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Review

Conflict Management Policy on Oil Palm Plantations in Riau Province: Islamic Review

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ABSTRACT

Riau Province has a large area of oil palm plantations. Of the land area of 2.32 million hectares, 1.53 million hectares are oil palm plantations owned by the community. In 2019, there were 51 cases of natural resource conflicts in Riau Province, of which the plantation sector was the most with 40 cases (78.40 percent). This study applied a qualitative descriptive method to understand the phenomenon of plantation land conflict that aimed to: (1) identify the factors that cause conflicts in oil palm plantations in Riau Province; (2) identify current policies related to the handling of plantation conflicts and (3) recommend policy suggestions that better protect the interests of the community from an Islamic perspective. This study concluded as follow: (1) the causes of land conflicts identified are non-legal factor which is related to the management of land use and access, and legal factor which is related to judicial and regulation overlap; (2) Regarding the current policies related to plantation land conflicts, the development of oil palm plantations is basically in line with the mandate of the 1945 Constitution that natural resources are controlled by the state and used for the prosperity of the people.; (3) to protect the community interests in plantation land, this study recommends policy based on Islamic guidelines in land ownership. Islamic law classifies ownership into individual property rights (al-milkiyah al-khassah), collective property rights (al-milkiyyah al-'ammah) and state property rights (al-milkiyah al-daulah). This classification protects the community's property rights individually and collectively because investors cannot dictate the state to take over community ownership. Islam also has rules for activating inactive land and distributing it to people who can manage it, which will be the solution to unauthorized land use that is prone to conflict.

1. INTRODUCTION

Indonesia is the world's largest palm oil producer with an area of oil palm plantations reaching 12.76 million hectares in 2018. One province with a large area of oil palm plantations is Riau Province, with land area increasing to 2.32 million hectares, of which 1.53 million hectares of oil palm plantations are owned by Perkebunan Rakyat (PR). In addition, Riau Province also has a Large Private Plantation (PBS) covering an area of 717,454 hectares, with CPO production reaching 2.75 million tons per year 2018.

In 2018, the area of oil palm plantations in Riau reached more than 2 million hectares. Based on data from the One-Stop Integrated Service Investment Office (DPM-PTSP) of Riau Province, the area of oil palm plantations in Riau in 2018 was recorded at 2,424,545 hectares. This oil palm plantation area covers more than a quarter of the total area of Riau Province which is only about 8.7 million hectares. This oil palm plantation area consists of community-owned and company-owned oil palm plantations. However, the area of oil palm plantations owned by the community is very small compared to that owned by companies. Hundreds of companies own oil palm plantations in Riau, both at the national and international levels.

The extent of oil palm plantations creates conflicts in fighting over land as one of the production areas that supports human life and is one of the determinants of community welfare in agricultural product-producing areas.

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Agricultural products come from renewable natural resources such as forests, plantations and non-renewable natural resources such as oil and gas. These natural resources become a source of conflict such as tenure rights over several lands for agricultural production.

Land conflicts in Indonesia, especially in Riau Province, are increasing in number along with the increasing need for land use as land for investment for plantations, industry, housing development. Land disputes that often occur give rise to various complex conflicts, because they involve not only one or two individuals who are in dispute such as between individual parties, individuals with legal entities, individuals with government agencies but also involve other parties such as groups of indigenous peoples. Moreover, conflicts and land cases seem never to subside and even continue to increase as access to land becomes increasingly complex and the gap in bargaining position between the three actors - namely the government, private sector, and the community - to obtain land rights increases. The disputed land issues include land objects, boundaries, area, land status, concerning subjects, encumbering rights, and transfer of rights.

Riau Province occupies the first position as the highest contributor to agrarian conflicts, one of which is oil palm plantation conflicts. In 2019 there were 51 cases of natural resource conflicts in Riau Province, of which the plantation sector was the most common with 40 cases or around 78.40%, the forestry sector with 9 cases (17.74%) and the oil and gas sector with 2 cases (3.96 %). Cases of conflict over natural resources, especially oil palm plantations, which continue to increase, cannot be separated from the expansion of land by plantation companies by taking people's land in Riau Province (Scale up, 2019).

