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Conflict between communities and PT Ani palm oil company in Nilas Hamlet, Sebatih Village, Landak Regency

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Abstract: This research aims to analyze the conflict between the community and the palm oil company PT ANI in Nilas Hamlet, Sebatih Village, Landak Regency. The research approach used was descriptive qualitative with a case study method. The research informants consisted of the village head, hamlet head, customary administrators, ordinary people, and partnership farmers, determined purposively. Data collection was conducted through in-depth interviews with data collection tools and interview guidelines. Data analysis involved data reduction, data presentation, and conclusion drawing. The study findings reveal a conflict involving PT ANI, with identified parties including the community, interest groups, and customary administrators. This conflict, rooted in agrarian, interest, and structural issues, stems from changes in traditional socio-economic structures towards a community pattern favoring capitalism. Spanning from 1995 to 2022, the conflict represents a culmination of various factors. Resolution efforts have predominantly relied on customary and positive legal approaches.

Keywords: Community, Conflict, Oil palm plantation company.

1. Introduction

Conflicts between local communities and palm oil companies in Indonesia have been very common from the past until now. Based on Trimo [1] records up to 2000 there have been at least 236 palm oil plantation conflicts in Indonesia. In West Kalimantan, from 2003 to 2022 there were at least 19 cases of large-scale conflicts [2]. The latest conflict in West Kalimantan is between the community of Nilas hamlet, Sebatih village, Landak Regency, and the oil palm plantation company PT Agro Nusa Investama (PT ANI).

The conflict is an accumulation of various conflicts that were not resolved properly and culminated in 2022. The 2022 conflict was in the form of the rejection of the Nilas hamlet community for the replanting of oil palm plantations in their area. As a result of the rejection of the replanting, a dilemma arose, especially for PT ANI itself but also for the community around the plantation. For PT ANI, which has been operating for 28 years with all its assets in the form of 2500 hectares of plantation land, a cpo factory, hundreds of employees, housing, offices, and others, it can be a heavy burden. Meanwhile, employees and the surrounding community who become employees at PT ANI, they lose jobs and income, which can trigger poverty and even crime in the community.

Conflicts between communities and plantation companies can occur due to differences in views, needs, communication, goals, interests, and issues that develop [3]. Conflict itself is defined as opposition or dispute due to differences and gaps. Conflicts can occur between individuals within a company, between companies, or between companies and the surrounding community Bahari [4]; Dahrendorf [5] and Susan [6]. Jamaluddin, et al. [7] stated that conflicts that occur within the company and between companies are easier to handle, while conflicts between companies and the surrounding community are more difficult to handle.

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Conflicts in oil palm plantations can be caused by one or many factors or sources and generally between one factor and another are intertwined or overlapping influences. Based on the results of studies so far, the conflicts are mostly caused by agrarian or tenurial factors [8, 9], massive expansion of oil palm plantations [10] and structural factors [11-13]. The massive development of oil palm plantations was initially aimed at spurring economic growth, industry and improving people's welfare. However, in practice, the economic and industrial growth was only enjoyed by a handful of people. In many places, the communities around oil palm plantations are not more prosperous than before and are even getting worse.

Several other studies confirm this such as the studies of Abram, et al. [14]; Fahrimal and Safpuriyadi [15]; Hall, et al. [16]; Hidayah, et al. [17]; Ichsan, et al. [18] and Sayer, et al. [19]. These studies show that the lives of communities around oil palm plantations are deteriorating due to the excessive conversion of community land for commercial and industrial purposes and the massive and uncontrolled expansion of oil palm plantations and land expansion for agricultural, livestock and infrastructure activities that are exacerbated by population growth. The culmination is at the expense of forests and people's land. The area of land that can be controlled and utilized by local communities is increasingly narrowing, causing severe pressure on their socio-economic life.

Similar studies conducted by Amalia, et al. [20]; [21] and Prabowo, et al. [22] show that the massive expansion of oil palm plantations has triggered deforestation in tropical rainforest areas and has a wide impact on the socio-economic life of rural communities. One of the negative social impacts of the massive expansion of oil palm plantations is the decrease in the area of land that can be cultivated by the community and results in the emergence of opposition (conflict) around oil palm plantations.

