

Resolving Conflicts between Corporate Cultivation Rights and Indigenous Community Property Rights: A Study of Abandoned Land in Indonesian Palm Oil Plantations

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We discovered a blank point in the study of palm oil conflicts in Indonesia, namely abandoned land. This is critical in determining the ontology of the conflicts that frequently occur between palm oil firms and communities surrounding plantation areas, conflicts that are generated by land rights. We conducted research in the Bengkayang district. Observations, desk studies, and in-depth interviews that we conducted revealed that there were four main factors causing land to be indicated as abandoned in the area of palm oil companies' cultivation rights (HGU). First, inconsistencies and uncertainties in HGU determination procedures, for example, produce challenges and tensions with indigenous groups. Second, data fabrication practices by related parties, including local governments, result in inaccurate information. Third, the lack of formal legal rights over customary land makes maintaining land ownership claims difficult for groups. Fourth, unequal acknowledgment of traditional regions' sovereignty leads to inequity in natural resource management. The phenomenon of abandoned land in this study occurs due to the duality of property rights, which reduces land productivity. The ontological implications of this research concern land development and management, regulatory simplification in maintaining customary land rights, and contemplation of overlapping land rights. This research increases understanding of the dynamics of development and management of abandoned land.

Keywords: Corporate Cultivation Rights, Indigenous Community Property, abandoned Land, palm Oil Plantations.

INTRODUCTION

Identifying land indicated as abandoned under Cultivation Rights (*Hak Guna Usaha* [HGU]) that has been granted management permits by the state to plantation companies is essential in Indonesia. Areas designated as abandoned on HGU property lower economic advantages (Subekti *et al.*, 2023), therefore they can become policy priorities such as restoring conservation values that can be maintained directly by the community or maximizing land by not opening more land (Jentsch, 2017).

Ecologists and soil biophysicists have researched abandoned

land. They discovered the factors that contribute to abandoned land, such as soil quality, land slope, and rainfall (Frei *et al.*, 2020; Laue and Arima, 2016). Apart from that, the reuse of abandoned land for ecological benefits (Nordén *et al.*, 2021; Zhang *et al.*, 2023), management and governance of abandoned land to increase land productivity are frequently studied (Corbelle-Rico *et al.*, 2022; Frei *et al.*, 2022). However, studies on the normative social variables that induce land to be identified as abandoned tend to be under-explored. The phenomenon of abandoned land that we investigated includes both management and land rights. This research was carried out at two oil palm plantation companies

Efriani, E., J.A. Dewantara, M. Pramulya, S. Supriyanto, A. Ruliyansyah and S.D. Azahra. 2024. Resolving Conflicts between Corporate Cultivation Rights and Indigenous Community Property Rights: A Study of Abandoned Land in Indonesian Palm Oil Plantations. *Journal of Global Innovations in Agricultural Sciences* 12:845-854.

[Received 20 Apr 2024; Accepted 11 Jun 2024; Published 13 Aug 2024]



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in Bengkayang Regency, West Kalimantan Province. Both companies have HGU for land, although the property has typically been cultivated by local people who have claimed it as ancestral heritage and customary land (communal ownership). This results in an overlap in management rights and land rights, namely that community-owned land is included in the company's HGU but the company does not work on the area since it is included in customary land claims and community private land, hence the site is marked as abandoned. As a result, both companies have HGU that is marked as abandoned, indicating that it was not planted with oil palm or was not produced as expected.

The granting of HGU to oil palm plantation companies has attracted a lot of attention from scholars. Several researchers found irregularities in HGU, such as overlapping between HGU (Utami, 2018), disputes between HGU and community land (Ritonga *et al.*, 2022; Suharto and Basar, 2019; Sumantri *et al.*, 2020), land cultivation which is not by the HGU permit (Adhipermana *et al.*, 2022). In any land conflict involving HGU and community land, the community is primarily sacrificed. Thus, efforts are required to ensure that people truly have their rights and have a solid legal/legal basis for their property rights. The study of overlapping ownership is motivated by normative and societal issues. Land disputes are common when claims of rights and ownership arise between companies and communities, resulting in the "land abandonment" of HGUs that are not suitable for their intended use.

