Tanggal 18 April 2017 Bupati Barito Timur |
| 3. | PT. Badra Cemerlang                 | Kelompok Tani Sejahtera Bersama I, Kelompok Tani Sejahtera Bersama II dan Kelompok Tani Harapan Bersama | 147, 86                     | 45                               | Nomor 109 Tahun 2014 Tanggag 14 April 2014 Bupati Barito Timur |
|    |                                     | Kelompok Tani Sejahtera Bersama I, Kelompok Tani Sejahtera Bersama II | 110                         | 42                               | Nomor 390 Tahun 2014 Tanggag 22 Des. 2014 Bupati Barito Timur |
|    |                                     | Kelompok Tani Sejahtera bersama | 108                         | 43                               | Nomor 146 Tahun 2016 Tanggag 30 Mei 2016 Bupati Barito Timur |
| 4. | PT. Borneo Ketapang Indah           | Koperasi Mitra Borneo Lestari (Pembangunan Kebun Masyarakat Tahap 1) | 249,77                      | 128                              | Nomor 110 Tahun 2017 Tanggag 6 April 2017 Bupati Barito Timur |
|    |                                     | Koperasi Usaha Bina Bersama (Pembangunan Kebun Masyarakat Tahap 1) | 577,31                      | 270                              | Nomor 111 Tahun 2017 Tanggag 6 April 2017 Bupati Barito Timur |
| 5. | PT Indopentha sejahtera Abadi       | Koperasi Plasma Paju Epat Sejahtera Mandiri (Pembangunan Kebun Masyarakat Tahap 1) | 356                         | 112                              | Nomor 17 Tahun 2016 Tanggag 21 Januari 2016 Bupati Barito Timur |
|    |                                     | Koperasi Plasma Paju Epat Mandiri                                        | 380,22                      | 142                              | Nomor 340 Tahun 2018 Tanggag 23 |
Based on the data in the table above, it shows that there are only seven out of fourteen plantation companies that have carried out plantation development (plasma) plantation schemes seven other companies have not implemented the provisions that apply in legislation, as well as the provisions stipulated by the government as stipulated in the Regulations Minister of Agriculture of the Republic of Indonesia Number 98 / Permentan / OT.140 / 9/2013 concerning Guidelines for Plantation Business Licensing Article 15 which reads: "Plantation Companies that submit IUP-B or IUP with an area of 250 (two hundred fifty) hectares or more, are obliged facilitating the construction of surrounding community gardens with an area of at least 20% (twenty per hundred) of the total area of IUP-B or IUP (9).

The data on the realization of plantation development involving the community in a partnership (plasma) pattern can be seen in the following table.

### Table 3. Data on realization of community plantation development (Plasma) by 7 (seven) plantation companies in East Barito Regency.

| No | Nama Perusahaan                          | Luas yang diusahakan (IUP/Perubahan Lahan/HGU) | Area Kewajiban Plasma masyarakat untuk 20% Areal yang diusahakan (Ha) | Realisasi Kebun Masyarakat/Plasma (Ha) | Jumlah Peserta Penerima Manfaat (Orang/ KK) | Sisa Kewajiban Pembangunan Kebun Masyarakat/Plasma (Ha) |
|----|-----------------------------------------|-----------------------------------------------|-------------------------------------------------|------------------------------------------|------------------------------------------|------------------------------------------------|
| 1  | PT. Agro Mandiri Sukses                 | 14.363                                        | 2.872,6                                          | 42,458                                   | 21                                      | 2.830,142                                     |
| 2  | PT. Heroes Green Energy                 | 3.400                                         | 680                                              | 384,20                                   | 455                                     | 295,8                                         |
| 3  | PT. Bhadra Cemerlang                    | 6.168                                         | 1.233,6                                          | 365,86                                   | 130                                     | 867,74                                         |
| 4  | PT. Borneo Ketapang Indah               | 10.600                                        | 2.120                                            | 827,08                                   | 398                                     | 1.292,92                                       |
| 5  | PT. Indopenta Sejahtera Abadi           | 16.455                                        | 3.291                                            | 736,22                                   | 254                                     | 2.554,78                                       |
| 6  | PT. Ketapang Subur Lestari              | 3.573.110                                     | 714.622                                          | 372,05                                   | 469                                     | 342,572                                       |
| 7  | PT. Sawit Graha Manunggal               | 17.467.23                                     | 3.493.446                                        | 2.201,23                                 | 1.549                                   | 1.292,216                                      |
|    | Total                                   | 72.026.34                                     | 14.405.268                                       | 4.929.098                                | 3.276                                   | 9.476,17                                       |

