

Principle of Free, Prior and Informed Consent as a Resolution of Land Conflicts Between Oil Palm Plantation Companies and Indigenous Peoples in Kampar Regency

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Abstract—The research was conducted in Bencah Kelubi Village and Subarak Village. In both villages there are oil palm plantation companies. In Subarak Village, oil palm plantation investors implement the principle of free, prior and informed consent (FPIC) at the beginning before the start of investment, while in Bencah Kelubi Village the oil palm plantation companies that make investments do not follow the FPIC principle. The writing method used by the author is descriptive analysis with a qualitative research pattern. The author found that FCPIC is significantly reduces the conflict between oil palm plantation companies and indigenous peoples.

Keywords—land conflict, Kampar Regency

I. INTRODUCTION

Although the underlying principle that people should be free to make choices about the way they are governed and what happens on their lands is as old as history [1] and probably older, the notion of ‘Free, Prior and Informed Consent’ (FPIC) is a much more recent expression. It is only since the mid-1980s that indigenous peoples have made their demand for recognition of their right ‘to give or withhold their free, prior and informed consent to actions that affect their lands, territories and natural resources’ a central part of their struggle for self-determination [1].

Many places in Kampar Regency, Riau Province, in the establishment and development of oil palm plantations, have created conflicts between indigenous peoples and oil palm plantation companies (PPKS). The reason is the opening of the plantation, sometimes they do not respect the traditional rights and local wisdom of the local customary law community (Putusan Nomor 35/PUU-X/2012 Demi Keadilan Berdasarkan Ketuhanan Yang Maha Esa).

This conflict can be minimized by applying the principle of FPIC by the company to indigenous peoples. FPIC refers to the principle that indigenous peoples have the right to give or

withhold consent to actions that will affect them, especially actions that affect their traditional lands, territories and natural resources. Informed consent is the real answer to the resolution of plantation conflicts.

Therefore, to find out more about the ideal conflict resolution between indigenous peoples and PPKS, it is necessary to discuss the "principle of Free, Prior and Informed Consent as a Resolution of Land Conflicts Between Companies and Indigenous Peoples in Kampar Regency.

A. Formulation of the Problem

From the description above, the formulation of the problem can be formulated as follows: How does the principle of Free, Prior, and Informed Consent (FPIC) affect Conflict Resolution between Oil Palm Plantation Companies and Indigenous Peoples in Kampar Regency?

B. The Research Purpose

The purpose of this research is to analyze and find out the principle of Free, Prior, and Informed Consent (FPIC) as a conflict resolution between indigenous peoples and PPKS.

II. DISCUSSION

Basically, all types of agrarian conflicts/disputes arise as a result of incompatibility/gaps related to agrarian resources, namely gaps in control, allocation, perception and conception, as well as conflicting laws and policies [2].

Conflicts can occur because of the process of expropriation of indigenous peoples' land based on claims by the state. According to Komnas HAM [3], the process of unilateral claims by the state to land and forest resources has occurred since the colonial government of the Dutch East Indies. Since the colonial period, there has been a process of designating and stipulating state forest areas over many individual lands and

customary territories, especially in Java and Sumatra [3]. This government method creates conflict between indigenous peoples and companies.

The author finds that the principle of FPIC makes a very significant difference in terms of conflict resolution between indigenous peoples and PPKS. This difference can be seen from the two villages in Kampar Regency whose customary territories are used for investment in oil palm plantations.

A. Plantation Establishment without FPIC

The research was conducted by the author in Bencah Kelubi Village, Tapung District, Kampar Regency, where the construction of the Oil Palm Plantation was carried out by PTPN V and PT. Arara Abadi. The two companies that carried out the plantation development in Bencah Kelubi village did not implement the FPIC principle at the beginning before investing (Interview with Pak Yusmar, Village Head of Bencah Kelubi Village, on August 9, 2021). Because FPIC is not carried out, it creates demands against the company regarding the use of customary lands of indigenous peoples, resulting in conflicts. The conflict is still ongoing today [4].

B. Plantation Establishment with FPIC

Meanwhile, in Subarak Village, Kampar Kiri Tengah Subdistrict, Kampar Regency, before starting their investment, investors first carry out a process that can be called FPIC with indigenous peoples. PT. Ganda Buanindo as an investor, accompanied by the Kampar Regency Government, held a meeting to provide information related to the planned development of oil palm plantations and PPKS on ulayat land in Subarak Village. After receiving sufficient information from the company, the indigenous people agreed to the development (Interview with Pak Hasber, the indigenous people of Subarak Village on August 10, 2021).

The parties jointly reviewed the location and carried out measurements and demarcation of the customary land boundaries where the factory and oil palm plantations were built. Until now, the investment is still going well without any significant disturbances and the indigenous people in Subarak Village are experiencing economic improvement (Interview with Pak Hasber, the indigenous people of Subarak Village on August 10, 2021)

III. CONCLUSION

Based on the description above, the authors conclude that the implementation of the FPIC principle by companies prior to investment is very effective in reducing land conflicts between indigenous peoples and oil palm plantation companies.

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