The purpose of this article is to contribute to the literature by considering the normative and social factors behind abandoned land, thereby contributing to the debate about how land management and rights encourage human development by environmental sustainability principles by avoiding conflicts that frequently occur between local communities and companies. We identified abandoned areas to identify areas that have not been utilized optimally, particularly in HGU areas designated for oil palm. This data and information is important so that development planning can be carried out by formulating area management policies while still paying attention to the existence and rights of the community. The HGU area indicative of abandonment identified in this study is an area where the land cover is bushes, it is not a protected peat area mentioned in the 2017 Ministry of Environment and Forestry data, it is not an indicative High Conservation Value (HCV) area) 1 - 4 and according to plantation productivity.

Research on abandoned land in Indonesia has attracted the attention of Indonesian researchers (Purnomo *et al.*, 2019; Subekti *et al.*, 2023; Supriyanto *et al.*, 2023), (Li, 2021; Purnomo *et al.*, 2019; Subekti *et al.*, 2023) and even international researchers (Li, 2021)(Li, 2021). However, scholars still need to delve deeper into research on abandoned land in normative and social aspects. In this case, we took a study of indications of abandoned land on HGU in Indonesia

to be appointed as a case of abandoned land for oil palm plantation companies and customary land of indigenous communities.

Land ownership claims have a considerable influence on land abandonment in Indonesia. In some circumstances in Indonesia, indigenous populations control productive land as ancestral or inherited land, which plantation firms use as cultivating rights. This study is significant because abandoned land leads to decreased land use, which has an impact on human growth, particularly in the field of economy. The potential for land management in plantation areas and local community ancestral land areas must be pursued quickly to avoid the practice of multiple ownership and rights to property. Land management and rights must be interwoven with human development; communities surrounding the enterprise must obtain the rights for which they are fighting. Exclusion from ancestral lands frequently results in social and even ecological calamities (Indrawati *et al.*, 2022; Suharto and Basar, 2019). As a result, suitable land management policies that encourage the transfer of land rights and ownership to local communities are a viable approach for increasing the benefits of land and increasing active community engagement in development (Yang and Song, 2023). Our findings have implications for reconsidering each land rights holder's responsibilities, as well as the need to acknowledge the management and governance approaches adopted by local people.

The following is how this article is structured. We explain the material data and studies on the two oil palm plantation enterprises that are the subject of the study in this section, and then we present an anthropological report based on field observations and in-depth interviews. Following that, we did a data analysis that revealed three significant findings on wasteland formation: (1) Duality of land rights, which examines the history of overlapping land rights and their repercussions, such as land abandonment; (2) Reviewing the Diction of Abandoned Land, two perspectives on land based on rights, HGU land that is indicated as abandoned and productive *ulayat* rights; and (3) Discussion of the findings, which include non-compliant HGU determination techniques, falsification of field data and information, marginalization of indigenous populations from ancestral lands, and inadequate legislation recognizing community sovereignty over their territory.

MATERIALS AND METHODS

This study was carried out at two companies in Bengkayang Regency, West Kalimantan Province, namely PT CP and PT WKN. Based on the results of the desk research analysis, the location for field data collection is in the form of sampling area coordinate points spread randomly in locations considered to be abandoned inside each company's HGU.



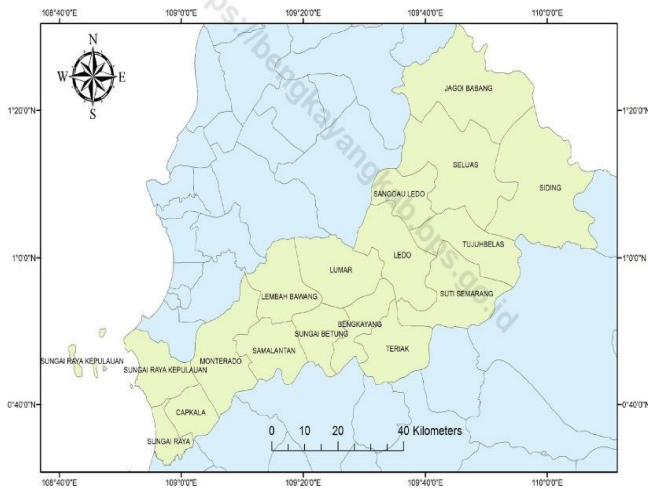


Figure 1. Map of Bengkayang Regency.

The rationale for selecting two companies and using purposive sampling lies in the desire to gain in-depth insights into the specific dynamics of palm oil conflicts within a particular geographical area, Bengkayang Regency in this case. By focusing on two companies, researchers can analyze variations in practices and experiences within the same context, enhancing the richness of the data collected. Purposive sampling allows researchers to deliberately choose participants who possess relevant knowledge and experiences related to the research topic, ensuring that the data collected are highly informative and representative of the studied phenomenon.

