

Spatial Analysis of Regional Planning Related to Moratorium Right to Cultivate (Plantation) in Indonesia



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ABSTRACT: Indonesia is a country that is blessed by Allah Swt with a very large expanse of space and territory and is located on the equator surrounded by the sea. This is a natural resource that is very rarely owned by other countries, where the sun shines every year with high humidity. These resources are controlled by the state and used as much as possible for the welfare of the community. One of the related natural resources is plants that can grow well in the area. Oil palm is a plant originating from West Africa that is very suitable for growing in the equatorial area. Currently, Indonesia is the largest producer of palm oil in the world.

The greatest utilization of this blessing are for the welfare of the community and based on sustainable Regional Spatial Planning. On its implementation the Regional Spatial Planning has been divided according to its function and sustainability. This condition is contrary to the current government policy, where the government has implemented a moratorium policy on new business use rights for the Plantation sector. The regulation was Presidential Instruction (Inpres) Number 8 of 2018. The purpose of the Moratorium is to control the deforestation of Primary Forests and also improve the Governance of Oil Palm Plantations.

In its implementation, there are indeed successes and weaknesses. Successes are mainly in holding back the rate of deforestation or forest encroachment. The weakness is that in terms of Regional Spatial Planning, there should still be many areas that can be used for developing plantation land, especially unproductive and non-forest areas. So that the ideals of improving the welfare of the community can be truly realized.

INTRODUCTION

Geographically, Indonesia is an archipelagic country with islands stretching from Sabang to Merauke with a total of 17,024 large and small islands. The land area is 1,910 million km² or 191.09 million hectares of landed area¹.

The composition of Indonesia's land cover area until 2022 is 51%, the largest area is for the forestry sector covering 95.3 million hectares, of which 89.97 million hectares are primary and non-primary forests and 5.35 million hectares are plantation forests. Meanwhile, for productive areas consist of agriculture, plantations, ponds and mining or agriculture and other forms, also settlements, it is 90.9 million hectares or 49% of the total land area. The area is divided into a plantation area of 20.9 million hectares, an agricultural area of 42.8 million hectares and shrubs of 22.2 million hectares.

Oil palm plantations began in Indonesia in 1848 in the Bogor Botanical Gardens and are believed to be the ancestors of oil palms in Southeast Asia². Two seedlings came from "Bourbon or Mauritius," while the other two were sent from the Amsterdam Botanic Garden. However, starting in 1911, oil palms began to be cultivated commercially in several areas in Indonesia.

Oil palm plantations have grown rapidly along with the increasing demand for crude palm oil (CPO) as the main raw material in the food, non-food, and biodiesel industries. This increasing demand drives the expansion of oil palm plantations, making it one of the fastest growing agricultural sectors in Indonesia. Palm oil is used in a variety of products due to its abundant availability and affordable price. This shows the important the role of oil palm in meeting the needs of various industries, as well as its contribution to the global and local economy. The main advantage of palm oil lies in its abundant availability and the more affordable price when compared to other vegetable oils such as soybeans, sunflowers, and corn. Indonesia has been the world's largest palm oil producer since 2006. Indonesia's CPO production share in 2016 reached 53.4% of the world's total CPO, surpassing Malaysia which only had a share of 32%³. Although, as the world's largest producer, the palm oil industry in Indonesia is built with an

¹ Andi Muhamad Iqbal Akbar Asfar, et.al, 2021. *Hiasan Dinding Estetika Dari Limbah Sekam Padi. Batara Wisnu: Indonesian Journal of Community Services*, Volume 1 No. 3, hlm. 249.

² Nella Naomi Duakajui, Firda Juita, & I. Anshori, 2022. *Analisis Ekonomi Pendapatan Usaha Perkebunan Kelapa Sawit (Elais gueneensis J) Desa Sukomulyo Kecamatan Sepaku Kabupaten Penajam Paser Utara. Paradigma Agribisnis*, Volume 4 No. 2, hlm. 86.

³ Jan Horas V. Purba & Tungkot Sipayung, 2018. *Perkebunan kelapa sawit indonesia dalam perspektif pembangunan berkelanjutan. Masyarakat Indonesia*, Volume 43 No. 1, hlm. 82.

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approach that prioritizes balance between social, economic and environmental aspects. Until now, it has continued with the proof of the Indonesian Government's commitment to implementing sustainable development, which has been specifically regulated in the National Medium-Term Development Plan (RPJMN) 2020-2024⁴.