The latest data from the Consortium for Agrarian Reform (KPA) states that five provinces contributed to Indonesia's highest cases of agrarian conflict throughout 2020. Riau Province took first place with 29 cases. Of the total land area affected by conflict spanning 624,272 hectares in Indonesia, Riau Province contributed to 60,339 hectares. Riau is the top province that contributes to agrarian conflicts in Indonesia and is mainly dominated by investment and oil palm plantation businesses (Fadli, 2021).

Problems that often arise in plantation businesses are conflicts that occur in the plantation sector regarding land disputes between plantation companies and local communities, especially customary law communities regarding customary rights. This is not comprehensively regulated in the Plantation Law regarding the conflict resolution mechanism. There is no clear regulation regarding the procedure mechanism and the determination of customary law communities related to plantation land. Even up to Law no. 18/2004 amended by Law no. 39/2014, regulations regarding handling plantation business conflicts and resolving land disputes have also not been regulated (Nugraha & Suteki, 2018).

Furthermore, Nugraha & Suteki (2018) conclude that the number of plantation business conflicts in Indonesia continues to increase, illustrating that legal politics regarding plantation administration has not shown clear consistency, especially the role and function of the government in handling plantation business conflicts to provide social justice for all people. Second, enacting the Plantation Law brought about a fundamental change in plantation management in Indonesia. However, the substance of the law has not comprehensively regulated the handling of plantation business conflicts. They suggest that the government should reform policies in plantation business management, especially regarding handling plantation conflicts. The government is expected to create legal breakthroughs in overcoming plantation business conflicts. Government officials must go directly to the field to conduct plantation business development, to hear complaints and provide real solutions to planters and communities around plantations. This is following the spirit of progressive law, which is responsive to the dynamics in society.

Based on this prior research, it is necessary to deepen the facts of plantation conflicts, especially oil palm plantations in Riau Province as input for government policy models related to bottom-up plantation conflict management so that they pay more attention to the interests of the wider community. In addition, it is crucial to examine the Islamic perspective as a solution to human problems, including land conflicts. Therefore this study aims to: (1) identify the factors that cause conflicts in oil palm plantations in Riau Province; (2) identify current policies related to the handling of plantation conflicts and (3) recommend policy suggestions that better protect the interests of the community based on an Islamic perspective.

2. RESEARCH METHODS

This study applies a qualitative descriptive method through desk-study, namely research that aims to holistically understand the phenomenon experienced by the object of research and then describe it. Desktop-based research consisted of a document and database review of available information. This qualitative research model was chosen because this study aims to understand the phenomenon experienced by communities involved in oil palm plantation

conflicts and gain an in-depth understanding of the factors that cause conflict. According to (Creswell, 2014), qualitative methods are collecting secondary data, analyzing, and interpreting it according to the topic of study. Secondary data used in the form of journal articles, proceedings articles, statutory documents, and documents related to the main topic, namely conflicts over land for oil palm plantations. The analysis technique in this study was carried out by referring to the concept of macro policy design (Birkland, 2019). This design is a form of policy that departs from the issue of high cases of land conflicts for oil palm plantations in Riau Province and policies related to management and conflicts of plantation land that currently exist (existing policies) and then proposes new policy alternatives based on an Islamic perspective as a solution to plantation land conflict problems. Legal material discussed in this study were the current policies related to handling land conflicts, including TAP MPR No. IX of 2001, Presidential Decree No. 34 of 2003, Presidential Regulation No. 20/2015 concerning the National Land Agency and Job Creation Law No. 11/2020 (Omnibus Law/UU CK).

3. RESULTS AND DISCUSSIONS

3.1. Causes of land conflict

Structuring and managing agrarian resources that are not within the carrying capacity of the community and the surrounding environment will lead to conflicts in living areas. In the context of claiming living areas, residence and arable land, and all other associated systems such as water, air and agricultural resource management knowledge systems have the goal of managing the living area itself sustainably. However, the arrangement and management of agricultural resources and the practice of capital accumulation are the basis of the conflict. The failure of state officials to formulate this will complicate conflict resolution (Aprianto, 2009).