Table 1. The Sampling Design.

Company name	Location	No. of Interviews
Palm oil company A	Bengkayang regency	6
Palm oil company B	Bengkayang regency	6
Local community	Bengkayang regency	2

This table outlines the selected companies, their location in Bengkayang Regency, and the number of interviews conducted with stakeholders from each company. Such a design allows for a focused examination of the issues surrounding palm oil conflicts within the specific context of these companies' operations.

A desktop analysis of the identification of HGU areas indicated as abandoned in the two companies was carried out based on four (4) parameters, namely, areas covered by bushes, not protected peat areas, not potential HCV areas, and areas that are suitable for plantation productivity.

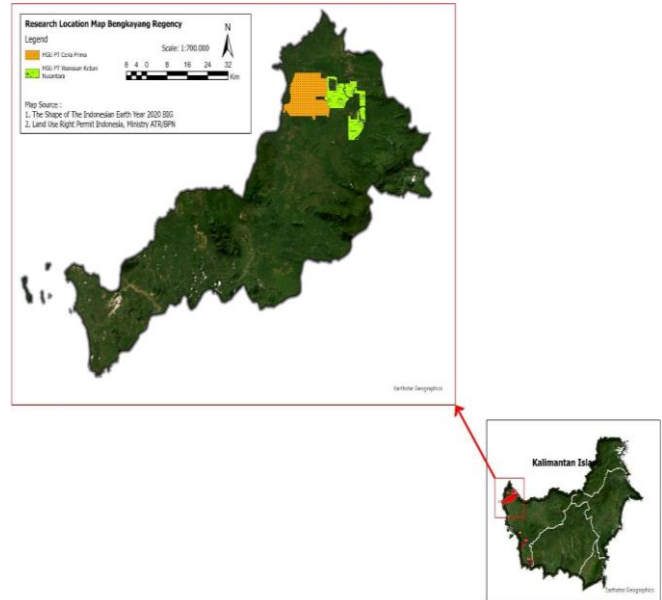


Figure 2. HGU Research Location.

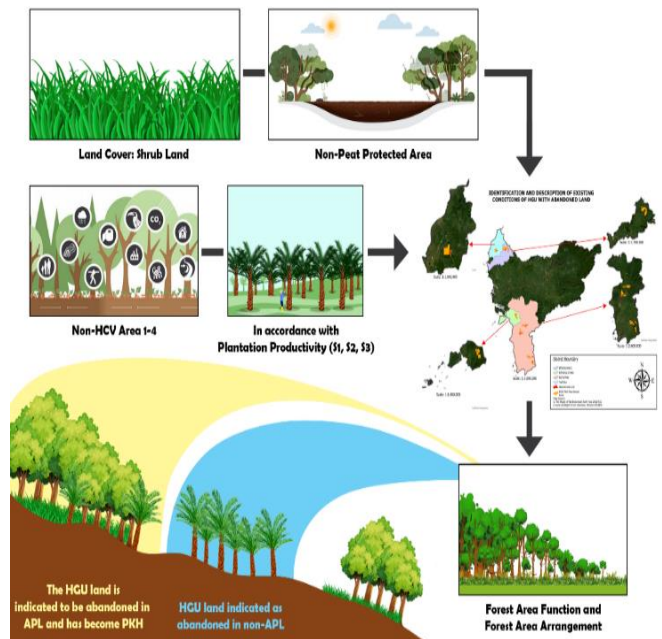


Figure 3. Description of HGU and Abandoned Indication Land.

Data Materials

CP Company: This CP Company has an HGU area of 19,401 Ha, with a natural forest area of 215 Ha, an Oil Palm Plantation of 16,830 Ha, Another 2,356 Ha, and an Estimated Abandoned Indicated Area of 891 Ha in the form of shrubs.