Indonesia is currently the world's largest producer, producing around 47 million tons of crude palm oil (CPO) annually, or 20% of global vegetable oil needs. This fact places Indonesia as a leader in this industry. The Indonesian government is aware of the great economic potential contained in the palm oil sector. Therefore, the government continues to encourage the development of this industry through various policies and programs that support the growth and increase in productivity of palm oil plantations.

One of the policies taken by the government is through foreign investment, which is considered to be very helpful for the plantation sector because it requires massive investment to catch up on all sides in the plantation sector. Then, to encourage foreign investment to participate in plantation development, the government issued Undang undang Number 1 of 1967 concerning Foreign Investment so that it will provide convenience for foreign capital companies to obtain business use rights.

Although the palm oil industry has great potential in providing economic benefits, the implementation of a moratorium policy through Presidential Instruction (Inpres) Number 8 of 2018 concerning the Postponement and Evaluation of Palm Oil Plantation Licensing and Increasing Palm Oil Plantation Productivity, raises questions because it is considered as an obstacle to the growth of the palm oil industry.

RESEARCH METHODS

The Type of research used is normative juridical (normative legal research method), legal research that uses an approach which refers to legal literature sources and applicable laws and regulations⁵.

The research approach in this study are Law approach by analyzing and reviewing all laws and regulations related to the research material. Thus the ratio legis and ontology of each law can be known its philosophical basis.

Primary legal materials in the form of laws and regulations. In this case, including Article 33 of the 1945 Constitution (UUD 1945) concerning Control of Land and Water (Natural Resources) by the State for Shared Prosperity. Law Number 5 of 1960 concerning Basic Agrarian Principles. Law Number 1 of 1967 concerning Foreign Investment. Law Number 26 of 2007 concerning Spatial Planning is a regulation on spatial planning which is used as a reference and direction for the central and regional governments in the formation of national spatial planning and regional spatial planning that has principles in line with the 1945 Constitution (UUD 1945). Presidential Instruction Number 8 of 2018 concerning Postponement and Evaluation of Oil Palm Plantation Licensing, and Increasing Oil Palm Plantation Productivity. Other legal materials include secondary materials and tertiary legal materials⁶.

The method used in managing, analyzing and constructing data is qualitative data analysis. Qualitative research is also called the constructivist, naturalistic or interpretive approach or postmodern perspective⁷.

RESEARCH RESULTS AND DISCUSSION

1. Moratorium Policy on Land Use Rights (Plantations) in Indonesia in the Context of Regional Spatial Planning)

The Plantation Cultivation Rights (HGU) Moratorium Policy in Indonesia is a strategic step by the government to control the conversion of forests and peatlands into oil palm plantations⁸. This policy was implemented with the main objective of improving regional spatial planning and preserving the environment. Before the moratorium, the rapid expansion of oil palm plantations had caused various negative impacts, such as deforestation, environmental pollution, agrarian conflicts, and greenhouse gas emissions. The HGU Plantation Moratorium is expected to reduce these negative impacts and create a more sustainable regional spatial plan.

The Moratorium Policy on Plantation HGU is closely linked to spatial planning in Indonesia⁹. Spatial planning is a guideline for spatial utilization that is prepared based on studies and analysis of various factors, such as environmental carrying capacity, economic potential, and community needs. The Moratorium on Plantation HGU is in line with the principles of sustainable spatial planning, namely balancing economic development and environmental preservation. This policy is expected to direct the development of oil palm plantations to more suitable areas and avoid environmental damage.

⁴ Rafidah, et.al, 2022. *Faktor-Faktor Yang Mempengaruhi Produksi Minyak Sawit di Indonesia*. Jurnal Ekonomi Pertanian Unimal, Volume 5 No. 1, hlm. 8.

⁵ Soerjono Soekanto, 2020, *Pengantar Penelitian Hukum*, Edisi Revisi, Cet. 3, Jakarta: Penerbit Universitas Indonesia, hlm. 52.

⁶ Nur Sholikin, 2019, *Pengantar Metode Penelitian Hukum*, Pasuruan : PT Qiara Media, hlm 43-59.