Fisher (2001) explains that the theory of causes of conflict in society, among others, is due to distrust and hostility between groups in society, positions that are not in harmony and differences in views about conflict between the parties involved. In addition, there is a struggle for basic human needs, such as physical, mental and social needs and the emergence of problems of inequality and injustice in the realm of social, economic, political and cultural life.

Land licensing regulations are overlapping in the era of regional autonomy (Syahadat & Subarudi, 2012). For example, overlapping government regulations in forest management involving eight ministries/agencies refers to the regulations of each sector. In addition to the structural-horizontal conflict of interest between ministries/agencies in forest management, conflicts also occur vertically between private oil palm companies and local communities. According to Tauchid (2009), the recognition of customary/ulayat land rights has been regulated since the Basic Agrarian Law (UU No. 5 of 1960), but customary rights are subordinated and controlled in this Law by the State.

Common causes of land conflicts can be grouped into two factors, namely non-legal factors (Sumarto, 2012) and legal factors (Limbong, 2012). Non-legal factors consist of: (1) overlapping land use, because over time, rapid population growth causes the population to increase, while food production remains or may decrease because many agricultural lands have changed functions. (2) high economic value of land. There is an assumption that besides gold, land value will increase from time to time, so it is increasingly difficult to obtain land; (3) public awareness increases. The existence of global developments and the increasing development of science and technology affect increasing public awareness. The community's mindset towards the community has also changed, no longer placing land as a source of production but making land a means for investment or economic commodities; (4) land remains, population increases. Very fast population growth, both through births and migration as well as urbanization and a fixed amount of land, have made land an economic commodity whose value is very high, so that every inch of land is maintained and (5) poverty. Poverty is a complex problem that is influenced by various interrelated factors. Limited land access is one factor causing poverty in terms of limited assets and productive resources accessible by the poor.

While the legal factors consist of: (1) overlapping regulations. UUPA (Law on Agraria) as the parent of regulations in the field of other agrarian resources, along the way, several laws and regulations related to agrarian resources were made but did not set the UUPA as the parent law, even setting the LoGA parallel to the law - agrarian law. As a result, the LoGA, originally the legal umbrella for land policy in Indonesia, has become dysfunctional and substantially contradicts the issuance of various sectoral laws and regulations such as the Forestry Law, Mining Law, Transmigration Law and others; (2) judicial overlap. Civil, criminal, and state administrative courts (TUN) have judicial institutions that can handle land conflicts. In certain forms of conflict, one of the parties who wins civilly does not necessarily win criminally (in the case of a conflict accompanied by a criminal act) (Limbong, 2012).

Related to this, Syarief (2014) also stated that disputes arise due to the issuance of decrees by several agencies on overlapping land objects. For example, Decrees (SK) are issued by the Ministry of Forestry, the Ministry of Agriculture and the Directorate General of Plantations, and the Ministry of Mines. The issuance of decrees, for example for coal

mining, often violates the custom rights of local customary law communities. Occasionally, there is also the issuance of a decision letter at the location on the land which has issued land rights such as *Hak Guna Usaha* (HGU). Land disputes in Indonesia usually arise because the government is not consistent in issuing regulations in the land sector. Cases that the National Land Agency often handles include the occupation and seizure of plantation land, applications for land rights in registered forest areas that are physically still or no longer functioning as forests.

According to Afrizal (2018), the causes of structural agrarian conflicts include four things, namely: (1) conflict of interest between the community and the company; (2) community resistance to land control by the company; (3) the community's conflict with the company lasting a long time and (4) the use of violence by the parties involved. Furthermore, the agrarian protests of indigenous communities against the government and corporations are directly related to economic development, namely, agribusiness development.

In line with this, Ramadhiani (2017) states that expanding oil palm plantation companies and industrial forest plantations (HTl) is the main cause of agrarian conflicts in this province. This is the result of a decision by a public official to grant concession permits to the company. However, this permit is granted on land controlled and cultivated by residents.

