




ECONUSANTARA

**Verification of Complaints Against PT
Mamuang, PT Lestari Tani Teladan and PT
Agro Nusa Abadi, Raised by Friends of the
Earth-US (FoE-US) and Walhi**

Bogor 2023



Verification of Complaints Against PT Mamuang, PT Lestari Tani Teladan and PT Agro Nusa Abadi, Raised by Friends of the Earth-US (FoE-US) and Walhi

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For:
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SUMMARY

This study was prompted by FoE-US/Walhi complaints against three subsidiaries of Astra Agro Lestari (AAL), namely PT Lestari Tani Teladan (LTT), PT Mamuang, and PT Agro Nusa Abadi (ANA). The issues raised by FoE US and Walhi, especially regarding allegations of land grabbing and criminalization of farmers, are the issues of greatest concern to stakeholders. Both NGOs set out these and other allegations in detail in publicly available reports.

AAL is determined to conduct an independent third party assessment of these complaints and appointed Econusantara (ENS) to carry it out. In March to September 2023, ENS conducted an in-depth investigation and verification of these complaints to discover as far as possible the facts behind them and evidence that supports or refutes each claim. With this information (based on extensive interviews, material evidence in the form of documents, etc.), Econusantara was then given the task of proposing recommendations for a comprehensive resolution to Astra and related parties.

The study carried out was very dependent on the involvement of all relevant stakeholders, while the main data collection on farmers' land claims was carried out by: (a) In-depth interviews, including identifying the perceptions of parties relevant to the alleged problem; (b) Collect and trace the legality of documents (SKT, SHM, etc.) and trace the history of land ownership; and (c) To ensure data quality, validation can be carried out by the relevant government authority together with the parties. All sources of information and data are asked for their consent (farmers, community) for the disclosure of the data. The land claim documents obtained are then mapped with spatial overlap which can provide a clear picture of where the land claim was made.

Collection and analysis of data/information is carried out using the “triangulation” method, where the evidence presented by different sources is compared to reveal similarities or discrepancies.

The following are the conclusions of the findings and recommendations that can be made by PT AAL for each of its subsidiaries.

PT Lestari Tani Teladan (LTT)

Findings

1. Regarding the claim that PT LTT has seized 100 ha of community land, findings from in-depth field verification do not support that claim. In addition, Raqif alias Muli alias Ambo, the current head of Bugis tribe (Ketua Adat Bugis) in Towiora Village, claimed that the community had requested the company to release 60 ha of land through the regency government, but this investigation revealed that the community was only asking for 4 ha of land for public cemetery (TPU) and 10 ha of residential reserve areas.
2. Regarding the claim that PT LTT has seized 1,505 ha of community land and that the company has been operating in 321 ha of patch of land outside of its HGU concession,

the verification found that the HGU documents that Walhi/FoE referred to were not the same as the HGU documents possessed by PT LTT as issued by BPN.

3. There was a documented attempt to resolve disputes with the community via consensus building on 19 Feb 2002 – after which PT LTT proceeded to fulfill the 7 requests - previously made by the community - during the 2002-2005 period.
4. PT LTT does not have a plasma plantation. The company points out that PT LTT's HGU permit was issued before the obligation to facilitate the development of plasma plantations for the community around the HGU took effect. The obligation for companies to build plasma plantations is regulated in the Ministry of Agriculture Regulation No. 26 of 2007 concerning Guidelines for Plantation Business Licensing. However, based on Article 60 paragraph (2) and paragraph (3) of Minister of Agriculture Regulation 98 of 2003 concerning Guidelines for Plantation Business Licensing, companies still have an obligation to carry out productive business activities for the surrounding community suitable for the conditions of the local area, and based on a mutual agreement between the company and the surrounding community, as well as acknowledged by the Governor or Regent/Mayor according to their respective authority. PT LTT's productive business activities for the community have been described in this report.
5. There are differences in the results of laboratory tests on the well water of a Towiora Village resident by the Environmental Service (Dinas Lingkungan Hidup = DLH), Donggala Regency, Central Sulawesi Province No. FPP/7.8.2 dated November 20, 2020 with laboratory test results on 6 (six) samples at the PT LTT monitoring well issued by the Industrial Research and Development Agency of Makassar (BBIHP Makassar), South Sulawesi, in Semester I and II 2020. Meanwhile, Laboratory test results issued by DLH are based on 1 (one) community well sampling point.

Recommendations

1. It is recommended that PT LTT explore ways to accommodate the community request for 14 ha of land for cemetery grounds and residential areas, in conjunction with village officials and local government.
2. PT LTT's HGU permits are state documents and the HGUs referred to by FoE/Walhi do not match these permits. It is therefore recommended that FoE/Walhi provide further supporting evidence.
3. Due to differences in laboratory test results data issued by BLH and BBIHP, PT LTT/AAL is advised to be proactive in ensuring that these complaints are handled properly at the field level. The involvement of key parties, experts, relevant governments and the community in responding to these complaints is very important so that the results can be accepted and accounted for.

PT Mamuang

Findings

1. There are three types of land claims in the HGU area of PT Mamuang including: (1) Claims on Block C26 by Hemsu, (2) Claims on Blocks C14, C15, C16,17 and C22 by the Sinar Rio Jaya Farmers Group, and (3) Claims by parties on behalf of the Tado Kabuyu Indigenous Community.
2. That Herman Rantetondok (Hemsu's father) and 6 (six) of his colleagues are believed to have cultivated land in the disputed object (Block C26 HGU of PT Mamuang) covering an area of 14 ha, before PT Mamuang carried out planting, with the basis of rights in the form of SPORADIK issued by the Martasari Village Government in 2003, specifically by the then village chief Mr Timotius. He was not aware the land awarded under SPORADIK had already been included in PT Mamuang's HGU due to unclear boundaries. The attempt to compensate land and plants offered by PT Mamuang in 2006, mediated by the village government, was rejected by Herman Rantetondok, and since then we found that PT Mamuang has never encroached upon the 14 ha patch of land and no legal challenge was ever formally submitted by Herman Rantetondok.
3. PT Mamuang erected a barrier to separate the aforementioned 14 ha area from the rest of C26. In 2017, Hemsu breached the barrier. Since 2019, the disputed object Block C26 covering an area of 45.13 Ha has been completely controlled by Hemsu.
4. The objects and basis of rights stated by Hemsu are 22 documents of Land Transfer Letter and 9 (nine) SHMs obtained in 2017-2019, which after being traced and analyzed turned out to be located outside of the object of the dispute (Block C26 HGU of PT Mamuang).
5. The land claim by the Sinar Rio Jaya Farmers Group is 172 ha of land on the basis of (a) the claim of transmigration reserve land, (b) a copy of a letter from PT LTT, and (c) a Land Statement Letter (SKT) issued in 2004, all of which cannot be proven. The transmigration reserved area is located outside of the company's HGU, whereas the SKT is rife in procedural inconsistencies, namely: (1) the SKT is registered under Donggala Regency, Central Sulawesi (as opposed to the HGU location in Pasangkayu Regency, West Sulawesi); (2) The two people that signed the SKT were not authorized to do so at that time; (3) the SKT is not in compliance with the the Decree of the Governor of Central Sulawesi No.592.2/0.06/1993 dated January 27, 1993.
6. Currently there are about 113 families (300 people) of the Tado Indigenous Community in Dusun (hamlet) Kabuyu, where they still follow customary rules. They live by farming along the Pasangkayu river. From interviews and field evidence, it is known that the Tado tribe has lived in this area for a long time.
7. Walhi's claim that PT Mamuang has seized an area of 2,302 ha belonging Tado Indigenous community could not be verified by the ENS Team, because Walhi did not provide more detailed and accurate data. Based on the results of data tracking and interviews with resource persons, it is known that the Kabuyu village covering an area of approximately 250 ha was never part of PT Mamuang's HGU.
8. Currently, most of the original Tado Kabuyu community no longer owns land because it has been sold to immigrant communities from Bali and Bugis.
9. Regarding allegations of criminalization, the ENS Team noted that Hemsu had been detained 3 (three) times by the Pasangkayu and North Mamuju Police, based on reports from PT Mamuang employees. However, with limited data and authority, the ENS Team

did not find any fact to support that there had been systematic acts carried out by PT Mamuang without any legal basis or reasons or rational reasons as the basis.

Recommendations

1. Hemsis's land claim in Block C26 has been clearly discussed in this report. It is recommended that improvements in relations between PT Mamuang and Hemsis be carried out using a peaceful approach, and programs to improve the welfare of the surrounding community be intensified.
2. It is recommended that PT Mamuang can establish a good relationship with KT-SRJ through more intensive program approaches.
3. Regarding complaints about land confiscation of the Tado Kabuyu Indigenous community, it is hoped that interested parties will be able to provide more detailed and precise data to confirm the object of the claim in question.
4. PT Mamuang is advised to continue and intensify programs that can improve the welfare of the Tado Kabuyu Indigenous People so that they get the same opportunities as other Indonesian people.

PT Agro Nusa Abadi (ANA)

Findings

1. In 2014, PT ANA obtained a renewal of the location permit for an oil palm plantation covering an area of 7,244.33 Ha in Petasia Timur District, North Morowali Regency which includes the villages of Molino, Pebooa, Bungintimbe, Tompira, Bunta, Towara Pantai and Towara. There is still land recognition on the PT ANA oil palm plantation business permit by the community in each of these villages so that land verification and validation is carried out in order to resolve land recognition disputes which in 2016 resulted in a verified land area of 6,306.50 Ha, consisting of land with SKT/SKPT rights covering an area of 4,411.01 Ha, land with SHM rights covering an area of 1,041.13 Ha, land that is the object of dispute covering an area of 728 Ha, and land that is still overlapping covering an area of 126.36 Ha. Compensation for 3,680.21 Ha of land with SKT/SKPT rights has been carried out, leaving 730.80 Ha of land without compensation, spread over Bunta Village (81 Ha), Bungintimbe Village (211.09 Ha), Tompira (208.74 Ha) and Molino (229.95 Ha).
2. In 2021, PT ANA obtained a renewal permit for an oil palm plantation business in Petasia Timur Sub-district, North Morowali Regency covering an area of 7,035.97 Ha, spread across Molino Village (1,512 Ha), Pebooa Village (104 Ha), Bungintimbe Village (1,696.87 Ha), Tompira Village (384.7 Ha), Bunta Village (1,974.9 Ha), Towara Pantai Village (300 Ha), and Towara Village (1,064 Ha). To follow up on the HGU processing, PT ANA submitted an HGU application based on a clean and clear village administrative area, including the villages of Towara Pantai (211.57 Ha), Towara (794.33 Ha), and Pebooa (5,872 ha). Currently, one of the conditions for the issuance of the PT ANA HGU Decree, namely PKKPR for all villages including Pebooa Village, Towara Village, Towara Pantai Village, Molino Village, Tompira Village, Bungintimbe Village and Bunta Village, has been issued on September 22, 2023. Thus, PT ANA is waiting for the publication of

Committee B Minutes and Recommendations from the BPN Regional Office for Central Sulawesi Province regarding the issuance of the HGU Decree.

3. From investigations carried out, both reviewing documents and interviews with parties, both government and company, it was confirmed that until the time the verification was carried out, PT ANA did not have an HGU. This is due to the fact that the HGU can only be given when all disputes on the land have been settled by the government. The complexity of this issue is further demonstrated by the multiple validation and verification that yielded different results each time and the lack of clarity on boundary divides and markers. It is known that the HGU application process has been carried out by PT ANA since 2007.
4. From document analysis and interviews, the ENS Team noted that there were at least 28 community members who stated that they owned land in the PT ANA oil palm plantation area with a total area of 1,695.27 Ha, spread across Bungintimbe Village (992.24 Ha), Bunta Village (614.30 Ha), Tompira Village (75.52 Ha), and Towara Village (13.21 Ha). It was identified that 795.13 hectares of the total claim land area was land that still overlapped between communities (claimers).

Recommendations

1. PT ANA and AAL, in resolving the land conflicts that occur, need to continue to strive to involve key parties including the government, community and NGOs/assistant groups, so as to produce a resolution that can be accepted by all parties. The involvement of observers and independent mediators can be an option to increase public acceptance of the resolution that will be produced.
2. Regarding overlapping objects claimed by fellow citizens, both in groups and individually, the government's role as a mediator is strategic. Every group or individual whose land claims overlap needs to exercise restraint in order to avoid horizontal conflict and be able to find solutions together.
3. It would be best for PT ANA and AAL, after ensuring that the permit area is clear and clean and referring to the applicable laws and regulations, to immediately complete the processing of the Rights to Cultivate (HGU).

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ABBREVIATION

	English	Bahasa Indonesia
AAL		PT Astra Agro Lestari, Tbk.
AFD	Section	Afdeling
Alm.	Late	Almarhum
AMDAL	Environmental Impact Analysis	Analisis Mengenai Dampak Lingkungan
ANA		PT Agro Nusa Abadi
APKASINDO	Indonesian Oil Palm Farmers Association	Asosiasi Petani Kelapa Sawit Indonesia
ATR-BPN	Ministry of Agrarian and Spatial Planning-National Land Agency	Agraria dan Tata Ruang-Badan Pertanahan Nasional
BBIHP	Center for Plantation Products Industry	Balai Besar Industri Hasil Perkebunan
BPD	Village Consultative Body	Badan Permusyawaratan Desa
CPO	Crude Palm Oil	
CV	Commanditaire Vennootschap. CV is a business entity formed from one or more people.	Commanditaire Vennootschap. CV merupakan sebuah badan usaha yang terbentuk dari satu orang atau lebih.
DLH	Environmental Agency	Dinas Lingkungan Hidup
DO	Delivery Order	
DPRD	Regional People's Representative Assembly	Dewan Perwakilan Rakyat Daerah
ENS		EcoNusantara = Eco Nusantara Lestari
FoE US	Friends of the Earth-United States of America	
FPKM	Facilitation of Community Plantation Development	Fasilitasi Pembangunan Kebun Masyarakat
FFB	Fresh Fruit Bunches	
FRAS	Oil Palm Advocacy People's Forum	Forum Rakyat Advokasi Sawit
Ha	Hectare	Hektar
HGU	Rights to Cultivate	Hak Guna Usaha
HP	Permanent Production Forest	Hutan Produksi Tetap
HPK	Convertible Production Forest	Hutan Produksi yang dapat dikonversi
HPT	Limited production forest	Hutan Produksi Terbatas
Ilok	Location Permit	Izin Lokasi
IPKH	Forest Area Release Permit	Izin Pelepasan Kawasan Hutan
ITMK	Area Exchange Permit	Izin Tukar Menukar Kawasan
IUP	Plantation Business License	Izin Usaha Perkebunan
Kepmentan	Decree of the Minister of Agriculture	Keputusan Menteri Pertanian
KT-SRJ	Sinar Rio Jaya Farmers Group	Kelompok Tani Sinar Rio Jaya
KUD	Village Unit Cooperative	Koperasi Unit Desa
LMD	Village Community Institutions	Lembaga Masyarakat Desa
LSM	Non-governmental organization	Lembaga Swadaya Masyarakat
LTT		PT Lestari Tani Teladan
MA	Supreme Court	Mahkamah Agung
MORUT	North Morowali	Morowali Utara
NGO	Non-government Organization	Non-government Organization
NIB	Business Registration Number	Nomor Induk Berusaha

	English	Bahasa Indonesia
NKRI	The Unitary State of the Republic of Indonesia	Negara Kesatuan Republik Indonesia
OSS	Online Single Submission	Online Single Submission
P&G	Procter & Gamble	
Permentan	Regulation of the Minister of Agriculture	Peraturan Menteri Pertanian
PERPPU	Government Regulation in Lieu of Law	Peraturan Pemerintah Pengganti Undang-Undang
PK	Judicial review	Peninjauan Kembali
PKS	Palm Oil Factory/Mill	Pabrik Kelapa Sawit
POME	Palm Oil Mill Effluent; palm oil liquid waste	Palm Oil Mill Effluent; limbah cair kelapa sawit
PP	Government Regulation	Peraturan Pemerintah
PT	Limited Liability Company	Perseroan Terbatas
SHM	Certificate of Ownership	Sertifikat Hak Milik
SK	Decree	Surat Keputusan
SKPT	Statement Letter of Land Control	Surat Keterangan Penguasaan Tanah
SKT	Land Statement Letter	Surat Keterangan Tanah
SPPT	East Petasia Farmers Union	Serikat Petani Petasia Timur
TBS	Fresh Fruit Bunches (FFB)	Tandan Buah Segar
TOPDAM	Military Area Topography	Topografi Daerah Militer
TPU	Public Burial Grounds	Tempat Pemakaman Umum
Tripika	Tri (Three) District Leaders	Tri (Tiga) Pimpinan Kecamatan
UU	Constitution/Law	Undang-Undang
UUCK	Job Creation Law	Undang-Undang Cipta Kerja
Verval	Land Verification and Validation	Verifikasi dan Validasi lahan
Walhi	Indonesian Forum for the Environment	Wahana Lingkungan Hidup Indonesia

TERMINOLOGIES

Terms in the Process of Obtaining a Rights to Cultivate Certificate (Istilah dalam Proses Perolehan Sertifikat Hak Guna Usaha)

Pengukuran Kadastral (Cadastral Measurements)	Pengukuran Kadastral adalah pekerjaan pengukuran dalam rangka proses pendaftaran tanah. Pengukuran ini dilaksanakan oleh instansi terkait yaitu Kementerian Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional. (Pasal 18 ayat (1) Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional No 7 Tahun 2017).	Cadastral measurements are measurement work within the framework of the land registration process. This measurement is carried out by the relevant agency, namely the Ministry of Agrarian Affairs and Spatial Planning/Head of the National Land Agency. (Article 18 paragraph (1) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No 7 of 2017).
Panitia B (Committee B)	Panitia B adalah adalah panitia yang bertugas melaksanakan pemeriksaan, penelitian dan pengkajian data fisik dan data yuridis baik di lapangan maupun di kantor dalam rangka penyelesaian permohonan pemberian, perpanjangan, dan pembaruan Hak Guna Usaha. (Pasal 1 ayat (11) Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional No 7 Tahun 2017).	Committee B is the committee tasked with carrying out inspections and examining physical data and juridical data both in the field and in the office in order to complete applications for granting, extending and renewing Cultivation Rights. (Article 1 paragraph (11) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No 7 of 2017).
SK HGU (Surat Keputusan Hak Guna Usaha = Decree on the Rights to Cultivate)	SK HGU adalah Surat Keputusan yang dikeluarkan Kepala Badan Pertanahan Nasional yang berisikan informasi pemberian atau penolakan pemberian Hak Guna Usaha. (Pasal 25 ayat (1) Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional No 7 Tahun 2017).	HGU SK is a Decree issued by the Head of the National Land Agency containing information on granting or refusing to grant Cultivation Rights. (Article 25 paragraph (1) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No 7 of 2017).
Sertifikat HGU (HGU certificate)	Sertifikat HGU adalah surat tanda bukti hak atas tanah, hak pengelolaan, dan hak pengusahaan tanah yang dikuasai oleh negara. (Pasal 29 Peraturan Menteri Agraria	An HGU certificate is a letter of proof of land rights, management rights and land exploitation rights controlled by the state. (Article 29 of the Regulation of the Minister of Agrarian Affairs and

	dan Tata Ruang/Kepala Badan Pertanahan Nasional No 7 Tahun 2017).	Spatial Planning/Head of the National Land Agency No 7 of 2017).
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Terms related to Land/Agrarian Law

Istilah dalam Hukum Pertanahan/Agraria

No	Istilah	Notes	Keterangan
1	Sporadik	Description: Land registration activities for the first time regarding one or a number of land registration objects within an area or part of a village or kelurahan individually or en masse.	Pengertian: Kegiatan Pendaftaran tanah untuk pertama kali mengenai satu atau beberapa obyek pendaftaran tanah dalam wilayah atau bagian wilayah suatu desa atau kelurahan secara individual atau massal.
		Institution: National Land Agency	Institusi: Badan Pertanahan Nasional
		Legal basis: Article 1 number 11 Government Regulation Number 24 of 1997 concerning Land Registration	Dasar Hukum: Pasal 1 angka 11 Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah
2	SKT (Surat Keterangan Tanah = Land Statement Letter)	Description: The initial process or basis of rights is then carried out by land registration and then a certificate is issued which is strong evidence as proof of ownership of land rights	Pengertian: Proses awal atau alas hak untuk kemudian dilakukan pendaftaran tanah dan selanjutnya diterbitkan sertifikat yang merupakan bukti kuat sebagai bukti kepemilikan hak atas tanah
		Institution: Village/Kelurahan	Institusi: Desa/ Kelurahan
		Legal basis: Explanation of Article 24 paragraph (1) Government Regulation Number 24 of 1997 concerning Land Registration	Dasar Hukum: Penjelasan Pasal 24 ayat (1) Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah
3	SKPT (Surat Keterangan Penguasaan Tanah = Land Tenure Statement Letter)	Description: A statement letter made by an individual or body stating that the land being registered is land controlled and known to the local Village/Subdistrict Head	Pengertian: Surat Pernyataan yang dibuat oleh individu atau badan yang menyatakan bahwa tanah yang didaftarkan merupakan tanah yang dikuasai dan diketahui oleh Kepala Desa/Kelurahan.
		Institution: Village Head	Institusi: Kepala Desa
4	SKPT (Surat Keterangan Pendaftaran Tanah = Land Registration Statement Letter)	Description: Informative Land Services are in the form of a Certificate containing Land Owner Data, Land Location and other records related to land services.	Pengertian: Layanan Pertanahan yang bersifat informatif berupa Surat Keterangan yang memuat Data Pemilik Tanah, Letak Tanah, dan catatan-catatan lainnya terkait dengan layanan pertanahan.

No	Istilah	Notes	Keterangan
		Institution: National Land Agency	Institusi: Badan Pertanahan Nasional
		Legal basis: Government Regulation (PP) Number 24 of 1997 concerning Land Registration	Dasar Hukum: Peraturan Pemerintah (PP) Nomor 24 Tahun 1997 tentang Pendaftaran Tanah
5	SHM (Sertifikat Hak Milik = Ownership Certificate)	Description: Certificate of Ownership or Ownership Rights is the strongest and highest right to land; it is hereditary, permanent, and valid for life.	Pengertian: Sertifikat Hak Milik atau Hak Milik adalah hak terkuat dan tertinggi atas tanah, bersifat turun-temurun, tetap, dan berlaku seumur hidup.
		Institution: National Land Agency	Institusi: Badan Pertanahan Nasional
		Legal basis: Articles 20-27 Law no. 5 of 1960 concerning Agrarian Principles	Dasar Hukum: Pasal 20-27 Undang-Undang No. 5 Tahun 1960 tentang Pokok Agraria
6	HGU (Hak Guna Usaha = Rights to Cultivate)	Description: Certificate of Cultivation Rights or the Rights to Cultivate given to individuals or companies to manage land controlled by the state for a certain period of time	Pengertian: Sertifikat Hak Guna Usaha atau Hak Guna Usaha yang mengusahakan tanah yang dikuasai negara dalam jangka waktu tertentu
		Institution: National Land Agency	Institusi: Badan Pertanahan Nasional
		Legal basis: Article 28 Law no. 5 of 1960 concerning Agrarian Principles	Dasar Hukum: Pasal 28 Undang-Undang No. 5 Tahun 1960 tentang Pokok Agraria
7	Panitia B (Committee B)	Description: Land Inspection Committee B, hereinafter referred to as Committee B, is the Committee tasked with carrying out inspections, examination of physical data and juridical data both in the field and in the office, in order to complete applications for the granting, extension and renewal of the Rights to Cultivate.	Pengertian: Panitia Pemeriksaan tanah B yang selanjutnya disebut Panitia B adalah Panitia yang bertugas melaksanakan pemeriksaan, penelitian dan pengkajian data fisik dan data yuridis baik di lapangan maupun di kantor dalam rangka penyelesaian permohonan pemberian, perpanjangan, dan pembaruan hak Guna Usaha
		Institution: National Land Agency	Institusi: Badan Pertanahan Nasional
		Legal basis: Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No 7 of 2017 concerning Arrangements and Procedures for Determining Cultivation Rights.	Dasar Hukum: Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional No 7 Tahun 2017 tentang Pengaturan dan Tata Cara Penetapan Hak Guna Usaha
8	Kriminalisasi (Criminalization)	Description: Turning an act that was not originally a criminal act into a criminal act	Pengertian: Menjadikan suatu perbuatan yang awalnya bukan

No	Istilah	Notes	Keterangan
			tindak pidana menjadi tindak pidana
9	Inkracht Van Gewisjde	Description: A court term that states that a court decision has permanent legal force; This means that no legal action has been filed against the decision or the decision has fulfilled all legal efforts and/or the time period for legal action has passed.	Pengertian: Sebuah istilah pada pengadilan yang menyatakan suatu putusan pengadilan berkekuatan hukum tetap, artinya tidak diajukan upaya hukum terhadap putusan tersebut atau putusan tersebut telah memenuhi seluruh upaya hukum dan/atau melewati jangka waktu dalam upaya hukum.
		Institution: Court	Institusi: Pengadilan
10	Peninjauan Kembali (Judicial review)	Description: Extraordinary legal measures that can be taken in a legal case against a court decision that has permanent legal force.	Pengertian: Upaya hukum luar biasa yang dapat ditempuh dalam suatu kasus hukum terhadap putusan pengadilan yang telah berkekuatan hukum tetap.
		Institution: Republic of Indonesia Supreme Court	Institusi: Mahkamah Agung RI
		Legal basis: Article 66 paragraph (1) Law Number 14 of 1985 concerning the Supreme Court	Dasar Hukum: Pasal 66 ayat (1) Undang-Undang Nomor 14 Tahun 1985 tentang Mahkamah Agung
11	Putusan Mahkamah Agung RI (Decision of the Supreme Court of the Republic of Indonesia)	Description: A term for a decision on a case both in criminal and civil law at the cassation level at the Supreme Court as a final legal remedy in Ordinary Legal Remedies	Pengertian: Sebuah istilah suatu putusan atas perkara baik dalam hukum pidana maupun perdata pada tingkat kasasi di Mahkamah Agung sebagai upaya hukum terakhir dalam Upaya Hukum Biasa
		Institution: Republic of Indonesia Supreme Court	Institusi: Mahkamah Agung RI
12	Upaya Hukum Kasasi (Cassation)	Description: Legal remedies that can be taken against the High Court Decision, the examination of the case is carried out at the Supreme Court of the Republic of Indonesia	Pengertian: Upaya hukum yang dapat dilakukan baik terhadap Putusan Pengadilan Tinggi yang kemudia pemeriksaan perkara dilakukan di Mahkamah Agung RI
		Institution: Republic of Indonesia Supreme Court	Institusi: Mahkamah Agung RI
		Legal basis: Criminally (Articles 244-258 of the Criminal Procedure Code)	Dasar Hukum: Secara Pidana (Pasal 244-258 Kitab Undang-Undang Hukum Acara Pidana)
13	Upaya Hukum Banding (Legal Appeal)	Description: Legal measures that can be taken against the decision of the District Court (district/province), the case examination of which is carried out at the High Court	Pengertian: Upaya hukum yang dapat dilakukan terhadap Putusan Pengadilan Negeri yang kemudian pemeriksaan perkara dilakukan di Pengadilan Tinggi

No	Istilah	Notes	Keterangan
		Institution: Republic of Indonesia Supreme Court	Institusi: Mahkamah Agung RI
		Legal basis: Criminally (Article 233-243 of the Criminal Procedure Code	Dasar Hukum: Secara Pidana (Pasal 233-243 Kitab Undang-Undang Hukum Acara Pidana
14	Upaya Hukum Pra-Peradilan (Pre-Trial Legal Efforts)	Description: This is a legal effort to determine whether or not an arrest and/or detention is valid at the request of the suspect or his family or another party or the suspect's attorney; whether or not the termination of an investigation or prosecution is valid upon request for the sake of upholding law and justice; requests for compensation or rehabilitation by suspects or their families or other parties or their attorneys whose cases have not been submitted to court.	Pengertian: Merupakan upaya hukum terhadap sah atau tidaknya suatu penangkapan dan atau penahanan atas permintaan tersangka atau keluarganya atau pihak lain atau kuasa tersangka; sah atau tidaknya penghentian penyidikan atau penghentian penuntutan atas permintaan demi tegaknya hukum dan keadilan; permintaan ganti kerugian atau rehabilitasi oleh tersangka atau keluarganya atau pihak lain atau kuasanya yang perkaranya tidak diajukan ke pengadilan.
		Institution: District Court	Institusi: Pengadilan Negeri
		Legal basis: Article 1 number 10 of the Criminal Procedure Code	Dasar Hukum: Pasal 1 angka 10 Kitab Undang-Undang Hukum Acara Pidana

I. INTRODUCTION

This verification was prompted with complaints from FoE-US and Walhi regarding three subsidiaries of Astra Agro Lestari (AAL), namely PT Mamuang, PT Lestari Tani Teladan (LTT) and PT Agro Nusa Abadi (ANA). The issues raised by FoE-US and Walhi, especially related to land confiscation and criminalization of farmers, are the issues of greatest concern to stakeholders.

Previously in 2022, Procter & Gamble (P&G) commissioned Econusantara (ENS) to verify complaints and compare evidence of claims from relevant communities with those held by the company. Considering that the first verification was considered inadequate, it was decided that, for the sake of transparency and the need for factual reconciliation between the community and the company, verification was necessary to be carried out with more in-depth investigation with specific Terms of Reference, to look at the specifics, and find the main problems of these causes through collaborative involvement. This will determine community needs and how companies can meet those needs while restoring trust so that communities can continue to benefit from their commercial activities and maintain their livelihoods, while companies can continue to manage their plantations effectively.

On March 31, 2023, [PT Astra Agro Lestari Tbk. has appointed ENS](#) as an independent third party to conduct comprehensive verification of various complaints regarding the operating practices of three AAL subsidiaries (PT LTT, PT Mamuang, and PT ANA) in Central Sulawesi and West Sulawesi. During March-September 2023, ENS has conducted a deeper verification into the complaint to find out the real problem and the facts behind it. The main objectives of in-depth verification are: (1) Carrying out complete verification regarding complaints against three subsidiaries of PT Astra Agro Lestari; and (2) Provide recommendations for comprehensive problem resolution to AAL and related parties.

The verification carried out has been very dependent on the involvement of all relevant stakeholders, while the main data collection on farmers' land claims was carried out by: (a) In-depth interviews, including identifying the perceptions of parties relevant to the alleged problem; (b) Collect and trace the legality of documents (SKT, SHM, etc.) and trace the history of land ownership; and (c) To ensure data quality, validation can be carried out by the relevant government authority together with the parties. All sources of information and data are asked for their consent (farmers, community) for the disclosure of the data. The land claim documents obtained are then mapped with

a spatial overlay which can provide a clear picture of where the land claim was made. The collection and analysis of data/information were carried out using the 'triangulation' method, where the evidence presented by different sources was compared to reveal similarities or discrepancies. Strong similarity can be seen as data validation, whereas discordance is an indication of one or more erroneous pieces of evidence (Weyers *et al.* 2011^[1]; Yeasmin & Rahman 2012^[2]).

To further ensure that the needs of the people who claim the land are properly accommodated: (a) A 'needs assessment' is carried out with experts from Tadulako University to understand the socio-economic and ethnic history of the area so that everything is appropriate to the context; and (b) If there are important findings that need to be followed up immediately, an action plan will be prepared based on recommendations from the verification results and assessment of community needs.

This document is the Final Report on the implementation of follow-up verification activities and in-depth investigations into cases faced by the three AAL subsidiaries carried out during the March-September 2023 period.

¹ Weyers, M.L., Strydom, H. & Huisamen, A. 2011. 'Triangulation in social work research: the theory and examples of its practical application'. *Social Work/Maatskaplike Werk*, 44: 2, 207-222.