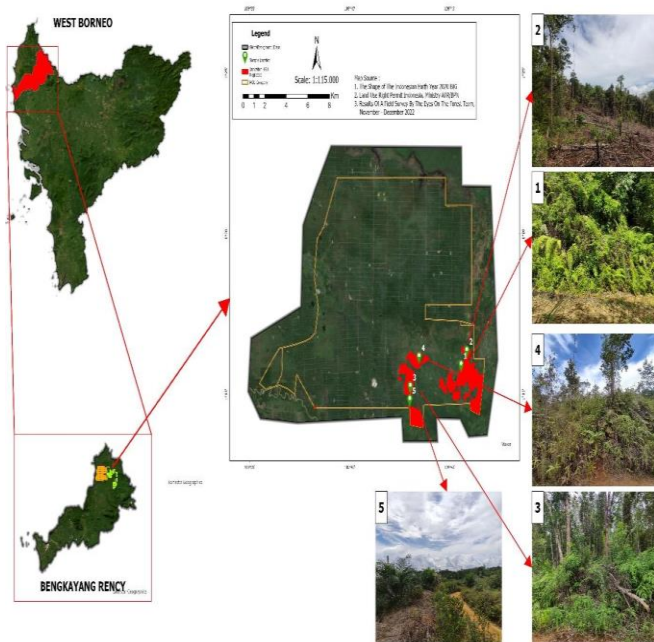


Figure 4. Map of land cover analysis results and field finding points of CP Company.

There are five abandoned locations in the HGU area, each with a different land cover status. Region 1 was discovered to be an unmanaged region with many trees on steep terrain with a steepness of around 45 degrees, adjacent to the village's access road, and is a forested area. Area 2 was discovered to be still forested, with a portion of it used for farming by villagers and not administered by the company. Area 3 was discovered to have been managed by the community as a garden, while the others were still in the form of shrubs. The company has not managed the area since the community refuses to give up the land, claiming it is their ancient heritage. Area 4 was discovered to still be bush and unmanaged by the company; following an inspection, this area was placed in the company's Annual Work Plan (RKT). This land also shares a boundary with the community's oil palm plantation. land 5 discovered that the community had planted oil palms in a portion of this land, with the oil palms believed to be one year old. The Company has not yet administered this area since the community does not want to give up the land. Then, in certain areas, those that were still in dispute with the company were discovered. Based on the search, a billboard titled "The Property Rights Area of the Bakati Benua Riuk Traditional Community" was discovered in Sebalos Hamlet, Sango Village, Sanggau Ledo District, Bengkayang Regency. The majority of the village community is unaware of the company's activity in this area.

WKN Company: WKN Company operates in Sanggau Ledo and Jagoi Babang with SK Number 525/0031.A/HB/IX/2003 with an area of 18,500.00 which was issued in January 2003

by the Regent of Bengkayang. This company is under the administration of Bengkawan Village, Seluas District, Bengkayang Regency.

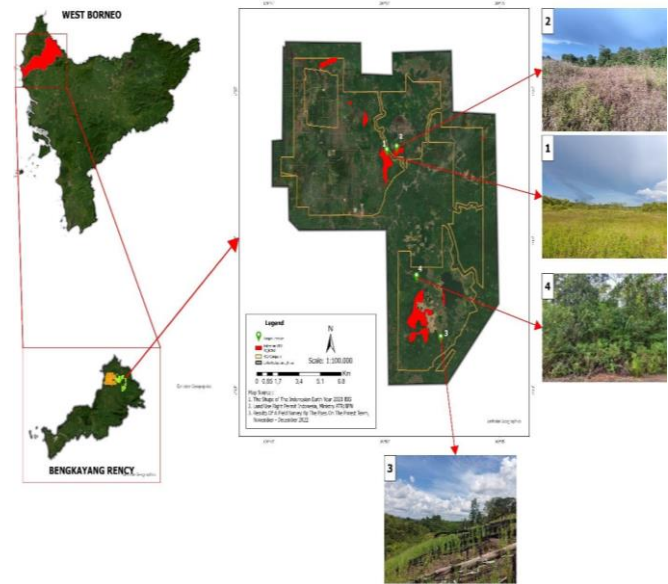


Figure 5. Map of land cover analysis results and field finding points of WKN Company.

On the WKN Company HGU, four coordinate places are marked as abandoned. Area 1 was discovered to still include forest and wetland vegetation. The location is close to the community's oil palm plantation. Area 2 was discovered to have land cover in the form of forest flora and bushes, and it was located near the community garden on the river bank. Area 3 is made mostly of forest vegetation near communal fields. This land has not been managed by the companies since the community does not want to give up the land, however, the company is still negotiating. Area 4 has previously been managed by the company, and there are oil palm plants that are estimated to be 3-4 years old. According to the findings of interviews in Bengkawan Village, the majority of people there work in companies and do not currently have land to farm.

