

Integrated Instrument of Pollution and/or Environmental Damage Prevention in the Sustainable Palm Oil Development in Riau Province

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Abstract—Palm oil plantations are widely accused of being the commodity produced from plantations that damage the environment. This condition is caused by the absence of the implementation of the integrated prevention instruments. The purpose of this research is to formulate how the concept of integrated environmental damage prevention instruments in the operation of sustainable palm oil plantations in Riau Province. This research is a normative legal research conducted by examining library materials. The research uses literature studies with a statute approach, conceptual approach and is supported by in-depth interviews with key informants. This research collects facts, explores and analyses the principle of integrated prevention instruments. Based on the results of research on prevention instruments carried out by every business and / or activity, to be effective it must be preceded by the implementation of prevention instruments carried out by the government. This can be exemplified that the KLHS and RTRW are predetermined by the government so that they have legal certainty as a guide in spatial planning. For environmental components that are still not good, the environmental audit document can be used as an early warning system in environmental management. Sustainable development requires a balanced integration of economic, social and environmental dimensions. Therefore, it is necessary to improve ISPO principles and criteria such as land legality, traceability criteria for the origin of oil palm, strengthen the role of local government, community participation and transparency of public information.

Keywords: *integration, damage prevention, palm oil plantation*

I. INTRODUCTION

Palm oil is Indonesia's mainstay commodity in generating foreign exchange. However, many oil palm plantations have been accused of being commodities produced from plantations that damage the environment, such as forest conversion, threatening biodiversity, planting on deep peatlands and damaging water systems. The Indonesian government made a certification policy, *Indonesian Sustainable Palm Oil* (ISPO) to address this problem. However, ISPO has not been able to solve the problem of palm oil plantations from

Indonesia. Therefore, it is necessary to restructure the exploitation of palm oil plantations by prioritizing instruments for preventing pollution and / or environmental damage (prevention instruments) that are carried out in an integrated manner.

Not integrated, not complying with the spatial plan and not supported by a Strategic Environmental Assessment and environmental permit that is not rely on the requirements of land characteristics such as the prohibition of planting on certain peatlands, triggers forest and land fires and other environmental damage. Data on the results of a compliance audit in the context of preventing forest and land fires in Riau Province in 2014 shows that forest and land fires in the period of January 2 to March 13, 2014 identified 12,541 hotspots on peatlands (93.6% of all hotspots) throughout Riau Province [1]. This fire occurred again in 2019, namely in the month of September forest and land fires reached 857,756 hectares, consisting of 630,451 hectares of mineral land and 227,304 hectares on peat [2].

According to Courtney L Morgansand and Erik Meijaard, et.al, there is no significant differences between certified plantations and non-certified plantations [3]. The OECD holds that the environmental integration approach is a more holistic approach but is often limited by institutional obstacles [4]. According to Eusebius Pantja Pramudya, et.al, non-compliance leads to disciplinary action from the government. The results of disciplinary action against palm oil plantations are limited by the lack of policy coherence, challenges from strong local populations, violent resistance, and lack of awareness of the economic context of development in the Indonesian palm oil sector [5].

Based on the background of the problems that have been described, the purpose of this research is to describe how the concept of integrating environmental damage prevention instruments in the exploitation of sustainable palm oil plantations in Riau Province, and illustrate how the integration of economic, social and environmental dimensions in the operation of sustainable palm oil plantations.

II. METHODS

This research is a normative legal research conducted by examining library materials or secondary data [6]. This research uses literature to approach the law (*statute approach*) [7] a conceptual approach and supported by in-depth interviews with key informants from Government Agencies in the Field of Plantation, palm oil plantation entrepreneurs and communities living around palm oil plantations. This research collects facts, explores and analyses the principle of integrated instruments for preventing pollution and / or environmental damage, which is regulated under Law Number 32 of 2009 on Environmental Protection and Management which is implemented through a Strategic Environmental Assessment, Spatial Planning, Environmental Impact Analysis, environmental audits especially environmental audits in the context of certification of palm oil plantations (ISPO) and other prevention instruments.