² Yeasmin, S. & Rahman, K.F. 2012. 'Triangulation' Research Method as the Tool of Social Science Research. *BUP JOURNAL*, Vol. 1, Issue 1, pp. 154-163. ISSN: 2219-4851

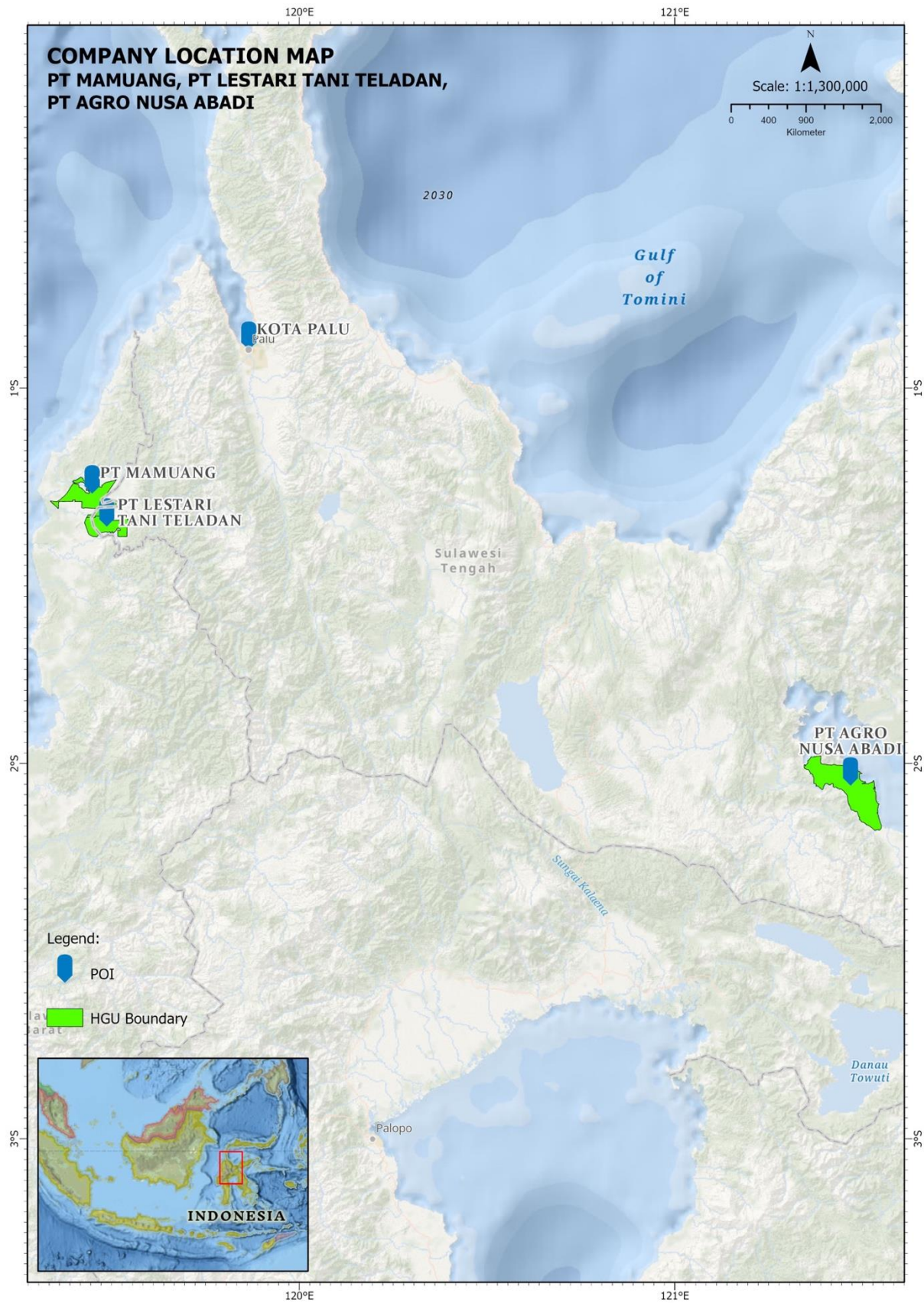


Figure 1.1. Location of 3 PT AAL subsidiaries

Verification Limitations

Verified issues

The verification carried out by ENS refers to the Terms of Reference prepared with PT AAL and in consultation with key stakeholders, which were built on the basis of complaints from FoE US and Walhi contained in the Conant & Madan report published on October 15, 2020 (see footnote 3 for references), as well as a number of other related documents published by Walhi. In brief, this verification focuses on the following issues.

PT Lestari Tani Teladan (LTT)

- 1) PT LTT seizes 100 ha of Farmers' Land in Rio Mukti Village and Towiora Village;
- 2) PT LTT illegally claimed 1,505 hectares of community land and operated outside the 321 hectare HGU permit;
- 3) Community demands for plasma plantations of 20% of the HGU area;
- 4) Environmental pollution (Environmental Service's laboratory test results No. FPP/7.8.2 dated November 20, 2020);^[3]
- 5) The price of Fresh Fruit Bunches (FFB) produced by farmers is determined unilaterally by the company to the detriment of farmers.

PT Mamuang

- 1) PT Mamuang has seized 50 hectares of land belonging to farmers in Panca Mukti Village in Rio Pakava, Central Sulawesi;
- 2) PT Mamuang has repeatedly criminalized farmers in Panca Mukti Village.

PT Agro Nusa Abadi (ANA)

1. PT ANA, operates without an HGU permit and only based on a location permit;
2. PT ANA has seized farmers' land in Molino, Bungintimbe, Tompira and Bunta villages covering an area of approximately 5,000 hectares.

³ Jeff Conant and Gaurav Madan., 2022. No Consent, Astra Agro Lestari s Land Grab in Central and West Sulawesi, Indonesia.

Objectives and conditions for successful verification

The final objective of this verification process is to find a strategy for resolving conflicts between the community and AAL, which must be implemented transparently and fairly.

Theoretically, the issues verified can lead to the development of two conflict resolution strategies, namely: (a) Collaboration, and (b) Compromise. Collaboration is used when all stakeholders are assertive^[4] and cooperative, and contribute to creating a joint solution that can be supported by all stakeholders. Meanwhile, the concept of compromise is that each stakeholder gives up a little of what they want, and no one gets everything they want. The perception of the best outcome when working with the concept of compromise is “splitting the difference.” A compromise is considered fair, even though no one may be happy with the final result.^[5]

As mentioned above, assertiveness is of particular note, which can make a significant contribution to the success of this verification, and makes it easier to develop conflict resolution strategies. An attitude that is not assertive will not provide benefits for all parties. In a situation where one of the stakeholders is not assertive, even though on the other hand, the community's interest in obtaining certainty regarding the fulfillment of their desires or needs is seen as very crucial, ENS continues to carry out the verification process using the ‘triangulation’ method as mentioned above. However, ENS continues to try to approach all stakeholders, including Walhi/FoE US, to obtain clarification regarding complaints submitted publicly, although as of the writing of this report these efforts have not been successful.

EcoNusantara's position

In this verification process, EcoNusantara (ENS) acts as a "collector of facts and factual information" sourced from: (a) the parties directly involved, namely: the complainant – or the person who filed the complaint, and the party being complained about (in this process, it is the companies); (b) parties who are indirectly involved, both parties who know about the issues of the dispute (can be said to be "witnesses"), as well as

⁴ Assertiveness is an individual's behavior to express one's desires, needs, thoughts, feelings, hopes and opinions firmly honestly, as is, without any pressure from any party, and in accordance with the individual's matters and authority without violating the rights of others.

⁵ The Participatory Company. 5 Conflict Resolution Strategies We All Use. <https://theparticipationcompany.com/2016/06/5-conflict-resolution-strategies/#:~:text=Kenneth%20Thomas%20and%20Ralph%20Kilman,to%20be%20in%20a%20conflict>. Accessed on September 12, 2023

government parties (who have authority) and other individuals who are considered to have the necessary data/information (can be said to be “expert witnesses”), for example researchers from Transmigration Communities and Indigenous Communities of Central Sulawesi, and activists of social environmental and indigenous communities of Central Sulawesi. In this process, EcoNusantara has maintained the values of an institution that prioritizes transparency and justice.

Verification Process

Methodology

1. Collect documents from various sources, including local government offices and local communities
2. In-depth interviews with various sources conducted in Central Sulawesi and in the villages.
3. Document review and analysis.

Data source

Two types of data are used in this verification, namely:

1. Primary data is data and information from sources who know and understand the problem to be verified, and can provide the necessary data and whose existence can be trusted;
2. Secondary data, obtained from documents or administrative files which include statutory regulations, permits and other sources regarding the object being verified.

II. VERIFICATION OF ISSUES RELATED TO PT LESTARI TANI TELADAN (LTT)

A. KEY ISSUES AT QUESTION

On October 15, 2020, Walhi filed a grievance with P&G, one of the main issues raised was that PT Lestari Tani Teladan (LTT) had seized about 100 hectares of land from farmers in Rio Mukti and Tawiora villages. However, according to the statement of Mr. M. Rafiq alias Muli alias Ambo, who serves as the head of the Bugis tribe, the Towiora Traditional Council, who was met at his home during verification in May 2022, he said that there were no land claims made by the community, but rather the community submitted land requests for an area of 60 hectares to the company through the district government for community housing and a public cemetery (*TPU = Tempat Pemakaman Umum*).

The complaint against PT LTT follows up on the recommendations submitted in the verification report carried out in 2022. ENS then re-identified and summarized the key issues revealed by Walhi in various reports and publications related to the existence of PT LTT in Towiora Village, for a comprehensive verification. The key issues identified include:

- (1) PT LTT seized 100 ha of Farmers' Land in Rio Mukti Village and Towiora Village.
- (2) PT LTT illegally claimed 1,505 hectares of land belonging to the community and operated outside the HGU permit, covering an area of 321 hectares.
- (3) Plasma plantation demands by the community are 20% of the HGU area.
- (4) Environmental pollution (refers to the results of laboratory tests conducted by the Environmental Service No. FPP/7.8.2 dated November 20, 2020).^[6]
- (5) The price of Fresh Fruit Bunches (FFB) produced by farmers is determined unilaterally by the company to the detriment of farmers.

⁶ Jeff Conant & Gaurav Madan. 2022. No Consent, Astra Agro Lestari s Land Grab in Central and West Sulawesi, Indonesia.

B. FINDINGS AND VERIFICATION RESULTS

ENS utilized the footprint of the initial verification carried out in 2022 and managed to dig up more detailed information from the community, community leaders, village officials, companies and NGOs, as well as studying various documents that can be accessed from village government archives, companies and community organizations. civil. However, verification cannot be carried out with Walhi and FoE as the first party to submit the complaint.

1. PT LTT Seized 100 Hectares of Farmers' Land in Rio Mukti Village and Towiora Village

In line with the findings during verification in 2022, the ENS Team again carried out an in-depth investigation into these allegations by conducting interviews with several sources including community leaders and village government officials but found no complaints of land confiscation of around 100 hectares by PT LTT in Towiora village.

The land issue that once emerged in the public sphere was the demand for former land. PT Letawa, which is also a subsidiary of PT Astra Agro Lestari Tbk., by the people of Towiora Village in 2001, which started with a community complaint letter^[7] dated March 28, 2001 to the DPRD (Regional People's Representative Assembly) of Central Sulawesi Province. At that time the people of Towiora Village were accompanied by the Bhumi Bhakti Mandiri Foundation, based in Palu, as legal counsel^[8]. In response to public complaints, the DPRD of Central Sulawesi Province sent [a letter to the Governor of Central Sulawesi dated May 11, 2001 \(No. 591/0339/Pers\)](#), stating that PT Letawa only had an operating permit in the South Sulawesi area, and did not have a permit in land object of dispute (Central Sulawesi Province) as reported by the Towiora community. However, a location development permit was also obtained for and on behalf of PT LTT (permit letter dated April 3, 1995), and this has not been socialized to all stakeholders. On the basis of the absence of socialization, the DPRD of Central Sulawesi Province recommended that the Governor of Central Sulawesi Province review the PT LTT site development permit issued on April 3, 1995, and allocate the disputed land in Towiora Village (the oil palm plantation land built by PT Letawa) to community-owned plasma.

⁷ However, details of the complaints submitted by the people of Towiora Village have not yet been found.

⁸ On August 12, 2001 the community revoked the power given to the Bhumi Bhakti Mandiri Foundation.

Responding to the letter from the DPRD of Central Sulawesi, on May 15, 2001, the vice president director of PT AAL wrote to the Chairman of the DPRD of Central Sulawesi Province to explain the chronology and legal position of land acquisition of the disputed land (former PT Letawa's area), as presented in Figure 2.1.

The community's demands for the land of PT Letawa's former area were resolved through deliberation on February 19, 2002, which was facilitated directly by elements of the Regional Government of Donggala Regency and attended by the Team of Donggala Regency, Tripika of Dolo District, the Towiora Village Community, and PT LTT, which resulted in an agreement to fulfill [7 \(seven\) community demands](#) stated in the Towiora Village community statement, which reads:

“If the demands we put forward to the Regent of Donggala regarding the provision of public facilities in the form of 7 points are fully met, then we, the people of Towiora Village, will no longer question the land or plantation area of PT Lestari Tani Teladan (LTT) according to the existing HGU.”

This statement was made and signed by the Village Head, Chair of LMD, Traditional Leaders, Village Imam, Subdistrict Head, community leaders and community representatives, based on a review of documents obtained from PT LTT. A number of resource-persons who were interviewed stated that PT LTT [had fulfilled the 7 \(seven\) points of demands of the people of Towiora Village in the 2002-2005 period](#).

Further verification was carried out on information from Mr. M. Rafiq alias Muli alias Ambo, regarding the community's request for 60 hectares of land from PT LTT. The ENS Team found that the village government, officially, only applied for land for a *Public Cemetery Ground (TPU = Tempat Pemakaman Umum)* covering an area of 4 hectares and land for community settlement covering an area of 10 hectares^[9] (Figure 2.2). A field check carried out by the ENS Team found that the existing TPU land in Towiora Village is very limited, because it is squeezed between oil palm plantations and the Lariang river, so that the people of Towiora Village are forced to use their own yards as burial places.

⁹ On January 11, 2023 the Head of Towiora Village again wrote to PT LTT Administrator cq. CDO to request acceleration of the realization of these 2 requests.



PT ASTRA AGRO LESTARI Tbk

Jakarta, 15 Mei 2001
No. HR-CD/080/EXT-AAL/V/2001

Kepada Yth.
Bapak Ketua DPRD Tk. I
Prop. Sulawesi Tengah
Palu

Perihal: Penyelesaian Tuntutan Masyarakat Toviora

Dengan hormat,

Menyikapi surat Bapak No. 591/0339/Pers mengenai Penyelesaian Tuntutan Masyarakat Toviora atas Lokasi Perkebunan Kelapa Sawit yang diolah oleh PT. Letawa di Desa Toviora, tertanggal 11 Mei 2001, maka perkenankanlah kami menjelaskan kepada Bapak kronologis, posisi dan kedudukan hukum perolehan lahan tersebut. Hal tersebut adalah sebagai berikut :

1. Pada tahun 1989 Astra Group melalui anak perusahaannya yaitu PT. Letawa membuka lahan di daerah kecamatan Pasangkayu, Kabupaten Mamuju, Propinsi Sulawesi Selatan dimana daerah yang dibuka ini berbatasan dengan Propinsi Sulawesi Tengah.
2. Bahwa pada tahun 1993 telah dilakukan penetapan batas oleh TOP DAM Wirabhuna. Dari penetapan batas ini menghasilkan batas Propinsi yang baru dimana wilayah yang tadinya merupakan wilayah Propinsi Sulawesi Selatan menjadi wilayah Propinsi Sulawesi Tengah termasuk areal yang dibuka oleh PT. Letawa.
3. Selanjutnya mengingat areal yang telah dibuka oleh PT. Letawa tersebut telah berada di Propinsi Sulawesi Tengah maka dalam kebijaksanaan Group Astra, areal diserahkan kepada PT. Lestari Tani Teladan. Menindak lanjuti kebijaksanaan Group Astra tersebut maka pada tahun 1993 telah diterbitkan Rekomendasi Bapak Bupati Donggala untuk areal dimaksud, yang kemudian dilanjutkan ijin-ijin yang lain diantaranya ijin lokasi dari BPN Donggala No. 400-18 tanggal 3 April 1995, SK Pencadangan dari Menhut No. 423/Menhut-III/96 tanggal 26 Maret 1996 Jo No. 238/Kwl-4/1997 tanggal 5 Februari 1997. Khususnya untuk ijin lokasi yang telah diperoleh PT. Lestari Tani Teladan sebagaimana tersebut diatas memang tidak pernah diperpanjang, karena areal/tanah yang dimohonkan telah diperoleh sepenuhnya, sehingga esensi dari perintah ijin lokasi dalam hal perolehan tanah sudah terpenuhi.
4. Bahwa pada tahun 1993 PT. Lestari Tani Teladan secara fisik belum siap sepenuhnya untuk mengelola areal ex PT. Letawa, sedangkan pada waktu itu ada kebijaksanaan dari Bapak Gubernur Sulawesi Tengah untuk percepatan pembangunan terutama di daerah-daerah terpencil. Untuk melaksanakan kebijaksanaan Gubernur ini maka oleh Astra Group ditetapkan bahwa pengelola areal yang bersangkutan diteruskan oleh PT. Letawa tetapi dengan suatu Perjanjian Managemen Fee. Dengan kata lain PT. Letawa hanyalah sebagai pelaksana yang menerima imbalan jasa dari PT. Lestari Tani Teladan namun kepemilikan atas areal tersebut tetap atas nama PT. Lestari Tani Teladan.

Jl. Puloayang Raya Blok OR-1 Kawasan Industri Pulogadung Jakarta 13930
(021) 461 6555 (Hunting) Fax. (021) 461 6618, 461 6624, 461 6548, 461 6548, 461 6550, 461 6562, 461 6533




PT ASTRA AGRO LESTARI Tbk

5. Bersama surat ini kami kirimkan berkas-berkas permohonan yang telah dilakukan oleh PT Lestari Tani Teladan.

Demikian hal-hal diatas kami sampaikan kepada Bapak dan kami berharap apa yang kami sampaikan dapat memperjelas posisi hukum, kedudukan dan keberadaan Group Astra terutama PT Lestari Tani Teladan dan PT Letawa di Propinsi Sulawesi Tengah

Hormat kami,


Benny Tloeng
Vice President Director

Tembusan :

Kepada Yth.

1. Bapak Gubernur Sulawesi Tengah Palu
2. Bapak Menteri Dalam Negeri dan Otonomi Daerah - Jakarta
3. Bapak Menteri Kehutanan RI - Jakarta
4. Bapak Menteri Pertanian RI - Jakarta
5. Kakanwil Badan Pertanahan Nasional Propinsi Sulawesi Tengah - Palu
6. Kapolda Sulawesi Tengah - Palu
7. Bupati Donggala - Banawa
8. Kepala Kantor Pertanahan Donggala - Palu
9. Yayasan Bhumi Bhakti Mandiri selaku Kuasa Hukum Masyarakat Toviora - Palu
10. File

msc/bao08005

Figure 2.1. PT Astra Agro Lestari Tbk Clarification Letter. to the Chairman of DPRD of Central Sulawesi



PEMERINTAH KABUPATEN DONGGALA
KECAMATAN RIO PAKAVA
DESA TOWIORA

Alamat : Jln. Iradat Puri Dusun I Desa Towiora Kode Pos 94361

Nomor : 401/167 /D-TWR/PB/2023
Lampiran : --
Perihal : Permohonan bantuan

Kepada Yth,
Bapak. Administratur Cq. CDO. PT.Lestari Tani Teladan
Di

Tempat

Dengan Hormat,

Berdasarkan Keluhan Masyarakat Desa Towiora terkait Lahan TPU tidak ada sehingga masyarakat Desa Towiora menggunakan Lahan sendiri untuk tempat pemakaman, dan untuk Lahan Tempat Pemukiman Masyarakat sudah banyak terkikis oleh sungai lariang. maka kami selaku pemerintah Desa Towiora bermohon agar kiranya pihak PT. Lestari Tani Teladan dapat merespon secepatnya permohonan tersebut.

Dengan Luas :

1. TPU : 4 Hektar
2. Tempat Pemukiman Masyarakat : 10 Hektar

Demikian Permohonan Bantuan ini kami sampaikan atas perhatian dan kerjasamanya kami ucapkan terima kasih.

Dikeluarkan di : Towiora
Pada Tanggal : 11 Januari 2023
Kepala Desa Towiora



Tembusan di sampaikan kepada

3. BPD

Figure 2.2. A request letter from Towiora Village

BERITA ACARA

Pertemuan Dalam Rangka *Need Assesment* dan *Partisipatif Meeting* dengan Elemen Masyarakat Desa Towiora, Kec. Rio Pakava, Kab. Donggala, Sulteng, Terkait Permohonan Pemakaman Umum/ TPU di Desa Towiora

Pada hari ini Kamis tanggal Dua Puluh Tujuh Bulan Juli Tahun Dua Ribu Dua puluh Tiga telah diadakan pertemuan dalam rangka *need assesment* dan *partisipatif meeting* dengan elemen masyarakat Desa Towiora serta Muspika Kec. Rio Pakava terkait permohonan pemakaman umum/ TPU di Desa Towiora melalui Surat No. 401/28/D-TWR/PR/1/2023 perihal permohonan bantuan yang dikeluarkan oleh Kepala Desa Towiora yang ditujukan kepada PT. Lestari Tani Teladan. Adapun hasil pertemuan sebagai berikut :

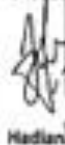
1. Pemanguna Makam adalah seluruh warga yang bermukim di Desa Towiora sejumlah 170 KK include dengan warga berstatus karyawan PT LTT 105 KK
2. Status kepemilikan lahan adalah Surat Keterangan Penguasaan Tanah (SKPT) No. 590/21/0-TWR/SKPT/FEL-PP/1/2022 (-terlampir)
3. Aparat Desa (Kepala Desa Towiora) menjamin Keabsahan status lahan tidak dalam sengketa.
4. Pemilik lahan atas nama ASTAN alias Joni priju atau tidak keberatan lahannya diganti rugi menjadi upramatan umum.
5. Lahan pemakaman yang ada sempit dan sudah penuh sehingga warga memakamkan di pemakaman perabotnya di pefarangan rumah.
- 6.
- 7.
- 8.

Demikian berita acara ini di buat sebagai bukti kerjasama yang baik antara pihak Management PT. Lestari Tani Teladan dengan pihak Desa Towiora.

Towiora, 27 Juli 2023

Asisten Sustainability - CSR

PT. LTT



Hadiana

CEO, PT LTT



Hendy Widjayanto

Mengetahui,

CDAM AREA CEEBES 1
PT. Lestari Tani Teladan



Agung Senoaji

Kepala Desa Towiora



Catatan: Daftar Hadir pertemuan
need assesment dan *partisipatif meeting* terlampir

DAFTAR HADIR

Pertemuan Dalam Rangka *Need Assessment* dan Partisipasi/ Meeting dengan Elemen Masyarakat Desa Towiara, Kec. Rio Pakwa, Kab. Donggala, Sulawesi Tengah, Terkait Pemahaman Pemukiman Umum/ TPU di Desa Towiara

No	Nama	Jabatan	Alamat	Tanda Tangan
1	Hudiana	Adhik CSR PT. LT	PT. LT	
2	Didar-k	KSU	PT. LTI	
3	SYARIFUDDIN	KADUSO	TOWIARA	
4	ARAFIK	LEMBAGA ADW	TOWIARA	
5	AHAN	Desa Masyrakat	TOWIARA	
6	Ulu Pothman	Sekdad	TOWIARA	
7	Adri, M. Laci	KADUSO	TOWIARA	
8	Agung S.	cdam	LT PE. Lestar	
9	Hendri W.	CDO	LTT	
10	M. Icha	CD-Admin	LTT	
11	Hasniati	Kepu SPT LT	LTT	
12				
13				
14				

Simpang, 27 Juli 2024



Dipindai dengan CamScanner

Figure 2.3. Minutes of the Meeting of Towiara Village residents with parties related to the realization of requests for public cemetery ground

Responding to two requests from village residents, PT LTT provided a written statement to ENS, which stated that based on discussions at a meeting of community elements, the request was only for cemetery ground. For residential land requested, PT LTT could not answer the request because the land has HGU status, and only the regional government has the authority to release the HGU permit. The people of Towiora Village understood this condition. As of the writing of this report, the realization of the TPU application has reached the stage of surveying land potential for TPU. On July 27, 2023, deliberations took place between PT LTT and the Muspika (*Musyawarah Pimpinan Kecamatan* = Sub-District Leadership Conference)^[10] of Rio Pakava District, village officials and community representatives. During the deliberation, all parties agreed that the land that would become TPU was land outside the HGU, which was owned by the community with rights in the form of SKPT; and the land will be purchased by PT LTT to be handed over to the community to be used as a TPU. More complete results of the minutes of the meeting are presented in Figure 2.3 above.

2. PT LTT Illegally Claims 1,505 Hectares of Community-Owned Land and Operates Outside the 321 Hectare HGU Permit

This complaint is contained in the *“No Consent report, Astra Agro Lestari's Land Grab in Central and West Sulawesi, Indonesia”*, on page 3 (three). During the verification process, this complaint could not be clarified with Walhi. Further investigation was carried out by crosschecking the HGU permit number obtained from PT LTT with the HGU permit data listed in the report above. The ENS team checked PT LTT's Business Registration Number (**NIB**, abbr. from *Nomor Induk Berusaha*) on the ATR-BPN website (<https://bhumi.atrbpn.go.id/peta>), and it was discovered that the NIB listed on the BPN website was the same as the NIBs of HGUs obtained from PT LTT. The analysis found significant differences between the two documents, and a comparison of the documents is presented in Table 2.1.

¹⁰ The sub-district leadership meeting (Muspika) is a consultation and coordination forum, which is carried out at the sub-district office, between the sub-district head and police officials, the Indonesian National Army, and other government officials in order to maintain national stability and development in the sub-district area.

Table 2.1. Difference in number of HGU documents owned by Walhi and PT LTT

The version of WALHI/FoE US		
HGU PERMIT	NIB^[11]	Area of HGU claimed to be overlapping (ha)
SK HGU No. 19010000200005 - 08/09/1994	n/a	459,00
SK HGU No. 00019010200019 - 27/11/2002	n/a	3,50
SK HGU No. 19010000200005 - 08/09/1994	n/a	1003,80
SK HGU No. 00019010200027 - 27/09/2006	n/a	2,60
SK HGU No. 00019010200026 - 27/06/2006	n/a	0,40
SK HGU No. 19010000200006 - 23/11/2001	n/a	37,00
PT LTT permits issued by BPN		
HGU PERMIT	NIB	Area (ha)
SK HGU No 47/HGU/BPN/1994 ^[12]	8120212161844	5,07
SK HGU No 29/HGU/BPN/2002	19.01.02.04.01427	270,25
SK HGU No 02-540-4-19-2001	19.01.02.34.00002	118,75
SK HGU No 39/HGU/BPN/2002	19.01.02.05.00097	576,56
SK HGU No 39/HGU/BPN/2002	19.01.02.05.00096	535,46
SK HGU No 58-540.1-19-2006	19.01.02.36.00008	34,65
SK HGU No 57-540.1-19-2006	19.01.02.36.00009	26,03
SK HGU No 56-540.1-19-2006	19.01.02.36.00010	6,11
SK HGU No 54-540.1-19-2006	19.01.02.36.00007	157,22
SK HGU No 55-540.1-19-2006	19.01.02.36.00006	99,39

Differences in licensing document data that are used as references by the parties require clarification from the parties, especially Walhi. Meanwhile, for Walhi's complaint regarding the overlap between PT LTT's HGU permits and community settlements, the ENS Team carried out verification by overlaying the Towiora Village community settlement points with the HGU permit map obtained from PT LTT. The results show that some residential areas are within PT LTT's HGU, as seen in Figure 2.4.

Regarding complaints that PT LTT operates outside the HGU covering an area of 321 hectares. The ENS Team did not find more detailed information in the report "No Consent, Astra Agro Lestari's Land Grab in Central and West Sulawesi, Indonesia", which was used as a reference. However, in another publication published by Walhi Central Sulawesi in 2021, entitled "Fact Sheet, PT. Lestari Tani Teladan Destroys the Environment, Takes Over People's Management Areas, Rio Pakava District, Donggala Regency" (on p.3), stated:

¹¹ The Business Registration Number (NIB) is a special identification given to land parcels that is unique or single for each land parcel throughout Indonesia. The NIB, filled with the land plot identification number, is 13-digit, namely: starting with 2 digits for the province code, 2 digits for the district code, 2 digits for the sub-district code, 2 digits for the village code and the last 5 digits are the land parcel number.

¹² HGU certificate document No. 47/1994 does not contain an NIB number, so the NIB listed is NIB OSS (Online Single Submission).

“There are indications that PT LTT manages plantations outside the HGU covering an area of 321 hectares, based on indications of the same planting pattern on land outside the HGU map, which is directly adjacent to the HGU location. The land includes HGU No. 005 covering an area of 218 Ha and HGU 001 covering an area of 49.5 321 Ha.”^[13]

Referring to the Walhi publication above, there are 2 (two) main points, namely:

- 1) The HGU documents owned by PT LTT are state documents and can be viewed in the ATR-BPN website. The number of these documents differ from that of the HGU documents that Walhi referred to.
- 2) The complaint is based on the similarity of the pattern of oil palm planting outside the HGU with oil palm planting inside the HGU area, but there is no detailed information regarding the exact location of the object of complaint.

The ENS team has carried out a detailed and careful verification of the PT LTT’s HGU permit documents, which are state documents, and the results do not match the document numbers in question in the report above.

¹³ Copied from the original writing.

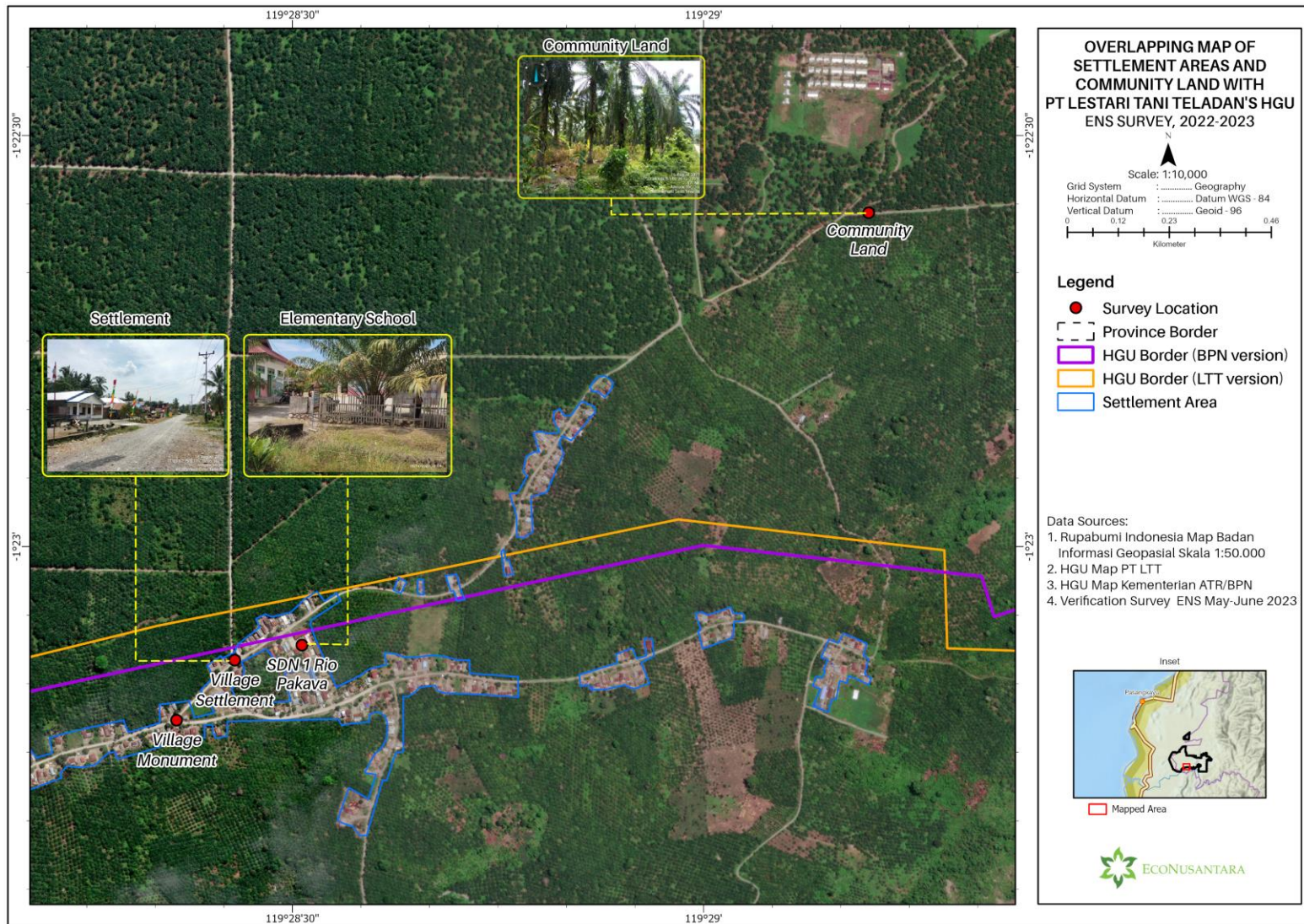


Figure 2.4. Towiora Village Residential Area which is within the PT Lestari Tani Teladan HGU

3. Plasma Plantation Demands for 20% of HGU

In the document entitled “*Profile of Agrarian Conflict Case Palm Oil Plantations Astra Agro Lestari Group in Central Sulawesi*”^[14] sourced from literature and field studies conducted by WALHI between 2018-2021, it is stated that PT LTT did not fulfill its obligation to build plasma plantations for community, namely an area of 1,200 Ha, as stated in the PT LTT HGU document No. 47/HGU/BPN/1994, dated August 8, 1994. Regarding this complaint, PT AAL submitted an official clarification to the ENS Team as quoted below:

- 1) Based on HGU Decree No. 47/HGU/BPN/1994 (August 8, 1994) and Certificate No. 1 (November 2, 1995), there are no decisions or provisions for PT LTT to build plasma plantations. The obligation for oil palm company to develop plasma plantation is regulated in Article 11 of the Minister of Agriculture Regulation. No. 26 of 2007.
- 2) PT LTT does not yet have an obligation to develop a plasma plantation due to the fact that the company was granted with a Plantation Business License and HGU prior to the existence of policies in the plantation and land sector, which required companies to facilitate the development of community plantations, amounting to twenty percent (20 %) of the total production area.
- 3) PT LTT will only have this obligation when the HGU permit expires and applies for an extension of the HGU. When the new HGU permit is granted, only then the provisions for plasma plantation development apply to PT LTT.