⁷ Tengku Erwinsyahbana & Ramlan., 2017, *Penelitian Kualitatif Bidang Ilmu Hukum Dalam Perspektif Filsafat Konstruktivis*, Borneo Law Review Journal, Volume 1 No. 1, hlm. 6.

⁸ Chain Reaction Reasearch; Moratorium Indonesia: Celah dan Sanksi yang Lemah Gagal Menghentikan Deforestasi terkait Sawit; Juni 2021; Hlmn 8.

⁹ Chain Reaction Reasearch; Moratorium Indonesia: Celah dan Sanksi yang Lemah Gagal Menghentikan Deforestasi terkait Sawit; Juni 2021; Hlmn 8.

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The Moratorium Policy on Plantation HGU that has been implemented, although it has good intentions to protect forests and the environment, in practice faces a number of challenges that hinder the achievement of these goals¹⁰. One of the main challenges is the lack of accurate data and information related to forest area and land ownership, especially in remote areas¹¹. The inaccuracy of this data often becomes an obstacle in determining the boundaries of forest and plantation areas, thus giving rise to conflicts of interest between various parties. In addition, law enforcement against violations of the moratorium is still weak¹². Many cases of permit violations and forest encroachment are not followed up seriously, thus triggering deforestation and environmental degradation. Another problem is the complexity of land use in Indonesia, where much land has unclear ownership status. This makes it difficult for the government to supervise and control land use.

In real conditions in Indonesia, the implementation of the HGU moratorium policy for plantations simultaneously throughout the region is actually less than ideal. The potential of vast land, especially in areas with high poverty rates, can be utilized to improve community welfare through sustainable plantation development and partnership patterns between plantation companies and surrounding communities. With the note that plantation development must be carried out by paying attention to the principles of sustainability, such as the application of environmentally friendly technology, good water management, and protection of biodiversity¹³.

To overcome these challenges, a more comprehensive and data-driven approach is needed. The government needs to conduct accurate and transparent land mapping, involve communities in the decision-making process, and strengthen law enforcement. In addition, efforts need to be made to increase the capacity of farmers in implementing sustainable agricultural practices. Thus, the plantation HGU moratorium policy can be an effective instrument in achieving a balance between environmental protection and economic development.

1.1 State Authority in Spatial Planning and Land Use Management

The government has the right to control the earth, water, and natural resources for the prosperity of the people, as regulated in Article 33 paragraph (3) of the 1945 Constitution (UUD 1945) of the Republic of Indonesia. Article 33 paragraph (4) states that the national economy is organized based on economic democracy with the principles of togetherness, efficiency, justice, sustainability, environment, independence, and national economic balance. Article 33 of the 1945 Constitution (UUD 1945) is the philosophical and legal basis for the state in managing natural resources and regulating the rights to control and utilize land, water, and space¹⁴.

The government enacted Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), which came into effect on September 24, 1960 as an implementation of Article 33. UUPA replaced dualistic colonial rules that hampered development, changed the agrarian legal system, eliminated legal dualism, and used customary law as the main basis for managing natural resources¹⁵. The new agrarian law must be in accordance with the interests of the people and the state, and meet the needs of the times.

The enactment of UUPA changed agrarian politics from being oriented towards colonial interests to national interests¹⁶. As a basic law, UUPA contains basic principles and basic provisions that need to be further regulated by laws, Government Regulations, and other regulations, so as to form a mutually supportive unity. The main objectives of UUPA are:

1. Forming a national agrarian legal basis to achieve prosperity, happiness, and justice for the state and the people, especially farmers, in a just and prosperous society.
2. Creating unity and simplicity in land law.
3. Providing legal certainty for land rights for all people¹⁷.

Meanwhile, as a guideline in carrying out Regional Spatial Planning including the classification of the use of Regional Spatial Planning, which includes Land, Space, Sea and Air. The government has issued a law regulating regional spatial planning, namely Law Number 26 of 2007 concerning Spatial Planning (Law 26/2007) where it can be seen that spatial planning consists of two elements, namely the form of spatial structure and spatial pattern¹⁸. The structural form of spatial utilization is the arrangement

¹⁰ Eka Wulandari, Aprisep Ferdhana Kusuma; Kelapa Sawit Indonesia : Dilema dan Solusi yang tidak kunjung usai; Bappeda Provinsi Kalimantan Barat, 2023; Hlmn 58.