Based on the observation points indicated as abandoned, the factors causing the land to be abandoned are identified so that it is indicated as abandoned. The first are natural factors, such as the land's steepness of around 45 degrees. Aside from that, the terrain is a marsh, as seen on the river's edge. However, the social factor that dominates is land that is under community ownership claims. This land has been converted into fields, and there is also land that is used as plantation land by the community on its own. There is also land that falls under the category of ancestral land and is considered sacred by the village community.



RESULTS

We provide clarification through observations and interviews regarding the causes of indicators of abandoned land in the HGU of two palm oil businesses in Bengkayang Regency based on the study deck and the data we received.

Procedure for Determining HGU: The process for determining HGU does not follow proper fielding practices, frequently relying solely on satellite imagery. Many cases reveal that HGU determination is solely dependent on desktop delineation of satellite image data, with no sufficient field assessments conducted at the proposed oil palm plantation area. This desktop-based technique frequently fails to adequately reflect field conditions, resulting in several repercussions that contribute to the neglect of land adjacent to oil palm plantations. Inconsistencies in territorial boundaries, a lack of detailed information about previous land use (including the status of customary land belonging to indigenous communities), a failure to consider social and cultural aspects related to customary land ownership rights, and an inability to identify potential environmental impacts arising from the development of oil palm plantations are all aspects that may be impacted (Dhiaulhaq and McCarthy, 2020). We discovered a deeper understanding of the root of the problem of land abandonment around oil palm plantations in Indonesia by analyzing and identifying problems in the inappropriate HGU determination process, one of which is caused by field disembarkation procedures that are not empirical and are only based on desktop studies. This is corroborated by a public figure, JS, who stated:

They took a satellite photo of the HGU from Jakarta. The company did not go into the field, so the result was that the HGU targeted community land. We had no idea there was an HGU in our neighborhood. Everything proceeded nicely before 2010 when there was no Prona (National Agrarian Operation Project) when we made a certificate for our farm. However, we requested for a certificate again during Prona 2011, and we ran into issues because our land was included in the WKN HGU area.

Inaccurate Regional Data: We discovered that the local government was complicit in falsifying statistics based on local community testimonies about land issues surrounding oil palm operations. Local governments have provided inaccurate information concerning land ownership in several circumstances. The objective of fabricating this data could be to bolster palm oil companies' claims to land, dismiss indigenous groups' rights, or support specific political or economic goals (Utama, 2020). This is supported by the statements of LK, a community figure, who stated:

We had no idea there was an HGU determination in our area, and we had never signed any HGU-related documentation. The file containing the community's preferences and signatures used for land acquisition purposes is not true; it

might be a forgery or it could contain data from another meeting.

At the same time, statements made by local communities can be fabricated or manipulated. Local governments or other associated parties may attempt to influence local community comments through various means, such as coercion, intimidation, or specific rewards (Rokhim *et al.*, 2020). This can lead to information given by local communities being erroneous or failing to reflect indigenous populations' real perspectives on customary land rights (Vel *et al.*, 2016). The consequences of local communities fabricating statistics and claims can be severe, as they can influence government decisions regarding land conflicts and dispute settlement. Fabricated data and false statements can harm indigenous communities by compromising their customary land ownership rights, strengthening the position of palm oil companies, and giving rise to further social conflict (Großmann, 2023). Furthermore, this can obscure the facts and hinder efforts to establish long-term solutions that are equitable to all parties concerned. Greater transparency in the process of gathering data and statements from local communities is required to address this issue. Independent institutions and specialists in the disciplines of law, the environment, and human rights are also needed to verify the information supplied and ensure a fair and transparent dispute resolution procedure. Furthermore, substantial legal protection must be provided for indigenous peoples who dare to make statements to avoid pressure or intimidation.

Legal Protection of Indigenous Communities: Indigenous peoples lack formal legal rights and ownership of property since they practice ancient land inheritance (Efriani *et al.*, 2020). According to our research, indigenous populations involved in oil palm plantation conflicts frequently lack formal legal rights to land and ownership. This is because their customary legal system incorporates the concept of ancestral land inheritance (Großmann, 2020). For indigenous peoples, property ownership is based on beliefs and traditions tied to customary land acquired from their ancestors rather than formal legal basis such as land certificates (Nurdin, 2022). In indigenous communities, customary land is considered heritage that is passed down from generation to generation, and land rights are acknowledged based on kinship ties and social interactions (Bedner and Arizona, 2019). Even though this right has been recognized in local culture and customs for decades, it is not always explicitly recognized in the local government legal system (Fatmawati and Dewantara, 2022). As a result, indigenous people face legal confusion and doubt about the status of their land ownership, putting them subject to claims and actions from outside parties, especially palm oil businesses (Efriani *et al.*, 2020a). The absence of formal legal rights might make it difficult for indigenous communities to maintain their customary land rights and contribute to the abandonment of land near oil palm plantations (Niko *et al.*, 2024). Indigenous