However, the Towiora Village community still demands the realization of the plasma plantation and took [action to install stakes in block C12 and block E in February 2022](#). This demand was discussed together with the village government and community representatives on September 2, 2023 and it was agreed to be resolved. in line with PT AAL's explanation in point 3 (three) above.

¹⁴ <https://foe.org/wp-content/uploads/2022/02/WALHI.Agrarian-Conflict-Palm-Oil-Astra-Agro-Lestari-Central-Sulawesi.pdf>



**FORUM RUKUN KELUARGA GERAKAN
MASYARAKAT TOWIORA
BERSATU**

Alamat :Desa Towiora Kecamatan Riopakava
Kabupaten Donggala Provinsi Sulawesi Tengah



Towira 30 Maret 2022

Nomor : 01 /F-RKGMTB/ D-TWR /KEC. RIO PAKAVA/2022
Lampiran : 1. SK Forum Nomor : 140/ 028/ D-TWR /
Kecamatan Riopakava
2. Surat Edaran Menteri ATR/K-BPN
Nomor :11/SE-HK.02.02/VIII/2020
3. Peraturan Pemerintah Republik Indonesai
Nomor 26 Tahun 2021

Kepada
Yth, Bapak Bupati Donggala
Di
Donggala

Perihal : Kewajiban Perusahaan
PT.Lestari Tani Teladan (PT.LTT)
Dalam Memfasilitasi Pembangunan Kebun
Masyarakat Desa Towiora 20% Dari Luas Lahan HGU.

Bismillahi rahmani rahim
Assalumu Alaikum Wr.Wb
Dengan Hormat,

Sehubungan dengan Surat Edaran Menteri Agrarian danTata Ruang/Kepala Badan Pertanahan Nasional No:11/SE-HK.02.02/VIII/2020 Tentang Pelaksanaan Kewajiban Perusahaan Pemegan HGU Dalam Memfasilitasi Pembagunan Kebun Masyarakat, Dan Surat Keputusan Persiden Republik Indonesia BAB II SUB SEKTOR PERKEBUNAN Bagian Kesatu Usaha Perkebunan Pasal 12 Ayat 1 Sub B Tentang Kewajiban Perusahaan Pemegan HGU Memfasilitasi Pembagunan Kebun Masyarakat 20% dari Luas Lahan HGU yang Telah di Usahakan. Dan bagi Perusahaan yang tidak menuaikan kewajibanya akan di kenakan sangsi di sebutkan pada Pasal 8 Ayat 1 Yaitu :

- a. Peringatan tertulis
- b. Denda dan/Atau
- c. Pencabutan Izin HGU

Sehubungan hal tersebut di atas maka Kami Masyarakat Desa Towiora Kecamatan Riopakava Kabupaten Donggala. Memohon Kepada Bapak Bupati Kiranya Segera Memanggil Pihak Perusahaan PT.Lestari Tani Teladan (PT.LTT). Selaku Pemegang HGU di Wilayah Desa Towiora Untuk Segerah Menyerahkan Hak Masyarakat Yang 20 % dari Luas Areal Yang Ada di Dalam Hgu PT.LTT. Dan juga Kami Sampaikan Kepada Bapak Bupati Bahwa Sebenarnya Lahan Plasma Masyarakat Desa Towiora Sudah Ada Sejak Tahun 1994., Dokumen HGU PT.Lestari Tani Teladan (PT.LTT) NO 47/HGU/BPN/1994 Tanggal 8 Agustus Tahun 1994 Menyebutkan Lahan Plasma PT.Lestari Tani Teladan (PT.LTT) Seluas 1200 ha. Akan Tetapi Pada PeraktikNya Tidak Merealisasikan KewajibanNya Menjadikan Lahan Plasma Sebagai Bentuk Pola

Komitman dengan Masyarakat Sesuai Amanat Pasal 58 Ayat 1,2 dan 5 UU NO 39 Tahun 20014 Tentang Perkebunan Yang Mana Kewajiban Peng Alokasian Areal Kebun Plasma Sebesar 20% Dimana Perusahaan Melanggar Ketentuan diberikan Sangsi Denda, Pemberhentian Sementara dan Pencabutan Izin., Sesuai Pasal 60 Ayat 1.

Demikianlah hal ini Kami Sampaikan Besar Harapan Kami Kiranya Bapak Bupati Segera Menindaklanjuti Perihal Tersebut.

Hormat Kami Masyarakat Desa Towiora

1. Ketua Forum Rukun Keluarga Gerakan Masyarakat Towiora Bersatu : SAMSUDIN,SE
2. Ketua PBD Desa Towiora : WAHYUDIN
3. Ketua Adat Desa Towiora : WARNI
4. Toko Agama : WAHAB
5. Toko Masyarakat : HERMANSA
6. Toko Pemuda : MARWIN
7. Toko Perempuan : ECE

Towiora, 30 Maret 2022
Megetahui

Ketua Forum Rukun Keluarga Gerakan
Masyarakat Towiora Bersatu

Kepala Desa Towiora

SAMSUDIN,SE

SUKRI DM. LAGE

TEMBUSAN :

1. Yth. Presiden Republik Indonesia di Jakarta Sebagai Laporan
2. Yth. Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional di Jakarta Sebagai Laporan
3. Yth. Gubernur Sulawesi Tengah di Kota Palu Sebagai Laporan
4. Yth. Ketua DPR Kabupaten Donggala Sebagai Laporan
5. Yth. BPN Kabupaten Donggala
6. Yth. Camat Riopakava
7. Yth. PT.Lestari Tani Teladan (PT.LTT).
8. Arsip

Figure 2.5. Letter of demand for plasma plantations for the Towiora Village community

Policy Review

The obligation to facilitate plantation development for surrounding communities by plantation companies began with the issuance of Minister of Agriculture Regulation No. 26 of 2007 concerning Guidelines for Plantation Business Licensing, which came into effect on February 28, 2007. However, for plantation companies that had plantation business permits before that date (e.g., permits PT LTT's HGU was issued on February 26, 2007) as explained in the Circular Letter of the Director General of Plantations, Ministry of Agriculture No. B-347/Kb.410/E/07/2023 concerning Facilitation of Community Plantation Development (FPKM) dated July 12, 2023, plantation companies are required to carry out a number of actions as regulated in Article 60 paragraph (2) and paragraph (3) of Minister of Agriculture Regulation 98 of 2003 concerning Guidelines for Plantation Business Licensing, namely that companies are obliged to carry out productive activities for the surrounding community according to local regional conditions, based on a mutual agreement between the Company and the surrounding community and known to the governor or regent/mayor according to the level of authority, and productive activities as referred to are activities that can become a source of livelihood for the surrounding community. Productive plantation activities^[15] include upstream subsystems; cultivation activity subsystem; downstream subsystem; supporting subsystem; facilitation of plantation plant rejuvenation activities in surrounding communities; and/or other forms of activities.

Responding to the appeal of the Director General of Plantations of the Ministry of Agriculture to facilitate the development of community plantations as explained above, PT AAL provided an official written statement to the ENS Team, which stated:

- 1) PT LTT has built a partnership with the community around the plantation in purchasing oil palm fresh fruit bunches (FFB), with a value of more than Rp. 300 billion annually, involving more than 1,000 farmers and 61 network partners (including farmer groups and KUD). Apart from that, PT LTT also helps smallholders who are its partners, in the form of various facilities, including: (a) priority management of FFB receipts, (b) coaching and mentoring programs, (c) financing plantation needs, transport and infrastructure, and (d) programs rewards and other special partnerships.
- 2) More broadly, PT LTT has built partnerships with surrounding communities in transportation services for CPO, kernels and empty palm fruit bunches, plant

¹⁵ Article 7 Minister of Agriculture Regulation Number 18 of 2021.

care, and employment for grading/selecting fruit at palm oil mills, as well as contract work for the construction of culverts and small bridges. (the so-called “*titi-panen*”), and other technical work.

- 3) The activities developed by the company as described above are estimated to have an indirect impact (multiplier effects) on the wider community economy, such as providing jobs for plant care, harvesting, transport labor, as well as driving traditional markets. However, further study is needed to determine the exact figures for these multiplier effects.

4. Environmental Pollution, Environmental Agency Laboratory Test Results No. FPP/7.8.2 dated November 20, 2020

Findings - Laboratory tests are only based on 1 (one) sample from 1 (one) well

Laboratory test results of the Environmental Service (DLH), UPT Environmental Laboratory, Donggala Regency Government, Central Sulawesi [No. FPP/7.8.2 dated November 20, 2020](#) with samples taken on November 4, 2020, shows that hygienic sanitation water taken from community wells in Towiora contains 3 dangerous components, namely Nitrite^[16] as much as 18.8 mg/L, Total Coliform^[17] 1100/100 ml and Fecal Coliform 15/100 ml. Based on the quality standard values in the Regulation of the Minister of Health of the Republic of Indonesia No. 32 of 2017 concerning Environmental Health Quality Standards and Water Health Requirements for Sanitation Hygiene, Swimming Pools, Aqua Solutions and Public Baths, the test result values above are much greater than the specified standard quality standards, as shown in Table 2.2.

¹⁶ Nitrite (NO₂) is an oxidized form of nitrogen and is often found in wastewater, river water and drainage treatment plants. Nitrite is one of the key parameters in determining water quality because it is toxic when it reacts with hemoglobin in the blood which causes the blood to be unable to transport oxygen. [Effendi, H. 2003. Water quality assessment for management of water resources and the environment. Canisius. Yogyakarta. 258 pp]

¹⁷ The presence of Coliform bacteria in the water indicates that the water is contaminated by pathogenic feces in the intestines, making it unfit for consumption. The classification of Coliform bacteria and their properties is divided into two, namely fecal coliforms, including *Escherichia coli* bacteria originating from human feces. Non-fecal coliforms include *Aerobacter* and *Klebsiella* which do not come from human feces, but come from dead animals/plants. [https://dinkes.gunungkidulkab.go.id/mengenai-bakteri-coliform-dan-air-Bersih/#:~:text=Coliform%20is%20bakteri%20gram%20negative,C%20\(Knechtges%2C%202011\)](https://dinkes.gunungkidulkab.go.id/mengenai-bakteri-coliform-dan-air-Bersih/#:~:text=Coliform%20is%20bakteri%20gram%20negative,C%20(Knechtges%2C%202011))

Table 2.2. Mandatory Parameters for Drinking Water Quality versus Laboratory Test Results from a Community Well.

Parameter	Ministry of Health regulation No. 32 Tahun 2017	Results of laboratory test
Fecal Coliform (<i>E. coli</i>)	0 per 100 ml sample	15 mg/100 ml
Total Coliform	50 per 100 ml sample	1100/100 ml
Nitrit	1 mg/l	18,8 mg/L

However, laboratory tests carried out by the Environmental Service (DLH) UPT Environmental Laboratory, Donggala Regency Government, Central Sulawesi, with samples taken on November 4, 2020, were carried out with only a water sample from 1 (one) well, and there was no more detailed explanation of the source of the pollution.

Other data obtained by the ENS Team are the results of laboratory tests carried out by the Industrial Research and Development Agency, Makasar BBIHP Testing Laboratory, South Sulawesi, at the request of PT LTT. This BBIHP Makasar carried out water quality testing at 6 (six) points of PT LTT monitoring wells spread around Towiora Village, in Semesters I and II of 2020 (see Table 2.3 and Figure 2.6). The BBIHP Makasar carried out tests on 35 types of parameters, including total coliform, fecal coliform, and nitrate/nitrite, the results of which showed figures below the quality standard threshold ([click here for a link to the report document](#)).

Table 2.3. Location of water quality monitoring carried out by BBIHP Makasar for PT LTT

Monitoring of	Code	Location	Condition
Monitoring well 1	019.025.7	Afdeling Bravo Blok 3; S 02° 21' 21.7" E 119° 28' 06.6"	Good
Monitoring well 2	019.025.1	Afdeling Bravo Blok 4; S 01° 21' 35.1" E 119° 27' 59.7"	Semester I 2020 - Good
Monitoring well 3	019.025.3	Afdeling Bravo Blok 18; S 02° 22' 07.1" E 119° 28' 36.4"	Good
Monitoring well 4	019.025.6	Afdeling Bravo Blok 14; S 02° 21' 37.9" E 119° 28' 54.4"	Good
Water well	019.025.8	Community's well: 08 02; S 02° 21' 19.9" E 119° 27' 54.2"	Good
Water well	019.025.4	Community's well: S 01° 22' 07.5" E 119° 28' 36.1"	Semester II 2020 - Good

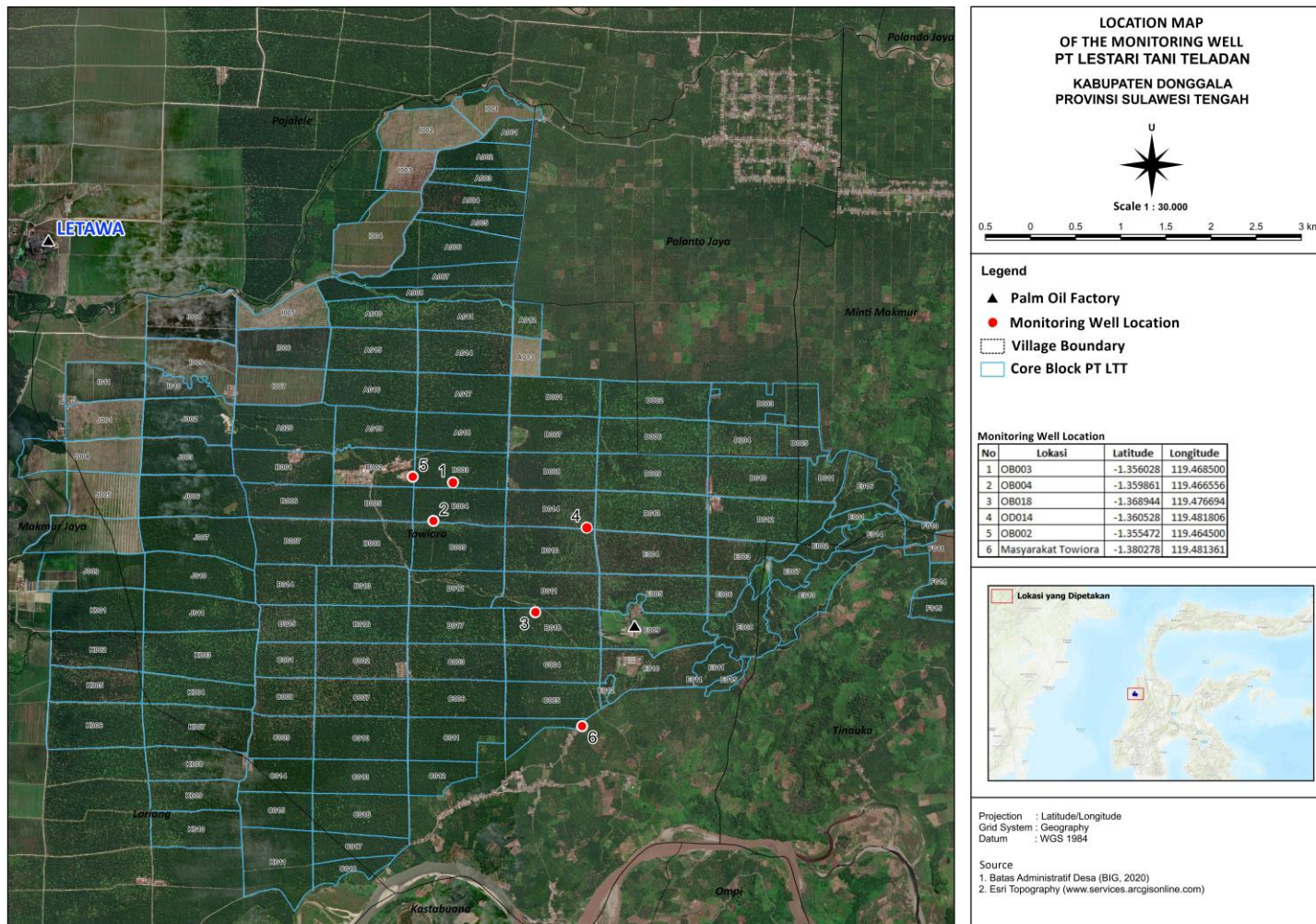


Figure 2 6. Locations of PT LTT's Water Monitoring Points

Considering that pollution of water sources is a serious matter and will have a long-term impact on public health, accurate data on the level of pollution and sources of pollution will be needed. For the safety and comfort of all parties, especially village communities, the truth regarding this pollution needs to be revealed, and all parties must be assertive and collaborative in the process of revealing the truth through a further study by a team of experts agreed by the parties.

Palm Oil Mill Waste Odor Pollution

The ENS Team was accompanied by a resident named Mrs. Nur Inaya (Dusun II, Towiora Village) exploring the footprint of waste pollution from palm oil processing. Mrs. Nur Inaya, who at the time the sample was taken by DLH served as Head of the People's Welfare Section, Towiora Village, was a witness for the Donggala Regency Environmental Service (DLH) when the sample was taken in 2019. From this investigation, the ENS Team understood that the waste in question was solid waste resulting from FFB processing at LTT's palm oil mill (*PKS = Pabrik Kelapa Sawit*). Local residents call this waste Boiler Ash. The waste disposal location is in one of the company's plantation blocks (empty land), which is next to the plantation axis road (towards Polanto Jaya Village) at a distance of around 3.9 KM from the residential area of Towiora Village. Company representatives who were met during a field visit in May 2023, explained that the land would later be planted with oil palm and that the waste was part of the land preparation.

Talking about palm oil waste, the smell of the waste may be something subjective, unless the smell of the waste is measured with special equipment (see <https://en.wikipedia.org/wiki/Olfactometer>). However, to ensure the odor in question the ENS Team carried out a [physical examination](#) of the waste by touching and smelling it directly. The ENS team smelled the typical smell of palm oil waste but it was not strong. Meanwhile, in interviews with residents, there were two opinions regarding the presence of the smell of waste, where some residents said they smelled a strong smell, especially when it rained, and others said they did not smell waste.

Then the ENS Team continued verification at the liquid waste disposal and processing location in PT LTT's palm oil mill. There are nine liquid waste processing ponds in operation. Regarding the existence and function of the pool, the Team received an explanation from the company as follows.

1) Cooling Pond: 2 ponds

Function: lowers the POME temperature from 70-80oC to 40oC.

2) Mixing Pond: 2 ponds

Function: as a preconditioning pool for Mesophilic bacteria which are useful as decomposers of organic materials contained in POME.

3) Anaerobic Pond: 4 ponds

Function: pond to decompose organic materials contained in POME so that it can be applied as liquid fertilizer.

4) Contact Pond: 1 pond

Function: as a reservoir for anaerobic POME output which is ready to be applied as liquid fertilizer.

The final result of this waste processing is a liquid that is used as fertilizer by the company (**Land Application**)^[18] which will be channeled by a piping system to the **Flatbed**^[19] in PT LTT's oil palm plantation, and controlled by monitoring wells built around the plantation block and in the Towiora village. This method has received [technical approval from the Environmental Service, Central Sulawesi Province, on July 8, 2022](#).

When the ENS Team was around the liquid waste processing location (nine ponds) there was a strong smell of palm oil waste, as was the case when they were in the flatbed area. However, the bad odor could not be smelled outside the factory area, or in the monitoring well located in the Block B4 plantation at a distance of around 793.8 m from the location of the visited flatbed. Meanwhile, the distance between the waste processing pond and Towiora Village is 2.5 km, and the distance between the flatbed and Towiora Village is 2.9 km. The bad odor smelled by residents is thought to be influenced by gusts and wind direction and/or changes in weather. The same applies to the question of whether the smell has a health impact on the community. This

¹⁸ Land Application (LA) of liquid waste (POME) from Palm Oil Mills is one of the nutrient contributors to the growth and development of palm oil. The macro fertilizer content in POME is equivalent to an NPK fertilizer application of 12.19 kg/pkk, provided that the BOD of Liquid Waste used is 4,000 mg/L (BOD required for LA = 3,000 - 5,000 mg/L). This saves approximately IDR 3.3 billion if the Land Application function replaces Regular Inorganic Fertilization <https://www.palmoilplanters.com/2020/06/land-aplikasi.html>

¹⁹ The flatbed system is one of the installations for the application of liquid waste to oil palm plantations which has been implemented in palm oil mills (PKS = Pabrik Kelapa Sawit) <https://repository.ipb.ac.id/handle/123456789/60516>

cannot be confirmed by the ENS Team and requires further research by a team of experts.

5. Unilateral setting of FFB prices causing disadvantages to farmers

The FFB price determination in Central Sulawesi Province is carried out every 2 (two) weeks of every month^[20] in a team meeting to determine the purchase price of oil palm FFB produced by planters involving 3 (three) government agencies, 10 palm oil mill companies (PKS) in Central Sulawesi, Apkasindo Central Sulawesi Province and Apkasindo Perjuangan Central Sulawesi Province. The basis for policy reference in the FFB price determination meeting is as follows.

- 1) Minister of Agriculture Regulation No. 01/Permentan/KB.120/I/2018 concerning Guidelines for Determining Purchase Prices for Oil Palm Fresh Fruit Bunches (FFB) Produced by Planters/Growers.
- 2) Regulation of the Governor of Central Sulawesi No.34 of 2020 concerning Technical Instructions for Determining Purchase Prices for Fresh Palm Fruit Bunches Produced by Planters/Growers.
- 3) Central Sulawesi Governor Decree No. 525.26/049/DISBUNNAK-G.ST/2019 concerning Determination of the Yield of Crude Palm Oil and Palm Kernel of Fresh Fruit Bunch Production by Planters/Growers, dated January 31, 2019.
- 4) Central Sulawesi Governor Decree No. 526/182/DIS.BUNNAK-G.ST/2019 dated April 16, 2019 concerning the Formation of a Team for Determining Purchase Prices for Fresh Palm Fruit Bunches Produced by Planters/Growers in Central Sulawesi Province.

The FFB price that has been determined every month at the Central Sulawesi Province FFB price setting meeting then becomes a reference for Palm Oil Mills (PKS) and is binding on the company. However, the policy of setting prices for oil palms' FFB produced by smallholders only applies to community plantations that partner with PKS in the Central Sulawesi Province region, as regulated in Article 9 paragraph (1)^[21] Central Sulawesi Governor Regulation No. 34 of 2020 concerning Technical Instructions for Determining Purchase Prices for Fresh Fruit Bunches for Oil Palm Produced by Planters/Growers.

²⁰ Central Sulawesi Governor Regulation No. 34 of 2020, Article 7 paragraph (1) Determination of prices for oil palm FFB produced by partner growers is carried out in the 2nd (second) week of every month.

²¹ Central Sulawesi Governor Regulation No. 34 of 2020 Article 9 paragraph (1) All partnering PKSs in the Central Sulawesi province are required to purchase TBS from plasma partner and independent oil palm growers through oil palm grower institutions in accordance with the price set by the Governor.

Thus, the price of FFB at the palm oil mill of PT LTT currently only refers to the market price set by the Head Office of PT AAL in Jakarta. The difference between the FFB price determined by the Central Sulawesi Province Plantation Service (Disbun) (for example, for March 2023) and the market price as a reference for PT LTT ranges from IDR 15.- above the Disbun price to IDR 50,- below the Disbun price. The price of FFB between collectors/middleman has a difference between IDR 50 - IDR 100. Apart from that, farmer groups have also set a policy of cutting the price of FFB to collectors/middleman by IDR 20 - IDR 25 per kilogram.

At the site level, the parties admit that oil palm farmers do not sell FFB directly to PT LTT's mill, but sell FFB to collectors/middlemen using a cash payment system, then the collectors sell the FFB to the mill by bringing an Exit Letter document obtained from the partnering Farmer Group. with PT LTT's mill. Then the mill issues a receipt for FFB to the collector, with which the collector can collect payment in cash from the farmer group. The chain of FFB trading in the community around PT LTT is illustrated in Figure 2.7.

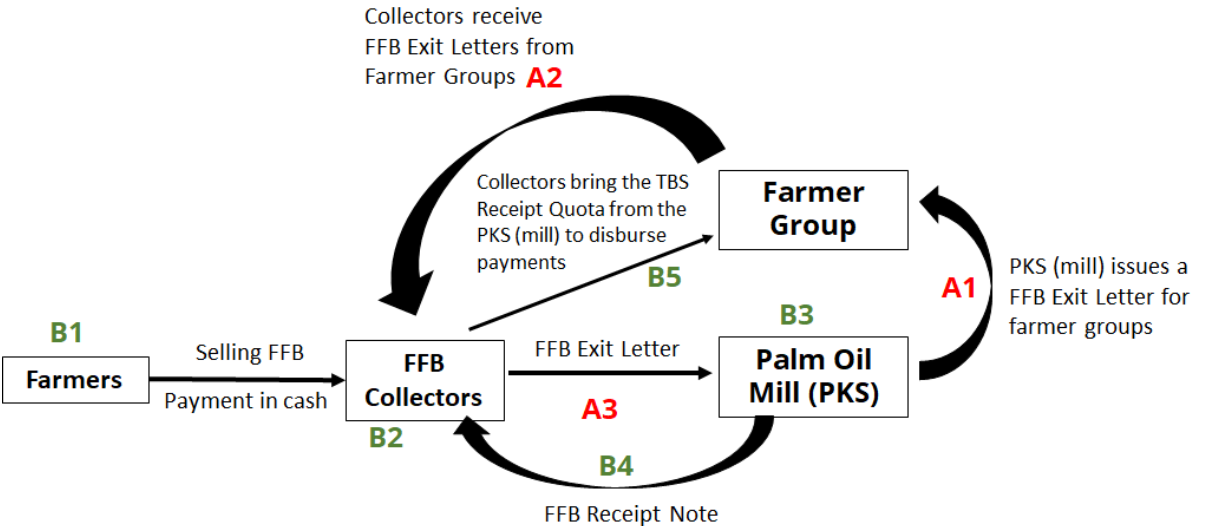


Figure 2.7. Fresh Fruit Bunches trading chain in Towiora Village

The official written explanation submitted by PT LTT to the ENS Team regarding the absence of an obligation to follow the FFB price determined by the Plantation Service of Central Sulawesi Province is as follows.

- 1) Companies currently have no obligation to follow the Governor Regulations. No. 34 of 2020 because PT LTT does not have an obligation to build partnerships in

the form of core-plasma. So far, FFB purchases have come from farmers or non-plasma cooperatives.

- 2) Farmers are basically free to send/sell FFB to any PKS at their own discretion either directly or through the DO Holders. FFB prices are communicated transparently and DO Holders are also free to determine purchasing prices to their farmer suppliers.
- 3) PT LTT has implemented a productive partnership cooperation program with independent farmers according to their needs (not in the form of plasma).

In line with this explanation, currently there are 36 farmer groups (*Kelompok Tani = Poktan*) that partner with PT LTT in Loyalty Program ties^[22] and are the main suppliers of FFB to PKS-LTT (LTT's mill). The farmer group consists of: 5 Poktans in the **Platinum** category, 4 Poktans in the **Gold** category, and 27 Poktans in the **Non-Grade** category^[23]. In Towiora Village, there is currently only one Farmers Group that is a partner of PT LTT through a loyalty program scheme, namely the Risna Sari Farmers group.

The partnership pattern of PKS with the *Loyalty Program* system above has answered the issue of inequality in FFB revenue quotas in the community when [the government policy regarding banning the export of all CPO products and its derivatives was issued in April 2022](#). At that time the company prioritized farmer groups who took part in the Loyalty Program scheme for supplies FFB to PKS, while farmers and other farming groups have difficulty selling FFB to the PT LTT palm oil mill. This incident only lasted about a month and after that FFB trading in the village resumed as usual.

²² Loyalty Program is an appreciation program for partners who have sent FFB to mills of the PT AAL group. In the Loyalty Program, agents (individuals or business entities who sell FFB to AALs PKS) are divided into two grades, namely: (1) Platinum: delivery volume > 100 tons/day or > 2000 tons/month with delivery frequency > 20 days a month. (2) Gold: delivery volume 50-100 tons/day or > 1000-2000 tons/ month with delivery frequency > 20 days a month.

²³ Farmer Groups (Agents/Growers) which are not listed in the loyalty program decree (SK) consisting of: (1) Farmer Groups (Agents): Suppliers buy FFB from replant farmers/independent farmers. Suppliers may or may not have private plantations that sell FFB to AAL Group mills. Where the FFB delivery volume is <50 tons/day with a minimum delivery frequency of 20 days a month. (2) Farmer Group (Growers): an individual or group of farmers who are members of a group that sells FFB to the mills of AAL Group. Suppliers who sell FFB sources from private land and deliver FFB only during harvest rotation. Where the ownership of the plantation area is < 30 ha with a FFB delivery contribution of < 5-8 tons/hectare/semester of land area production with a minimum delivery of 2 days/month.

C. CONCLUSION

1. Regarding the claim that PT LTT has seized 100 ha of community land, findings from in-depth field verification do not support that claim. In addition, Raqif alias Muli alias Ambo, the current head of Bugis tribe (Ketua Adat Bugis) in Towiora Village, claimed that the community had requested the company to release 60 ha of land through the regency government, but this investigation revealed that the community was only asking for 4 ha of land for public cemetery (TPU) and 10 ha of residential reserve areas.
2. Regarding the claim that PT LTT has seized 1,505 ha of community land and that the company has been operating in 321 ha of patch of land outside of its HGU concession, the verification found that the HGU documents that Walhi/FoE referred to were not the same as the HGU documents possessed by PT LTT as issued by BPN.
3. There was a documented attempt to resolve disputes with the community via consensus building on 19 Feb 2002 – after which PT LTT proceeded to fulfill the 7 requests - previously made by the community - during the 2002-2005 period.
4. PT LTT does not have a plasma plantation. The company points out that PT LTT's HGU permit was issued before the obligation to facilitate the development of plasma plantations for the community around the HGU took effect. The obligation for companies to build plasma plantations is regulated in the Ministry of Agriculture Regulation No. 26 of 2007 concerning Guidelines for Plantation Business Licensing However, based on Article 60 paragraph (2) and paragraph (3) of Minister of Agriculture Regulation 98 of 2003 concerning Guidelines for Plantation Business Licensing, companies still have an obligation to carry out productive business activities for the surrounding community suitable for the conditions of the local area, and based on a mutual agreement between the company and the surrounding community, as well as acknowledged by the Governor or Regent/Mayor according to their respective authority. PT LTT's productive business activities for the community have been described in this report.
5. There are differences in the results of laboratory tests on the well water of a Towiora Village resident by the Environmental Service (Dinas Lingkungan DLH), Donggala Regency, Central Sulawesi Province No. FPP/7.8.2 dated November 20, 2020 with laboratory test results on 6 (six) samples at the PT LTT monitoring well issued by the Industrial Research and Development Agency of Makassar (BBIHP Makassar), South Sulawesi, in Semester I and II 2020. Meanwhile, Laboratory test results issued by DLH are based on 1 (one) community well sampling point.

D. RECOMMENDATIONS

1. It is recommended that PT LTT explore ways to accommodate the community request for 14 ha of land for cemetery grounds and residential areas, in conjunction with village officials and local government.
2. PT LTT's HGU permits are state documents and the HGUs referred to by FoE/Walhi do not match these permits. It is therefore recommended that FoE/Walhi provide further supporting evidence.
3. Due to differences in laboratory test results data issued by BLH and BBIHP, PT LTT/AAL is advised to be proactive in ensuring that these complaints are handled properly at the field level. The involvement of key parties, experts, relevant governments and the community in responding to these complaints is very important so that the results can be accepted and accounted for.