¹¹ Dr. Dian Afriyane, Syahrudin, Ph.D., Rika Lumban Gaol,.; Satu Data Indonesia untuk Pembangunan Perkotaan yang Inklusif dan Berkelanjutan: Tata Kelola dan Kebermanfaatan Data; Badan Informasi Geospasial; 2022; Hlmn 7-10.

¹² Chain Reaction Reasearch; Moratorium Indonesia: Celah dan Sanksi yang Lemah Gagal Menghentikan Deforestasi terkait Sawit; Juni 2021; Hlmn 6.

¹³ Eka Wulandari, Aprisep Ferdhana Kusuma; Kelapa Sawit Indonesia; Dilema dan Solusi yang tidak kunjung usai; Juni 2021; Hlmn 8.

¹⁴ Dr. H.M. Arba, S.H., M.Huzn.; Hukum Agraria di Indonesia; 2015; Hlmn 4-6.

¹⁵ Dr. H.M. Arba, S.H., M.Huzn.; Hukum Agraria di Indonesia; 2015; Hlmn 28.

¹⁶ Dr. H.M. Arba, S.H., M.Huzn.; Hukum Agraria di Indonesia; 2015; Hlmn 32.

¹⁷ Dr. H.M. Arba, S.H., M.Huzn.; Hukum Agraria di Indonesia; 2015; Hlmn 57.

¹⁸Juniarso Ridwan & Achmad Sodik, 2023. *Hukum Tata Ruang: Dalam Konsep Kebijakan Otonomi Daerah*. Bandung: Nuansa Cendekia. hlm. 24

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of elements that form the shape of the natural environment, social environment, artificial environment which are hierarchically interconnected with each other. Meanwhile, the definition of a region based on Article 1 number 17 of Law 26/2007, namely a region is a space which is a geographical unit along with all related elements whose boundaries and systems are determined based on administrative aspects and/or functional aspects. The regional spatial planning used as a guideline by the government, is an arrangement of the spatial arrangement of a region/area (region) so that "requirements" are created. Which are politically, economically, and socio-culturally beneficial for the development of society in the region¹⁹. Included in this case are plantations.

In the implementation of good spatial planning, an activity or planning process is needed, so that the implementation of spatial planning in the area can be carried out optimally, measurably, and can create potentials that provide benefits to the community. Spatial planning aims to regulate patterns and locations and their functional interactions in a harmonious and balanced manner in order to maximize the use of human resources, with the aim of achieving optimal and efficient development to improve the quality of human life and the environment in a sustainable manner²⁰.

1.2 Implementation of the Plantation HGU Moratorium Policy

Since 2011, Indonesia has implemented a policy related to the moratorium on Plantation Cultivation Rights (HGU) in Indonesia. The Indonesian government issued a Palm Oil Permit Moratorium policy through Presidential Instruction (Inpres) Number 8 of 2018 concerning the Postponement and Evaluation of Palm Oil Plantation Permits and Increasing Palm Oil Plantation Productivity. This policy aims to postpone the issuance of new permits for palm oil plantations for three years and evaluate the governance of existing palm oil plantations.

However, this policy also has some homework for the government²¹:

1. The implementation of the Plantation HGU moratorium is not appropriate and can trigger new problems, such as the obstruction of investors in the context of licensing to open new land so that investors cannot carry out operational activities of oil palm plantations.
2. Although deforestation due to plantations is controlled, there is still forest conversion for other purposes such as infrastructure development and mining, so that the Plantation HGU moratorium is not the right solution to control deforestation.
3. Reaffirmation of the role of law enforcement officers and technical work units in ministries related to law enforcement, because there are still individuals who do not comply with the rules and commit violations. So there must be a deterrent effect for perpetrators of violations.
4. Economic diversification outside the plantation sector has not fully developed, so there is still dependence on the oil palm plantation sector alone.
5. Availability of data and information, accurate data and information on oil palm plantations is still limited, making it difficult to monitor and evaluate the effectiveness of the policy.

Indonesia has a significant forest area, around 90 million hectares. However, we also have a non-forest area of 85 million hectares, of which there are around 22 million hectares of scrub land that has the potential to be developed into oil palm plantations²². Extensive scrub land is often unproductive and prone to fires²³. By developing scrub land into oil palm plantations, we can increase land productivity, prevent forest fires, and reduce greenhouse gas emissions. So, if the moratorium on Plantation HGU aims to make empty land productive, it will not be achieved because it closes the empty land to be used as productive oil palm plantations and the impact is also felt by the community as plasma farmers who manage oil palm plantations in partnership with companies/investors²⁴.