3.2. Existing policy for managing land conflict

The current policies related to handling land conflicts include TAP MPR No. IX of 2001 and Presidential Decree No. 34 of 2003. Some parties who want the implementation of agrarian reform see that at the level of implementation of TAP MPR No. IX of 2001 and Presidential Decree No. 34 of 2003 can be the entry point or legal footing for implementing land reform in Indonesia. This view departs from the fact that prior to the reform era there has never been a single political step in the form of issuing a policy, both from the legislature and the executive, whose contents are oriented to the implementation of agrarian reform and the settlement of agricultural land disputes whose contents are in favor of the interests of the people.

Related to the rapid development of oil palm plantations in Indonesia in general and Riau Province in particular, the implementation of plantations is in line with the mandate of the 1945 Constitution Article 33 paragraph (3) which states that the earth, water and natural resources contained therein are controlled by the state and used for the greatest prosperity for the people (Nugraha & Suteki, 2018).

The plantation law does not regulate the mechanism for handling plantation conflicts, but there are various policies by the government in handling conflicts so that the objectives of plantation management can be achieved. The alternative mechanism for resolving land disputes is implicitly contained in Presidential Regulation No. 20/2015 concerning the National Land Agency (BPN). The Deputy forms the BPN organizational structure for assessing and handling land disputes and Conflicts. While in Presidential Decree No. 45/2015 concerning the Ministry of Agriculture. In the organizational structure of the Ministry of Agriculture, there is the Directorate General of Plantation, in which there is an organization equal to the second echelon that specifically handles plantation business conflicts, namely the Directorate of Plantation Protection.

BPN and the Ministry of Agriculture jointly undertake mediation efforts in handling plantation business conflicts by involving other agencies, including the Ministry of Environment and Forestry (KLHK), Ministry of Energy and Mineral Resources (ESDM), Ministry of Home Affairs, Indonesian Police, and others. Likewise in the regions, the provincial and district/city governments can carry out mediation efforts by involving relevant agencies and law enforcement officials. Second, the settlement through the courts (litigation). If the non-litigation/deliberation method is deadlocked, the final method is through the judicial mechanism. Although in general people are reluctant to make demands through the judiciary because most do not have formal legal evidence. The community considers the judiciary “unresponsive” to the public interest. Courts often give “unfair” treatment, flexibility to big institutions/rich people, while “neglecting” ordinary/poor people. Courts also tend to focus on technical issues of normative law by ignoring other substantive questions, so the results of conflict resolution are partial and win-lose (Rahmadi, 1996).

Regarding the public's reluctance to take the litigation route, the fact is that there are still around seven thousand cases of agrarian conflicts that have not been touched in the Supreme Court. According to a member of the Commission for Home Affairs and Agrarian Affairs, Budiman Sudjatmiko, the high number of unresolved agrarian cases shows that agrarian disputes cannot be resolved using positive law. This stems from the development strategy since the New Order era which was pro-big investors, especially at the international level. Even the existing Agrarian Laws are not all progressive and pro-people (Tempo, 2012).

In plantation land conflicts, the highest number of conflicts between communities and companies was recorded at 66%. As a result, society is always at a disadvantage. Community lands are seized, access to forests are lost, and there is no legal certainty given to management space. Conflicts that occurred in Riau Province were caused by two things,

namely: (1) ongoing conflicts between regulations in government agencies and (2) protracted conflict resolution due to ineffective mechanism for resolving conflicts (Scale up, 2017).

Based on research in the field, current policies have not been able to resolve land conflicts. For example, in Riau Province, based on Yunus' research (2018), many cases of land conflict resolution during 2013 have not been resolved, even if the community does not hear voices about the conflict, it is more due to the unclear agenda for resolving land conflicts in Riau. Several cases in Riau show that the state is absent (at least half absent) in resolving disputes related to natural resource management in Riau. The agenda for resolving land conflicts is only discussed or resolved when community requests arise again or demonstrations occur. The reason that is always put forward, especially by the Riau Provincial Government, is that the authority to handle land conflicts is more in the Regency and City Governments.