III. VERIFICATION OF ISSUES RELATED TO PT MAMUANG

A. KEY ISSUES AT QUESTION

The comprehensive verification of PT Mamuang carried out by ENS in May-September 2023, is a follow-up to the initial verification carried out in 2022, which refers to Walhi's grievance with P&G^[24] dated October 15, 2020 and Walhi's report entitled “*No Consent Astra Agro Lestari's Land Grab in Central and West Sulawesi, Indonesia*” March 2022. In both documents, two key issues questioned by Walhi are as follows.

- 1) PT Mamuang has seized 50 hectares of land belonging to farmers in Panca Mukti Village in Rio Pakava, Central Sulawesi.
- 2) PT Mamuang has repeatedly criminalized farmers in Panca Mukti Village.

Initial verification carried out by ENS in 2022, found that there were two land claims in the HGU area of PT Mamuang, namely: (1) land claims made by Hemsu and in the name of the Panca Mukti Farmers Group^[25] covering an area of 45.13 hectares (15 families)^[26] in Block C26; (2) community land claims in the name of the Sinar Rio Jaya Farmers Group (KT-SRJ)^[27] covering an area of 172.46 hectares (70 families) in Blocks C14, C15, C16.17 and C22. Apart from that, there is still another land claim on PT Mamuang by a person/institution acting on behalf of the Tado Kabuyu Indigenous Community. Meanwhile, regarding allegations of criminalization of farmers by PT Mamuang, in 2022 initial facts were obtained, namely that Hemsu alias Frans (41 years)^[28] was arrested and detained by the Pasangkayu Sector Police 3 (three) times based on reports from PT Mamuang employees. Furthermore, these four issues become the focus of in-depth verification by the ENS Team in 2023.

²⁴ https://www.wilmar-international.com/docs/default-source/default-document-library/sustainability/grievance/grievance-case-report/surat-untuk-pg-letter_walhi_public.pdf?sfvrsn=fc262385_2

²⁵ Currently, the disputed land claimed is fully controlled by Hemsu.

²⁶ Referring to Walhi's grievance with P&G, dated October 15, 2020, the land claimed was 50 hectares, but from the results of verification (calculations) carried out together with Hemsu in May 2022, it was found that the claim was only 45.13 hectares and of that area 15, 56 hectares has obtained a Certificate of Ownership Rights (SHM) in the name of Hemsu and his wife dated August 26, 2019.

²⁷ KT-SRJ, Bahasa Indonesia, Kelompok Tani Sinar Rio Jaya (Sinar Rio Jaya Farmer Group)

²⁸ Based on Hemsu's confession during an interview in May 2022.

B. FINDINGS AND VERIFICATION RESULTS

In this verification process, ENS has again found more detailed information from community members, community leaders, village officials, companies and NGOs, as well as studying various documents that can be accessed, both from village government archives, companies and civil society organizations. However, verification has not been possible with Walhi/FoE-US as the first party submitting the complaint because of their decision not to engage with this process. The following are the resources persons involved in this verification process.

PT Mamuang operates based on SK. HGU No.6/HGU/BPN/97, located in Martajaya Village, Pasangkayu Sub-district, North Mamuju Regency, South Sulawesi Province. Then in 2004 the province of South Sulawesi was expanded, with the formation of West Sulawesi Province based on Law no. 26 of 2004. Based on the current administrative area, the PT Mamuang plantation is in Mertasari Village – previously called Martajaya Village, Pedongga Sub-district – *previously was Pasangkayu Sub-district, Pasangkayu Regency – previously as North Mamuju Regency, West Sulawesi Province – previously was the Province of South Sulawesi.*^[29]

1. Hemsis's Claim on Block C26, PT Mamuang^[30]

Walhi Central Sulawesi, in its letter to the Chief Sustainability Officer and Vice President, Global Sustainability, Procter & Gamble (P&G), dated October 15, 2020, expressed its concern regarding violations committed by one of P&G's suppliers in Indonesia, namely PT Astra Agro Lestari (AAL) and a number of its subsidiaries, one of the crucial points of which is the accusation as quoted below:

“PT Mamuang, whose land use rights (HGU) are located in West Sulawesi, has seized land belonging to farmers in Panca Mukti Village in Rio Pakava, Central Sulawesi, covering an area of 50 hectares”.

The results of the verification carried out by the ENS Team through reviewing the rights documents owned by both parties and the results of field checks found the following facts.

²⁹ Clarification from PT Astra Agro Lestari Tbk. July, 2022.

³⁰ Hemsis alias Hans alias Fian alias Frans, son of Herman Rantetondok – age 42 years (2023), lives in Panca Mukti Village, Rio Pakava District, Donggala Regency, Central Sulawesi.

- a. The object of disputed land covering an area of 45.13 hectares claimed by Hemsu is an oil palm plantation located within the PT Mamuang HGU area, Block C26, Mertasari Village, Pedongga Sub-district, Pasangkayu Regency, West Sulawesi Province.
- b. Based on information from Hermanto Rudi, since 2019 Hemsu has controlled the entire disputed land in Block C26. Based on data verification in the field, the basis of claim used by Hemsu were 22 documents of Land Transfer Letter,^[31] which were signed by the Sub-district Head of Rio Pakava, Donggala Regency, Central Sulawesi Province in 2017, and 9 (nine) Certificates of Ownership Rights (SHM)^[32] covering an area of 15.56 hectares located in Bonemerawa Village, Rio Pakava Sub-district, Donggala Regency, Central Sulawesi Province, as presented in Table 3.1.

Table 3.1 Recapitulation of Certificate of Ownership in the Name of Hemsu and His Wife

No.	Number of Freehold Title	NIB	Locations				Areas (meter square)	Areas (hectare)
			Villages	Districts	Regencies	Provinces		
1	AAM097624	1901010202040	Bonemarawa	Rio Pakava	Donggala	Sulawesi Tengah	41.850	4,19
2	AAM097638	1901010202029	Bonemarawa	Rio Pakava	Donggala	Sulawesi Tengah	22.270	2,23
3	AAM097621	1901010202011	Bonemarawa	Rio Pakava	Donggala	Sulawesi Tengah	16.520	1,65
4	AAM097639	1901010202043	Bonemarawa	Rio Pakava	Donggala	Sulawesi Tengah	20.710	2,07
5	AAM097625	1901010202110	Bonemarawa	Rio Pakava	Donggala	Sulawesi Tengah	12.580	1,26
6	AAM097623	1901010202032	Bonemarawa	Rio Pakava	Donggala	Sulawesi Tengah	38.790	3,88
7	AAM097618	1901010201549	Bonemarawa	Rio Pakava	Donggala	Sulawesi Tengah	609	0,06
8	AAM097619	1901010201363	Bonemarawa	Rio Pakava	Donggala	Sulawesi Tengah	1.303	0,13
9	AAM097620	1901010201383	Bonemarawa	Rio Pakava	Donggala	Sulawesi Tengah	980	0,10
Total							155.612	15,56

Source: Hemsu, 2022.

- c. Based on an in-depth search of the information as stated in Table 3.1, it is revealed that the location of Hemsu land with SHMs published in 2019 in more detail are: 4 (four) SHMs are located in Panca Mukti Village, 4 (four) SHMs are located in Desa Bonemarawa, and 1 (one) SHM located in Pantolobete Village.

³¹ A land transfer letter or SPPT is a document created to record and confirm the physical transfer of land from one party to another party. This letter is used to clarify and ensure that physical rights to the land have been officially handed over to the recipient. The land handover letter functions as authentic evidence that both parties, namely the land owner and the agency/institution that requires the land, have reached a consensus agreement. <https://www.rumah.com/panduan-properti/surat-sebuah-tanah-87662#>

³² SHM, an abbreviation of Ownership Rights Certificate, is the strongest type of ownership compared to HGU (the Rights Cultivate), HGB (Building Use Rights), and other use rights, based on the legal basis in force in Law no. 5 of 1960.

The nine SHMs were confirmed to be outside PT Mamuang's HGU^[33] (Figure 3.1). This was also strengthened based on the BPN Donggala clarification letter No. 144/72.03.IP.01.01/IV/2022 to the Director of PT Mamuang stating that the results of the overlay with the registration map of Donggala Regency (*GEOKKP Application*), did not find any certificates issued by the Land Office of Donggala Regency in the disputed object (with the location according to the point coordinates of PT Mamuang).

- d. In 2003, Herman Rantetondok^[34] (Hemsi's father), together with Alexander (Hemsi's older brother), Daniel, Yunus, Agus, Titus, and Amey, controlled 14 hectares of land in Block C26 HGU PT Mamuang with rights in the form of Sporadik^[35] (Figure 3.2.)
- e. Timotius, S. Sos. as the Head of Martasari Village^[36] confirmed that at that time he signed SPORADIK on behalf of the 7 (seven) people mentioned above. He was not aware that the land was within PT Mamuang's HGU. Timotius explained that his unawareness was due to the unavailability of the boundary sign between PT Mamuang's HGU and the Martasari Village area. Timotius only found out that the land was included in PT Mamuang's HGU in 2006, when the PT Mamuang Administrator asked the Martasari Village Government to facilitate the resolution of land disputes based on SPORADIK rights within the PT Mamuang concession area.

³³ The method used to map Hemsi land parcels is by checking the NIB number on the website <https://bhumi.atrbpn.go.id/> then taking a screen capture of each land parcel map displayed on the website page. Then a georeferencing process is carried out to obtain the location of the land according to actual field conditions.

³⁴ Herman Rantetondok is a Torajan who was brought in by the Christian Association of PT Letawa in 1995 as a Pastor. Then he settled in the Block C26 area and planted 75 oil palm trees, which his sons, Hemsi and Alex, helped manage. Then Herman Rantetondok moved to Tikke Village, so the land was controlled by Hemsi.

³⁵ Sporadik land registration is a land registration activity for the first time regarding one or several land registration objects in an area or part of a village/sub-district individually or en masse. Sporadik land registration is carried out at the request of interested parties. <https://www.Hukumonline.com/klinik/a/penregistran-tanah-cepat-massal-lt5902cfc843d40/#>

³⁶ Timotius, S.Sos was the Head of Martasari village for 2 (two) periods: (1) in 1991–2000; (2) in 2002–2007.

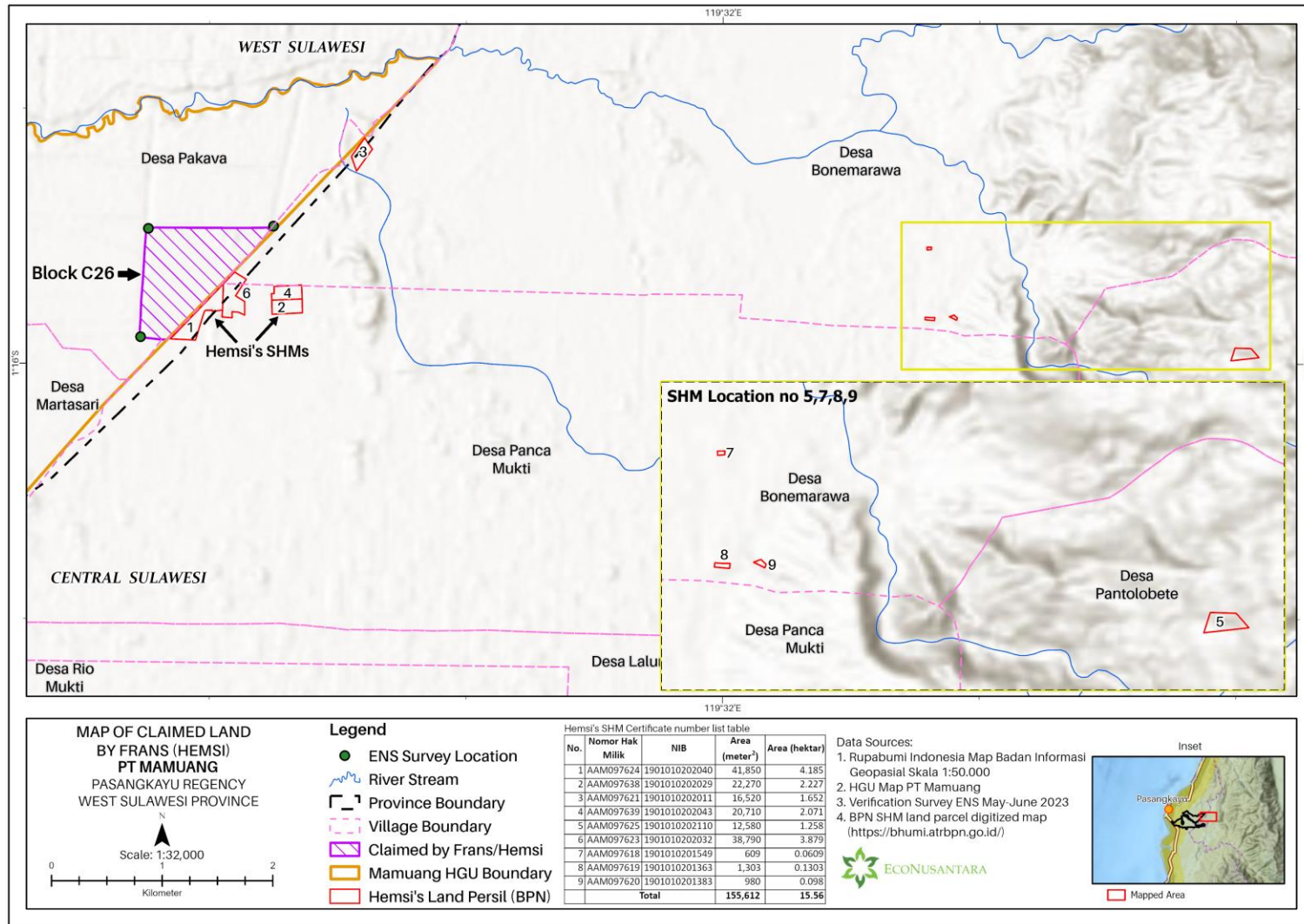


Figure 3.1. Map of Hems'i's SHM location (in South Sulawesi Province) vs PT Mamuang's HGU location (in West Sulawesi Province)

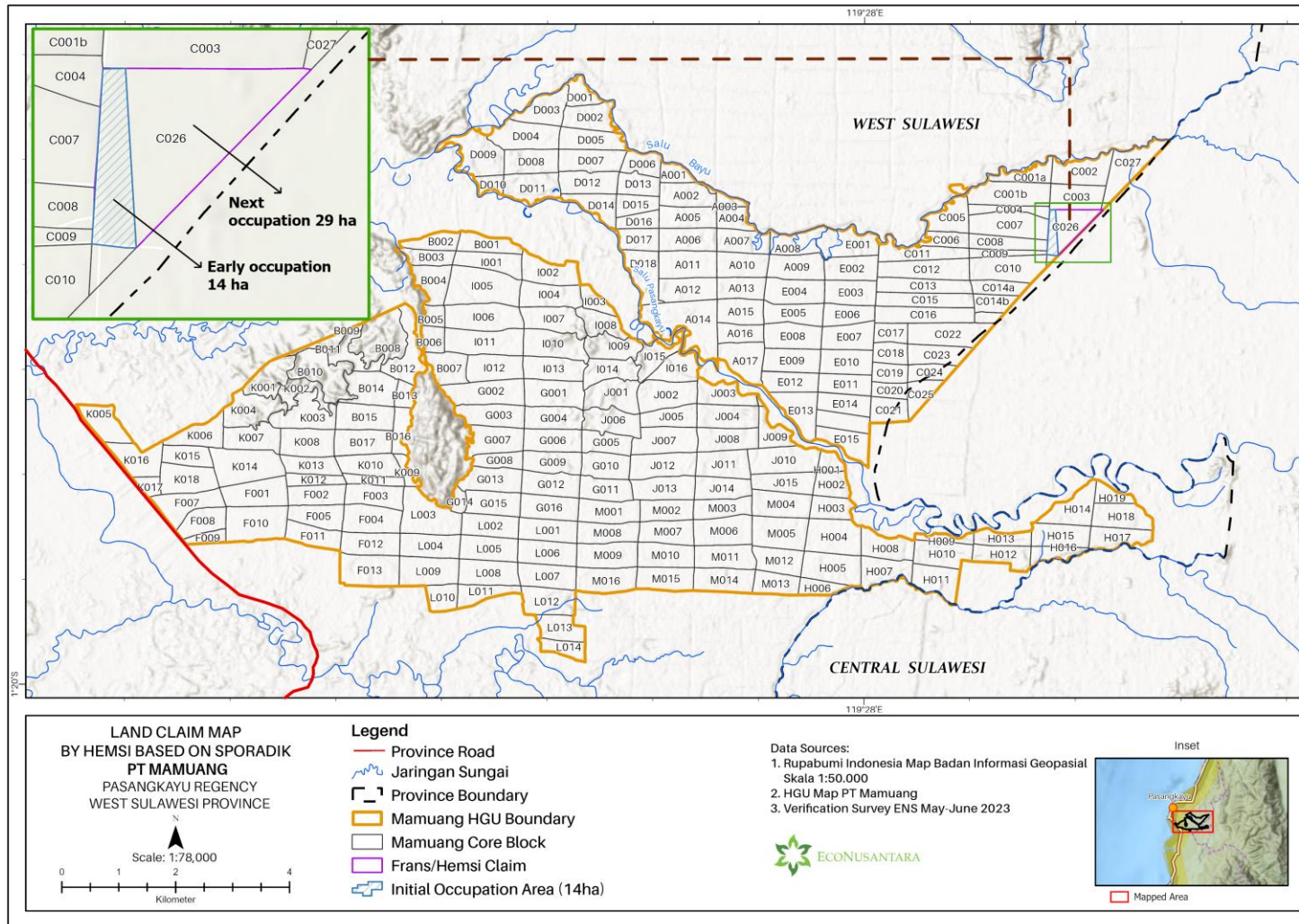


Figure 3.2. Location of Disputed Object (land) covering an area of 14 hectares based on Sporadik in the HGU area of PT Mamuang. (Source: PT Mamuang 2023)

- f. Herman Rantetondok (Hemsi's father), Yunus, Agus, Amey, Daniel, Alexander (Hemsi's older brother), and Titus, rejected efforts to resolve land disputes in the form of offers of compensation for land and growing plants on the 14 ha land in Block C 26 of PT Mamuang, then on June 13, 2006, at the office Martasari Village and witnessed by the Head of Martasari Village, they jointly made [a statement letter](#) which was signed directly by Herman Rantetondok and Alexander, the contents of which (after being summarized) stated: ***“That the plots of land that we control are 14 hectares in accordance with the Sporadik claimed by PT Mamuang to be included in PT Mamuang’s HGU area, we will jointly resolve this through legal channels. If our side is in a weak/losing position, we are willing to leave the disputed location/land.”*** Until this verification report was written, the official information received by the ENS Team from PT AAL (Legal Division of AAL, 2023) stated that there was no legal claim for land in the name of Herman Rantetondok.
- g. Hermanto Rudi in an interview in May 2023, explained that the disputed land area of 14 ha claimed by Herman Rantetondok and 6 (six) other colleagues was continuously being mediated. One of the efforts made by the company was to erect boundary divides in 2014 to prevent Herman Rantetondok's land claims from expanding. However, in 2017, Hemsi damaged the fence, which resulted in Hemsi taking control of the disputed land in Block C26.

2. Land claim in Block C22 by the Sinar Rio Jaya Farmers Group (KT-SRJ)

The Sinar Rio Jaya Farmers Group (KT-SRJ) was formed together with Walhi, in 2017 as a community advocacy forum, located at UPT Lalundu 4, which is now called Rio Mukti Village, Rio Pakava Sub-district, Donggala Regency, Central Sulawesi Province. KT-SRJ members are 78 people, chaired by Korolus Kolom and deputy chairman is I Ketut Myofi, they claim 172 hectares of land in Blocks C14, C15, C16, C17 and C22 of PT Mamuang's HGU, as transmigration reserved land of UPT Lalundu 4, which is claimed to belong to the community, in Rio Mukti Village,^[37] based on a statement letter from PT LTT covering an area of 172 ha, with the basis of rights in the form of a Land Statement Letter (SKT) issued through the government of Panca Mukti Village, Rio

³⁷ Referring to SK. Governor of Central Sulawesi Level I Regional Head, No: 140/631/Ro.Pemdes/99 concerning the Determination of 6 (Six) Transmigration Settlement Unit Villages/Transmigration Villages to Become Definitive Villages, one of the decisions of which is to establish UPT Lalundu 4, Dolo Sub-district, Donggala Regency became Rio Mukti Village, with the following administrative boundaries: to the north bordering PT Mamuang's plantation land; to the south, it is bordered by the Pasangkayu River; to the east it borders Lalundu Kampung Village; to the west it borders PT LTT.

Pakava Sub-district, Regency Donggala, Central Sulawesi. The verification findings and facts are presented in full as follows.

- a. When interviewed in June 2023, the Transmigration Service of Donggala Regency, Central Sulawesi Province explained that the reserve land for the UPT Lalundu 4 transmigration community was in Donggala Regency, Central Sulawesi. Since it was established, the location of the UPT Lalundu 4 Transmigration Reserve Land has never changed or been moved to West Sulawesi Province (Figure 3.3.)

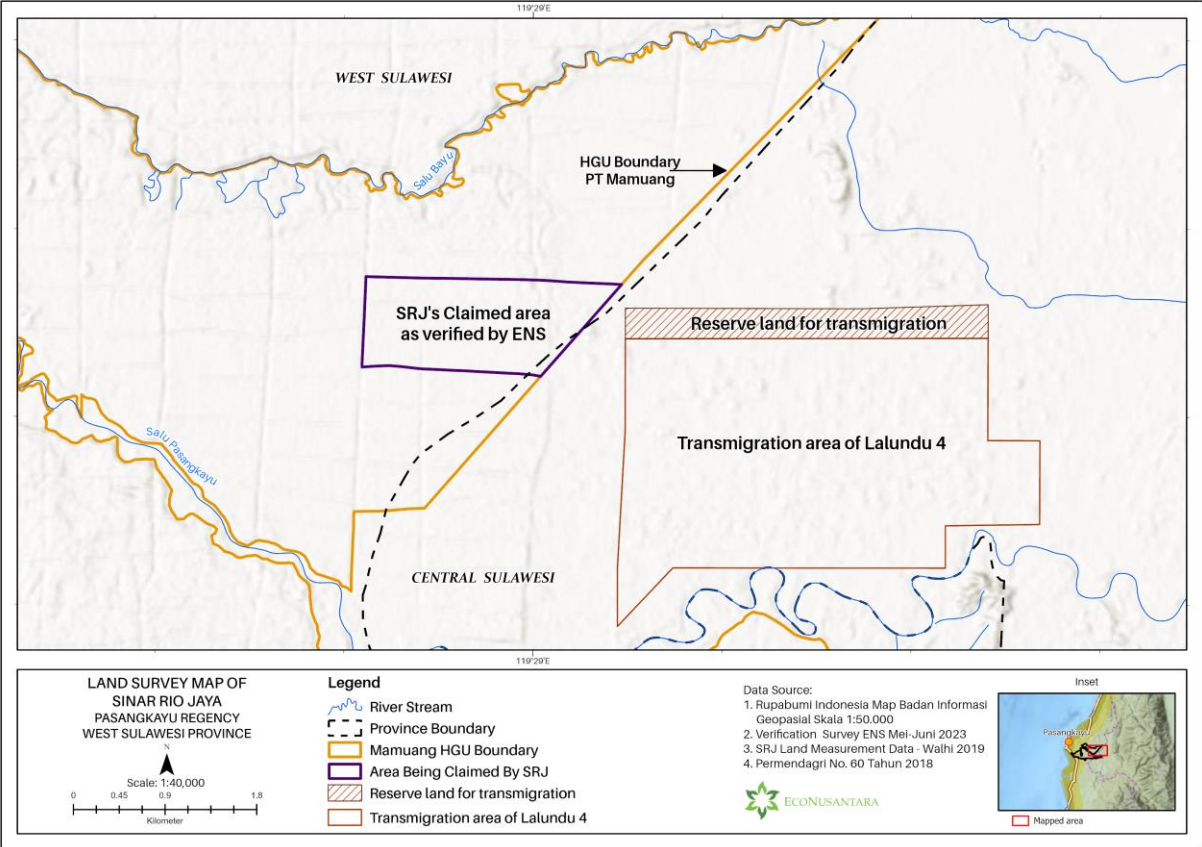


Figure 3.3. Location of Lalundu 4 Transmigrasi Reserve Land and the location of claim by KT-SRJ

- b. The statement letter from PT LTT signed by the Administrator and Manager, dated January 20, 2000, which was obtained by the ENS Team from KT-SRJ is in the form of a photocopy of the document and cannot be read in its entirety, and it has differences with the statement letter of the same date and signed (January 20, 2000) obtained by the ENS Team from PT AAL in the form of a photocopy, but can be read in its entirety. The difference found in the two documents is related to the claim number of 172 hectares stated on the copy of the letter document obtained from KT-SRJ with the number 72 hectares on the copy of the document obtained from PT AAL, as presented in Figure 3.4 below.

PT. Lestari Tani Teladan

SURAT KEURANGAN

Tamu yang bertanda tangan di bawah ini:

1. Nama : Pande Noman Sukastra
Jabatan : Administrator

2. Nama : Yuse G. Ratu
Jabatan : Manager

Demikian surat keurangan ini:

1. Yang telah kami berikan PT. Lestari Tani Teladan di blok H9, H10, H11, dan H12 seluas 172 Ha tidak akan dikembangkan untuk menjadi lahan pertanaman tebu/kayu.

2. Untuk wilayah yang dikhususkan oleh perusahaan untuk pembangunan blok kebun dan area draining, pembuatan badan jalan, dan desain tidak akan diganggu oleh masyarakat disekitarnya tidak boleh mendirikan lahan PT. Lestari Tani Teladan di blok - Blok yang ada.

3. Surat keurangan ini dibuat sesuai keputusan Kepala Desa Lela, untuk tidak diperkenankan untuk perkebunan PT. Lestari Tani Teladan dengan Desa Lela, yang akan dilakukan dengan izin Desa dan Kabupaten serta berkoordinasi.

Demikian surat keurangan ini dibuat dengan sebenar-benarnya untuk dapat digunakan sebagaimana mestinya.

PT. Lestari Tani Teladan, 30 Januari 2000

(Pande Noman Sukastra)
Administrator

(Yuse G. Ratu)
Manager

SURAT KETERANGAN

Kami yang bertanda tangan dibawah ini :

1. Nama : Pande Nvomas Su Antra
Jabatan : Administrator

2. Nama : Vence G. Ratu
Jabatan : Manager

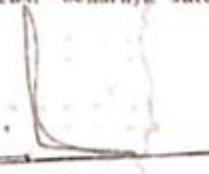
Dengan ini menerangkan :

1. Lokasi bekas tumpukan PT. Lestari Tani Teladan di blok H9, H19, H10, dan H20 seluas 72 Ha tidak akan dikembangkan untuk menjadi lahan perkebunan kelapa sawit.
2. Biaya investasi yang dikeluarkan oleh perusahaan untuk pembangunan blok tersebut dari land clearing, pembuatan badan jalan dan drainase tidak akan dipertanggungjawabkan sepanjang masyarakat disekitarnya tidak mempermasalahakan lahan PT. Lestari Tani Teladan di blok-blok yang lain.
3. Surat keterangan ini dibuat untuk kepentingan Kepala Desa Lalundu, dalam hal penegasan batas perkebunan PT. Lestari Tani Teladan dengan Desa Lalundu, yang secara fisik di lapangan telah ditinjau dan disepakati secara bersama-sama.

Demikian surat keterangan ini dibuat dengan sebenar-benarnya untuk dapat digunakan sebagaimana mestinya.

PT. Lestari Tani Teladan, 20 Januari 2003


(Pande Nvomas Sukantoro)
Administrator


(Vence G. Ratu)
Manager

Telah di serahkan menyalin dan di kembalikan kembali
artikelnya karena masuk ke awal HGU PT. Mamuang
berdasarkan surat Pernyataan PT. Abdul Hamid Dg Pagella
selaku pribadi & Kepala Desa Lalundu, Kec. Rio Pakel.
Kantor Desa Lalundu



Abdul Hamid Dg Pagella

Figure 3.4. PT LTT statement letter KT-SRJ version (top) and PT LTT statement letter from PT Astra Agro Lestari Tbk (bottom)

- c. Based on a copy of the PT LTT Statement Letter obtained by the ENS Team from PT ALL, the letter explains that:
- (i) The location of the former PT LTT cleared land in blocks H9, H19, H10 and H20, covering an area of 72 hectares, would no longer be developed as oil palm plantation land.
 - (ii) The investment costs incurred by the company for the construction of the block from land clearing, road construction and drainage will not be a problem as long as the surrounding community did not dispute PT LTT's land in the other blocks.
 - (iii) This statement letter was made to the Head of Lalundu Village in the event that the confirmation of PT LTT's plantation boundary with Lalundu Village, which is physically in the field, has been reviewed and agreed upon jointly.
- d. The Head of Lalundu Village, in his statement letter dated April 27, 2006, explained that the disputed land area of 72 hectares after drawing a straight line from Patok TOPDAM^[38] 23 to Patok TOPDAM 25, and Blocks H9, H19, H10, H20, ex. PT LTT, are within the HGU area of PT Mamuang (Block Charlie) and have been returned to PT Mamuang.
- e. As for the land of 72 ha that had been managed by the community^[39], in 2006 compensation was made^[40] amounting to Rp. 276,500,000. Arman, Secretary of Lalundu Village for the 2002–2012 period, told the ENS Team that he could ensure that all the people of Lalundu Village who had conflicts at that time had been resolved by receiving compensation. A map of the location of the disputed land object that has been compensated by PT Mamuang can be seen in Figure 3.5.

³⁸ Military Regional Command Topography, abbreviated as TOPDAM, is the Implementing Body at Military Regional Command Level, which is located directly under the Military Commander with the main task of providing and presenting topographic information on the Regional Military Command area through revision of topographic maps and data, terrain analysis and creation of Topographic Information Products in order to support the main task. Military Command. Source: Attachment to the Regulation of the Chief of Staff of the Indonesian Army (Kasad), No. Perkasad/ 98/ XI/ 2011

³⁹ Members of the Standing Committee for Land Provision of the Regional Government of the Regional District Level II of Mamuju, on April 28, 1994 conducted a field visit to the PT Mamuang oil palm plantation area and obtained the following data: (a) Location of Afdeling H on the border between Central Sulawesi and South Sulawesi, (b) There should be no problem with the Lalundu Transmigration area which is 50 Ha, because the Central Sulawesi BPN and Mamuju BPN already know that the Lalundu Transmigrants have already worked on land that is part of the South Sulawesi area with the explanation that the Lalundu Transmigrants will leave that location (South Sulawesi), and (c) the PT Mamuang will coordinate with BPN Central Sulawesi and BPN South Sulawesi.

⁴⁰ List of compensation documents for Afdeling OC PT Mamuang obtained by ENS from PT Astra Agro Lestari Tbk.