III. RESULTS AND DISCUSSION

A. *Integration of Environmental Prevention and / or Damage Prevention Instruments in the Sustainable Palm Oil Plantation Business*

The principle of preventive action is closely related to the precautionary principle [8]. These two principles emphasize the importance of anticipatory measures to prevent the occurrence of environmental problems [9]. These two principles in environmental law are implemented in instruments for preventing pollution and / or environmental damage (prevention instruments). Prevention instrument is more effective in managing natural resource management. However, this instrument must be implemented in an integrated and integrated as a prevention system. Non-integrated and unintegrated instruments to prevent pollution and / or environmental damage in the development and management of natural resources, resulting in the absence of sustainable development. So that formally, even though this instrument has been implemented and adhered to, but in its operation these businesses and / or activities still cause environmental pollution and damage.

An integrated approach is a concept to connect several prevention instruments to be more directed and effective to be implemented. The integrated approach is used because it emphasizes several key components, this was chosen for several reasons:

- In reality, it is impossible to understand all prevention instruments as a system. Because there are several instruments that must come first in the integration approach.
- A small number of instruments have made it possible to create relationships, and have enabled effective natural resource management strategies.
- An integrated approach is more realistic to realize sustainable development.

Prevention instrument integration means that each prevention instrument is a system that consists of several instruments or subsystems that work in relation to each other. Preventive instruments if viewed from the executor of their activities can be divided into two parts, namely: first, the instruments whose implementation is carried out by the government and second, the instruments whose implementation is carried out by every business and / or activity. The instrument which is carried out by the government consists of; KLHS, Spatial, Quality Standards for Environment, Raw Damage Environmental Criteria, Economic Instruments for Environment, Regulation Legislation Based Environment and Budget Based Environment. The instruments whose implementation is carried out by every business and / or activity are AMDAL, UKL-UPL, Licensing, Environmental Risk Analysis and Environmental Audit.

The implementation of prevention instruments carried out by every business and / or activity to be effective, must be preceded by the implementation of prevention instruments carried out by the government. This can be exemplified that the KLHS and RTRW are predetermined by the government so that they have legal certainty as a guide in spatial planning. For environmental components that are still not good, the environmental audit document can be used as an *early warning system* in environmental management [10].

In the management of natural resources such as oil palm plantations, integration is very important because, for several reasons, namely:

- Palm oil plantations in their activities use large areas of land that require spatial planning, so that they do not overlap in the use of the space.
- Currently the use of land for plantations on the grounds for the economic interests of the country and the community, utilizing a very wide land area that includes all land with various functions and conditions. Such as forest utilization, deep peatland utilization, and forests that are actually intended for conservation. This situation must be preceded by a study of carrying capacity and capacity to determine the ability of the area to support the plantation business, before determining the allotment of space for plantation lands.

Regarding integrated approaches, utilitarianism schools lay economic foundations for legal thinking. The main principle of their thinking is about the purpose and evaluation of law. The purpose of law is the welfare of the majority of the people and the evaluation of the law is based on the consequences that result from the process of applying the law [11]. An evaluation is carried out on the application of the legislation itself. A lot of effort and / or activity of palm oil plantations that operate without a license, even has decades of running the business operates. Therefore, an evaluation is carried out on the integration of laws and regulations governing the oil palm plantation sector.

Evaluation must start from the laws and regulations that govern it, then proceed with an evaluation of its implementation. An environmental audit which is one of the prevention instruments and implemented in ISPO, is only able to reach legal oil palm plantations in the sense of having an official license and registered as a business and / or palm oil plantation with legal entity status. Meanwhile the business and / or activity of oil palm plantations that are not authorized and has no legal entity, are not able to reach by ISPO environmental audit. These illegal businesses, according to the Plantation Agency in Riau Province, are unable to deal with them, so it is the authority of law enforcers to overcome them. The Plantation Law does not regulate the existence of illegal plantations. Illegal plantations basically refer to plantations that use land without a permit and therefore do not have a permit to release forest areas from the Ministry of Forestry and the Environment. Ida Nurlinda stated that the principle of development basing on the principle of sustainable development vision of the environment put natural resources and the environment not only as the capital of economic growth (*resource based economy*) only, but also as a support system of life (*life support system*). For this reason, the function and carrying capacity of the environment must continue to be preserved through a sustainable development concept with an environmental perspective. The idea of sustainable development is based on the agreement of two main principles of sustainable development, namely the principle of preservation of environmental functions and the principle of people's welfare [12].