communities find it difficult to prove and defend their claims to customary land before palm oil businesses or other parties who claim ownership rights to the land without formal acknowledgment from the authorities. To resolve this disagreement, the government must acknowledge and respect the community's customary legal system, as well as provide proper legal protection for customary land ownership rights (Efriani and Agustinus, 2021). Efforts to register customary land ownership rights in a formal legal manner can also help indigenous people develop legal certainty and eliminate disputes related to oil palm operations. Therefore, actions to increase the recognition and preservation of indigenous peoples' rights will help to a more just and long-term resolution of oil palm plantation conflicts in Indonesia. Currently, land that already has community ownership certificates within the HGU area is having problems with its use. We can no longer process and transfer our land rights, for example, we cannot divide the ownership of the land, if we want to transfer land ownership, then we have to get a recommendation from WKN, even though the land has been certified in our name.

When HGU is incorporated into community land, the corporation will not cultivate the area because the community already has a certificate of ownership. Some of these lands have been certified as private land, while others have been designated as communal land. However, uncertified land, particularly that of transmigrants, has been taken over by WKN and turned into oil palm plantations, leaving many people destitute on their land.

Recognition of Sovereignty of Customary Territories: Community sovereignty over customary territory is recognized. Many scholars have pointed out that society and businesses have unequal access to legal, political, and financial resources. The situation of recognition of sovereignty over traditional territories in Indonesia is still uneven, especially seen in the limited recognition of traditional villages for the majority of Dayak indigenous people in Kalimantan. In particular, the Dayak indigenous community does not yet fully have a legally recognized traditional village, as has been recognized in Sumatra as "Nagari" (Vel and Bedner, 2015), or in Bali as "panglipuran village" (Utami et al., 2023). Traditional villages serve an important part in the customary law system and are a tangible reflection of these people's authority over customary territory. Traditional villages are local government entities that exist and flourish in customary communities and are founded on customary law rules and practices. Indigenous peoples can govern and manage natural resources, protect the environment, and retain their culture and identity through village customs. This is because local societies have established their cosmology, which governs the balance of humans and nature.

For us, nature is a market that meets all of our requirements; therefore, how can we endure harm and destroy it? We are

completely dependent on nature, and we think that nature is our forefathers' home.

However, recognition of traditional villages continues to meet obstacles in several locations, including Kalimantan (Leli, et al., 2023). The government and authorized institutions must support and take concrete steps to recognize the sovereignty of traditional territories, as well as provide legal legitimacy and support for natural resource management and efforts to preserve indigenous communities' culture (Utama, 2020). Efforts to equalize acknowledgment of traditional lands' sovereignty throughout Indonesia are an important step toward resolving problems over oil palm operations and neglect of the surrounding land. Indigenous communities can have a stronger legal basis to protect their customary land ownership rights, as well as a stronger position in dialogue with palm oil companies and other parties involved in managing natural resources in customary areas, with clear and strong recognition of traditional villages

DISCUSSION

Duality of land rights: The findings in this study show that, in addition to natural factors, social factors cause indicators of abandoned land in PT CP and PT WKN HGUs, and are even dominant variables. The hint of abandonment appears to be induced by the duality of land rights. The origins of this duality of land rights in Indonesia can be traced back to colonialism, which split colonial territory according to the principle of international law known as *uti pendens juris* (Martono et al., 2021). Many countries in Asia and Africa experience claims of nationalism that are based on vague historical and geological foundations or are even imposed by past colonization or colonialism (Dewantara et al., 2023; Eichhorn, 2023; Webb-Gannon, 2023). As a result, there is a misalignment between national territorial boundaries and territories previously inhabited or owned by indigenous peoples. Following their independence from colonial domination, many of these countries experienced pressure to open up their regions to plantation investment and economic development. Palm oil firms and other industries enter and get permits to manage land that indigenous populations have historically owned or inhabited. When indigenous peoples' traditional land and natural resource rights collide with the economic objectives of corporations and governments, conflicts develop. Furthermore, existing laws and regulations frequently fail to adequately safeguard indigenous groups in terms of land ownership and natural resource rights. Indigenous peoples frequently lack land ownership certificates or clear rights to the lands they have occupied and cultivated for generations. This makes it easier for businesses to secure permits and gain legal control of the land. As a result, the persistence of dualism in land rights was linked to power and political interests during the colonial era until the New Order took hold. Indigenous peoples frequently lack



access to political and policy decision-making institutions. They are frequently disregarded or have a minor role in land and natural resource management decision-making, resulting in their rights not being appropriately considered