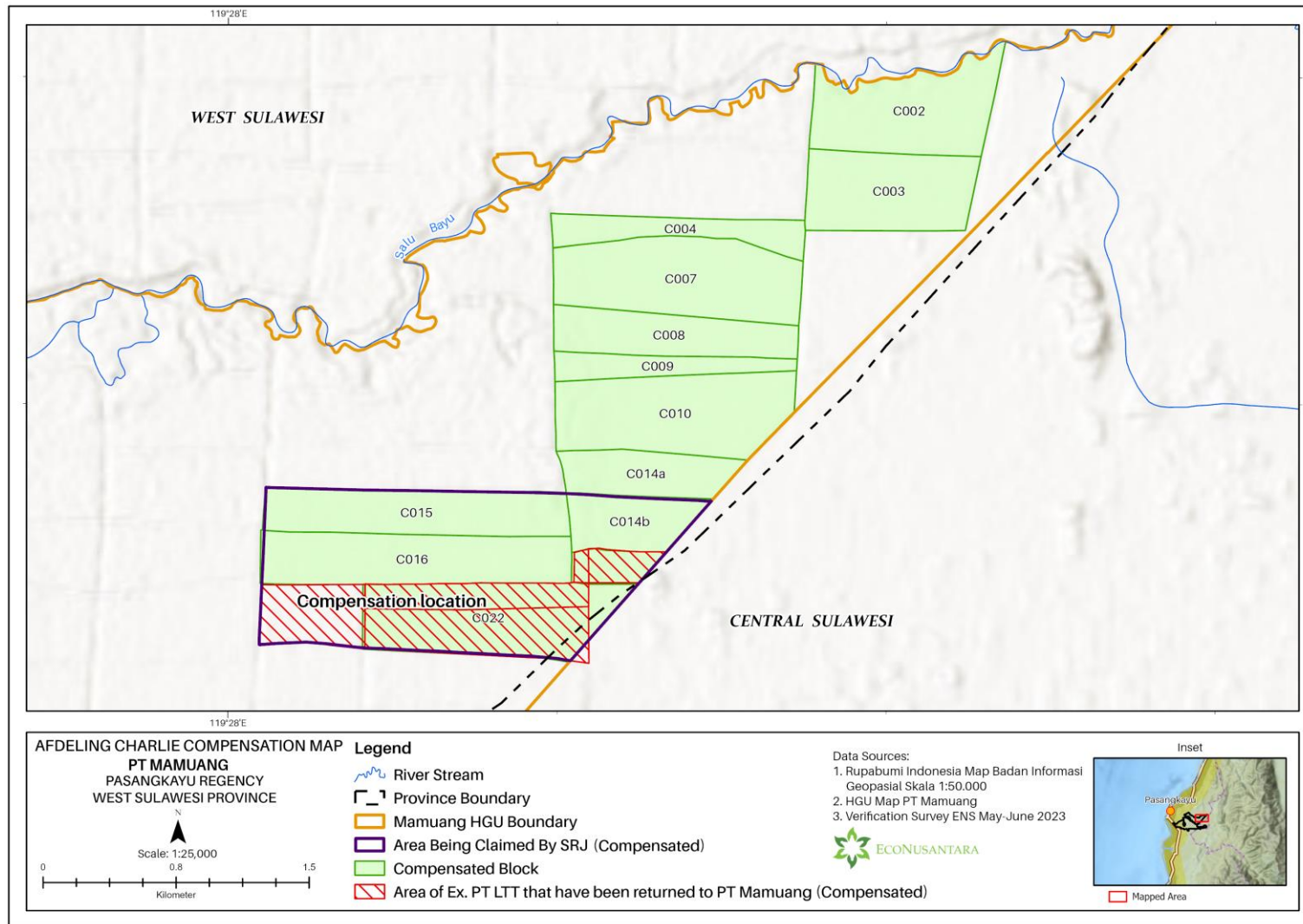


Figure 3.5. Location of the disputed land covering an area of 72 ha which has been compensated

- f. Three KT-SRJ members who also received compensation include; I Ketut Myofi Sofok received IDR 5,000,000 for compensation for 2 Ha of land; I Wayan Riga^[41] received Rp. 15,000,000,- for compensation for land and cocoa plants covering an area of 6 Ha; Ketut Madra received Rp. 10,000,000,- for compensation for land and cocoa plants covering an area of 4 Ha.
- g. The basis of rights used by KT-SRJ is in the form of a Land Statement Letter (SKT)^[42] issued by the Head of Panca Mukti Village in 2004 for land located in Panca Mukti Village, Rio Pakava Sub-district, Donggala Regency, Central Sulawesi Province (Figure 3.6), whereas the land it claimed is within PT Mamuang's HGU in Mertasari Village, Pedongga District, Pasangkayu Regency, West Sulawesi Province.
- h. The clarification was made by the ENS Team to the current Head of Panca Mukti Village (2023), namely Mr. Karib Wibowo. According to Mr. Wibowo, there were 2 (two) irregularities in the issuance of Land Statement Letters (SKT) belonging to 78 KT-SRJ members. First, Mr. I Ketut Sudama as the Village Head who signed the SKT served as Village Head in 2005, while the SKT was issued in 2004 before Mr. Sudama became Village Head. Second, Mr. Andi Abul Azis L.A. Lamarauna, who also signed the SKT document as a traditional leader, was a person living in Dampelas^[43] (West Coast/Sabang) not a traditional leader living in Panca Mukti Village who has the right to give land.^[44]
- i. Mr. Karib Wibowo believes that the land certificate belonging to KT-SRJ needs to be clarified openly by involving the parties because it does not comply with the technical guidelines that have been established based on the SK. Governor of Central Sulawesi No. 592.2/0.06/1993 dated January 27, 1993 concerning the form and contents of the letter of Transfer of Land Ownership Rights that have not been registered.

⁴¹ There is a difference in the full name on the list of compensation documents for Afdeling OC Mamuang, in the name of I Wayan Riga, where the list of KT-SRJ members and the KTP in question says I Wayan Rigayasa.

⁴² A land statement letter (SKT) or commonly called a land statement or land ownership letter is an ownership letter that is far below a land certificate. Usually SKT functions in the land registration process as proof of land ownership history. SKT as hand-written evidence does not actually have binding legal force as proof of land ownership rights. However, SKT can be used as evidence in court. <https://www.rumah.com/panduan-properti/skt-tanah-68056>

⁴³ Dampelas (formerly called Damsol) is a sub-district in Donggala Regency, Central Sulawesi, which has 13 (thirteen) villages, one of which is Sabang Village. https://id.wikipedia.org/wiki/Dampelas,_Donggala

⁴⁴ Results of interviews with the Head of Pancamukti Village, Rio Pakava Sub-district, Donggala Regency, Central Sulawesi Province.

PEMERINTAH KABUPATEN DAERAH TINGKAT II DONGGALA
WILAYAH KECAMATAN RIO PAKAVA

DESA PANCA MUKTI

SURAT KETERANGAN TANAH

NOMOR : 593.6/312/Desa/PK/Desa/2004

Yang bertanda tangan di bawah ini Kepala Desa, Panca Mukti, Kecamatan Rio Pakava, Daerah Tingkat II Donggala, Provinsi Sulawesi Tengah dengan ini menerangkan kepada :

Nama : Ude. Agnora. Ulima.....

Tempat & Tanggal Lahir : Klungkung, 18 Mei 1990 (14th)

Kewarga Negara : Indonesia.....

Pekerjaan : Petani.....

Tempat Tinggal : Rio Mukti.....

Benar memiliki sebidang tanah kental/kebun/sawah yang di peroleh secara RESMI, dengan Luas :
..... 20.000 M²

Bahwa benar tanah tersebut yang diperoleh sejak tahun 1990, yang dikelola sendiri, atas dasar penyerahan dari Kelompok Tani Gerbos Jaya Yang terletak di Desa Panca Mukti, Kecamatan Rio Pakava, Kabupaten Tingkat II Donggala dengan batas - batas sebagai berikut :

Sebelah Utara dengan : Jalan.....

Sebelah Timur dengan : wayan Rakih.....

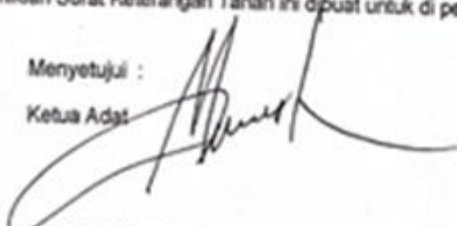
Sebelah Selatan dengan : wayan Putra.....

Sebelah Barat dengan : di Rade Kartini.....

Demikian Surat Keterangan Tanah ini dibuat untuk di pgunakan seperlunya.

Menyetujui :

Ketua Adat


ANDI ABDUL AZIS L. A. LAMARAUNA

Panca Mukti, 10 November, 2004

Kepala Desa



KETUT SUDAMA

Figure 3.6. Land Statement Letter belonging to one of the KT-SRJ members

3. Land Claims by Parties on behalf of the Tado Kabuyu Indigenous Community

Walhi Central Sulawesi in its publication entitled “*Profile of the Struggle of the Kabuyu Community Against the Expansion of PT Mamuang’s Oil Palm Plantation, Astra Agro Lestari*” stated that the customary claim^[45] of the Kabuyu indigenous community is 2,302 hectares within the PT Mamuang HGU area. However, there is no more detailed explanation regarding the customary land claims, both regarding the history of land control and the basis of the rights held. According to Hermanto Rudi, the presence of Tado people in Kabuyu village existed before PT Mamuang operated. This made Committee B^[46] never recommend that the 250 ha Kabuyu village area, where the Tado Kabuyu people had settled and planted cocoa, to become an HGU area of PT Mamuang, as presented in Figure 3.7.

Through a series of in-depth interviews with resource persons who know about the existence of the Tado Kabuyu traditional community and regarding these claims, as well as document review, the ENS Team discovered the facts that:

- a. The Tado Kabuyu people still maintain traditional structures; customary rules such as prohibition of washing or throwing dirty objects in the river, punishment for stealing, dowry for marriage; traditional ceremonies such as Vunja, Gimba, Rego; has cultural sites, such as ship-shaped rocks, and old tombs; and has a management area on the left and right of the Pasangkayu River,^[47] however the land of the customary area is not known for certain.

⁴⁵ Recognition of customary law community customary land as regulated in the provisions of Article 3 of Law Number 5 of 1960 concerning Basic Agrarian Principles. However, the implementing regulations do not yet provide legal certainty regarding the rights of customary law communities. <https://repository.unej.ac.id/handle/123456789/80829#:~:text=While%20tanah%20ulayat%20lingkup%20cove%20age,still%20lives%20in%20in%20society.>

⁴⁶ Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 7 of 2017 concerning Arrangements and Procedures for Determining Cultivation Rights, Article 1 paragraph (11) Land Inspection Committee B, hereinafter referred to as Committee B, is the committee tasked with carrying out inspections, research and studies physical data and juridical data both in the field and in the office in the context of completing applications for granting, extending and renewing Cultivation Rights.

⁴⁷ Interview on May 25, 2023 with Hidu, Tado Traditional Leader for the 2000-2022 period. Hidu is a Tado native of Tinauka Hamlet (referred to as Orang Tado Tinauka) who came and married a native Tado Kabuyu woman in 1989.

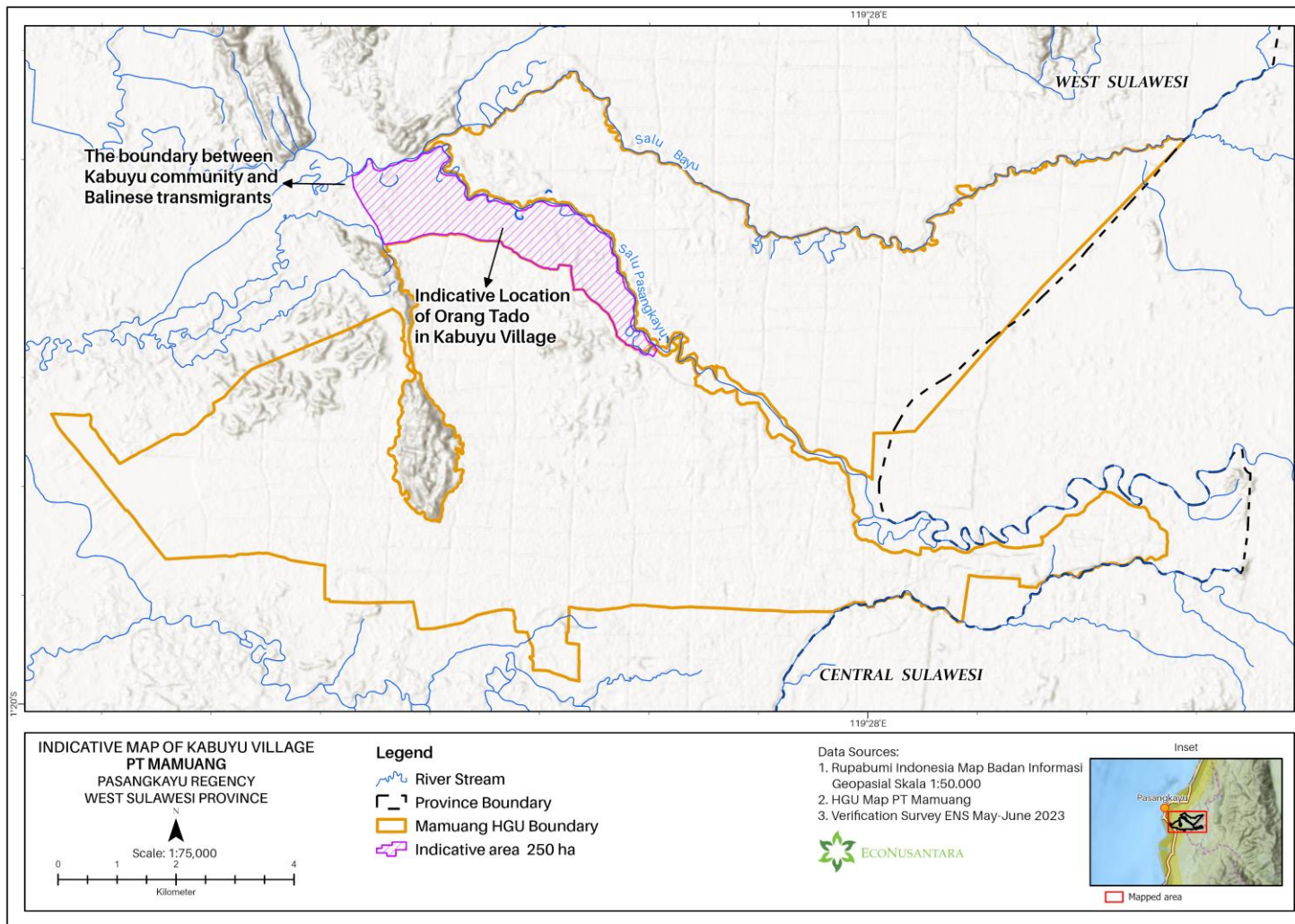


Figure 3.7. Indicative Map of the Tado Kabuyu Traditional Community Village

b. A number of environmental social activists, Central Sulawesi, who were interviewed, had different opinions in interpreting the existence of the Tado Kabuyu indigenous community, including:

- (1) A researcher on Transmigration Communities and Traditional Communities, stated that in Kabuyu Hamlet (Dusun Kabuyu)^[48], there is no longer any Tado people, life in Kabuyu is already heterogeneous, where there have long been Mandar, Bugis, Kaili (Donggala) people, as well as transmigrants from Bali and Lombok. It should be noted that indigenous peoples are people or communities who have local wisdom in managing their natural resources, and this is no longer found in Kabuyu Hamlet. So it is not appropriate to use the Indigenous Community approach to Kabuyu Hamlet.
- (2) An activist of Environmental Social and Indigenous Peoples in South Sulawesi witnessed that the Central Sulawesi Traditional Area Registration Agency (BRWA)^[49] was once visited by the Tado Kabuyu indigenous community to register their traditional territory. At that time, as long as the activist's knowledge, BRWA explained that the Adat People should first complete the relevant data. If the documents are complete, then the next stage will be spatial and social verification. Because data from the Kabuyu indigenous community has not been met, BRWA has not been able to carry out spatial or social verification in Kabuyu Hamlet. However, according to the activist's personal subjective view, if the Tado traditional community survives in Kabuyu hamlet, this indicates that there has been a Tado civilization there for a long time.

Based on information obtained from BRWA (<https://www.brwa.or.id/>), the application for registration of Indigenous Peoples requires the following requirements: (i) Indigenous communities collect data and information on the history of their origins, customary territories, customary norms, customary government institutions/systems and customary rights; (ii) Indigenous communities carry out deliberations and consensus based on the results of data and information collection, at least agreement on the history of origins, customary territory boundaries, customary institutions/government and customary law; (iii) The registered customary territory is within the legal territory of the Republic of Indonesia (NKRI); (iv) The registered customary territory refers to a specific customary territory

⁴⁸ Dusun is a smaller territory within a village area, where a village consists of a number of dusuns.

⁴⁹ The Customary Area Registration Agency (Badan Registrasi Wilayah Adat = [BRWA](#)) is the institution where customary areas are registered. BRWA was formed in 2010 at the initiative of the Indigenous Peoples Alliance of the Archipelago ([AMAN](#)), Participatory Mapping Network ([JKPP](#)), Forest Watch Indonesia ([FWI](#)), Community Forest System Support Consortium ([KpSHK](#)), dan Sawit Watch ([SW](#)).

unit agreed upon by the community (sub-tribe) or a wider customary territory (tribe) which constitutes a territorial unit; (v) Indigenous communities submit applications for customary territory registration to the central and/or regional BRWA offices; (vi) Registration of customary areas controlled by the community must include the applicant's power of attorney; and (vii) The applicant must prepare documents resulting from customary deliberations (community statement to register their customary territory at BRWA. See Procedures for Registering Customary Areas through BRWA at <https://brwa.or.id/pages/prosedur>.

- (3) Another activist of Environmental Social and Indigenous Peoples in South Sulawesi witnessed that AMAN^[50] of Central Sulawesi once visited Kabuyu Hamlet to ascertain the subjects and objects of the Tado Kabuyu Indigenous community. The results of field verification found that the Tado people still have traditional institutional structures, traditional ceremonies, customary laws, cultural sites, and ancestral graves. But the activist still cannot confirm the existence of the Tado People's traditional territory in Kabuyu Hamlet.
- c. There are claims to shifting cultivation areas of the Tado people in the hamlets of Souloka, Paninggjo, Mamunggu Lemo, Telaga Dua, and Sambolo, in Afdeling Delta, Alfa, Juliet, India and Bravo of PT Mamuang's HGU. (Figure 3.8.)
 - d. The current condition is that 250 hectares of land belonging to the Tado people in Kabuyu Village has been sold to immigrants from Bali and Bugis.
 - e. There are 113 families (about 300 people) of the indigenous Tado Kabuyu community who live in Kabuyu village and subsist on farming.
 - f. Based on information from PT Mamuang, which has provided quite detailed information and data, the company has helped members of the Tado Kabuyu Indigenous Community in terms of education, health and community economic development. However, PT Mamuang realizes that this assistance has not been able to reach all communities in need. Evaluation continues to be carried out to improve the quality of programs for a better society.

⁵⁰ The Indigenous Peoples Alliance of the Archipelago (AMAN) is an independent community organization (ORMAS) whose members consist of Indigenous Peoples communities from various corners of the archipelago. <https://www.aman.or.id/profile>

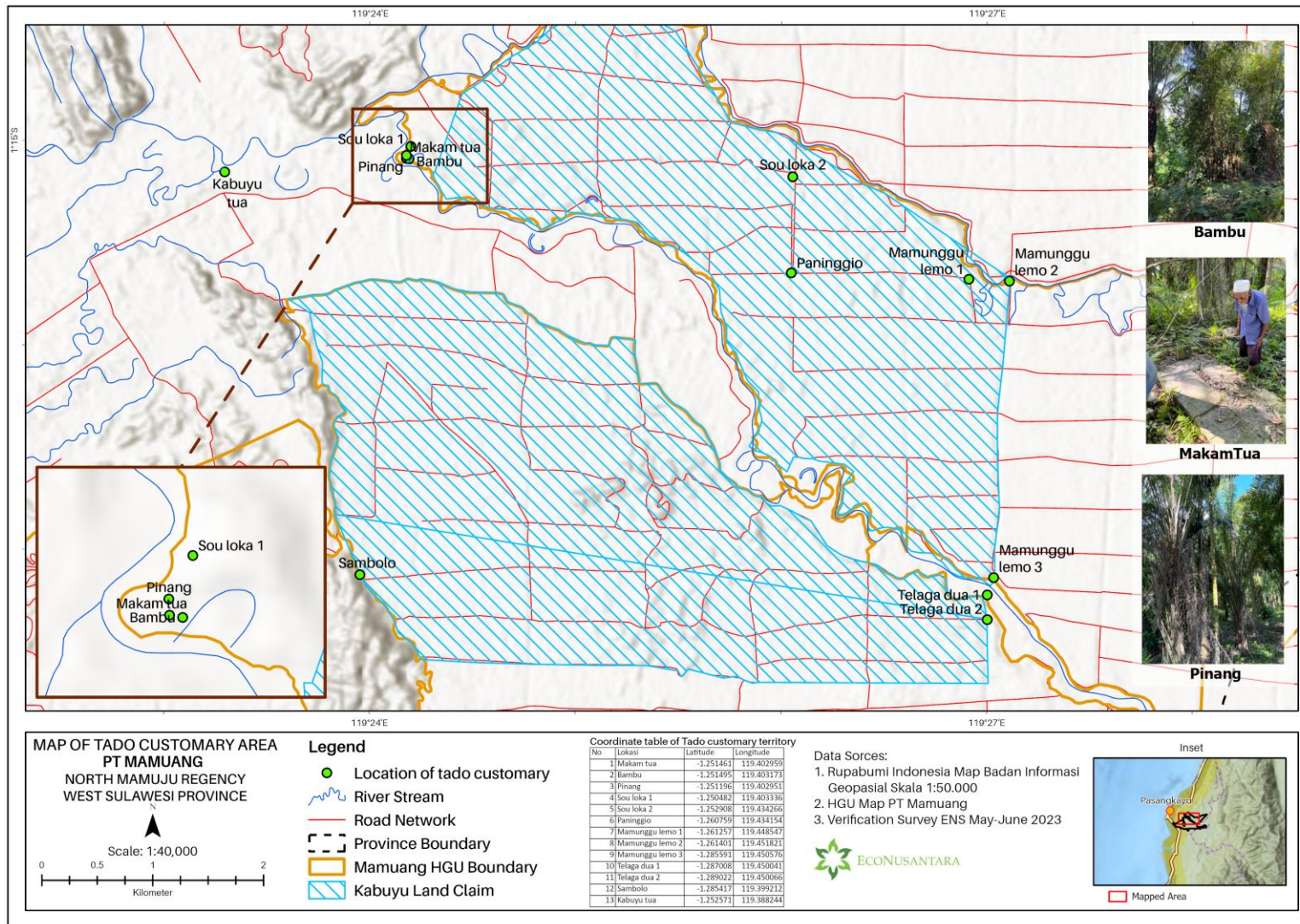


Figure 3.8. Areas claimed to be managed by the Tado Kabuyu Indigenous Community

4. PT Mamuang has repeatedly criminalized farmers in Panca Mukti Village

Initial facts discovered during the 2022 verification were that Hemsu alias Frans (41 years old), a farmer in Bonemarawa Village, Rio Pakava Sub-district, Donggala Regency, Central Sulawesi Province, had been arrested and detained 3 (three) times based on reports from PT Mamuang employees, with the following details:

- (1) In 2010/2011, Hemsu was reported by Mr Sugiarno, Head of Security of PT Mamuang, on charges of stealing fruit. Arrested without an arrest warrant, without trial, immediately thrown into Pasangkayu Police custody for 3 months (Hemsu Interview, 2022).
- (2) In 2017, Frans alias Hemsu was reported by Hermanto Rudi, an employee of PT Mamuang, to the Pasangkayu Police on charges of threats and vandalism^[51] (Police Report No: LP/70/IX/2017/Sek.Pasangkayu). Hemsu was sentenced to 5 months, 7 days and detained at the Pasangkayu Detention Center (Hemsu Interview, 2022).
- (3) In 2018 there were three reports from PT Mamuang to the North Mamuju Resort police against Hemsu. However, only one report was processed leading to a prison sentence, as detailed below:
 - (a) Mr. Frans was reported by Mr Andi Arifuddin AR, Head of Security at PT Mamuang on May 11, 2018 on charges of stealing fruit in Block C26^[52]. Sentenced to 5 months and detained in Pasangkayu Prison..
 - (b) Mr. Frans was reported by Mr. Andi Arifuddin AR, Head of Security at PT Mamuang on July 5, 2018 on charges of land grabbing at Block C26^[53].

⁵¹ Brief description of the incident based on Police Report No: LP/70/IX/2017/Sek.Pasangkayu: "On Wednesday, September 27, 2017 at around 09.00 WITA, initially the REPORTER supervised the harvest process at Afdeling Charly Block 26, not long after that the REPORTED, Frans, said to the REPORTER: "WHOEVER IS RESPONSIBLE FOR HARVESTING AND COLLECTING FRUIT IN THIS BLOCK, I WILL KILL THEM"; then the REPORTED vandalized the motorbike which the REPORTER was sitting on at the time, and immediately slashed the motorbike using a machete. After this incident THE REPORTED Screamed: "I WILL BRING THE MASS IN AN HOUR," then THE REPORTED left the place.

⁵² Brief description of the incident based on Police Report No: LP/60/V/2018/SPKT/Res. North Mamuju; On Friday May 11, 2018 there was a criminal act of THEFT OF FRUIT against PT MAMUANG committed by a man, FRANS, located in the HGU location owned by PT MAMUANG in Afdeling Charly Block 26 with an estimated total loss of 300 bunches weighing around 4,500 (four thousand five hundred) kg with a total value of rupiah of 5,600,000 (five million six hundred thousand rupiah).

⁵³ Brief description of the incident based on Police Report No: LP/98/VII/2018/SPKT/Res. North Mamuju; Thursday July 5, 2018 at 07.00 WITA: We from PT Mamuang will carry out the harvest and we also ask for security from the police who carry out PAM OVIT at PT Mamuang for the smooth process of the harvest, because the place or location (Afdeling Charly) is still under construction of legal proceedings. When we arrived at the location (Afdeling Charly), we saw a pile of building materials (door frames, beams, boards) in our harvest area, and we

- (c) Mr. Frans was reported by Mr Andi Arifuddin AR, Head of Security at PT Mamuang on July 12, 2018 on charges of stealing fruit in Block C26^[54].

On December 30, 2021, Hemi submitted a letter requesting a review (PK) against the decision of the Supreme Court of the Republic of Indonesia Number: 1261/k/PID/219 dated December 12, 2019. The reason for submitting a PK regarding the arrest in 2018 was because Hemi felt innocent. According to Hemi, he harvested palm fruit in his plantation, not the company's palm fruit. Regarding the arrest in 2017, Hemi did not question it and admitted his mistake because at that time he damaged a motorbike belonging to a member of the palm fruit harvester at Afdeling PT Mamuang. (Source: Hemi Interview, May 2022). Then on July 4, 2022 the Supreme Court issued the Republic of Indonesia Supreme Court Decision Number 25 PK/PID/2022 whose decision stated: “*REJECTS the petition for judicial review from Petitioner HEMSI alias HANS alias BAPAK FIAN alias FRANS, son of HERMAN RANTE TONDOK*”.

In connection with the various incidents above, the ENS Team does not have the authority to confirm whether Hemi's arrest by the police can be said to be an act of criminalization^[55] by PT Mamuang. In criminal law in Indonesia, criminalization is a term related to determining an act as a prohibited act. There are various definitions of criminalization which can also explain the scope of criminalization,^[56] including the following.

- Criminalization is an action or determination by the authorities regarding certain acts which are considered by society or groups of society as acts that can be punished as criminal acts.

suspected that these materials would be used to build a house in that location (Afdeling Charly) However, it is not yet known who owns the material. Due to this incident, we at PT Mamuang felt disturbed and disadvantaged by the presence of this material in the area we referred to above, and we reported the incident to the police because our managed land was grabbed by unknown people.

⁵⁴ Brief description of the incident based on Police Report No: LP/100/VII/2018/SPKT/Res. Matra: I, as head of security at PT Mamuang, received a report that there had been theft of oil palm fruit from the PT Mamuang company at the scene mentioned above. “When I was controlling the place, it was true that a criminal act of theft of palm fruit belonging to PT Mamuang had occurred which was committed by the above reported party. We felt very concerned about this incident so we reported it to the authorities/police”.

⁵⁵ Anugerah Rizki Akbari, lecturer in Criminal Law at Jentera Indonesian Law School, explained that criminalization comes from the word criminal, meaning evil. Criminalization makes a process that was previously not evil becomes evil and punishable by crime. The use of the term "criminalization" can only be applied by the government and the DPR through laws and regional regulations. So, if someone says, "I was criminalized" this is actually incorrect because the criminalization process is at the law and legislative level. <https://www.Hukumonline.com/berita/a/ini-beda-kriminalization--over-kriminalization--dan-dekriminalization-It5a5861c1c99e1/?page=1>

⁵⁶ Salman Luthan. 1999. Criminalization Policy in Criminal Law Reform. JOURNAL OF LAW NO. 1 VOL. 6. 1999

- Criminalization can also be interpreted as the process of determining whether a person's actions can be punished. In accordance with applicable law, this process ends with a determination that the person's actions are subject to criminal sanctions.
- Criminalization is seen from a values perspective – in this case what is meant by criminalization is a change in values which causes a number of acts which were previously considered to be acts which were not reprehensible and which were not subject to criminal prosecution, to change into acts which are considered reprehensible and need to be punished.

Up until this report was written, the ENS Team had only received limited information and data from Hemsu and Walhi regarding allegations of criminalization by PT Mamuang. Thus, the ENS Team could not find any fact supporting the allegation that there have been systematic acts carried out by PT Mamuang without any legal basis or reasons or rational reasons on which to base them. It is also important to understand that for all actions taken by law enforcement officials in handling cases regarding Hemsu, legal remedies can be taken, including pre-trial legal remedies, appeals, cassation and judicial review as per the legal system in Indonesia. In accordance with the Criminal Justice System in Indonesia and the facts discovered by the ENS Team, Hemsu has gone through a legal process in accordance with statutory provisions to a court decision that has permanent legal force (*inkracht van gewijsde*).

C. CONCLUSION

1. There are three types of land claims in the HGU area of PT Mamuang including: (1) Claims on Block C26 by Hemsu, (2) Claims on Blocks C14, C15, C16,17 and C22 by the Sinar Rio Jaya Farmers Group, and (3) Claims by parties on behalf of the Tado Kabuyu Indigenous Community.
2. That Herman Rantetondok (Hemsu's father) and 6 (six) of his colleagues are believed to have cultivated land in the disputed object (Block C26 HGU of PT Mamuang) covering an area of 14 ha, before PT Mamuang carried out planting, with the basis of rights in the form of SPORADIK issued by the Martasari Village Government in 2003, specifically by the then village chief Mr Timotius. He was not aware the land awarded under SPORADIK had already been included in PT Mamuang's HGU due to unclear boundaries. The attempt to compensate land and plants offered by PT Mamuang in 2006, mediated by the village government, was rejected by Herman Rantetondok, and since then we found that PT Mamuang

has never encroached upon the 14 ha patch of land and no legal challenge was ever formally submitted by Herman Rantetondok.

3. PT Mamuang erected a barrier to separate the aforementioned 14 ha area from the rest of C26. In 2017, Hemsu breached the barrier. Since 2019, the disputed object Block C26 covering an area of 45.13 Ha has been completely controlled by Hemsu.
4. The objects and basis of rights stated by Hemsu are 22 documents of Land Transfer Letter and 9 (nine) SHMs obtained in 2017-2019, which after being traced and analyzed turned out to be located outside of the object of the dispute (Block C26 HGU of PT Mamuang).
5. The land claim by the Sinarjo Jaya Farmers Group is 172 ha of land on the basis of (a) the claim of transmigration reserve land, (b) a copy of a letter from PT LTT, and (c) a Land Statement Letter (SKT) issued in 2004, all of which cannot be proven. The transmigration reserved area is located outside of the company's HGU, whereas the SKT is rife in procedural inconsistencies, namely: (1) the SKT is registered under Donggala Regency, Central Sulawesi (as opposed to the HGU location in Pasangkayu Regency, West Sulawesi); (2) The two people that signed the SKT were not authorized to do so at that time; (3) the SKT is not in compliance with the the Decree of the Governor of Central Sulawesi No.592.2/0.06/1993 dated January 27, 1993.
6. Currently there are about 113 families (300 people) of the Tado Indigenous Community in Dusun (hamlet) Kabuyu, ehre they still follow customary rules. They live by farming along the Pasangkayu river. From interviews and field evidence, it is known that the Tado tribe has lived in this area for a long time.
7. Walhi's claim that PT Mamuang has seized an area of 2,302 ha belonging Tado Indigenous community could not be verified by the ENS Team, because Walhi did not provide more detailed and accurate data. Based on the results of data tracking and interviews with resource persons, it is known that the Kabuyu village covering an area of approximately 250 ha was never part of PT Mamuang's HGU.
8. Currently, most of the original Tado Kabuyu community no longer owns land because it has been sold to immigrant communities from Bali and Bugis.
9. Regarding allegations of criminalization, the ENS Team noted that Hemsu had been detained 3 (three) times by the Pasangkayu and North Mamuju Police, based on reports from PT Mamuang employees. However, with limited data and authority, the ENS Team did not find any fact to support that there had been systematic acts carried out by PT Mamuang without any legal basis or reasons or rational reasons as the basis.

D. RECOMMENDATIONS

1. Hemsis land claim in Block C26 has been clearly discussed in this report. It is recommended that improvements in relations between PT Mamuang and Hemsis be carried out using a peaceful approach, and programs to improve the welfare of the surrounding community be intensified.
2. It is recommended that PT Mamuang can establish a good relationship with KT-SRJ through more intensive program approaches.
3. Regarding complaints about land confiscation of the Tado Kabuyu Indigenous community, it is hoped that interested parties will be able to provide more detailed and precise data to confirm the object of the claim in question.
4. PT Mamuang is advised to continue and intensify programs that can improve the welfare of the Tado Kabuyu Indigenous People so that they get the same opportunities as other Indonesian people.