The ongoing agrarian conflict shows that the agrarian reform program (land reform) in Riau Province can be said to be stalled entirely in its implementation. This is mainly due to the lack of political will from the government and local governments as well as development policies that are more focused on pursuing growth without paying attention to economic equality, the consequences are felt by the people, especially those who do not own land who are increasingly falling into poverty (Asiwijono, 2009).

So far, the Ministry of Agrarian Affairs and Spatial Planning (BPN) seems to have only pursued the target of land parcel certification. With the Regulation of the Minister of ATR concerning the procedure for determining communal rights over indigenous peoples' lands and communities residing in certain areas. The agrarian reform of the Ministry of ATR/BPN seems to be controlled by the market. On the one hand, the government is committed to land redistribution, but tends to facilitate investment, such as the palm oil business. Apart from the presidential regulation regarding the implementation of agrarian reform, it has not yet been completed. Even agrarian reform, he said, is still a political agenda, not an increase in people's welfare (Gevisioner, 2018).

Not only controlled by the market, according to the Indonesian Peasant Union (SPI), with the ratification of the Job Creation Bill or Omnibus *Ciptaker* on November 2, 2020, it officially became Job Creation Law No. 11/2020, which not only threatens agrarian reform in Indonesia, but also contains articles that threaten the establishment of food sovereignty in Indonesia. Article 111 of the SBPB (*Sistem Budidaya Pertanian Berkelanjutan*/Sustainable Agricultural Cultivation System) Law is deleted, indicating that the Job Creation Law permits conversion of customary land rights. This article previously stipulates the provisions on sanctions for Business Actors who use customary land rights who do not consult with customary law communities to obtain approval as referred to in Article 22, shall be punished with imprisonment for a maximum of 7 (seven) years and a fine of a maximum of Rp. 5,000. .000,000,- (five billion rupiah). The Job Creation Act then replaced the sanction with a more relaxed sanction, stated in article 22, in the form of an administrative sanction (Masyrafina, 2020).

The formation of laws that hamper the interests of capital is reflected in the formation of law through the Omnibus Law on Job Creation in the framework of meeting the needs of the owners of capital , with various methodologies to achieve it and making law a tool in the hands of those in power to maintain the status quo position wrapped in dressing the people's welfare, increasing the level of the community's economy, and simplifying regulations and licensing (Redi & Chandranegara, 2020).

Furthermore, Redi & Chandranegara (2020) state that the practice of omnibus law can threaten the agrarian and environmental sectors which can be seen from the absence of community and customary law community participation in environmental and natural resource management. The approach in this provision is only top-down so that the community is in a weak position and has no role at all. According to (Syah, 2021), it is reasonable to suspect that the Omnibus Law Bill was designed based on the paradigm of capitalism. Capitalism places economic growth above all else. The interests of the capitalists (capital owners) get the foremost service so that the contents of the bill are far from the sense of justice and people's welfare. Democracy and capitalism are two sides of the same coin. Capitalism prepares the capital to roll out a high-cost democracy, and democracy must complement the legislation that perpetuates the capitalists so that they are free to extract the wealth of this country. So, the omnibus law problem occurs not only because of human greed, but more than that, namely the existence of a living system that facilitates humans, especially those from the rich and powerful, to vent their greed towards other weak human groups, both economically and politically weak.

3.3. Policy recommendation from an islamic perspective

Several parties view Islamic rules as merely resolving disputes through out-of-court channels by prioritizing deliberation and benefit. For example, Yunus (2018) states that Islamic law recognizes two paradigms in dispute resolution, namely the litigation and non-litigation paradigms. The litigation paradigm is a view that to resolve

disputes is through the courts. In contrast, the non-litigation paradigm departs from the basic assumption that dispute resolution does not have to go through law and courts. The Islamic spirit shows that dispute resolution should be carried out in ways outside the court. The implementation of the strategy must be carried out peacefully (maslahat) and not cause harm (mudharat). It is against Islamic law that community lands are taken over by state companies or private companies and must be returned to the community concerned. As for the settlement carried out by the government, it will not solve the problem because the community cannot be separated from their land, let alone look for it elsewhere. In addition, Saraswati (2016) states that the disputing parties currently carry out efforts to resolve land disputes by way of peace (deliberation) by presenting the authorities as mediators and presenting concrete evidence in the form of land ownership certificates which are considered to be following Islamic law.