As a result of this duality in land rights, there is social conflict, mistreatment of indigenous populations, environmental harm, and even land dualism, which leads to the abandonment of HGU on land. Indigenous communities are frequently subjected to forceful evictions, loss of access to vital natural resources, and conflicts with companies and connected parties. To find answers, governments and businesses must acknowledge and respect indigenous peoples' traditional rights, as well as be committed to safeguarding and sustaining their culture and environment.

These findings support previous findings that latent conflicts between communities around land and companies are driven by claims of rights and ownership over land, lending credence to the notion that communities around land lack strong legal protection for the resources around them, including land and forests. Their precarious existence forces them to be excluded from growth, resulting in economic development that is incompatible with human development.

Reviewing Abandoned Land Diction: Abandoned land is legally regulated in the Republic of Indonesia Government Regulation Number 20 of 2021 concerning Controlling Abandoned Areas and Land. Abandoned land refers to the abandonment of control over land that is intentionally not cultivated, not used, not exploited, or not maintained by the land rights holder. Every holder of land rights must use and exploit the land and area controlled according to the permission or concession given to the holder of the rights and must have a social function (Ramadhan *et al.*, 2022). This includes HGU, if it is intentionally not cultivated, not used, or not utilized starting from 2 (two) years from the issuance of the right, then the land is included in the abandoned land category (Sudhyatmika and Yasa, 2020).

HGU is the legal right to cultivate land supplied directly by the state to be cultivated as a company for a predefined or temporary duration of up to 25 years (Sudhyatmika and Yasa, 2020). HGU holders must carry out their own land business properly in accordance with the designation and requirements as stipulated in the decision to grant their rights, namely building and maintaining environmental infrastructure and land facilities within the HGU area, including maintaining soil fertility, preventing damage to natural resources and maintain the preservation of environmental capabilities in accordance with applicable laws and regulations (Sirait, 2017). If the HGU period has been completed, the land is again controlled directly by the state, including its management, restructuring, use, utilization, and ownership of the land, but it is permissible to extend the HGU and renew the HGU (Zakaria, 2022).

According to the research data, two oil palm plantation companies with HGU have 9 coordinate points that suggest

the land is not being cultivated as anticipated. Some of the area has been bush since it is part of community land, but others appear to be being converted into fields and oil palm plantations owned by private communities. The area should be used as a palm oil plantation, planted with palm oil, and produced to generate economic value in the form of palm oil. Because some of the HGU land for oil palm plantations is not cultivated by the two businesses, that is, it is not planted with oil palm, the land is designated as abandoned land.

When abandoned land is viewed through the eyes of the people who live in the vicinity of an oil palm plantation, it takes on a new significance. Local communities have an emotional attachment to the resources around them, including land and forests (Govigli and Bruzzese, 2023). We will discover a genealogical and territorial pattern of land rights and ownership if we immerse ourselves in the local community. Individual and collective land rights and ownership derive from a variety of sources, including hereditary inheritance, forest cutting, trading, and acquisition (Howitt, 2019). Local communities have ethnopedology in using and cultivating land. From the perspective of local communities, land has been designated as land used for residential areas, agriculture, and plantations, land for hunting and food gathering in the form of forests, all of which are used for subsistence economic functions. Meanwhile, forests and even jungles have been recognized as hallowed and sacred sites, ensuring their sustainability by prohibiting their use as agricultural land and plantations. This utilization pattern demonstrates that there are no indicators of abandoned land because each land currently has its intended use. As a result, the Republic of Indonesia Government Regulation Number 20 of 2021 excludes Management Rights land of customary law communities from the aim of controlling Abandoned Land.

The research data validates the findings of land use by local populations that have been controlled based on their genealogical and territorial knowledge of land (Howitt, 2019). According to the 9 coordinate points indicated as abandoned by HGU of palm oil companies, the underground appears to be used by local communities, the land is processed into fields and gardens, which have economic value, and the land is also used as a sacred place, which has ecological value.