IV. VERIFICATION OF ISSUES RELATED TO PT AGRO NUSA ABADI (ANA)

A. KEY ISSUES IN QUESTION^[57]

The comprehensive verification of PT ANA carried out by ENS in May-September 2023 focused on two key issues raised by Walhi, namely:

1. PT ANA operates without an HGU permit and only based on a location permit.
2. PT ANA has seized farmers' land in Molino, Bungintimbe, Tompira and Bunta villages covering an area of approximately 5,000 hectares.

B. FINDINGS AND VERIFICATION RESULTS

In this verification process, ENS has extracted more detailed information from the community, community leaders, village officials, companies and NGOs, as well as examined various documents that can be accessed, both from village government archives, companies and civil society organizations. However, verification cannot be carried out with Walhi and FoE as the first party to submit the complaint.

1. PT ANA Operates Without an HGU Permit and Only Based on a Location Permit

Comprehensive verification was carried out by the ENS Team through in-depth interviews with sources and a review of licensing documents obtained by the ENS Team from various parties, including the Central Sulawesi Provincial Government, North Morowali Regency Government (MORUT) and PT ANA. This verification produces a chronology of PT ANA's presence as presented in Figure 4.1. The legality of PT ANA's operations, as in the diagram in Figure 4.1, can be grouped into 5 (five) main aspects, namely; (a) Invitation to invest; (b) Licensing; (c) Management of the Rights to Cultivate (HGU); (d) Socialization to the community; and (e) Management (land clearing and planting).

⁵⁷ Based on Grievance of Walhi Central Sulawesi to P&G dated October 15, 2020 https://www.wilmar-international.com/docs/default-source/default-document-library/sustainability/grievance/grievance-case-report/surat-untuk-pg-letter_walhi_public.pdf?sfvrsn=fc262385_2

a. Invitation to invest

The presence of PT ANA in the North Morowali Regency area^[58] began with an invitation from the Morowali Regency Government to invest. In early 2006, the Morowali Regency Government, led directly by the Acting Regent (Plt.), Drs. Datlin Tamalagi and his staff^[59] visited the head office of PT Astra Agro Lestari (AAL) in Jakarta in order to promote regional potential for plantation estate in the Petasia, Lembo, Mori Atas, Bahodopi and South Bungku sub-districts with a land area of around 100,000 hectares.

PT AAL followed up by conducting a desk study and initial survey of land potential, with the assistance of consultant services CV Warekon, which has offices in Bandung City. The results of the study show that there is potential land for plantations in Morowali Regency of around 105,000 Ha, of which 40,000 Ha is in Petasia District. Based on these results, PT AAL established PT ANA^[60] which is located in Petasia District.

⁵⁸ North Morowali Regency is the result of the expansion of Morowali Regency which was ratified in the DPR RI plenary session on April 12, 2013 regarding the Draft Law on the New Autonomous Region (DOB). <https://www.morowaliutarakab.go.id/page/profile/1>

⁵⁹ Morowali Regency Government officials who participated in the visit to PT AAL were Christian Rongko (Head of Bappeda), Syahril Ishak (Second Assistant), Marson Lagarensen (Head of Agriculture, Plantation Division), and Mohammad Daming (Head of Morowali Regency Land Office). From PT AAL who received the visit were the President Director of PT AAL, Mr. Widya Wiryan, and other members of the board of directors, Mr. Bambang Palgoenadi and Mr. Toni Hermawan Kurhidayat.

⁶⁰ Deed of Company Establishment of PT. Agro Nusa Abadi (ANA) No.: 2 of 2006, Notary Ir. Rusli, SH.

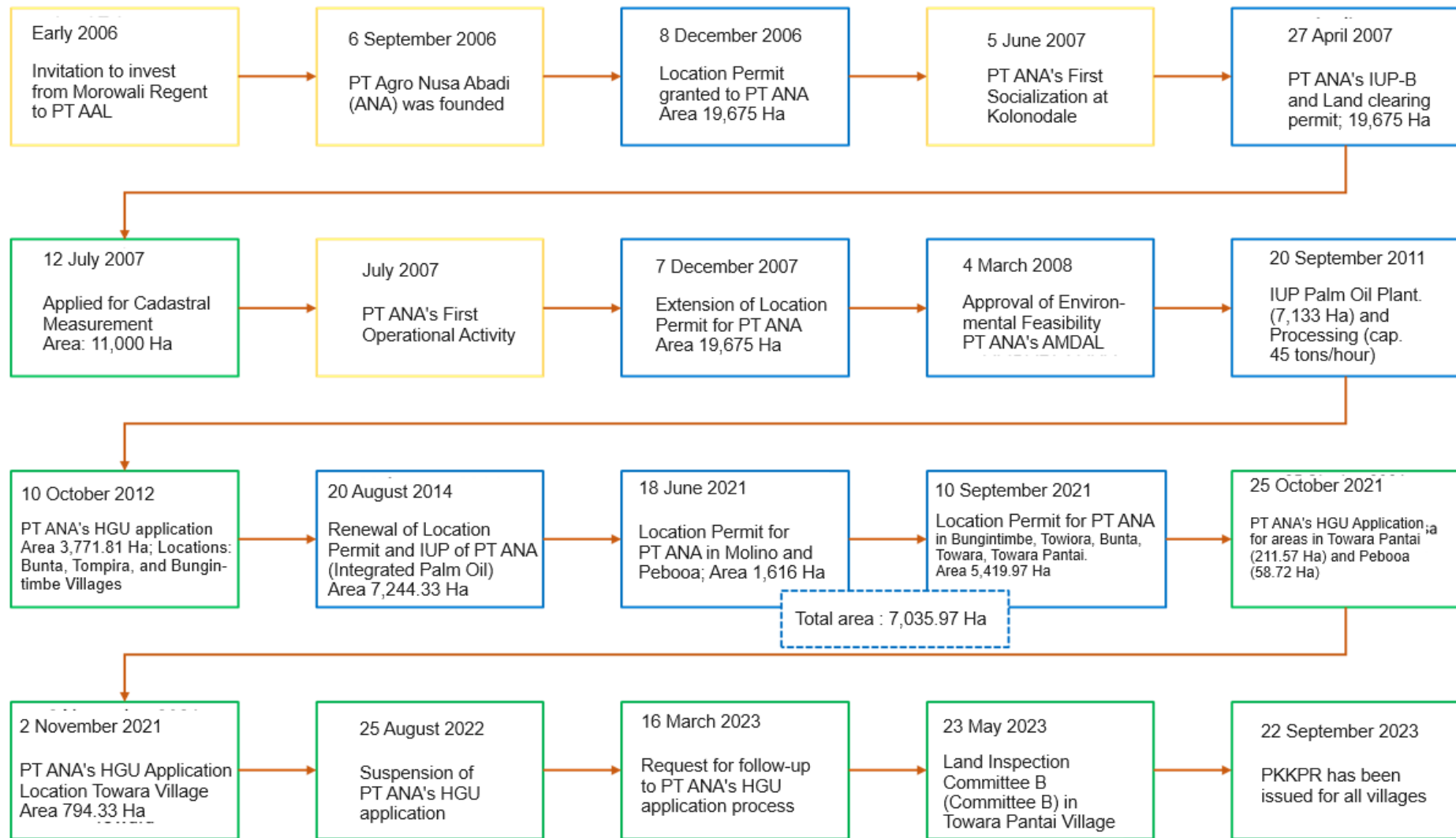


Figure 4.1. Chronology of PT ANA's presence and licensing process (Source: ENS Team analysis results, 2023)

b. Licensing

(1) Policies (regulations and legislation)

Policies (regulations and legislation) governing plantation business permits can be categorized into 3 (three) groups, including (a) land-related permits, (b) environment-related permits, and (c) business-related permits. Referring to the Minister of Agriculture Regulation No. 98 of 2013 concerning Guidelines for Plantation Business Licensing and its amendment regulations, and previously issued regulations regarding plantation business licensing, the plantation business licensing scheme can be depicted through the diagram in Figure 4.2.

(a) Permits related to land

Permits related to land include Location Permits (Ilok) and the Rights to Cultivate (HGU), which are regulated through Law No. 5 of 1960 concerning Agrarian Principles; Government Regulation (PP) No. 40 of 1996 concerning the Rights to Cultivate, Building Use Rights and Land Rights; and PP No. 16 of 2004 concerning Land Use Management. Ministerial regulations relating to Location Permits include: the Minister of Agrarian/BPN Regulation No. 2 of 1993 concerning Procedures for Obtaining Location Permits and Land Rights for Companies in the Context of Capital Investment; Decree of the Minister of Agrarian Affairs/BPN No. 21 of 1994 concerning Procedures for Acquiring Land for Companies in the Context of Capital Investment; Minister of Agrarian Affairs/BPN Regulation No. 2 of 1999 concerning Location Permits; ATR/BPN Ministerial Regulation No. 19 of 2017 concerning Amendments to ATR/BPN Ministerial Regulation No. 5 of 2015 concerning Location Permits; ATR/BPN Ministerial Regulation No. 14 of 2018 concerning Location Permits; and ATR/BPN Ministerial Regulation No. 17 of 2019 concerning Location Permits.

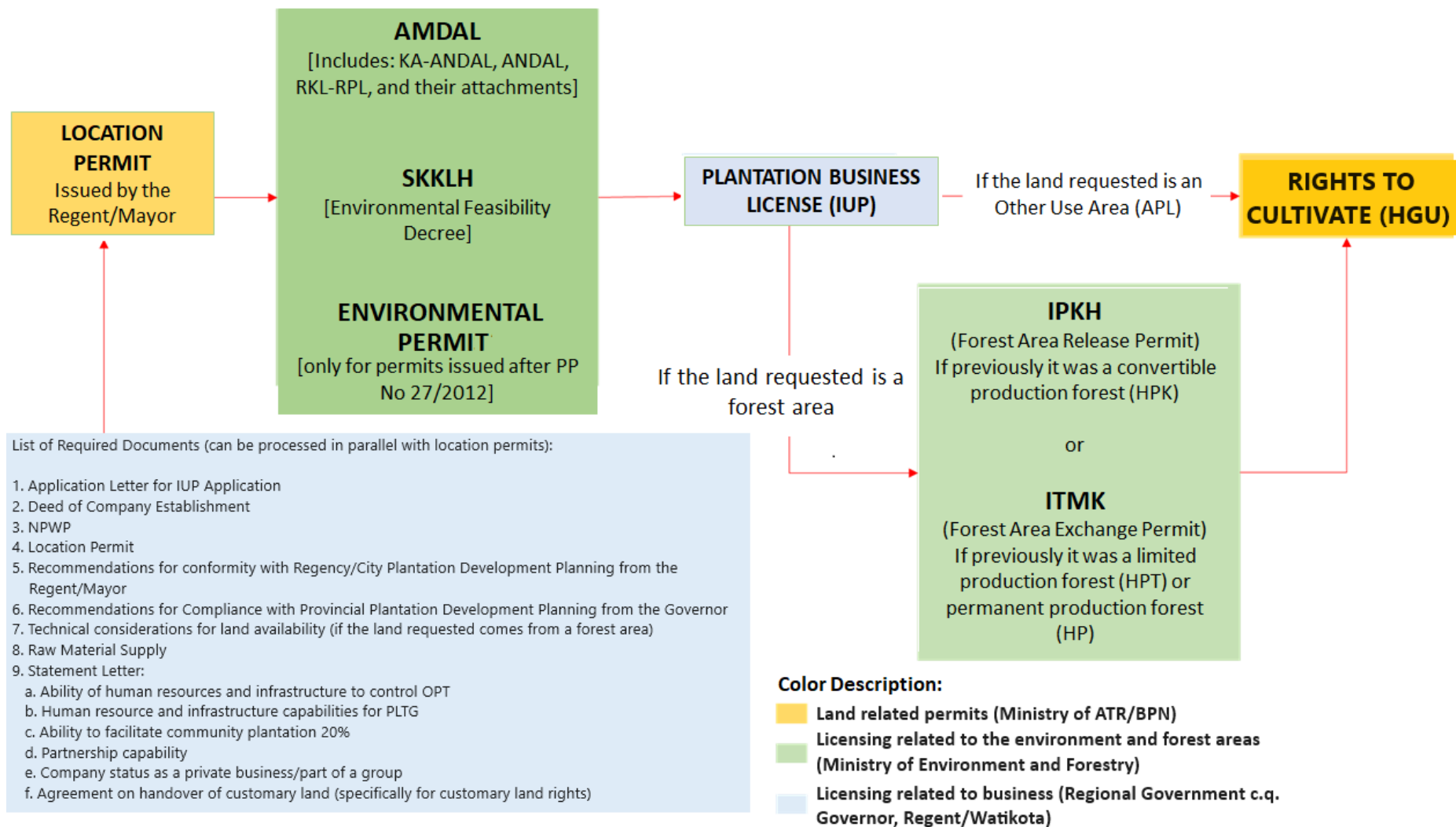


Figure 4.2. The plantation business licensing scheme refers to Minister of Agriculture Regulation No. 98 of 2013 along with its amendment regulations, and previous regulations regarding plantation business licensing (Source: ENS Team Analysis, 2023)

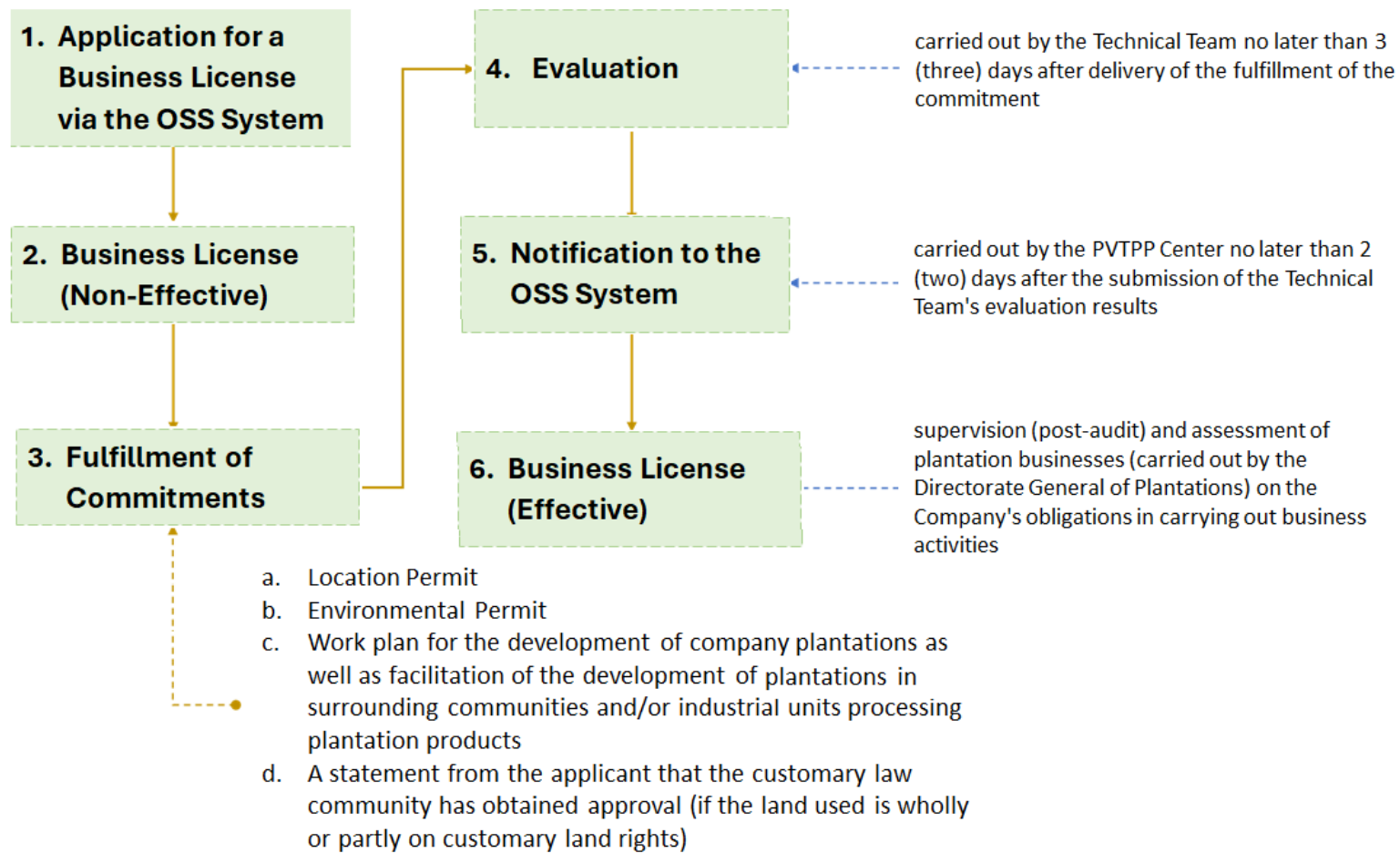


Figure 4.3. The plantation business licensing scheme as referred to in the Minister of Agriculture Regulation no. 45 of 2019 concerning electronically integrated business licensing services in the agricultural sector using the Online Single Submission System (OSS) as a form of automation of the business licensing application process (Source: ENS Team Analysis, 2023)

Ministerial regulations related to HGU include: Regulation of the Minister of State for Agrarian Affairs/BPN No. 9 of 1999 concerning Procedures for Granting and Cancellation of State Land Rights and Management Rights; ATR/BPN Ministerial Regulation No. 7 of 2017 concerning Arrangements and Procedures for Determining the Rights to Cultivate; Head of BPN Regulation No. 7 of 2007 concerning Land Inspection Committees; and Regulation of the Head of BPN No. 2 of 2013 concerning Delegation of Authority to Grant Land Rights and Land Registration.

(b) Licensing related to the environment

Regulations related to the environment, namely regarding environmental suitability, are preceded by the preparation of a document of Environmental Impact Analysis (AMDAL = Analisis Mengenai Dampak Lingkungan). Licensing regarding environmental suitability and AMDAL obligations are contained in Law No. 23 of 1997 concerning Environmental Management and PP No. 27 of 1999 concerning AMDAL.

In 2012, PP No. 27 of 2012 concerning Environmental Permits was issued as an implementing provision of Law No. 32 of 2009 concerning Environmental Protection and Management, so that after the issuance of this regulation, every business/activity is required to have an environmental permit. Related to this, ministerial regulations governing AMDAL include: Regulation of the Minister of the Environment No. 5 of 2012 concerning Types of Business Plans and/or Activities that Must Be Equipped with AMDAL; Minister of Environment Regulation No. 16 of 2012 concerning Guidelines for Preparing Environmental Documents; and Minister of Environment Regulation No. 8 of 2013 concerning Procedures for Assessment and Inspection of Environmental Documents and Issuance of Environmental Permits.

Regarding the status of land as the origin of land acquisition, it is regulated in Law No. 41 of 1999 concerning Forestry, as amended by Law No. 19 of 2004 concerning Determination of PERPPU No. 1 of 2004 concerning Amendments to Law No. 41 of 1999 concerning Forestry, where if the land requested for a plantation area comes from a forest area, it must have a Forest Area Release Permit (*Izin Pelepasan Kawasan Hutan = IPKH*) - if the land's previous status was a convertible production forest (HPK = Hutan Produksi Konversi). Or an Area Exchange Permit (*Izin Tukar Menukar Kawasan = ITMK*) if the previous land status was either limited production forest (HPT = Hutan Produksi Terbatas) or permanent production forest (HP = Hutan Produksi).

(c) Licensing related to business

Since the establishment and operation of PT ANA in 2006, there have been two changes to laws and government regulations regarding plantations, especially with regard to licensing provisions. When PT ANA was founded, the law (UU) that was in effect and used as a reference was Law No. 18 of 2004 concerning Plantations. In 2014 there was an amendment to Law No. 18 of 2004 to become Law No. 39 of 2014 concerning Plantations. In 2020, Law No. 11 of 2020 concerning Job Creation (UUCK) was issued. Then in 2022, the Government issued PP in Lieu of Law (PERPU) No. 2 of 2022 concerning Job Creation.

At the beginning of the enactment of Law No. 18 of 2004, plantation business licensing was still regulated through Decree of the Minister of Agriculture (Kepmentan) No. 357/Kpts/HK.350/3/2002 concerning Guidelines for Plantation Business Licensing. In 2007, the Minister of Agriculture issued Minister of Agriculture Regulation (Permentan) No. 26/Permentan/OT.140/2/2007 concerning Guidelines for Plantation Business Licensing. And in 2013, the Minister of Agriculture replaced previous decisions and regulations with Minister of Agriculture Regulation No. 98/Permentan/OT.140/9/2013 concerning Guidelines for Plantation Business Licensing, which replaces the previous regulations.

In 2014, the Government issued Law No. 39 of 2014, but Minister of Agriculture Regulation No. 98/Permentan/OT.140/9/2013 is still in effect. Furthermore, this ministerial regulation was first amended by the Minister of Agriculture Regulation No. 29/PERMENTAN/KB.410/5/2016, and lastly amended by the Minister of Agriculture Regulation No. 21/PERMENTAN/KB.410/6/2017.

With the issuance of PP No. 24 of 2018 concerning Electronically Integrated Business Licensing Services, all permits must be registered through the Online Single Submission (OSS) System, which is regulated through the Minister of Agriculture Regulation No. 29 of 2018 concerning Procedures for Business Licensing in the Agricultural Sector as replaced by the Minister of Agriculture Regulation No. 05 of 2019 concerning Procedures for Business Licensing in the Agricultural Sector, and has been amended through the Minister of Agriculture Regulation No. 27 of 2019, subsequently replaced by the Minister of Agriculture Regulation no. 40 of 2019 concerning Procedures for Business Licensing in the Agricultural Sector, and most recently replaced by the Minister of Agriculture Regulation No. 45 of 2019 concerning Electronically Integrated Business Licensing Services in the Agricultural Sector.

The implementation of Law No. 11 of 2020 concerning Job Creation has encouraged the issuance of PP No. 26 of 2021 concerning the Implementation of the Agricultural Sector, PP No. 5 of 2021 concerning the Implementation of Risk-Based Business Licensing, and PP No. 6 of 2021 concerning the Implementation of Business Licensing in the Regions. Furthermore, in 2022, the government will issue PERPU no. 2 of 2022 concerning Job Creation.

(2) PT ANA business licensing process

To start this plantation estate, PT ANA applied for a location permit covering an area of 20,000 Ha. The Regent of Morowali issued a location permit for oil palm plantation purposes a/n PT ANA, on December 8, 2006, for 19,675 ha of land in the Petasia sub-district, with a validity period of 1 (one) year. Approval for the IUP for the cultivation of oil palm plants and a Land Clearing Permit in the name of PT ANA were obtained from the Regent of Morowali on April 27, 2007.

At the same time, PT ANA appointed environmental consultant PT BHADRA PRIMASATY to prepare an Environmental Impact Analysis (AMDAL) document, as a condition for obtaining approval of environmental feasibility. Environmental feasibility approval, based on the AMDAL Document for the Development Plan of Plantation and Palm Oil Mill of PT ANA, was obtained on March 4, 2008 from the Governor of Central Sulawesi.

On December 3, 2007, PT ANA applied for an extension of the location permit for an oil palm plantation covering an area of 19,675 Ha in the Petasia Sub-district, and the Regent of Morowali issued an extension of the validity period of the location permit on December 7, 2007 for a period of 1 (one) year.

Apart from the oil palm plantation estate, PT ANA was also building a palm oil processing industry. For this, PT ANA obtained a Plantation Business License (IUP = *Izin Usaha Perkebunan*), for an oil palm plantation covering an area of 7,133 Ha, and its processing industry with a mill capacity of 45 tons of FFB/hour, from the Regent of Morowali on September 20, 2011.

In 2013, Morowali Regency was divided into two districts, namely Morowali Regency and North Morowali Regency. With the expansion of the district, PT ANA's location permit area is included in the North Morowali Regency area, specifically in the East Petasia Sub-district^[61] (a division of the Petasia Sub-district).

As the district expansion occurred, PT ANA had to renew its plantation location permit, because the plantation area was in North Morowali Regency as the new district resulting from the expansion. There are a number of steps in processing plantation permits that must be adapted to the new district government. The renewal of the plantation location permit coincided with the renewal of the oil palm plantation location permit, and was approved by the Regent of North Morowali with an area of 7,244.33 Ha and its processing industry with a capacity of 60 tons/hour located in the East Petasia Sub-district on August 20, 2014. In 2014, there is confirmation that the area of the plantation location permit (*Ilok = izin lokasi*) is the same as PT ANA's plantation business permit (IUP) covering an area of 7,244.33 Ha. Thus, there was a change in the area of plantation area from 19,675 Ha to 7,244.33 Ha.

Then in 2021, PT ANA submitted an application for a location permit to develop an oil palm plantation based on a village administrative area. In accordance with this application, the Regent of North Morowali issued a location permit for oil palm plantations and other supporting facilities with a total land area of 7,036.47 Ha.

A list of business permits held by PT ANA for oil palm plantation estate in North Morowali Regency is presented in Table 4.1.

Table 4.1. List of PT ANA Licensing

No	Form of Licensing	Authorized Official	Location	Area (Ha)
1.	Location permit for oil palm plantation purposes; Decree No. 188.45/0760/UMUM/2006, December 8, 2006	Regent of Morowali	Petasia Sub-district	19,675
2.	Approval of Plantation Business Permits (IUP); No. 525.26/0479/UMUM/2007, April 27, 2007	Regent of Morowali	Petasia Sub-district	19,675
3.	Land Clearing Permit; No. 593.42/0484/UMUM/2007, April 27, 2007	Regent of Morowali	Petasia Sub-district	19,675
4.	Extension of the validity period of location permits for oil palm plantation; Decree No. 188.45/SK.0908/UMUM/2007, December 7, 2007	Bupati Morowali	Petasia Sub-district	19,675

⁶¹ The expansion of East Petasia Sub-district is based on Morowali Regency Regional Regulation No. 6 of 2011

No	Form of Licensing	Authorized Official	Location	Area (Ha)
5.	Approval of Environmental Feasibility of AMDAL Documents for Oil Palm Plantation and Processing Factory Development Plans; No. 660.1/72/BAPEDALDA, March 4, 2008	Governor of Central Sulawesi	Petasia Sub-district	19,675
6	Plantation Business License (IUP) for oil palm plantation and processing industries with a mill processing capacity of 45 tons of FFB/hour; No. 12/DISHUTBUN/ 6.3/IX/2011, September 20, 2011	Regent of Morowali	East Petasia Sub-district	7,133
7.	Approval of renewal of location permits for integrated oil palm plantation along with other supporting facilities; Decree No. 188.45/KEP-B.MU/0096/VIII/2014, August 20, 2014	Regent of North Morowali	East Petasia Sub-district	7,244.33
8.	Approval for the renewal of an integrated oil palm plantation permit with a palm oil (CPO) and palm kernel (kernel) processing factory with a processing capacity of 60 tonnes/hour; No.: 108.45/KEP-B.MU/0097/VIII/2014, August 20, 2014	Regent of North Morowali	East Petasia Sub-district	7,244.33
9.	Location permits for oil palm plantations and other supporting facilities; No. 503/06/IL/DPM-PTSPD/VI/2021, June 18, 2021	Regent of North Morowali	Molino Village, East Petasia Sub-district	1,512
10.	Location permits for oil palm plantations and other supporting facilities; No. 503/07/IL/DPM-PTSPD/VI/2021, June 18, 2021	Regent of North Morowali	Pebooa Village, East Petasia Sub-district	104
11.	Location permits for oil palm plantations and other supporting facilities; No. 503/14/IL/DPM-PTSPD/IX/2021, September 10, 2021	Regent of North Morowali	Bungintimbe Village, East Petasia Sub-district	1,696.87
12.	Location permits for oil palm plantations and other supporting facilities; No. 503/15/IL/DPM-PTSPD/IX/2021, September 10, 2021	Regent of North Morowali	Tompira Village, East Petasia Sub-district	384.7
13.	Location permits for oil palm plantations and other supporting facilities; No. 503/16/IL/DPM-PTSPD/IX/2021, September 10, 2021	Regent of North Morowali	Bunta Village, East Petasia Sub-district	1,974.9
14.	Location permits for oil palm plantations and other supporting facilities; No. 503/17/IL/DPM-PTSPD/IX/2021, September 10, 2021	Regent of North Morowali	Towara Pantai Village, East Petasia Sub-district	300
15	Location permits for oil palm plantations and other supporting facilities; No. 503/18/IL/DPM-PTSPD/IX/2021, September 10, 2021	Regent of North Morowali	Towara Village, East Petasia Sub-district	1,064

Source: PT Astra Agro Lestari, 2022.

c. HGU Permit Registration

Regarding the obligation to have legal HGU for every plantation company as regulated in the Law/PERPU, the process PT ANA has gone through can be seen in the diagram presented in Figure 4.1 above, where PT ANA has been in the process since 2007. PT ANA's progress in obtaining HGU is presented in Table 4.2.

Table 4.2. Progress of PT ANA's HGU registration processes

No	Application Form	Purpose of Application	Date
1.	Cadastral measurements for land covering an area of 11,000 Ha, out of location permits owned for an area of 19,675 Ha Letter No. LECO/EXT/ 117/ANA/VII/07	Head of the National Land Agency of the Republic of Indonesia through the Head of the Regional Office of the National Land Agency, Central Sulawesi Province	July 12, 2007
2.	Application for Cultivation Rights for land covering an area of 3,771.81 Ha in Bunta, Tompira and Bungintimbe Villages, East Petasia Sub-district; Letter No. LECO/218/EXT/IX/2012	Head of the National Land Agency of the Republic of Indonesia through the Head of the Regional Office of the National Land Agency, Central Sulawesi Province	October 10, 2012
3.	Application for Cultivation Rights for 211.57 Ha of land in Towara Pantai Village, East Petasia Sub-district	Head of Land Office, North Morowali Regency	October 25, 2021
4.	Application for Cultivation Rights for 58.72 Ha of land in Peboa Village, East Petasia Sub-district	Head of Land Office, North Morowali Regency	October 25, 2021
5.	Application for Cultivation Rights for 794.33 Ha of land in Towara Village, East Petasia Sub-district	Head of Land Office, North Morowali Regency	November 2, 2021

Source: PT ANA, 2023

One of the obligations that PT ANA must comply with as a condition for granting an IUP on April 27, 2007 is to carry out the HGU registration process, so that the HGU registration process began to be submitted through a cadastral measurement application on July 12, 2007 for land covering an area of 11,000 Ha, from a location permit owned for an area of 19,675 Ha . In this case, PT ANA has begun fulfilling its HGU registration obligations in managing its oil palm plantations.

On 20 September 2011, PT ANA obtained a oil palm plantation business permit (IUP = *Izin Usaha Perkebunan*) covering an area of 7,133 hectares along with a processing industry with a capacity of 45 tons of FFB/hour. After obtaining this IUP, PT ANA continued the HGU processing process by submitting an HGU application for 3,771.81 Ha of land located in the villages of Bunta, Tompira and Bungintimbe on October 10, 2012. Details of the HGU processing process can be seen in Table 4.2 and Table 4.3 above.

Due to the fact that there is still a land dispute or that the land on PT ANA's plantation location permit is not yet “clear and clean”,^[62] PT ANA's HGU cannot be issued. On September 25, 2021 PT ANA submitted an HGU application for a location permit based on the village administrative area.

⁶² as in Article 6 Paragraph (2) of ATR/BPN Ministerial Regulation No. 7 of 2017 Jo. Article 14 Paragraph (2) ATR/BPN Ministerial Regulation No. 18 of 2021

In due course, due to the increasing problem of unresolved land disputes over PT ANA's plantation location permit^[63] the HGU application for PT ANA has been suspended,^[64] until the inventory by the Team formed by the Governor of Central Sulawesi has been completed. To address the problems that occurred in the PT ANA plantation location permit area, the Governor of Central Sulawesi issued a recommendation,^[65] the important point of which is that there is still room for land verification and validation (Verval), and coordinating with the land Verification and Validation Team that has been formed in in 2016 by the North Morowali Regency Government to complete land arrangements on the PT ANA location permit.

To follow up on the HGU application process which was previously suspended, PT ANA submitted a request^[66] to the Head of the Central Sulawesi Province BPN Regional Office to process and follow up on PT ANA's HGU processing. This application is based on:

- (1) The investigation into criminal acts in the PT ANA plantation sector has been stopped^[67] by the Central Sulawesi Regional Police.
- (2) Point (7) of recommendation from the Governor of Central Sulawesi reads: "The Central Sulawesi BPN Regional Office is requested to immediately process PT Agro Nusa Abadi's HGU application for villages that have been declared clear and clean in the East Petasia Sub-district area Morowali Regency, Central Sulawesi Province."