However, until now, land use conflicts, especially plantation lands, still occur and show increasing frequency. Conflicts between large entrepreneurs, both those run by state-owned enterprises and the private sector, and the communities around the plantations have occurred for a long time and even centuries which show almost the same symptoms, namely the demand for the return of people's rights to plantation land because it is claimed that the plantation party obtained the land by "confiscation", or the fulfillment of the payment of the compensation value (land) which is considered too small. This demand was followed by community land occupation (including looting) (Gevisioner, 2018).

Conflict over plantation land is a classic problem that has arisen since plantations existed in Indonesia. Post-independence, conflict became complex because apart from inheriting problems from the previous period, it was also due to the increasing complexity of domestic political issues (Rachman, 2014). In rural areas, almost 85% of smallholders in Indonesia are landless farmers and have narrow lands with an average ownership of 0.25 Ha, thus giving rise to agrarian conflicts. As a result, farmers and landless people will not be able to produce and the apparatus' partiality exacerbates this condition to the interests of capital owners in protecting their assets. As a result, clashes often occur between residents and owners of capital, resulting in victims just because they want to fight for life so they don't become poorer (Syahyuti, 2006). Based on Fisher's opinion (2001), conflict arises because of injustice and inequality between groups that cause hostility, so these opposing groups are landowners, including indigenous peoples, and companies with strong capital (private or BUMN) on the other .

According to (Ridwan, 2013), the land reform agenda is an effort to rearrange the structure of land ownership and control to achieve justice, especially for those whose livelihoods depend on agricultural production. The birth of the LoGA regulation package gave the spirit of populism that was oriented towards recognizing people's land rights and distributing state land for the benefit of the people. But when it is implemented, problems arise related to the government's authority in land regulation, namely the birth of the authoritarianism of the rulers (government) to revoke people's land ownership rights in the name of development for the public interest. The crucial epistemological problem of the material on land law is the concept of the public interest, in which the meaning and criteria for the benefit/public interest becomes the basis for justifying government intervention in limiting the land ownership rights of its citizens.

Judging from the fact that land conflicts are protracted, especially oil palm plantations and settlements that generally marginalize people who are not financially capable, plus the development of laws that are increasingly impartial to the small people, a review is needed on how Islam as the perfect religion can work to overcome plantation land conflicts.

In the view of Islam, the original owner of all property of all kind is Allah SWT because He is the Creator, Regulator and Owner of all that is in this universe, as He said in QS Al-Maidah verse 17: "To Allah belongs the kingdom of the heavens and the earth and whatever is between the two, He creates what He wills, and Allah has power over all things." (Al-Maidah [5]: 17) While humans are the parties who get the power from Allah SWT to own and use these assets, Allah says in QS Al-Hadid verse 7: "Believe in Allah and His Messenger and spend out of what He has made you to be successors of; for those of you who believe and spend shall have a great reward" (Al-Hadid [57]: 7) (Sanrego & Batun, 2009).

Humans as creatures of God are mandated to manage the earth and its contents as caliphs on earth. Normatively, the earth with all its potential by God is given to humans as a living facility. In Islam, land ownership by a person in the context of an individual in social relations is legally recognized. The land owner has the authority to use it according to his wishes. Human authority over property rights in the rules of Islamic law is protected in the frame of hifzu al-mal (protection of property) as one of the principles of al-kulliyat alkhams (the target of sharia to maintain human safety) (Ridwan, 2013). For example, it is forbidden to eat other people's property in a vanity, even an inch of land is forbidden to be confiscated without rights. As explained in the hadith "From Said bin Zaid r.a, that Rasulullah

saw. said: {Whoever takes an inch of land unjustly, then on the Day of Judgment Allah will drape over him soil from the seven layers of the earth}, Muttafaq 'Alaih (Ayu, 2019).