Integration of prevention instruments means that these instruments cannot stand alone, but are complementary and mutually supportive. The provisions of the legislation and scientific facts require that a strategic environmental study (SEA) must be carried out in advance to find out the carrying capacity and carrying capacity of an area. KLHS is used as a guideline for making all development plans, including the regulation of Regional Spatial Planning (RTRW). Environmental quality standards and environmental damage criteria must be adjusted to the development of science and technology, because sometimes these standards differ between Indonesia and other countries, especially for Hazardous and Toxic waste.

KLHS is very important to be a preliminary instrument at this time, because of chaos or noise that is complicated to be resolved due to the exploitation of oil palm plantations that have been operating for a long time but do not have a permit, even in those operations have been burning land, planting peatlands that are prohibited to be managed, and weak law enforcement by the government. This chaos must start from the study of the capacity and carrying capacity to re-occupy the actual spatial layout.

AMDAL, UKL-UPL and permits that must be fulfilled by the business and / or activity of palm oil plantations must be implemented well and not only as a formality requirement. Failure in licensing and AMDAL will result in rejection of the application for certification of sustainable oil palm plantations.

KLHS and RTRW are the main foundation in plantation policy. Law No. 39 of 2014 concerning Plantations (the Plantation Act) emphasizes plantation planning based on the RTRW and carrying capacity and environmental capacity. Land use based on spatial functions in accordance with statutory provisions in spatial planning [13].

This provision confirms that the SEA and RTRW are very important to be carried out first as an instrument of prevention and prudence, the implementation of which is placed at the beginning of plantation planning, so that it becomes a guide for the implementation of plantations in Indonesia.

Coordination of the preparation of provincial and district / city Regional Spatial Planning is led by the Regional Development Planning Agency, which coordinates other regional apparatus organizations such as the Public Works Office, the Office of Environment and Forestry and other Regional Apparatus Organizations. The complexity of establishing an RTRW in a region, particularly Riau Province, is that after becoming a Regional Spatial Planning document, the next step is discussion at the Regional House of Representatives. It is at this stage of the discussion that many interests are entrusted to the DPRD by the community, entrepreneurs and the local government itself to be accommodated in the RTRW document. So that the decision that has been issued by the government regarding the area of forest area, area of plantation land and other allotments, must be renegotiated, in this discussion stage. While KLHS, which should have been the initial guideline for the preparation of RTRW in the regions, has not yet been reviewed by the local government.

B. Integration of Economic, Social and Environmental Dimensions in the Sustainable Palm Oil Plantation Business

Development continues to integrate and give equal weight to the three main pillars of development, namely economic aspects, social aspects and environmental aspects. The objective contained in this development model is that economic, social and environmental development must be seen as interrelated, and therefore the elements of these related entities must not be separated or contrasted with each other. Thus there is no justification for the sake of economic progress that can sacrifice social and environmental aspects.

The Government of Indonesia has incorporated climate change control, namely the reduction of greenhouse gas emissions into the principles and criteria of ISPO certification environmental audits. However, these principles and criteria need to be improved and strengthened so that the balance of the three dimensions of sustainable development is maintained, which is economic, socially viable and the preservation of environmental functions.

The principles and criteria for land legality need to be improved to ensure that the HGU owned by an oil palm plantation company is the same as the area of the plantation managed by the company. So it can be ascertained that there is no CPO from illegal plantations. Likewise, the criteria for

tracing the origin of oil palm fruit used by palm oil mills is very important to support and ensure that the CPO produced comes from plantations that have licenses in their operations. Besides that, the role of local government, community participation and transparency or openness of public information need to be strengthened from legislation to support the realization of sustainable oil palm plantation exploitation.

The concept of integration in this case is the integration of the Plantation Law and the Environmental Protection and Management Act which are manifested in the three dimensions of sustainable development namely, oil palm plantations that are economically viable, socially viable and conserving the environment. Sustainable development requires a balanced integration of economic, social and environmental dimensions. In the document *The Future We Want*, in the first statement of *Our Common Vision* countries express the determination and desire of countries to renew commitments to sustainable development and to ensure future promotion of economic, social and environmental sustainability for the planet earth and for the present generation and future [14].