In terms of legal principles, the moratorium on Plantation HGU is said to be materially flawed because in theory it is stated that in the preparation of presidential instructions, it must not conflict with the order of higher legislation. The contradiction can be seen that with the presidential instruction on the moratorium on Plantation HGU, palm oil plantation permit holders cannot take care of complete permits and result in operations being blocked, while Law Number 39 of 2014 concerning Plantations states that permit holders must take care of all the necessary permits and use the permits they have according to their intended use²⁵.

Further the HGU Plantation Moratorium Policy as stated in Presidential Instruction (Inpres) Number 8 of 2018 concerning the Postponement and Evaluation of Oil Palm Plantation Licensing and Increasing Oil Palm Plantation Productivity has indeed ended in September 2021. The reasons for the end of this moratorium are quite complex and involve various factors, including:

¹⁹ A. M. Yunus Wahid, 2016, *Pengantar Hukum Tata Ruang*. Jakarta: Prenada Media. hlm. 6.

²⁰ Juniarso Ridwan & Achmad Sodik, S. H., 2023. *Op. Cit.*, hlm. 26

²¹ Subagiyo, H., & SM, A. D. (2018). Instruksi Presiden Republik Indonesia Nomor 8 Tahun 2018 Tentang Penundaan Dan Evaluasi Perizinan Perkebunan Kelapa Sawit Serta Peningkatan Perkebunan Kelapa Sawit (Inpres Moratorium Sawit). *Jurnal Hukum Lingkungan Indonesia*, Vol. 5 No. 1, hlm. 153.

²² Rekapitulasi Luas Penutupan Lahan Hutan dan Non Hutan Menurut Provinsi Tahun 2014-2022 (Ribu Ha) - Tabel Statistik - Badan Pusat Statistik Indonesia (bps.go.id)

²³ BPS. (2020). "Kontribusi Devisa Sawit Pada Neraca Perdagangan Non-Migas Indonesia 2010-2021". Data diolah oleh PASPI.

²⁴ Christiawan, R. (2020). Evaluasi Kebijakan Moratorium Pada Perkebunan Kelapa Sawit. *Jurnal Veritas et Justitia*, Vol 6, No. 1, hlm. 3.

²⁵ Nabila Luthvita Rahma, Muhammad Amin Rois & Amalya Nur Hidayah, 2022, *Op. Cit.*, hlm. 136.

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1. Evaluation and preparation of a roadmap, the moratorium period was used to conduct a comprehensive evaluation of oil palm plantation governance in Indonesia. This evaluation resulted in various findings and recommendations which were then outlined in the Roadmap for Accelerating the Settlement of Oil Palm Plantation Governance. This roadmap is a reference for the government to resolve various problems related to oil palm plantations, such as deforestation, agrarian conflicts, and improving community welfare.
2. The issuance of the Job Creation Law (UUCK), especially Article 24 paragraphs (1) and (2), re-regulates business licensing in the oil palm plantation sector. With the issuance of the UUCK, Presidential Instruction Number 8 of 2018 is considered no longer valid.
3. Controversy and Concerns, the moratorium on Plantation HGU has drawn pros and contra. On the one hand, this policy is considered successful in suppressing the rate of deforestation and improving plantation governance. On the other hand, the moratorium is also feared to hamper economic growth and investment in the plantation sector.

The end of the moratorium on plantation HGU by the government is not only a matter of reopening the door for plantation expansion, but also a momentum for the government to conduct an in-depth evaluation of the policies that have been implemented.