From the data above, it can be seen that none of the seven plantation companies carried out plantation development under the community partnership scheme (plasma) in accordance with statutory provisions requiring 20% of the IUP (Agricultural Business License). In total, the obligation of seven companies to obtain permits is 72,026.34 ha, the obligation to submit land as much as 20%, which is 14,405,268 ha, which is 4,929,098 ha means that the implementation of plantation development has only been implemented with 34.22% of the total land provisions amounting to 14,405,268 Ha, meaning that it is still 65.78 Ha which has not been submitted to the community as a form of obligation from the Law that applies both the provisions of Law No.39 of 2014 and provisions of the Regulation of the Minister of Agriculture of the Republic of Indonesia Number 98 / Permentan / OT. / 9/2013 concerning Plantation Business Licensing Guidelines Article 15 which reads: "Plantation Companies that submit IUP-B or IUP with an area of 250 (two hundred fifty) hectares or more, are obliged to facilitate the development of the surrounding community plantation with an area of at least 20% (twenty percent) of the area (10).
4. Conclusion

Of the fourteen companies that received plantation business licenses in East Barito Regency, only seven companies have implemented Law No.39 of 2014 concerning Plantation. Although in the implementation it has not met the standards of the applicable provisions as regulated by Regulation of the Minister of Agriculture No. 98 of 2013 Article 15 which emphasizes that if oil palm plantations are developed, the core company is obliged to develop community oil palm plantations (plasma) in the vicinity, where plantation companies that apply for plantation business licenses (IUP-B) or 250 hectares of IUP or more, is obliged to facilitate the development of the gardens of the surrounding community with an area of at least 20% of the total area of the IUP-B or IUP. Regulations in the regions that regulate community plantation development are contained in the Central Kalimantan Provincial Regulation Number 5 of 2011 concerning Management of Sustainable Plantation Business Article 18 states that: "The construction of community plantations is carried out through the Pattern of Nucleus Plantation (PIR), Project Implementing Unit (UPP), Partial Patterns, Assistant Patterns, and Self-Help Patterns, Core Plasma Patterns and Partnership Patterns ". The Regional Government of East Barito Regency issued a regulation concerning companies that did not issue permits regulated by the central government, both laws, and regulations, as well as government regulations and local government regulations.

5. Reference

[1] Agustino, Leo (2006). Politik dan Kebijakan Publik. Bandung. AIPI Bandung bekerjasama dengan Puslit KP2W Lemlit Unpad.
[2] Sugiyono (2007). Memahami Penelitian Kualitatif. Bandung. Alfabet.
[3] Sugiyono (2011). Metode Penelitian Kuantitatif, Kualitatif, dan R & D. Bandung. Alfabet.
[4] Dinas Pertanian Kabupaten Barito Timur. (2018). Data Matrik Perkembangan Perusahaan Perkebunan Tahun 2018. Tamiang Layang. Bidang Perkebunan.
[5] Peraturan Daerah Kabupaten Barito Timur Nomor 5 Tahun 2014 tentang Rencana Tata Ruang Wilayah Kabupaten Barito Timur Tahun 2014 - 2034.
[6] Peraturan Daerah Provinsi Kalimantan Tengah Nomor 15 Tahun 2011 tentang Pengelolaan Usaha Perkebunan Berkelanjutan.
[7] Peraturan Menteri Pertanian Nomor 98 Tahun 2013 tentang Pedoman Perizinan Usaha Perkebunan
[8] Peraturan Pemerintah Nomor 44 Tahun 1997 tentang Kemitraan.
[9] Undang-Undang Nomor. 9 Tahun 1995 tentang Usaha Kecil.
[10] Undang-Undang Nomor 39 Tahun 2014 tentang Perkebunan.