Property ownership in Islam is ideologically different from the liberal-capitalist and communistic economic system. The liberal capitalist flow views property rights as absolute rights, every person (individual) is free to seek, own and use his property according to his own free will to provide free space for monopolistic practices and exploitation to oppress weak economic groups. While the economic system of communism does not recognize individual property rights, because all property is owned and controlled by the state (Ridwan, 2013). Whereas Islam gives individuals the right to own property on the condition that it is obtained legally, it is not absolutely free like a liberal-capitalistic economy. As stated by Malaka (2018) that ownership of property has syar'i causes that have been determined by Allah which the individual must not exceed the limits of these causes so that the cause of property ownership has been limited to what has been explained by the shari'a.

In relation to the concept of land ownership above, the scholars divide the types of property rights into three. First, individual property rights (al-milkiyah al-khassah) are rights owned by individuals to use their property rights autonomously. Second, collective property rights (al-milkiyyah al-'ammah) are ownership rights that are jointly owned by the community on certain assets. Third, state property rights (al-milkiyah al-daulah) are rights owned by the state as an institution mandated by Allah to manage all assets for the common interest of all the people (Ridwan, 2013).

A clear division of this type of ownership is absent in today's capitalist economies. With a clear division of syara' law, the main cause of the emergence of land conflicts, including plantation conflicts, namely the tyrannical expropriation of people's land by parties with strong capital will be avoided if they adhere to Islamic law in totality. Sanrego and Batun (2009) stated that related to the plantation and forestry sectors, plantations could be privatized, this is because land may be owned individually so that ownership of agricultural and plantation businesses is also individual. This is different from the forestry sector, a type of public ownership that should not be privatized.

Regarding the massive expansion of oil palm plantations in Riau Province, the private sector is allowed to own plantation land because individuals can own it - but of course not by unjustly taking people's land. However, for forest land or customary forest, this type of land is public property and may not be owned by private individuals and companies. So with Islamic regulations that classify ownership types, there will be no expropriation of community lands and customary forest lands by large-scale companies and even multinationals with large capital.

Furthermore, Islam has regulations regarding agricultural land productivity, so no one is allowed to buy agricultural land and plantations just for investment without being managed. To optimize the use of agricultural land, Islam has rules that allow the state to take over agricultural land from people who have abandoned it for three consecutive years and give it to people who can manage it, which is called ihya al-mawat or revival of inactive land (Malaka, 2018). This is a solution to the current causes of land conflicts where small people do not own land or are small in scale and do not have access to land.

4. CONCLUSION

Riau Province has the highest number of contributors to agrarian conflicts in Indonesia, which are generally caused by the expansion of oil palm plantation companies to ulayat lands or lands the community has managed. The causes of land conflicts identified are non-legal factor related to the management of land use and access, and legal factor related to judicial and regulation overlap. Regarding the current policies related to plantation land conflicts, the development of oil palm plantations is basically in line with the mandate of the 1945 Constitution Article 33 paragraph (3) which states that the earth, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. However, the current system is more focused on the material aspect so that the law favors the owners of capital while the people are marginalized, which in the end always leads to conflict. The capitalistic principle is increasingly visible with the ratification of the Job Creation Bill into Law No. 11/2020, making it easier for investors. The lack of political will in fact constrains the agrarian reform program (land reform) in Riau Province from the central government and local governments as well as development policies that are more focused on pursuing growth without paying attention to economic equality, as a result of which the people are becoming more impoverished. Without clear standards, land regulations give rise to the nuances of government authoritarianism to revoke people's land ownership rights in the name of development for the public interest. Therefore, to protect the community interests in plantation land, this study recommends policy based on Islamic guidelines in land ownership. Islamic law classifies ownership into three, namely individual property rights (al-milkiyah al-khassah), collective property rights (al-milkiyyah al-'ammah) which are jointly owned by the community on certain assets and state

property rights (al-milkiyah al-daulah) is the right owned by the state as an institution mandated by Allah to manage all assets for the common interest of all the people. Islamic regulations protect the community's property rights individually and collectively because investors cannot dictate the state to take over community ownership. Islam also has rules for activating inactive land and distributing it to people who can manage it, which will solve the current problem that causes a lot of looting or unauthorized use, which is prone to conflict because the community does not have land for their livelihood.

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