According to Abdalla and Attenello [23] conflict studies usually use the SIPABIO method (source, issue, parties, attitudes, behavior, intervention and outcome) or in the approach of Riyanto, et al. [24] using the 5 W and 1 H method (who, which, when, where, why and how). The previous studies generally discussed the form of conflict that occurred (which) and why the conflict occurred (why). This study focuses on discussing the questions of who is involved in the conflict, what form of conflict occurs, why the conflict occurs and how the process occurs and how it is resolved.

2. Material and Methods

This research used a descriptive qualitative approach with a multiple side studies case study method [25]. The research was conducted in Nilas hamlet, Sebatih Village, Sengah Temila Sub-district, Landak Regency. Data collection was conducted through in-depth interviews. Informants were determined purposively, consisting of the Village Head and his apparatus, the Hamlet Head and his apparatus, customary administrators, the community and partnership farmers.

Data collection techniques through in-depth interviews. This technique was carried out to find out and trace the map of the oil palm plantation conflict between PT ANI and the community of Nilas hamlet, Sebatih village, Landak Regency. In-depth interviews were conducted by asking and answering questions face-to-face with village administrators and their officials, hamlet administrators and their officials, oil palm farmers, customary administrators and the community. Researchers used in-depth interviews to gain more freedom and depth in extracting information from village administrators, dusun administrators, palm oil farmers, customary administrators, and ordinary people. In-depth interviews were conducted using an interview guide.

The data analysis technique used in this research is qualitative analysis using an inductive approach that is built on data in the field. Researchers conducted data analysis simultaneously with data collection. In this data analysis, researchers collect information from the field, sort the information into groups, and then write the qualitative report script. Thus, the data collection process is also a data analysis process, therefore after the data is collected, the researcher has actually analyzed it at the same time.

Test the validity of data in this study through triangulation techniques, namely triangulation with data sources. Researchers compare and check both the degree of trustworthiness of information

obtained through different times and means. In this case, researchers compared the views of dusun administrators, village administrators, palm oil farmers, customary administrators, and ordinary people.

3. Result and Discussion

3.1. Overview of the Research Site

This research was conducted in Nilas Hamlet, Sebatih Village, Sengah Temila Sub-district, Landak Regency. Nilas Hamlet is one of the seven hamlets in the administrative area of Sebatih Village. Demographically, the majority are ethnic Dayak Kanayatn. Dayak Kanayatn ethnicity in this hamlet is not only the majority in number but also dominant in the implementation of customs and customary law. Geographically, Nilas hamlet is located on the village road that connects Sebatih Hamlet - Tolong-Kepayang-Nilas-Pak Upat-Ipaan. Administratively, Nilas hamlet borders Kepayang and Tolong hamlets to the south, Pak Upat hamlet to the east, Ipaan hamlet to the east and north and PT ANI to the west and north. The distance from Sebatih village center to Nilas hamlet is about 35 km or from Pahauman, the capital of Sengah Temila sub-district, about 40 km. Transportation to reach this hamlet is by road using motorbikes and cars. Travel time is about 50 minutes to 60 minutes from Sebatih or 80 minutes from Pahauman. The sub-district has a tropical climate with an average temperature of 33°C - 21°C, the highest average rainfall is 320 mm and the lowest is 54 mm every month.



Figure 1.

Map of PT ANI and Nilas Hamlet. Source: Citra ©2024 Maxar Technologies, Landsat/Copernicus, Maxar Technologies.

3.2. Parties Involved in the Conflict

Based on the findings in the field, the parties involved in the conflict consist of (1) the community or community groups with the company, namely regarding the existence of the company's HGU, compensation for growing crops (GRTT), labor, land boundaries or plantation layout, land distribution, land embezzlement, encroachment of company land by the community, road damage, environmental pollution, (2) between the management of the members' primary credit cooperative (KKPA) and the company related to the sale and purchase of disputed land, payment of FFB and arrears in employee salaries, (3) between the adat management and the company related to non-compliance with adat, non-compliance with court decisions and non-compliance with village head policies (Source processed from informants, 2022).

Based on the findings above, there are at least three groups of people in conflict with the company. This fact shows that the conflict between the community and the company is very complex because it involves many parties and many factors, and these factors overlap. The complexity of conflicts between communities and companies means that conflicts are sometimes not easily resolved. This reality is in accordance with the statements of experts as stated by Bahari [4]; Dahrendorf [5]; Jamaluddin, et al. [7] and Susan [6].