The concept of integrating three dimensions of sustainable development if linked to the views of the *United Nations Economic and Social Commission for Asia and the Pacific (ESCAP)* [15] emphasize that the necessity of four normative change in policy to integrate the three dimensions of sustainable development of economic, social and environmental;

- First, the basic conditions of social justice and ecological sustainability must be fundamental policy objectives rather than marginal or more general objectives. The policy of sustainable oil palm plantations makes it easy for community plantations in the form of voluntary actions or are not required in applying for certification. However, with the awareness that the community can sell oil palm to companies or palm oil mills, on the condition that these community plantations apply the principles of sustainable plantations in managing their plantations, and sell them to certified palm oil plantation companies. Social justice is seen when the certification process requires the obligation to resolve social conflicts with the community and accommodate community participation in oil palm plantations.
- Second, there must be a change from the short-term policy horizon to the long-term goals, especially those that are beneficial to all. Changing the paradigm of thinking for the short term into measurable planning for the long term is an ideal concept in integrating climate change control into an environmental audit of sustainable oil palm plantations. Climate change affects the environment in the long run and also requires a long time to fix it and restore it to its original state. Therefore, to create sustainable oil palm plantations must be with a futuristic paradigm that the policies drawn up for the exploitation of oil palm

plantations predict the possibilities for future developments so that they can be utilized in the long term by everyone without any party being disadvantaged. The way that the government can take is not to prioritize oil palm as the country's foreign exchange earner. The government must balance the view that the damage caused by oil palm plantations must be paid back from the profits derived from the exploitation of oil palm plantations. In the short term without realizing that oil palm plantations have ruled out the creative economy of rural communities. Village communities are now only focused on oil palm plantations, even though someday the palm oil industry like petroleum will be replaced by other industries.

- Third, the focus on gross domestic product (GDP) or *gross domestic product (GDP)* as a measure of progress must be replaced with a matrix that includes three dimensions of economic, social and environmental sustainable development. If we review the reasons for the establishment of ISPO sustainable palm oil certification, it is still dominated by economic factors. The regional government as the nearest government executor and directly dealing with the plantation businessmen plays a very minimal role in certification so there is a reluctance to participate in overseeing the implementation. The local government itself in viewing oil palm plantations is a sector that is minimal for regional income because there is no Revenue Sharing Fund (DBH) from oil palm plantations. The focus on economic achievements has led to violations of community and ecological rights. In Riau Province, for the economic interests of the local government, they were unable to cope with the expansion of oil palm plantations carried out by the community or by large companies. Preventive instruments have regulated the existence of Environmental-Based Legislation and Environmental-Based Budgets. Therefore, the government and regional governments must budget funds and prepare environmental-based legislation.
- Fourth, public policy must recognize that existing natural resources are limited, and that natural resource limitations cannot always be handled by technology. The paradigm of thinking that has been imprinted on Indonesian society is that Indonesia is some country rich in natural resources. This paradigm raises wasteful behaviour towards the utilization of natural resources. Petroleum, gas, coal and other minerals are non-renewable natural resources and their reserves are limited.

IV. CONCLUSION

The concept of integration of environmental damage prevention instruments in the sustainable operation of palm oil plantations in Riau Province is by connecting several prevention instruments to be more directed and effective to be

implemented. In order to be effective, the Implementation of prevention instruments carried out by every business and / or activity must be preceded by the implementation of prevention instruments carried out by the government. This can be exemplified that the KLHS and RTRW which are predetermined by the government so that they have legal certainty as a guide in spatial planning. For environmental components that are still not good, the environmental audit document can be used as an *early warning system* in environmental management.

Integrated dimension of economic, social and environmental exploitation of sustainable palm oil plantations is integration of laws on Plantation and the Law on Environmental Protection and Management of life embodied in the three dimensions of sustainable development, namely, oil palm plantations viable economy, decent social and preserve the environment life. Sustainable development requires a balanced integration of economic, social and environmental dimensions. Therefore, it is necessary to improve ISPO principles and criteria such as land legality, traceability criteria for the origin of oil palm, strengthen the role of local government, community participation and transparency of public information.

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