In an effort to avoid similar mistakes in the future, the government needs to implement a more effective and sustainable approach²⁶. Some strategic steps that can be taken include:

- a. Preparation of a participatory and science-based Spatial Plan (RTR), the RTR must be prepared by involving all stakeholders, from the central government to village communities. The preparation process must be based on accurate spatial data and consider ecological, social, and economic aspects. With a good RTR, zones that are suitable for plantations, protected areas, and settlements can be determined, thereby minimizing conflicts of interest.
- b. Implementation of strict sustainability standards, the government needs to set clear and firm sustainability standards for plantation companies such as ISPO (Indonesia Sustainable Palm Oil). This standard must cover environmental, social, and corporate governance aspects.
- c. Increasing the capacity of farmers, small farmers are an important pillar in the plantation sector. Providing training and access to environmentally friendly agricultural technology to farmers is important to increase productivity and the quality of their production.
- d. Clear incentive and disincentive mechanisms, the government needs to provide incentives for companies and farmers who implement sustainable practices, such as certification, good water management, and biodiversity conservation. Conversely, strict sanctions need to be given to business actors who violate regulations.
- e. Strengthening institutions and law enforcement, government institutions related to plantation management need to have their capacity strengthened. In addition, law enforcement against violations of plantation regulations must be carried out consistently and without discrimination.
- f. Increasing community involvement, local communities must be given space to participate in decision-making related to natural resource management. This can be done through village deliberation forums or the formation of farmer groups.
- g. Periodic monitoring and evaluation, the government needs to conduct periodic monitoring and evaluation of the implementation of plantation policies. The results of this evaluation can be used to improve existing policies and develop new, more relevant policies.

2. Effective Strategies in Integrating the Moratorium Policy on Land Use Rights (Plantations) with Spatial Planning

In today's era, sustainable regional management has become a crucial issue in various countries, including Indonesia. Along with population growth and rapid development, spatial utilization needs to be carried out carefully and responsibly to balance ecological, social, and economic aspects. In this context, two important instruments play a vital role in realizing sustainable regional governance in Indonesia, namely the Plantation Cultivation Rights (HGU) Moratorium Policy and the Spatial Plan (RTR)²⁷.

Here are some effective strategies in integrating the two policies:

1. Strengthening Inter-Agency Coordination, building strong coordination between related institutions, such as the central government, inter-ministerial and regional governments to ensure alignment in the formulation and implementation of policies, establishing a coordination and communication forum between stakeholders, including indigenous and local communities, non-governmental organizations (NGOs), and the private sector, to accommodate input and aspirations in the policy integration process. The government is taking real action in uniting the State Land Agency and the Directorate General of Spatial Planning under Bapenas, Ministry of Environment. Currently, both are combined in the Ministry of Agrarian Affairs and Spatial Planning in accordance with Presidential Regulation No. 47 of 2020 concerning the

²⁶ Dr. ir. Tungkot Sipayung; 17 Isu Sawit dalam Tata Kelola dan Kebijakan (2024); PASPI; Hlmn 1-24.

²⁷ Chain Reaction Research; Moratorium Indonesia: Celah dan Sanksi yang Lemah Gagal Menghentikan Deforestasi terkait Sawit; Juni 2021; Hlmn 8.

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establishment of the Ministry of Agrarian Affairs and Spatial Planning. This is expected to make the policy more organized and cohesive²⁸.

2. Preparation of Participatory and Environmentally Aware RTR, actively involving indigenous and local communities in the process of preparing the RTR, taking into account their local knowledge and wisdom in managing the area, conducting a comprehensive analysis of environmental carrying capacity and capacity to ensure sustainable use of space, integrating the HGU Plantation Moratorium policy into the RTR by establishing clear zoning for protected forest areas, national parks, and areas prohibited for conversion of plantation land. The Ministry of Environment as the party that carries out the responsibility for things that pay close attention to environmental factors. Where every KRP (Policy, Plan, or Program) is always through RTWR and RTWH compliance²⁹.
3. Utilization of Information and Communication Technology, namely by Building a digital platform that provides accurate and up-to-date spatial data and information related to regional spatial planning, including forest area maps, plantation HGU, and plantation business permits, thus monitoring and evaluating the implementation of the Plantation HGU Moratorium policy and its compliance with the RTR³⁰. Furthermore, developing an early warning system to detect potential policy violations and prevent environmental damage. Until now, the government has not had a single spatial map policy that covers all spatial planning governance, licensing, agrarian/land and other area use³¹.
4. Increasing Capacity and Knowledge, providing training and education for government officials, indigenous and local communities, and the private sector related to the Plantation HGU Moratorium policy, RTR, and sustainable regional governance, increasing public understanding of their rights to land and natural resources, and the importance of preserving the environment, encouraging research and development of science related to the integration of policies and sustainable regional governance.
5. Strict Law Enforcement, building a fair and proportional sanction system to provide a deterrent effect for violators, improving coordination between law enforcement officers to ensure the effectiveness of law enforcement. The biggest violations usually occur in the licensing process for forest area release areas that change function from forest utilization areas to oil palm plantation areas. The regulation of forest area release procedures has been regulated by cross-ministerial regulations, namely Permentan Number 104 of 2015 and Regulation of the Minister of Environment and Forestry Number P51 / Menlhk / Setjen / KUM.1 / 6/2016.
6. Continuous Monitoring and Evaluation, conducting periodic monitoring and evaluation of the effectiveness of the integration of the Plantation HGU Moratorium and RTR policies³², identifying obstacles and challenges faced in implementing the policy, and formulating appropriate solutions, making adjustments and improvements to the policy if necessary based on the results of monitoring and evaluation³³.