3.3. Forms or Types of Conflict between communities and oil palm plantation companies

Based on information from informants, conflicts between the Nilas hamlet community and PT ANI palm oil company can be classified into types of agrarian conflicts, conflicts of interest and structural conflicts. The agrarian conflicts include boundary disputes, land compensation, plantation layout, land distribution and embezzlement, buying and selling of disputed land, addition of company land and governance of primary member cooperative credit (KKPA). Conflicts of interest are seen in terms of work agreements, environmental management, empowerment programs and village policies. Structural conflicts can be seen in fresh fruit bunch (FFB) payments, employee salary arrears, termination of employment (PHK), road damage, company waste pollution, land fires, corporate social responsibility (CSR) programs, non-compliance with customary law and company non-compliance with court decisions.

Based on the findings above, tenure conflicts occupy the highest position with seven conflict objects, followed by interest and structural conflicts with three conflict objects each. Furthermore, such conflicts also have different nuances in terms of form, depth, extent and intensity. The findings of this study confirm the opinions expressed by Amalia, et al. [20]; Effendy [11]; Gatto, et al. [12]; Hall, et al. [16]; Hidayah, et al. [17]; Ishak, et al. [21]; Mantiri [8]; Mutolib, et al. [9]; Prabowo, et al. [22]; Sayer, et al. [19]; Suryadi, et al. [13] and Thomas [10].

Thus, almost all forms of conflict in Nilas Hamlet are open conflicts, half of which involve the wider community. Despite this, most conflicts do not end in acts of violence or lawsuits. Conflicts that often occur openly, include the wider community, and cause violence or lawsuits dominantly come from tenure conflicts. This is because land resources in Nilas Hamlet are already very limited, causing many land struggles that end in conflict.

3.4. Causes or Sources of conflict

Based on information from informants who are the causal factors or sources of conflict between the Dusun Nilas community and the palm oil company PT ANI, namely: (1) the people of Nilas hamlet do not want illegal companies (not having HGU certificates) to continue operating in their area, (2) the community feels disappointed, distrustful, lied to and fooled because for \pm 30 years the company has not been able to prove the existence of its HGU certificate, (3) the system or division of partnership rights carried out by PT. ANI is not in accordance with the Regulation of the Minister of Agriculture Number 26 of 2007 article 11 concerning the obligation of companies to build community gardens at least 20 percent of the total land controlled, (4) discrimination against the people of Nilas hamlet in the recruitment and appointment of labor and (5) the application of a wage system for employees that does not refer to the Provincial Minimum Wage (UMP), Regional Minimum Wage (UMR) or District Minimum Wage (UMK) so that it is very detrimental to certain workers in the company PT. ANI, (6) the settlement of disputes between workers (employees) and the company is considered arbitrary and tends not to respect the local wisdom of the local community.

In addition (1) limited employment opportunities for the community, (2) local people can only work at the level of foremen and supervisors, (3) many unilateral and arbitrary terminations of employment (PHK), (4) settlement of palm fruit theft with positive law, (5) the company lacks respect and appreciation for customary law, (6) the issue of GRTT (compensation for growing plants) does not meet the expectations of the community, (7) the problem of company waste polluting the environment, (8) the non-payment of severance pay for those who were laid off and (9) the unclear status of the plantation's right to cultivate (HGU) and (10) the unclear land or plantation certificates of partnership participants.

The trigger factor for the conflict between the people of Nilas Village and PT ANI is that the community as farmers still feel like laborers on their own land. This means that the community considers that the presence of the oil palm plantation company does not provide an enlightening aspect for a better life. Oil palm plantation farmers only become providers of industrial raw materials with prices that they cannot determine. Based on the conditions of marginalization experienced, it raises the desire of the Nilas hamlet community to care about the human rights of farmers who are violated by the oil palm plantation company to be realized immediately. The people of Nilas village hope that the company will be more active in paying attention to the legal protection of the rights of plantation farmers in the context of sustainable development in the region.