This circumstance raises the possibility of a discussion concerning the "diction of abandoned land." Two types of rights and ownership impact whether the land is designated as abandoned or unproductive. This opportunity allows a deeper review of local communities' recognition and protection of the land and all forest resources they have inherited from generation to generation.

Findings regarding abandoned land in the context of land conflicts between palm oil companies and indigenous communities provide an in-depth understanding of the broader roots of the problem. First, these findings reveal that the inadequate process for determining Cultivation Rights



(HGU), mainly relying only on satellite imagery without adequate field inspection, is one of the main factors that triggers conflict. Uncertainty in delineating territorial boundaries, a lack of information about previous land use, and an inability to identify the potential environmental impacts of oil palm plantation development all contribute to the neglect of land around oil palm plantations.

Second, the involvement of local governments in falsifying data and information also complicates conflicts. Inaccurate data on land ownership can be used to support palm oil companies' claims, ignore the rights of indigenous communities, or achieve specific political and economic goals. Third, the lack of formal recognition of customary land ownership rights is also essential. Indigenous communities often face difficulties in proving and defending their claims to customary lands before palm oil companies or other parties who claim ownership rights without formal recognition from authorities.

The implication of this research for policy and future research directions is the importance of reform in determining a more transparent and inclusive HGU by paying attention to adequate field reviews and involving directly related parties. The government must also strengthen the legal recognition and protection of customary land ownership rights and develop mechanisms that enable indigenous peoples to obtain legally valid land ownership certificates.

The limitations of this research include the limited sample size and focus on two companies in Bengkayang Regency, so the results may only partially reflect the diversity of land conflict situations throughout Indonesia. In addition, this analysis may only cover some factors that contribute to land conflicts, so further research is needed to investigate additional relevant aspects.

Conclusion: We present ontological evidence from this article as a social norm for the abandonment of HGU land in Indonesia. Our findings showed that the mechanism for determining HGU in the two companies where this research was conducted was carried out in an unprocedural manner, did not involve the local community, and the data and information manufacturing process must be immediately regulated by the Indonesian government. Local communities actively participate in the HGU decision-making system, including the recognition and protection of their rights to land and all natural resources within their authority. Indigenous communities' sovereignty over land and forest control and exploitation must be a formal legal and protection priority, without removing government involvement in enforcing rules. The mechanism for establishing land rights has to be reviewed because the findings in this study show the harmful impact of an improper HGU determination mechanism, namely the duality of land rights and ownership. On the other hand, it is critical to understand that the possibility of abandoned land is caused by overlapping land rights. Our

findings showed that the diction of abandoned land may be evaluated from two perspectives established by the duality of land rights and ownership. Land rights and ownership are highly contentious in cases where the land claimed to be in the company's HGU is suggested to be abandoned, lowering the economic value of the land's productivity. Meanwhile, on the other hand, rights and ownership by the community eliminate the diction of abandoned land because the community already has knowledge and mapping of land use, there is land that is used to fulfill the subsistence economy and communal land as sacred land which has an impact on conservative values. This finding represents a poor illustration of spatial negotiation between enterprises and communities in the HGU and Ulayat Rights land tenure regimes. These findings add significantly to the global discussion about how to improve development and land management. To promote normative certainty over customary land, complex rules in assessing and safeguarding customary land rights for communities must be simplified. This is significant because complex procedures governing the identification and determination of customary land and rights are viewed as a barrier to economic progress. As a result of overlapping commercial use rights and local community rights, the findings in this article are a reflection of the consequences of land abandonment.

Authors contributions statement: E Efriani, J.A. Dewantara, M. Pramulya, S. Supriyanto, A. Ruliyansyah and S. D. Azahra have analyzed the data and have written the manuscript; A. P. Putra, S. A. Noersyachbana, and R.S. Wahyuni, they have collected field data.

Conflict of interest: The authors declare no conflict of interest.

Acknowledgement: The authors are very grateful for the financial support received from WWF Indonesia and the technical support received from the Studies Center of Ethnic, Racial, and Culture Heritage, Universitas Tanjungpura, Indonesia.

Funding: Funding is provided by WWF Indonesia.

Ethical statement: This article does not contain any studies regarding human or animal.

Availability of data and material: We declare that the submitted manuscript is our work, which has not been published before and is not currently being considered for publication elsewhere.

Code availability: Not applicable.

Consent to participate: All authors participated in this research study.

Consent for publication: All authors submitted consent to publish this research. Article in JGIAS.



SDG's Addressed: Reduced Inequalities, Sustainable Cities and Communities, Life on Land.

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