Until now, PT ANA's HGU application is still in process, and in the meantime, the inspection by the Land Inspection Committee (Committee B) in Towara Pantai has been completed, and the location permit or Approval of Suitability of Spatial Utilization Activities (*PKKPR = Persetujuan Kesesuaian Kegiatan Pemanfaatan Ruang*) has been issued, and thus PT ANA is waiting for the publication of Committee B's Minutes and Recommendations from the BPN Regional Office of Central Sulawesi Province as the basis for issuing the HGU Decree.

⁶³ Central Sulawesi Regional Police Letter No. B/485/VII/2022 Ditreskrimsus, that the Central Sulawesi Regional Police will carry out field checks regarding suspected criminal acts in the plantation sector that occurred in Petimata Lorong 12 and 13, Bungintimbe Village, District. East Petasia District. North Morowali

⁶⁴ Contained in the National Land Agency Letter from the Central Sulawesi Provincial Regional Office No. HP.01.02/696-72/VIII/2022 Dated August 25, 2022

⁶⁵ Recommendations from the Governor of Central Sulawesi No.: 590/412/SEKDAPROV Date November 28, 2022

⁶⁶ PT Agro Nusa Abadi Letter No.: LECO/277/EXT/ANA/III/2023 Dated March 16, 2023

⁶⁷ Decree No.: S.Tap/49/IX/2022/Ditreskrimsus concerning Termination of Investigation, Dated September 12, 2022 from the Central Sulawesi Regional Police

d. Socialization to the community

The socialization process was carried out by PT ANA after obtaining a location permit and Plantation Business Permit (IUP) for an area of 19,675 Ha, where the plantation areas are located in 7 (seven) villages, namely Bunta, Tompira, Bungintimbe, Molino, Towara, Towara Pantai and Pebooa. PT ANA conducted outreach at the sub-district level on June 5, 2007 in Kolonodale,^[68] at the Morokoa Building, which was attended by Tripika elements, Village Heads, BPD Chairmen, and community leaders from each village.

In this socialization, PT ANA's plan was conveyed to build an oil palm plantation with a Nucleus-Plasma pattern that implements a partnership pattern of 80% nucleus plantations and 20% plasma plantations. At the meeting, PT ANA requested the community's response and support to realize the oil palm plantation development plan. Regarding the civil rights of the community, PT ANA said it was open to deliberation. One of the conclusions of this socialization is that the Village Head and Head of the BPD will follow up on the results of the socialization of oil palm plantations to the community in each village and at the same time they will put order in the community's land by proving land ownership certificates.^[69]

e. Land management (clearing and planting)

PT ANA started operational activities in July 2007, starting from Molino Village and Bunta Village through land clearing activities. Based on Landsat Image Interpretation 7 of 2007, the condition of the land before land clearing was swamp forest and some of the land was already open in riverside areas, which could indicate that the areas have been managed by the community. The results of the interpretation of Landsat Image 7 of 2007 are as shown in Figure 4.3 and the types of land cover are described in Table 4.3. Important notes in the interpretation of the 2007 Landsat 7 Image: (a) the image is interpreted as swamp forest because it still has green cover, which means that the area is still covered with green vegetation; (b) the image will be interpreted as “swamp” if it shows the presence of water image.

⁶⁸ Kolonodale is the capital of Petasia District. Kolonodale was the capital of Morowali Regency and the center of government since this district was formed (based on Law No. 51 of 1999) until May 2006. Currently, Kolonodale is the capital of North Morowali Regency (which was formed based on Law No. 12 of 2013)

⁶⁹ Minutes of Socialization of Oil Palm Plantation Plans and Partnership Patterns in Petasia District by PT Agro Nusa Abadi Tbk June 5, 2007 in Kolonodale

Table 4.3. Condition of land cover of PT ANA work area before "Land Clearing"

No.	Land cover	Area (ha)
1	Swamp thicket	1,820.28
2	Swamp forest	4,195.57
3	Settlements	16.59
4	Mixed dry agricultural land	404.27
5	Ponds	0.24
6	Open land	614.41
	Total (Ha)	7,051.36

Sumber: PT ANA and Team GIS ENS data processing, Agustus 2023

From 2007 to 2011, PT ANA has realized oil palm planting in an area of 6,698.33 Ha, within a plantation location of 7,200 Ha with a core-plasma partnership, through 80% nucleus plantations and 20% plasma plantations. The realization of oil palm planting is presented in Table 4.4.

Table 4.4. PT ANA Oil Palm Planting Realization

No	Plantation Criteria	Area (Ha)
1.	Nucleus plantation	4,531.23
2.	Public-based plasma plantation	1,182.80
3.	SHM-based plasma plantation	984.30
	TOTAL	6,698.33

Source: PT ANA and Team GIS ENS data processing, August 2023

From Table 4.4 it appears that the area of planted land does not include land used for infrastructure. Oil palm planting in the PT ANA plantation area which is divided into three plantation criteria is presented in the form of a spatial map in Figure 4.5, which shows that the largest SHM-based Plasma Plantation^[70] is in Molino Village. Meanwhile, Tompira and Towara Pantai villages do not have SHM-based plasma plantations. Meanwhile, Public-based Plasma Plantations^[71] are spread across all villages in the operational area of PT ANA's oil palm plantations. The distribution of plasma plantations in each village in the PT ANA plantation location permit area is presented in Table 4.5.

⁷⁰ SHM-based plasma plantations can be defined as plasma plantations built on an oil palm plantation management partnership between the company (PT ANA) and the community holding SHM at the company's operational location.

⁷¹ Public Plasma Plantations can be defined as plasma plantations built on a partnership in managing oil palm plantations between the company (PT ANA) and the village communities surrounding the company's oil palm plantations through plasma cooperatives built by local village communities at the company's business operational locations

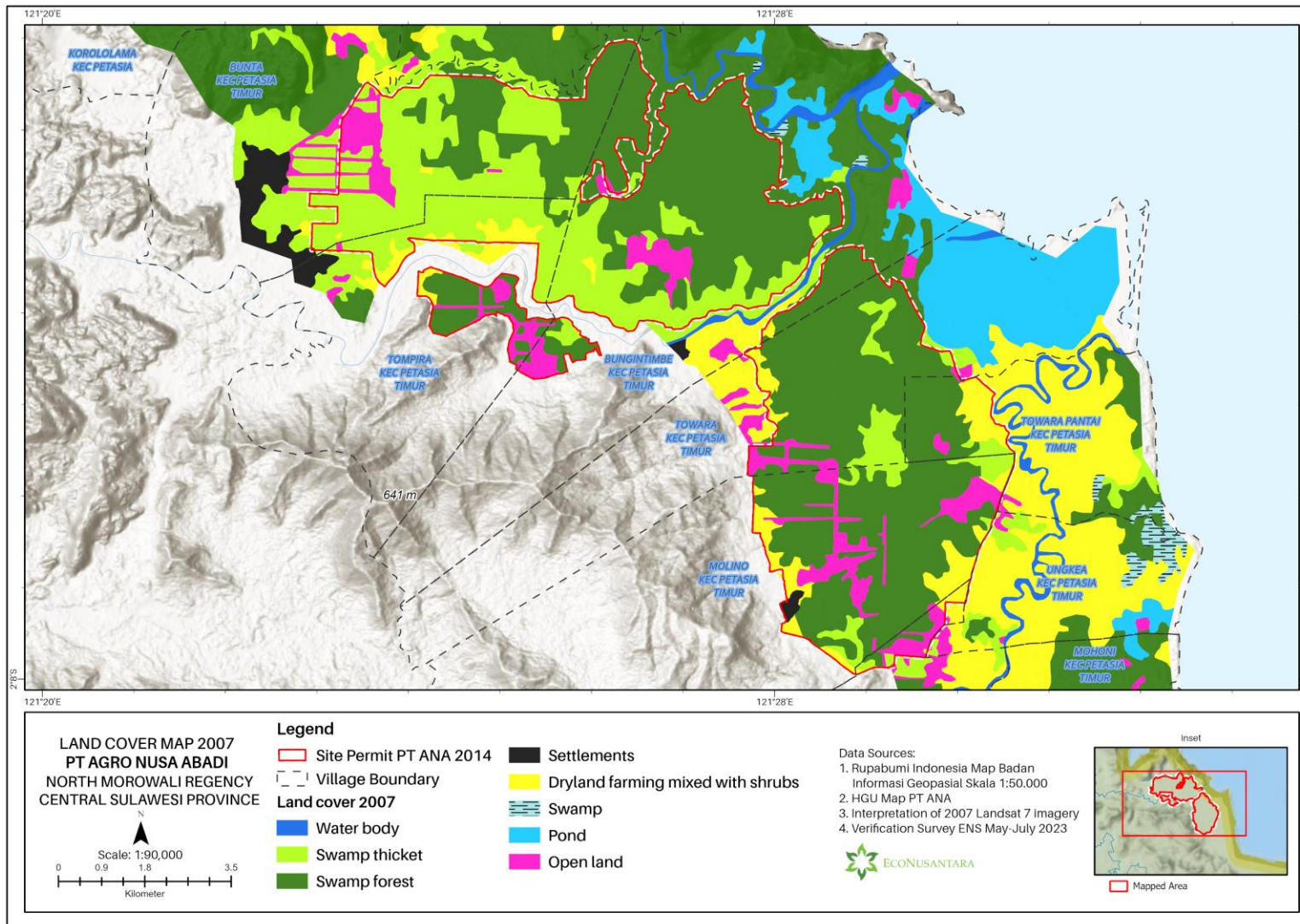


Figure 4.4. Land cover condition of PT ANA location permit before management activities (Source: Landsat Image Analysis 7 of 2007)

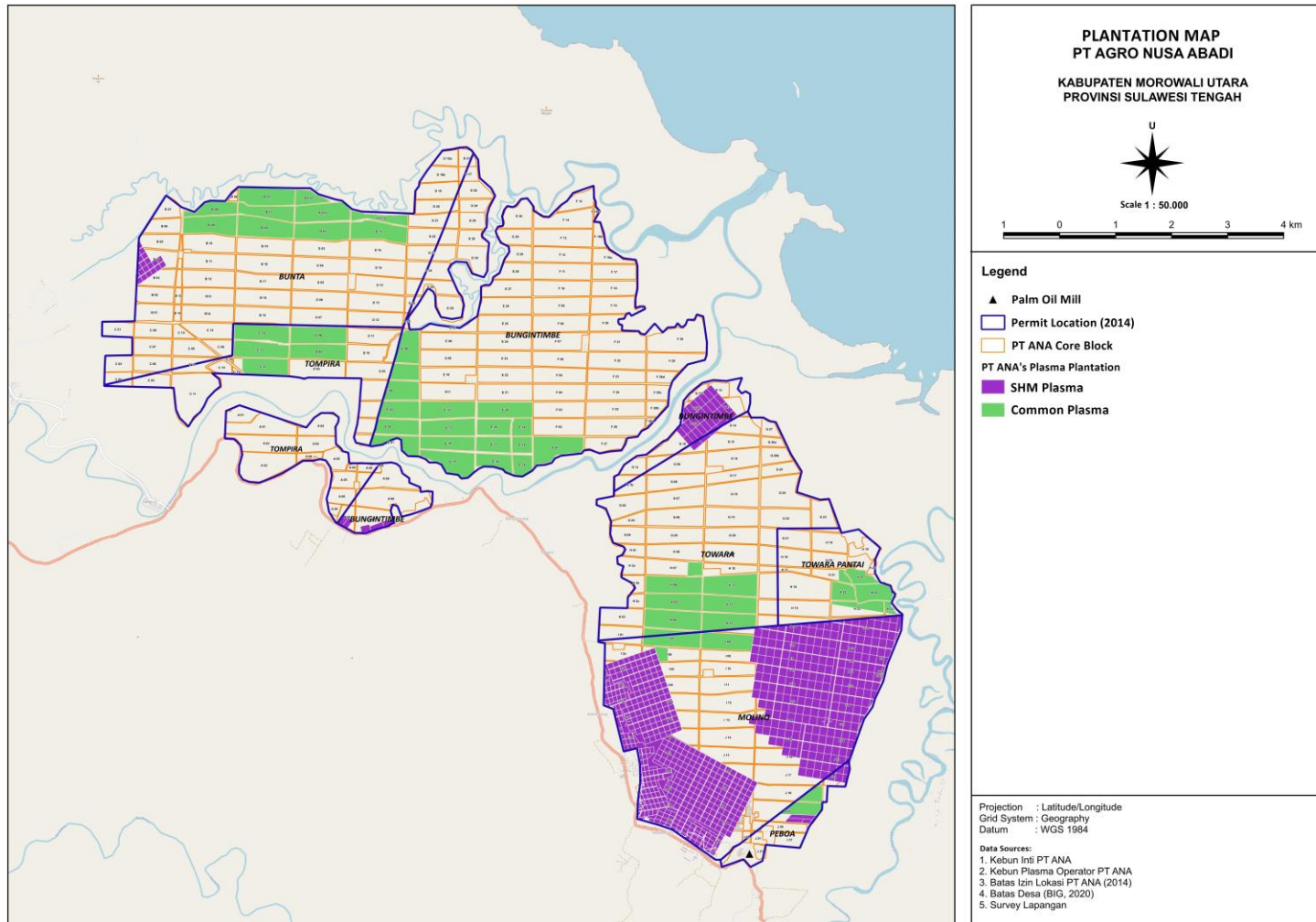


Figure 4.5. PT ANA oil palm planting realization map (Source: PT Astra Agro Lestari, August 2023)

Table 4.5. Distribution of PT ANA Plasma Plantations

No	Location (Village)	Plasma Plantation Area (ha)		
		Public-based	SHM-based	Total
1.	Bunta	276.8	22.0	298.8
2.	Tompira	140.9		140.9
3.	Bungintimbe	406.0	71.0	477.0
4.	Molino	67.6	878.8	946.4
5.	Towara	209.5		209.5
6.	Towara Pantai	61.4		61.4
7.	Pebooa	20.6	12.5	33.1
	TOTAL	1,182.8	984.3	2,167.1

Source: PT ANA and Team GIS ENS data processing, August 2023

2. PT ANA Seized Farmers' Land in Molino, Bungintimbe, Tompira and Bunta Villages Covering An Area of Approximately 5,000 hectares

In 2022, the ENS Team has verified PT ANA's claim land and found that 1,140 Ha is still claimed by the community spread across Bungintimbe Village (300 Ha), Bunta Village (190 Ha), Tompira Village (400 Ha), and Molino Village (250 Ha). Ha). A more thorough and in-depth verification was carried out in 2023, the ENS Team found that 1,695.27 Ha of land was still claimed by the community spread across Bungintimbe Village (992.24 Ha), Bunta Village (614.30 Ha), Tompira Village (75.52 Ha). Ha) and Towara Village (13.21 Ha).

From extracting information, both through interviews with the parties and document searches carried out by the ENS Team, it is known that there are three main reasons or causes for land disputes in the PT ANA plantation location permit area, namely:

- (a) An agreement has not been reached with some communities regarding the plasma pattern offered by PT ANA in managing oil palm plantations, namely 80% nucleus plantations and 20% plasma plantations.
- (b) There is rejection by some communities towards the amount of compensation which is perceived as the compensation value for community land located in the PT ANA location permit area which is considered low, namely only IDR 2,500,000 per hectare^[72] for proof of land ownership rights based on SKT/ SKPT.^[73]

⁷² The amount of compensation is in accordance with the 2016 North Morowali Regent's Discretion taking into account the 2016 land verification and validation report regarding land disputes over the PT ANA plantation location permit

⁷³ Regarding SKT/SKPT, this is explained separately in the section on inventory, verification and validation of land ownership

- (c) Failure to recognize proof of community land ownership rights (SKT/SKPT) by the Land Verification and Validation Team (Team Verval). And the communities still reject Team Verval's decision.

Based on the three reasons above, some community members still do not agree with the scheme offered, and choose to defend the land they claim.

a. History of land tenure

After analyzing the history of the existence of people living in 7 villages of PT ANA's "oil palm ring",^[74] two community groups were identified, namely:

(1) *Independent migration community (in accordance with government policy)*

In general, the history of the existence and use of land by the community in the PT ANA's ring villages is almost the same, starting with the enthusiasm of the Poso Regency Government^[75] to accelerate regional development. In the 1992-1995 period, the Poso Regency Government issued a policy or community mobilization program to migrate to Petasia. Most of the people who migrated come from South Sulawesi. A number of community figures who played a role in mobilizing the community to migrate to Petasia were H. Abidin, H. Mangkao (deceased) and H. Panaco. They informed the Poso Regency Government's policies to their closest people in South Sulawesi. They then brought the community to migrate to Central Sulawesi, especially in Bungintimbe Village and its surroundings. Land tenure in Bungintimbe Village is presented in Table 4.6.

Table 4.6. Land tenure in Bungintimbe Village around 1992-1997

Year	Area of land allocation	Land recipient
1992	Area of 450 Ha ^[76] allocated for:	H. Abidin
	• 150 Ha for ricefield	
	• 150 Ha for plantation area	
	• 150 Ha for ponds	
1993	Area of 1,400 Ha ^[77]	H. Abidin

⁷⁴ Naming of the villages where PT ANA's oil palm plantation location permits are located, namely Bunta, Bungintimbe, Tompira, Molino, Towara and Towara Pantai villages

⁷⁵ The ring village area of PT ANA was a village in Poso Regency until it was expanded in 1999 to become Morowali Regency and in 2013 to become North Morowali

⁷⁶ Based on Land Cultivation Exemption Permit No. 03/15/P/PDT/1992 dated January 27, 1992 from the Head of Bungintimbe Village

⁷⁷ Based on Certificate No.: 125/15.16.02/DS/BTB/93 dated December 27, 1993 from the Head of Bungintimbe Village

Year	Area of land allocation	Land recipient
1993	Area of 40 Ha ^[78]	H. Panaco
1995	Area of 100 Ha ^[79]	H. Abidin
1996	Area of 1,000 m from River Laa, and 400 m wide along the River Petangka ^[80]	H. Panaco
1997	Area of 100 Ha ^[81]	H. Abidin

Source: Bungintimbe Village Land Dispute Settlement Report, 2016

In 1998, the Village Head of Bungintimbe issued Village Head Letter No. 179/15.16.02/DS/BTB/98 dated April 4, 1998, which essentially gives H. Abidin the right to regulate the location of community plantations based on Lorong,^[82] with the following provisions:

- Lorong 4, 5, 6 from the river bank, 2,500 meters (2.5 Km)
- Lorong 7, 8, 10 above 1,000 meters upto 1,500 meters

Based on this land acquisition permit, H. Abidin then distributed the land to both individuals and groups. Each community (family) is allocated 2 hectares of land, or what the community usually calls 1 (one) plot (*kavling*). Land ownership documents in the form of a Land Statement Letter (*SKT = Surat Keterangan Tanah*), or Letter of Land Tenure (*SKPT = Surat Keterangan Penguasaan Tanah*), or similar, from the Village Head with a land certificate contribution fee per kavling of land ranging from IDR 75,000 or IDR 100,000 to IDR 150,000, or in another version, the resident call it “**buying**”.

The Towara Village Head described life at that time as quite difficult for the migrant community, the land they lived on was a deep swampy area and always flooded. The terrain and characteristics of this land were very different from those of the land in their area of origin, which made it difficult for residents to manage the land, in order to obtain results that could meet their living needs. This condition had caused most people to be unable to survive and chosen to leave the land they have managed. Some of them chose to return to their area of origin (South Sulawesi) and others were looking for land that could be managed in the surrounding areas.

⁷⁸ Based on Certificate No.: 101/10.16.02/DS/BTB/93 of April 1993 from the Head of Bungintimbe Village

⁷⁹ Based on Land Certificate No.: 82/15.16.02/DS/BTB/95 dated April 15, 1995 from the Head of Bungintimbe Village

⁸⁰ Based on Certificate No.: 13/15.16.02/DS/BTB/96 dated March 9, 1996 from the Head of Bungintimbe Village

⁸¹ Based on Certificate No.: 112/10.16.02/DS/BTB/97 dated May 5, 1997 from the Head of Bungintimbe Village

⁸² Lorong is a term for blocks of community cultivated land containing two rows of cultivated land. One row of cultivated land is 200 meters wide, so one alley is 400 meters wide. Meanwhile, the length is in multiples of 100 meters. Every 100 meters long in one corridor contains 2 plots of land or an area of 4 Ha.

According to a number of resource persons, the people who were to leave their land was to entrust their land to someone they trust from the community who chose to stay. Some people who chose to move had sold their land to those who stayed.

Apart from the limited ability of the community to manage their land, the movement of people from Petasia was also driven by the Poso Riots (around 1998-2001). When the Poso riots subsided in 2008, some people returned to cultivate the land they had previously abandoned. Meanwhile, in 2008, PT ANA had begun planting oil palm and developing infrastructure. There is no evidence to show that the area developed by the company encroached on abandoned land during that period.

(2) Transmigration community in Bunta Village

The transmigration program in Bunta Village took place in 1996 as an effort to increase the population for regional expansion. The population mobilized for transmigration came from East Java. The regional government provides 515 Ha of transmigration land, which is intended for 250 families and 15 Ha for public facilities. Each transmigration community family received 2 Ha of land, which was specified as 0.5 Ha of land for housing and yards, 0.5 Ha for Cultivation Land 1 (LU 1 = *Lahan Usaha 1*) and 1 Ha of LU 2. The number of transmigration communities who were successfully brought in was 132 families.

In 2000, the transmigrants from Bunta Village obtained a Certificate of Ownership (SHM) for 264 Ha of land, while the rest was used as reserve land for the new families of the transmigrated residents. When this verification was carried out, there were 70 new families who had obtained 1 Ha of reserve land for each family with rights in the form of SKT/SKPT from the Village Head.

b. Inventory, verification and validation of land ownership

Inventory, verification and validation are a series of processes that are inseparable from the socialization stages carried out by PT ANA. This process has been an effort to ascertain the actual subject (land owner) due to overlapping claims on the same object in the PT ANA permit area.

Inventory, verification and validation in the PT ANA plantation location permit area with proof of land ownership rights in the form of SHM or SKT/SKPT is the commitment of the Village Head and the Chair of BPD (*BPD = Badan Permusyawaratan Desa = Village*

Consultative Body) as a follow-up to the results of the socialization of the 2007 oil palm plantation development plan in Kolonodale.^[83] Since the presence of PT ANA in 2007 and the Village Government began to carry out an inventory of land ownership on PT ANA's location permits, there have been people who have submitted complaints to the Village Government regarding their land ownership rights managed by PT ANA, especially the people of Bungintimbe Village. This situation was the beginning of land claims on PT ANA's plantation location permits. The problem of land claims by the community became more prominent in 2010-2011, coinciding with PT ANA planting around 7,200 Ha out of a total location permit of 19,675 Ha.

The variety of evidence based on the right to recognize land ownership submitted by the community to the Village Government has created its own complexity at the Village Government level in carrying out control, especially in ensuring the validity of the documents submitted by the community. This condition encouraged the involvement of the Morowali Regency Government, by issuing a policy of forming a Community Land Certificate Validation Team.^[84] This was done as an effort to coordinate the resolution of land disputes between the community and PT ANA.

From the analysis of documents and information from resource persons, the basis for recognizing community ownership of the land above the PT ANA plantation location permit is as follows.

- (1) Proof of land ownership issued by the Village Head are of various names, such as land statement, exemption letter of land cultivation, letter of land information, land letter, letter of transfer of rights, or letter of land compensation. Furthermore, in land disputes over the PT ANA plantation location permit, the letters of proof of land ownership issued by the Village Head as the basis for community land recognition rights are called SKT/SKPT.
- (2) Proof of land ownership in the form of SHM^[85] issued by the National Land Agency (BPN).
- (3) Evidence of growing crops or physical evidence of community activities before the PT ANA plantation location permit was issued, as found in Bungintimbe

⁸³ Minutes of Socialization of Oil Palm Plantation Plans and Partnership Patterns in Petasia District by PT Agro Nusa Abadi Tbk. June 5, 2007 in Kolonodale

⁸⁴ Morowali Regent's Decree No.: 400/SK.0217Umum/XII/2010 Dated December 15, 2010 concerning the Formation of a Community Land Certificate Validation Team in the PT Agro Nusa Abadi Oil Palm Plantation Project Area in Petasia Sub-district

⁸⁵ SHM is an abbreviation for Certificate of Ownership. SHM is the strongest type of ownership compared to HGU (the Rights to Cultivate), HGB (Building Use Rights), and other use rights, based on the legal basis in force in Law No. 5 of 1960.

Village, including the grave of the Ambo Endre family and the former house belonging to H. Male.

Box 1. Land letters and their definitions

SKT is the abbreviation of Letter of Land Statement (Surat Keterangan Tanah), while SKPT is the abbreviation of Letter Statement of Land Control (Surat Keterangan Penguasaan Tanah). The SKT/SKPT referred to is to explain proof of recognition of land control in the form of a letter explaining the history of a person's land containing the identity of the owner of the land, land boundaries, and witnesses, issued by the Village Head upon request from the applicant/owner land.^[86]

The SKT/SKPT issued by the Village Head is not proof of ownership of land rights in accordance with the provisions of Law No. 5 of 1960, but is only proof of physical control of land rights by someone. The legal position of the SKT/SKPT made by the Village Head in the land law system in Indonesia is as a private deed which is a guide in the land registration process, and the individual who physically controls the land and its boundaries.^[87]

The SKPT (*Surat Keterangan Penguasaan Tanah*) issued by the Village Head is different from the SKPT (*Surat Keterangan Pendaftaran Tanah*) officially issued by the National Land Agency (*BPN = Badan Pertanahan Nasional*). The SKPT issued by BPN is a type of land certificate to explain the historical status of land designated for investigation based on its physical and juridical data, as regulated in the Regulation of the Minister of Agrarian Affairs/Head of BPN No. 3 of 1997 concerning the Implementation Provisions of PP No. 24 of 1997 concerning Land Registration.

In 2010, the Team formed by the Regent of Morowali Regency based on Decree (SK) No. 400/SK.0217/Umum/XII/2010 dated December 15, 2010, began carrying out land verification and validation activities (verval). Verification and validation activities are specific to a land area of 7,200 Ha (covering the villages of Bunta, Tompira, Bungintimbe, Molino, Towara, Towara Pantai, Pebooa) where oil palm planting has been carried out on this land. Land verification and validation is carried out on documentary evidence of land control by the community. Schematically, the land verification and validation process in the PT ANA oil palm plantation area is illustrated in Figure 4.6.

⁸⁶ Tri Handayani (2016) Legality of Land Certificates Issued by Village Heads as the Basis for Land Sale and Purchase Transactions (Case Study of Supreme Court Decision No. 31.PK/TUN/2005). Faculty of Law, University of North Sumatra, Medan.

⁸⁷ Yosep Surya Ditama Sibarani (2023) Legal Study of Land Certificates Issued by Village Heads as Initial Evidence of Land Ownership Rights. *Lex Privatum Journal*, Volume 9 No. 4.

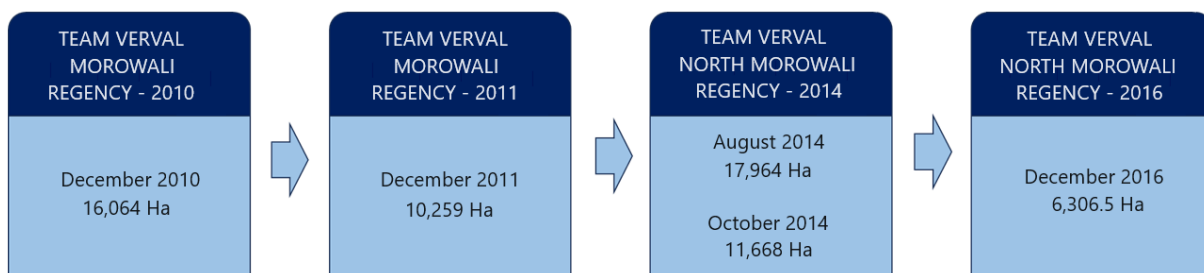


Figure 4.6. Land Verification and Validation Period in the PT ANA Managed Area 2010-2016 (Source: ENS Team Analysis, 2023)

The results of Verval in 2010 on all land ownership rights documents submitted by the community showed an area of 16,064 ha, and this area exceeded the area of PT ANA's planted land (7,200 Ha). This result also received objections from the community, especially in Bungintimbe Village, so that the verval was carried out again in 2011. The verval carried out in 2011 showed that the area reached 10,259 Ha, and this area still exceeded the area planted by PT ANA, then this result was also received objection from the community in Bungintimbe Village. In order to address the difference in the area of land claimed by the community and the area of PT ANA's planted land, BPN Morowali Regency carried out polygon measurements in 2011, to confirm the area of PT ANA using GPS and produced a measured land area of 7,200 Ha. The results of this measurement are the same as the area of PT ANA's planted land. In response to this, verval activities were finally stopped until the formation of a new autonomous region, North Morowali Regency.

After the formation of North Morowali Regency, where the PT ANA plantation location permit area was included in the administrative area of this district, the Regent of North Morowali formed a Land Dispute Resolution Team based on Decree (SK) No: 188.45/KEP.B.MU/0044/V/2014 dated May 5, 2014. The results of the Verval carried out by the Team were 11,668 Ha, which still received objections from the community, especially in Bungintimbe Village.

In 2016, land verification and validation was carried out again. Specifically for Bungintimbe Village, land verification and validation is carried out directly by the North Morowali Regency Land Verification and Validation Team. This was done because of the complexity of the problems in the village. Apart from Bungintimbe, a land verification and validation team was formed at the village level, on the grounds that the village government knows better the conditions of the area and land in their respective villages. The results of land verification and validation in 2016 are presented in Table 4.7.

Table 4.7. Results of Verification and Validation of Land Claims in 2016 in the PT ANA Oil Palm Plantation Area

No	Verified evidence	Area (Ha)
1	Verified SKT/SKPT	4,411.01
2	SHM	1,041.13
3	Object of dispute between H. Abidin and H. Kadas	728.00
4	Overlapping land	126.36
	Total	6,306.50

Source: PT ANA

The results of land verification and validation in 2016 covering an area of 6,306.50 hectares were then followed up by PT ANA for compensation according to the direction of the Regent of North Morowali. The results of this verification also show that not all land managed by PT ANA is claimed by the community spread across the villages of Bunta, Tompira, Bungintimbe, Molino, Towara, Towara Pantai and Pebooa. The disputed area of 728 and 126.36 hectares cannot be resolved because until now a number of community members are still claiming the same land.

c. Settlement of land disputes

Steps to resolve land disputes that occurred on PT ANA's oil palm plantation permits were carried out through compensation for land control and plasma partnerships. Based on the results of land verification and validation in 2016, settlement through compensation for land control was carried out for land claims with verified SKT/SKPT rights covering an area of 4,411.01 Ha. For land claims with SHM rights covering an area of 1,041.13 hectares, settlement will be carried out through plasma partnerships. The results of land dispute resolution can be seen spatially through a map as in Figure 4.7.

Polygons with red legends represent land that has not yet been compensated, the locations of which are mostly randomly distributed; The green polygon legend is land that has been compensated and the purple polygon legend is SHM-based land. In Bungintimbe Village there is still disputed land^[88] covering an area of 728 Ha and overlapping land covering an area of 126.36 Ha.

Efforts to resolve land disputes in the PT ANA oil palm plantation permit area are described as follows.

(1) Compensation for land control

Based on the results of land verification and validation in 2016 for people who submitted land claims, and the direction of the Regent of North Morowali^[89], PT ANA has carried out the land compensation process in 7 (seven) villages. In one of the clauses in the Letter from the Regent of North Morowali, it is stated that letters recognizing land owned by the community as a basis for rights do not meet the standards as regulated in existing legislation^[90], both in terms of authority and the content and form of the letter, the Regency Government North Morowali cannot provide recognition as a basis for rights. For this reason, the compensation policy is to reimburse the community for costs incurred in processing their land documents (SKT/SKPT). A recapitulation of the area of community claim land for which compensation has been carried out is presented in Table 4.8.