In other words, the main cause of conflict between the people of Nilas Village and the PT ANI Palm Oil Plantation Company is due to changes in the traditional socio-economic structure towards a community structure based on a core and plasma pattern that leads to capitalism. Another cause is the creation of community groups based on potential natural resources, such as (a) Acquisition groups, namely the company; (b) Interest groups, namely KKSK; and (c) Organized groups, namely farmers / landowners who experience disappointment.

The research findings above show that the sources of conflict that occurred with the expansion of oil palm plantations in Nilas hamlet are very diverse. At the very least, three categories of conflict can be distinguished, namely tenurial conflicts, conflicts of interest and structural conflicts. The objects of conflict are also very diverse, involving several conflicting parties. These findings support the findings of previous researchers such as those conducted by Amalia, et al. [20]; Effendy [11]; Gatto, et al. [12]; Hall, et al. [16]; Hidayah, et al. [17]; Ishak, et al. [21]; Mantiri [8]; Mutolib, et al. [9]; Prabowo, et al. [22]; Sayer, et al. [19]; Suryadi, et al. [13] and Thomas [10].

3.5. Conflict Process

Based on information from informants, the conflict process between the community of Nilas hamlet and PT ANI has been a long process since 1995, 2004, 2005, 2021 and most recently in 2022. The conflict began in 1995 after PT Sinar Mas Group built an oil palm plantation in Nilas hamlet, Sebatih village, Sengah Temila sub-district. Some people rejected the development of the oil palm plantation because they did not want the surrounding customary forest to be damaged. Others were concerned about the cost of compensation for planting and growing (GRTT), which had not been settled while the company was already operating. However, the resistance was unsuccessful. By 1998 PT Sinar Mas Group had successfully evicted and planted oil palm on 2000 ha of land.

In 2004, most of PT Sinar Mas Group's plantations began to be poorly managed for unclear reasons. Meanwhile, the community was disappointed because the plasma land promised to them was never realized. Seeing this situation encouraged the communities participating in the partnership to take over the abandoned plantations. They began to maintain, harvest and sell the results through the cooperative. At the same time, in 2005 PT Sinar Mas Group sold its plantation to PT ANI. The community, already disappointed with PT Sinar Mas Group, continued their protest to PT ANI demanding that their rights as plasma owners be realized. The community felt let down because their rights were never fulfilled even though they were promised that they would be given after the plantation had been running for 8 to 10 years.

At the same time, in 2005 PT ANI was able to expand its plantation by another 500 hectares, bringing the total land area under its control to 2500 hectares. However, the expansion process was resisted by the community because the GRTT process was not appropriate, especially since the old GRTT process had not been completed. At the same time, the community who felt entitled to the plantation also continued their activities. As a result, there was tension between the community and PT ANI. The incident has been resolved several times, but no mutually beneficial solution was found for both parties. Community members who felt they owned the land in question remained firm in their

stance to withdraw the land because their rights as plasma had not been fulfilled. This culminated in an attack on the office of PT ANI, which resulted in the Manager of PT ANI having to be taken to hospital, having been hit on the head by a piece of wood.

Furthermore, in November 2021 the community destroyed the office of PT ANI because after waiting for 26 years the conversion of plasma land promised to farmers was never realized. In addition, the community felt that their rights had been taken away by the company. The community could not accept the company's actions, so they destroyed the office and guard post and persecuted one of the company's employees. Several people who were considered most responsible were detained by the Pahauman sector police for questioning. So far, since the company's presence in the village, hundreds of people have been detained and processed by the police and Landak District Court on various charges such as theft of palm fruit, destruction of offices and guard posts and persecution, but no one from the company has been processed.

The community's rejection of PT ANI's replanting plan in 2022 sparked the latest conflict. The rejection is because the community knows that so far PT ANI does not have the Right to Cultivate (HGU). The community does not want PT ANI to remain in their area any longer.

Based on the description, it is clear that the conflict between the people of Nilas Hamlet and PT ANI has gone through a long process and is likely to continue as long as the root causes have not been resolved. As stated by Abdalla and Attenello [23]; Susan [6] and Bahari [4] a conflict tends to recur and process from small-scale conflicts to large-scale conflicts, especially if the causal factors are not resolved properly.

3.6. Conflict Resolve

Based on information from informants, there was actually a mutual agreement between the community and the palm oil company PT ANI in resolving the conflict. The agreement was made in a deliberation led by the local village and customary administrators together with the company and the community. The essence of the agreement is to prioritize informal settlement or through customary law before taking it to a formal settlement or court. The agreement has been in place for a long time but has been reaffirmed in the last five years. According to informants, in the last five years the agreement has been relatively poorly maintained, unlike in previous years.

In principle, there are two ways of conflict resolution agreed between the community and the company, namely informal settlement (customary law) and formal settlement (court). Settlement through formal means or the court is taken if informal settlement or customary law does not work or is imposed on perpetrators who repeat their wrongdoing. So the perpetrators who repeat their wrongdoing can be directly resolved formally or in court.

Informal conflict resolution uses the mechanism of customary institutions as a forum for deliberation for the conflicting parties. This informal conflict resolution is led by customary administrators as mediators. Informal conflict resolution is pursued because some communities still adhere to customary values as their local wisdom. In principle, informal resolution is a settlement through deliberation or a trial led by a customary administrator. The result of a customary hearing is usually a sanction for the guilty party. Sanctions are usually in the form of fines by slaughtering livestock, starting from the lowest sanction of one chicken and the highest is one pig. The proceeds of the fine are used to eat together between the conflicting parties as a sign that the conflict has ended. In certain cases, conflict resolution by adat officials does not always satisfy both parties to the conflict. Parties who are dissatisfied with the customary decision can continue their conflict resolution efforts to formal channels. Conflict resolution through formal mechanisms in Nilas hamlet is pursued through reporting to the police, lobbying the government or through lawsuits to the court.

So far, many conflict resolution mechanisms have been carried out, including by adat administrators, village administrators and even by the company itself through arrest, detention and court. However, these conflict resolution efforts have not produced many results because it turns out that the community still continues to steal palm fruit, especially during the famine period. Even the DPRD and the local

government of Landak District through relevant agencies have had dialog with the community and the company many times but have not been successful.

Likewise, the division of results based on the partnership agreement of 80 percent for the company and 20 percent for the community, the division of plantation land, boundaries of plantation land, employment, layoffs, the environment and HGU have been mediated by the DPRD and local government through related agencies but still leave the community dissatisfied. The community still wants the company PT ANI not to continue its operations if the company is unable to show its HGU certificate.

Based on the description as expressed, it is clear that conflict resolution can be done in various ways such as through litigation (court) and non-litigation (out of court). This is in line with what Abdalla and Attenello [23]; Susan [6] and Bahari [4] said that conflict resolution can be done through several ways such as litigation and non-litigation. However, a conflict with complex causes is always not easy. The conflict resolution has not been optimal so far because the conflict is complex and has gone through a long process and involves essential aspects for both parties.

4. Conclusion

Based on the results of the research that has been conducted, it can be concluded that the conflict between the people of Nilas Hamlet, Sebatih Village, Landak Regency and PT ANI involves several parties, namely the community or organized community groups (farmers or landowners who feel disappointed), interest groups such as cooperative administrators, customary administrators, and acquisitive groups involved with the company. The conflicts that occur are open and related to agrarian issues, interests, and social structures. One of the factors causing this conflict is the change in traditional socio-economic structures that have shifted towards capitalist patterns, especially in land management with the existence of core and plasma patterns that create new community groups based on natural resource potential. This conflict process has been going on for a long time, starting from 1995, 2005, 2021, to 2022, which shows an accumulation of overlapping factors. Conflict resolution has so far relied on a combination of customary and positive law.

Based on the research findings, some suggestions that can be given are the need for attention and supervision from the government regarding aspects of land conversion that often have an impact on changes in various aspects of community life through the formation of regulations or regulations that favor the interests of the community. Palm oil plantation companies are also expected to pay more attention to various aspects of the lives of surrounding communities, such as increasing their prosperity and welfare, maintaining ecological sustainability, and respecting the social and cultural systems that exist in the local area. This step is expected to minimize the potential for conflict between the two parties. In addition, in solving problems between communities and companies, persuasive approaches that prioritize compromise should be prioritized, considering that the use of positive legal approaches tends to worsen relations and prolong conflicts.

Transparency:

The authors confirm that the manuscript is an honest, accurate, and transparent account of the study; that no vital features of the study have been omitted; and that any discrepancies from the study as planned have been explained. This study followed all ethical practices during writing.

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