Table 4.8. Recapitulation of the area of community claim land based on SKT/SKPT for which compensation has been carried out in villages in the PT ANA oil palm plantation area

No	Village	Verified SKT/SKPT (ha)	Realization fo compensation (ha)	Not yet compensated (ha)
1	Bunta	892.75	811.75	81.00
2	Tompira	641.59	432.85	208.74
3	Bungintimbe	1,174.65	963.56	211.09

⁸⁸ The object of the dispute at the Poso District Court was between H. Abidin versus H. Kaddas and his allies, and was decided on April 27, 2015 No.: 35/Pdt.G/2014/PN.Pso

⁸⁹ Implementation of North Morowali Regent's Letter No.: 590/0445/Adpum/IX/2016 Dated September 9, 2016 concerning Arrangements for PT Agro Nusa Abadi Location Permit Land in Bungintimbe Village

⁹⁰ PERPPU No. 56 of 1960 concerning Determination of Agricultural Land Area; PP No. 224 of 1962 concerning Implementation of Land Distribution and Provision of Compensation; KEPPRES No. 34 of 2003 concerning National Policy in the Land Sector; Minister of Home Affairs Regulation No. 6 of 1972 concerning Delegation of Authority to Grant Land Rights; where the authority of the District Head was revoked through the Letter of the Minister of Home Affairs No.: 593/5707/SJ dated May 22, 1984; Decree of the Governor of Central Sulawesi No.: 592.2/33/1993 dated January 27, 1993 concerning the Form and Content of Letters of Handover and Land Control Rights

No	Village	Verified SKT/SKPT (ha)	Realization fo compensation (ha)	Not yet compensated (ha)
4	Towara	719.00	719.00	-
5	Towara Pantai	307.17	307.17	-
6	Molino	585.45	355.50	229.95
7	Pebo'oa	90.39	90.38	0.01
	TOTAL	4,411.01	3,680.21	730.80

Source: PT ANA and Team ENS analysis (June 2023)

The area of land that has not been compensated is 730.80 Ha, because land owners spread across the villages of Bunta, Tompira, Bungintimbe and Molino are not willing to be compensated. For this reason, the problem of land claims in the PT ANA oil palm plantation area still exists in these four villages. Meanwhile, cases in Towara Village, Towara Pantai and Pebooa have been declared resolved..^[91]

(2) Plasma partnerships

Land claims based on verified SHM rights, based on the results of land verification and validation in 2016 are presented in Table 4.9.

Table 4.9. Recapitulation of the area of community claim land based on SHM in the PT ANA oil palm plantation area according to the results of land verification and validation in 2016

No	Village	Verified SHM in 2016 (ha)	Realization of SHM-based plasma (ha)
1	Bunta	17.71	22.0
2	Tompira	-	-
3	Bungintimbe	70.99	71.0
4	Towara	27.00	-
5	Towara Pantai	40.12	-
6	Molino	878.81	878.8
7	Pebo'oa	6.50	12.5
	TOTAL	1,041.13	984.3

Source: PT ANA and Team ENS analysis (June 2023)

Land with SHM rights as verified in the 2016 land verification and validation is encouraged to carry out plasma partnerships with PT ANA which can be carried out directly between SHM-based land owners and PT ANA.

⁹¹ According to the Minutes of Agreement on Settlement of Oil Palm Land in the Planting Area of PT Agro Nusa Abadi, Towara Village, East Petasia District, North Morowali Regency, February 27, 2017; Minutes of the Meeting of the Team for Completing Community Papers in the Oil Palm Planting Area of PT Agro Nusa Abadi, Towara Pantai Village, June 9, 2017; and Decree of the Head of Pebooa Village No.: 184.2/01/Ds.PBO/I/2018, dated January 18, 2018, concerning Arrangements for PT Agro Nusa Abadi Location Permit Land in Pebooa Village

d. Escalation of land disputes

The escalation of land disputes in the PT ANA oil palm plantation area is caused by some communities, both individuals and groups, who continue to dispute the results of land verification and validation in 2016. Individuals or groups choose to continue to bring this problem to the public sphere, with the aim of obtaining support for a resolution which is considered fairer. In addition, the assessment of individuals and groups who rejected the results of the 2016 verval regarding PT ANA's plasma plantation management practices was deemed unfavorable, so that the settlement offers submitted by PT ANA were not accepted by these individuals and groups.

(1) Efforts made by the community to resolve land disputes with PT ANA

Individuals and community groups who rejected the alternative solutions offered by PT ANA made resolution efforts through various means. Legal action was only taken by H. Bakri for the disputed land in Towara Village covering an area of 20 Ha. The court process began in March 2020 at the Poso District Court, July 2020 at the Central Sulawesi High Court, and April 2021 at the Supreme Court. At every court level, H. Bakri always wins.^[92] The inkrah decision occurred on June 2, 2022 after the results of the Judicial Review (PK) decision^[93] submitted by the company (PT ANA) were issued and H. Bakri won. The execution process for the disputed object covering an area of 20 hectares, up to field verification by the ENS Team, has been carried out.

Meanwhile, community groups who are members of the SPPT (*Serikat Petani Petasia Timur* = East Petasia Farmers Union), led by Ambo Endre, are taking this problem to the provincial level. They held a demonstration at the Governor's Office of Central Sulawesi on October 21, 2021. Efforts to facilitate meetings between the community and PT ANA have been carried out by the Central Sulawesi Provincial Government (November 23, 2021)^[94] and continued with field visits (in 2022). Based on the results of the process carried out by the Provincial Integrated Team, the Governor of Central

⁹² Poso District Court Decision No. 14/Pdt.G/2020/PN Pso Dated May 14, 2020; Central Sulawesi High Court Decision in Palu No. 33/PDT/2020/PT PAL Dated September 10, 2020; Supreme Court Decision No. 895 K/Pdt/2021 April 21, 2021

⁹³ Supreme Court Decision No. 462 PK/Pdt/2022 Date June 2, 2022

⁹⁴ Based on the Recommendations and Agreements at the Facilitation Meeting on Oil Palm Plantation Land Management Issues, dated November 23, 2021 at the Governor's Office of Central Sulawesi involving PT Agro Nusa Abadi, the Bungintimbe Village Community, the Bunta Village Community and the Oil Palm Advocacy People's Front (FRAS)

Sulawesi on November 28, 2021 issued Recommendation No. 590/412/SEKDAPROV, to resolve the dispute.

There are 9 (nine) points of the Governor's recommendation, one of the points in the Governor's Recommendation that has received the attention of many parties is recommendation point number 3, which states: *“That in the case of a proposal to release land covering an area of ±1,000 Ha, verification and validation must first be carried out by the Village Government/Village Head, as well as consulting with the previous team that was formed by the Regency Regional Government in 2016.”*

In order to respond to the Governor's Recommendation, the Regent of North Morowali has held a series of meetings at both the regent^[95] and provincial^[96] levels to discuss follow-up actions to resolve the PT ANA land problem with the community.

The discourse on releasing ±1,000 Hectares of land as stated in the Governor's Recommendation No.: 590/412/SEKDAPROV has triggered an increase in community activity that is still in dispute with PT ANA. The community has occupied land and harvested palm fruit on the disputed land. The number of individuals or groups making land claims is increasing, thus causing friction between land claimants. Around June 2023, the situation became increasingly heated with the reappearance of the Rumpun Sembilan group in Bungintimbe Village. This group occupies land that has been previously claimed by other groups. Friction has started to occur in the field because the Rumpun Sembilan group is harvesting oil palms in areas that have also been claimed by other groups or individuals previously, the Rumpun Sembilan group has prohibited other groups and individuals from harvesting.

(2) Identify "claimers" and mutually claim land

From document analysis and interviews, the ENS Team noted that there were at least 28 claimants, both groups and individuals, who declared land ownership in the PT ANA oil palm plantation area. Community groups/individuals who claim land in the PT ANA area are spread across 4 (four) villages, namely Bungintimbe, Bunta, Tompira and Towara villages. They are people who claim permanent land, who consistently try to

⁹⁵ Minutes of Meeting on Follow-up Discussion of Central Sulawesi Governor's Recommendations Regarding PT Agro Nusa Abadi's Land Issues with the Community on February 16, 2023 in the North Morowali Regent's Meeting Room

⁹⁶ Minutes of the PT Agro Nusa Abadi Facilitation Meeting with the North Morowali Regency Government on February 20, 2023 in the Meeting Room of the Provincial Secretariat's Assistant for Economy and Development. Central Sulawesi

defend the land and even occupy the land. Spatially it can be interpreted through the map in Figure 4.7.

Map in Figure 4.8. shows the land claimed by communities spread across four villages, and there are overlapping land claims between communities claiming land (mutual claims), either partially or completely. In fact, one stretch of land claimed by the community is located in more than one village administrative area because it is in the village boundary area. The results of the overlapping analysis were then developed into a data tabulation to see the details of the distribution of land area and the names of the communities making land claims, as presented in Table 4.10.

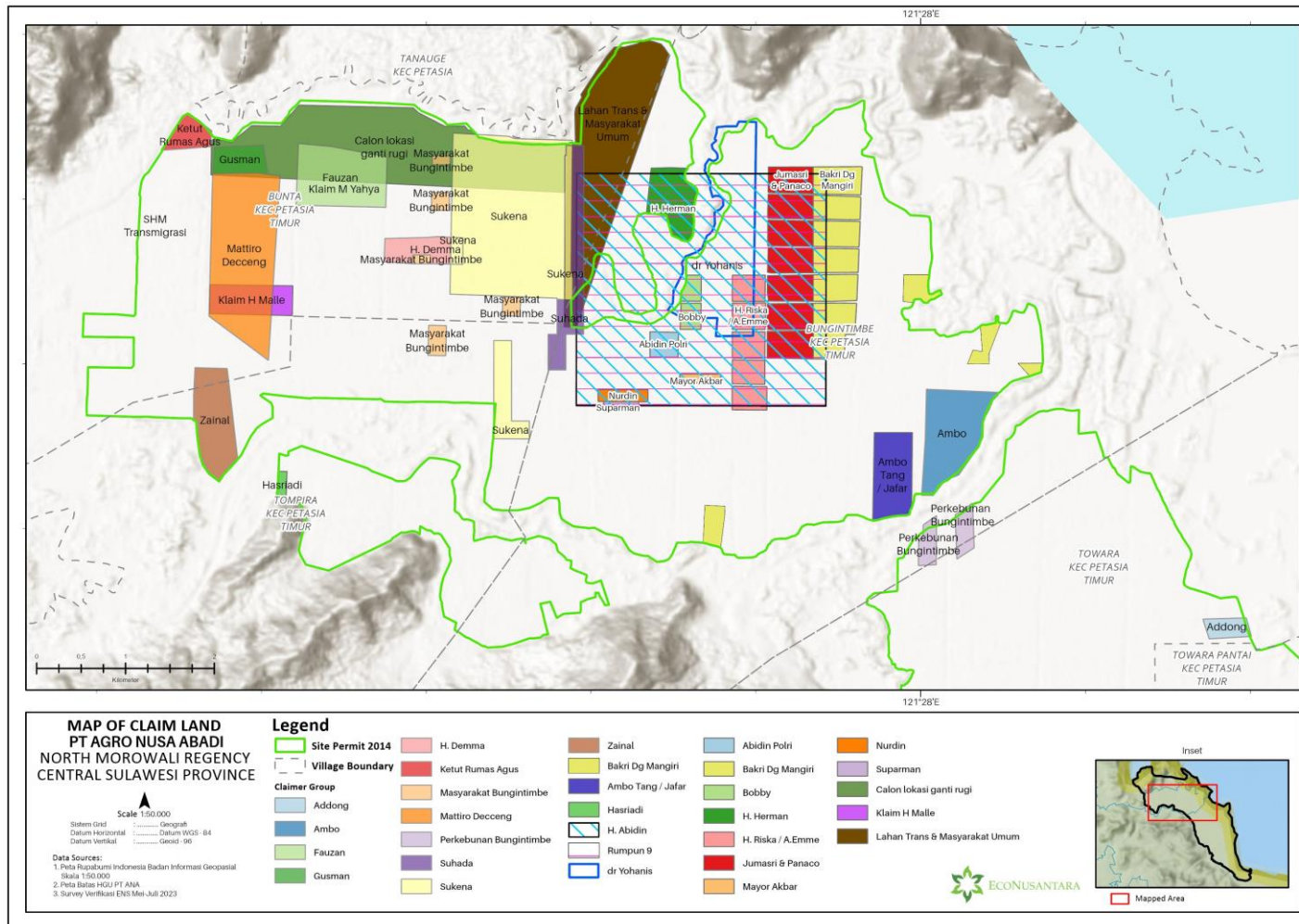


Figure 4.8. Map of the distribution of land claims in the PT ANA oil palm plantation area (Source: Spatial analysis by the ENS GIS Team, July 2023)

Table 4.10. Land area in each village in the PT ANA oil palm plantation area based on claimer

No	Claimer's Name	Area of claim (Ha)				Source
		Analysis	Location (village)			
			Bunta	Tompira	Bungintimbe	
1	H Abidin	729.18	32.06		697.12	(1)
2	Rumpun Sembilan	729.18	32.06		697.12	(1)
3	Bakri Daeng Mangiri	129.53			129.53	(2)
4	Ambo Tang/Jafar	40.85			40.85	(2)
5	Hasriadi	2.97		2.97		(2)
6	Addong	10.46				10.46 (3)
7	Ambo	64.20			64.20	(3)
8	Fauzan	61.27	61.27			(3)
9	Gusman	17.69	17.69			(3)
10	H. Demma	23.60	23.60			(3)
11	Ketut Rumas Agus	13.75	13.75			(3)
12	Mattiro Decceng	133.86	133.86			(3)
13	Suhada	56.49	39.74		16.75	(3)
14	Sukena	267.53	241.57	25,96		(3)
15	Zainal	46.88	7.02	39,86		(3)
16	Perkebunan Bungintimbe	19.03			16.28	2.75 (3)
17	Masyarakat Bungintimbe	18.96	12.23	6,73		(3)
18	dr Yohanis	140.08			140.08	(4)
19	Abidin Polri	8.91			8.91	(4)
20	Bobby	12.50			12.50	(4)
21	H. Herman	32.77			32.77	(4)
22	H. Riska/A.Emme	52.86			52.86	(4)
23	Jumasri & Panaco	103.20			103.20	(4)
24	Mayor Akbar	4.75			4.75	(4)
25	Nurdin	7.56			7.56	(4)
26	Suparman	3.55			3.55	(4)
27	H Malle	30.57	30.57			(4)
28	Lahan Trans&Masy Umum	184.35	133.75		50.60	(4)
	TOTAL	2,946.51	779.17	75,52	2,078.61	13.21

Source: ENS Team Analysis (July 2023)

- (1) Land Verification and Validation Report in Bungintimbe Village, 2016.
- (2) SKT/SPT and recognition by the claiming community.
- (3) Report on Community Land Measurement Survey Results in North Morowali Regency, Central Sulawesi Province (from M. Yahya).
- (4) Map of claimer location and occupation (PT ANA).

From Table 4.10, it appears that as many as 28 communities claimed land with a total area of 2,946.51 Ha. However, there is still overlap in this area or there are mutual claims covering an area of 795.13 Ha. By taking into account overlapping land, the analysis of the total area of land claimed by the community in the PT ANA permit area

is 1,695.27 Ha, spread across the villages of Bunta (614.30 Ha), Tompira (75.52 Ha), Bungintimbe (992 Ha), 24 Ha) and Towara (13.21 Ha). The details are presented in Table 4.11.

Table 4.11. The area of claim land in the PT ANA oil palm plantation area is based on the criteria of non-overlapping and overlapping (mutual claims)

No	Claimer	Land area being claimed (Ha)				
		Analysis	Location (village)			
			Bunta	Tompira	Bungintimbe	Towara
A. Overlapping land						
1.	Ketut Rumas Agus	13.75	13.75			
2.	Gusman	17.69	17.69			
3.	Fauzan	61.27	61.27			
4.	Zainal	46.88	7.02	39.86		
5.	Hasriadi	2.97		2.97		
6.	Addong	10.46				10.46
7.	Ambo	64.20			64.20	
8.	Ambo Tang/Jafar	40.85			40.85	
9.	Mattriro Deceng	110.91	110.91			
10.	H. Male	7.62	7.62			
11.	Suparman	1.81			1.81	
12.	Bakri D. Mangiri	101.24			101.24	
13.	Jumasri & Panaco	3.88			3.88	
14.	H. Riska/A.Emme	1.80			1.80	
15.	Sukena	249.85	223.89	25.96		
16.	H. Demma	19.53	19.53			
17.	Suhada	8.29	3.09		5.20	
18.	People of Bungintimbe	18.96	12.23	6.73		
19.	Plantations in Bungintimbe	19.03			16.28	2.75
20.	Transmigration land	99.16	48.56		50.60	
	Sub Total (A)	900.15	525.56	75.52	285.85	13.21
B. Overlapping land						
1.	Mattriro Deceng vs H. Male	22.95	22,95			
2.	Sukena vs H. Demma	4.07	4,07			
3.	Sukena, Suhada vs Transmigration land	13.61	13,61			
4.	Transmigration land vs Suhada	25.32	16.05		9.27	
5.	Disputed land of H. Abidin	729.18	32.06		697.12	
	Sub Total (B)	795.13	88.74		706.39	
	TOTAL (A + B)	1,695.27	614.30	75,52	992.24	13.21

Source: Analysis of Team ENS (July 2023)

On the H. Abidin disputed land (Table 4.10), there is overlap (mutual claims) with other claimant communities. A detailed list of land claimants on disputed land is presented in Table 4.12.

Table 4.12. List of land claimants on disputed land in the PT ANA oil palm plantation area

No	Claimer	Claimed area (Ha)				
		Analysis	Location (village)			
			Bunta	Tompira	Bungintimbe	Towara
1.	H. Abidin	729.18	32.06		697.12	
2.	Rumpun Sembilan	729.18	32.06		697.12	
3.	dr Yohanis	140.08			140.08	
4.	Abidin Polri	8.91			8.91	
5.	Bakri D. Mangiri	28.29			28.29	
6.	Bobby	12.50			12.50	
7.	H. Herman	32.77			32.77	
8.	H. Riska/A.Emme	51.06			51.06	
9.	Jumasri & Panaco	99.32			99.32	
10.	Mayor Akbar	4.75			4.75	
11.	Nurdin	7.56			7.56	
12.	Suparman	1.74			1.74	
13.	Suhada	9.27			9.27	
14.	Lahan Transmigrasi	50.60			50.60	

Source: Analysis of Team ENS (July 2023)

The land disputed by H. Abidin has been claimed over the same area by the Rumpun Sembilan Group. Meanwhile, this land is also claimed by other communities with different and randomly distributed land claims. The number of people claiming land on the disputed object was 14 claimers, including H. Abidin.

The results of the spatial interpretation of land claimed by the community on the current PT ANA plantation location permit which is spread across the villages of Bunta, Tompira, Bungintimbe and Towara, can be illustrated through an overlay with the condition of land cover in 2007 to determine the condition past land management by the community. The land cover analysis was produced from interpretation based on Landsat satellite imagery 7 years recording 2007, while the land claim location was obtained from a survey conducted by ENS in May-July 2023. Based on the results of the land cover analysis, the majority of land cover is in the 2014 PT ANA plantation location permit dominated by swamp forest cover covering an area of 4,195.6 Ha, swamp scrub covering an area of 1,820.3 Ha and open land covering an area of 614.4 Ha.

In this analysis there are limitations to land cover identification such as the quality of available data and the characteristics of land conditions in the past. One of the data qualities is related to spatial resolution, or the smallest unit of measurement of objects in the field that can be recorded in digital data or satellite imagery. In 2007, the only data available and easily accessible was Landsat 7 satellite data with a spatial resolution

of 30 meters. So objects in the field that are smaller than 30 meters or less than 1 Ha are difficult to identify precisely. Apart from that, the characteristics of mixed fields of people who usually plant woody plant species are also difficult to identify or distinguish because visually the image, appearance based on color and pattern is similar to the land cover of swamp scrub or swamp forest.

The location of the community claim (Figure 4.8) which is overlaid with the 2007 land cover map on the PT ANA plantation location permit is illustrated in Figure 4.9. In the map of Figure 4.9, it can be seen that generally the locations of community claims in 2007 were covered by swamp forest and swamp thickets, such as the claim land belonging to Ambo Tang/Jafar, Ambo, Bakri Dg Mangiri, Nurdin, Suparman, Bobby, Jumasri & Panaco, H. Herman, Sukena, H. Demma, Fauzan, Gusman, Abidin Polri, Addong, Rumpun Sembilan Group, and H. Abidin.

At the location of the land claim by Ketut Rumas Agus, Mattiro Deceng, and H. Male, there is already land clearing. This land clearing has a pattern like the block system which is generally carried out on oil palm plantations. Apart from that, land clearing is also found in the southern part of the land claimed by the Rumpun Sembilan Group and H. Abidin.

Open land cover is found in the riparian area (around the river flow) in the middle of the PT ANA plantation location permit covering an area of 12.6 Ha with an irregular shape. Meanwhile, in the southern part of the land claimed by Zainal and Hasriadi, the land cover identified is mixed dry land agriculture. From the results of the identification of land claimants within PT ANA's plantation location permit, there are two main groups who claim ownership of land with a significant area, as follows.

(1) East Petasia Farmers Union (Serikat Petani Petasia Timur = SPPT)

This SPPT group is spread across 4 (four) villages, namely Bungintimbe, Bunta, Tompira and Towara Villages. This group is led by Ambo Endre. Members of this group include: Ambo Endre Group, Yahya Group, Gusman Group, Syaril Group and Rusli Group. The number of SPPT members is around 375 people with a land claim area of 780 Ha. The SPPT group has been accompanied by an NGO Coalition called the Oil Palm Advocacy People's Forum (*Forum Rakyat Advokasi Sawit = FRAS*).

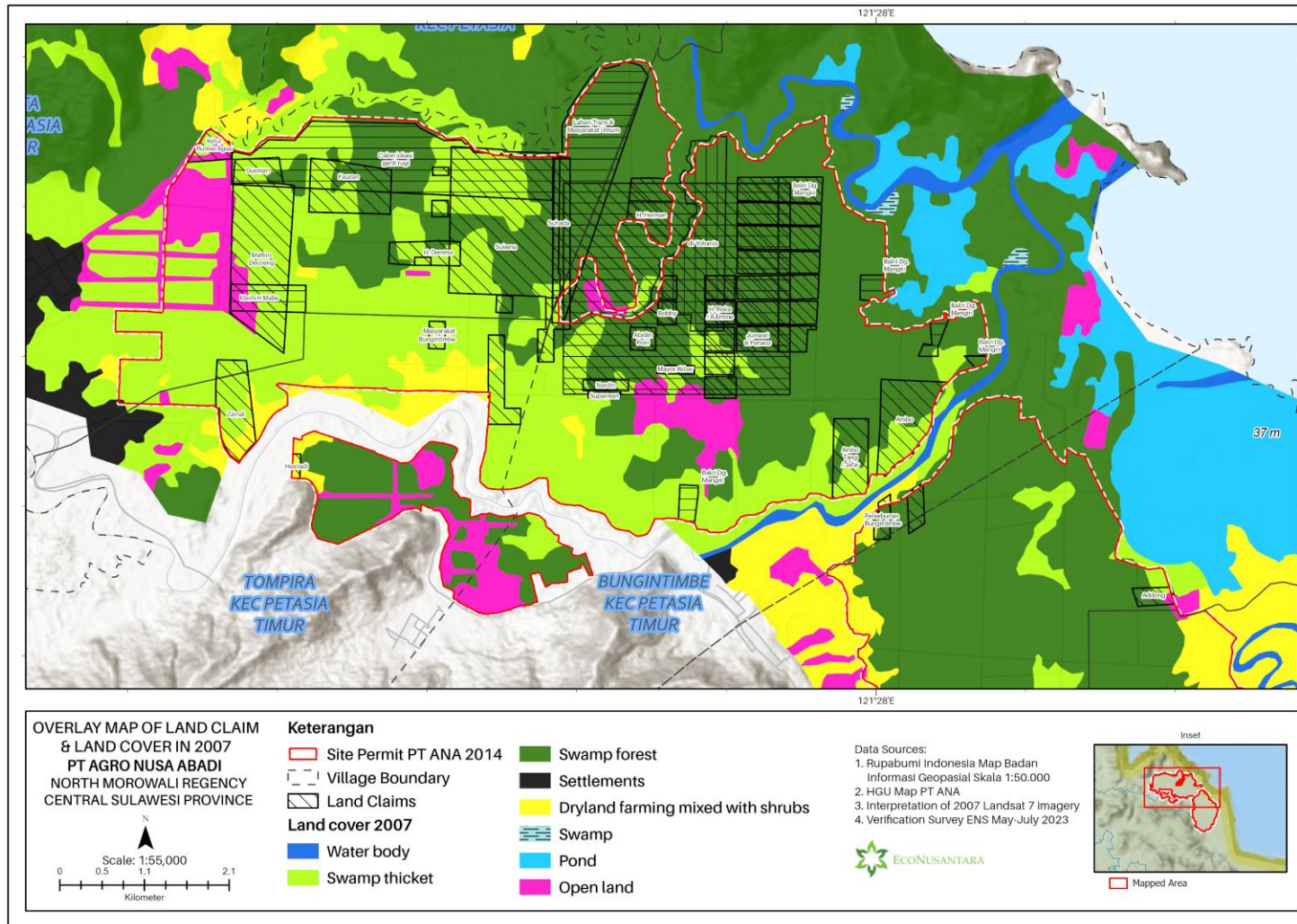


Figure 4.9. Overlapping maps of the distribution of land claims in the PT ANA oil palm plantation area with land cover conditions in 2007 (Source: Spatial Analysis Team GIS Econusantara, July 2023)

(2) Rumpun Sembilan Group

The Rumpun Sembilan group was formed in 2000 under the leadership of H. Kadas, with community members from South Sulawesi, with a claim to 728 hectares of land in the PT ANA location permit area where this land was also the object of a dispute between H. Abidin and H. Kadas until it came to legal realm. It turned out that the court decision did not favor either party, so many members of this group returned to South Sulawesi.

There is information circulating about the recommendation of the Governor of Central Sulawesi, No. 590/412/SEKDAPROV tahun 2022, which contains the release of around 1,000 hectares of land, and seeing the large number of other groups that have succeeded in occupying land managed by PT ANA, the Rumpun Sembilan Group has revived with a new management structure. The ENS Team has not been able to directly confirm the existence of the Rumpun Sembilan Group.

Even though its members are not yet clear, there are many rumors in the community stating that the Rumpun Sembilan Group is the reincarnation of the Rumpun Sembilan Group which was formed in 2000 (led by H. Kadas). This allegation is strengthened by evidence that the current leader of the Rumpun Sembilan Group is H. Kadas' nephew, whose name is Sahar. This group still claims 728 Ha of land in the PT ANA managed area in Bungintimbe Village, where this land is land that was once a dispute between H. Abidin and H. Kadas.

The existence of the Rumpun Sembilan Group is felt to be disturbing other land claimant groups, and this group has also occupied land that was previously controlled by H. Herman, dr. Yohanis, Bobby, Abidin Polri, Major Akbar, Nurdin, Suparman, H.Riska/H.Emme, Jumari, H.Panaco, and H.Bakri. The Rumpun Sembilan group not only occupied the land, they also prohibited other groups from harvesting oil palms on the land they claimed. This condition triggers an escalation of conflict in the field, and has great potential to cause horizontal conflict in society.

e. Latest developments in the PT ANA land dispute

Current developments (September 6, 2023), mediation is facilitated by the Central Sulawesi Provincial Government^[97] as an effort to resolve land disputes in the PT ANA

⁹⁷ Mediation Meeting of the Governor of Central Sulawesi through the Head of the Legal Bureau and the Governor's Expert Staff, in the Teleconference Room of the Governor's Office of Central Sulawesi, September 6,

oil palm plantation area, especially for Bungintimbe and Bunta Villages, based on Governor's Recommendation No. 590/412/SEKDAPROV in 2022, has found a bright spot. Each Verification and Validation Team from the Village Head has sent the results to the Governor of Central Sulawesi via a letter of introduction from the Regent of North Morowali. The agreement in this mediation is that the Governor of Central Sulawesi will release PT ANA's land covering an area of 941.74 Ha. with details of 659 Ha of land in Bungintimbe Village and 282.74 Ha of land in Bunta Village.

However, this is still in progress, and as a follow-up step, the Central Sulawesi Provincial Government together with the North Morowali Regency Government, the Bungintimbe and Bunta Village Governments, ATR/BPN and law enforcement officials will form a Verification and Revalidation Team to re-examine land tenure documents by the community (claimers). This agreement also states that PT ANA is asked to immediately register HGU on land that is already "clear and clean", and the Regional Government will help speed it up.

The results of the mediation issued by the Central Sulawesi Provincial Government above received criticism from the Walhi of Central Sulawesi^[98], who stated that this policy actually gave rise to new, prolonged conflicts and gave rise to social jealousy in the village communities surrounding PT ANA's oil palm plantations. Even the Central Sulawesi Provincial Government and the North Morowali Regency Government are considered to be pampering the company (PT ANA) by facilitating HGU applications.

C. CONCLUSION

1. In 2014, PT ANA obtained a renewal of the location permit for an oil palm plantation covering an area of 7,244.33 Ha in Petasia Timur District, North Morowali Regency which includes the villages of Molino, Pebooa, Bungintimbe, Tompira, Bunta, Towara Pantai and Towara. There is still land recognition on the PT ANA oil palm plantation business permit by the community in each of these villages so that land verification and validation is carried out in order to resolve land recognition disputes which in 2016 resulted in a verified land area of 6,306.50 Ha, consisting of land with SKT/SKPT rights covering an area of 4,411.01 Ha, land with SHM rights covering an area of 1,041.13 Ha, land that is the object of dispute covering an area of 728 Ha, and land that is still overlapping covering

2023 as published in the latest Central Sulawesi online media (<https://sultengterkini.id/2023/09/08/governor-of-sulteng-lepas-941-hectares-of-land-pt-ana-for-citizens/>) September 8, 2023

⁹⁸ <https://walhisulteng.org/konflik-sawit-astra-group-di-sulteng-tak-berujung/> Dated September 7, 2023

an area of 126.36 Ha. Compensation for 3,680.21 Ha of land with SKT/SKPT rights has been carried out, leaving 730.80 Ha of land without compensation, spread over Bunta Village (81 Ha), Bungintimbe Village (211.09 Ha), Tompira (208.74 Ha) and Molino (229.95 Ha).

2. In 2021, PT ANA obtained a renewal permit for an oil palm plantation business in Petasia Timur Sub-district, North Morowali Regency covering an area of 7,035.97 Ha, spread across Molino Village (1,512 Ha), Pebooa Village (104 Ha), Bungintimbe Village (1,696.87 Ha), Tompira Village (384.7 Ha), Bunta Village (1,974.9 Ha), Towara Pantai Village (300 Ha), and Towara Village (1,064 Ha). To follow up on the HGU processing, PT ANA submitted an HGU application based on a clean and clear village administrative area, including the villages of Towara Pantai (211.57 Ha), Towara (794.33 Ha), and Pebooa (5,872 ha). Currently, one of the conditions for the issuance of the PT ANA HGU Decree, namely PKKPR for all villages including Pebooa Village, Towara Village, Towara Pantai Village, Molino Village, Tompira Village, Bungintimbe Village and Bunta Village, has been issued on September 22, 2023. Thus, PT ANA is waiting for the publication of Committee B Minutes and Recommendations from the BPN Regional Office for Central Sulawesi Province regarding the issuance of the HGU Decree.
3. From investigations carried out, both reviewing documents and interviews with parties, both government and company, it was confirmed that until the time the verification was carried out, PT ANA did not have an HGU. This is due to the fact that the HGU can only be given when all disputes on the land have been settled by the government. The complexity of this issue is further demonstrated by the multiple validation and verification that yielded different results each time and the lack of clarity on boundary divides and markers. It is known that the HGU application process has been carried out by PT ANA since 2007.
4. From document analysis and interviews, the ENS Team noted that there were at least 28 community members who stated that they owned land in the PT ANA oil palm plantation area with a total area of 1,695.27 Ha, spread across Bungintimbe Village (992.24 Ha), Bunta Village (614.30 Ha), Tompira Village (75.52 Ha), and Towara Village (13.21 Ha). It was identified that 795.13 hectares of the total claim land area was land that still overlapped between communities (claimers).

D. RECOMMENDATIONS

1. PT ANA and AAL, in resolving the land conflicts that occur, need to continue to strive to involve key parties including the government, community and NGOs/assistant groups, so as to produce a resolution that can be accepted by all

parties. The involvement of observers and independent mediators can be an option to increase public acceptance of the resolution that will be produced.

2. Regarding overlapping objects claimed by fellow citizens, both in groups and individually, the government's role as a mediator is strategic. Every group or individual whose land claims overlap needs to exercise restraint in order to avoid horizontal conflict and be able to find solutions together.
3. It would be best for PT ANA and AAL, after ensuring that the permit area is clear and clean and referring to the applicable laws and regulations, to immediately complete the processing of the Rights to Cultivate (HGU).



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