The issuance of the Job Creation Law is quite a breakthrough as a step in the Analysis and evaluation of sustainable palm oil plantation policies. Where the recommendation points are

1. Detailing the management and governance model of palm oil plantation funds that are oriented towards the spirit of sustainability and productivity of palm oil,
2. Allocating palm oil plantation funds to conduct research in the field of plant breeding in order to create modern superior varieties that have the desired properties and Restrictions on the distribution of varieties originating from abroad.
3. Reaffirming the requirement for foreign investors to enter into partnerships with domestic plantation business actors.
4. Consistently enforcing environmental law by synchronizing mandatory provisions with criminal sanction provisions.

By implementing the strategies above, it is hoped that the integration of the Plantation HGU Moratorium and RTR policies can run effectively and achieve its goals in realizing sustainable, equitable, and balanced regional governance ecologically, socially, and economically.

²⁸ Ir. Syarifuddin Akil, Dirjen Penata Ruang, Sejarah Penata Ruang Indonesia;2023. Hlmn 79-84.

²⁹ Dr. Ir. Iwan Kustiwan, MT, Kementerian Lingkungan Hidup dan kehutanan; Tata Cara Penyusunan Kajian Lingkungan Hidup Strategis Rencana Tata Ruang Wilayah; Hlm 1-46 2021.

³⁰ Dr. Dian Afriyane, Syahrudin, Ph.D., Rika Lumban Gaol,.; Satu Data Indonesia untuk Pembangunan Perkotaan yang Inklusif dan Berkelanjutan: Tata Kelola dan Kebermanfaatan Data; Badan Informasi Geospasial; 2022; Hlmn 7-10.

³¹ Pemerintah Dorong Kebijakan Satu Peta sebagai Masterplan Pembangunan Nasional; Jakarta, 02 April 2024.

³² Irfan Bakhtiar; Diah Suradiredja; Hery Santoso; Wiko Saputra; Hutan Kita Bersawit; Hlm 28-29

³³ Team SPOS Indonesia; Undang Undang Cipta Kerja dan Sawit Berkelanjutan dalam Sebuah Opini Legal; Laporan UUCK dan Sawit Berkelanjutan tahun 2021; Hlmn 99-112.

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CONCLUSION

The moratorium policy on land use rights (plantations) in Indonesia in the context of regional spatial planning is an effort to prevent the massive rate of deforestation of forest areas and this is quite successful, and when compared to other countries, our primary forests are still very large. Thus in defending the rate of deforestation, Indonesia has proven to be better than other countries. The simultaneous implementation of the moratorium throughout Indonesia is not appropriate, because it eliminates the optimization of the function of regional spatial planning, concerning on environmental and economic carrying capacity (Appropriate plantation can be develop on the area). Investment Law No. 1 of 1967 concerning Foreign Investment aims to invite foreign investors to participate as much as possible in national development, including the oil palm plantation sector, and many investors have entered this sector. However, with the existence of Presidential Instruction No. 8 of 2018, replaced by the Job Creation Law and then replaced by PERPU No. 2 of 2022, it actually limits and creates legal uncertainty over the Plantation permits that are already running. In the application of legal principles, the government also still applies the legal principle of *Lex Superiori Derogat Legi Inferiori*, where lower regulations conflict with higher legal regulations. This condition trigger a conflict created by an not outlined regulations, the difference role from the highest to the lowest regulations.

An effective strategy implemented by the government to integrate the moratorium policy on plantation use rights with spatial planning, is by Strengthening Inter-Institutional Coordination. The main synchronization step taken is the unification of the National Land Agency and the National Spatial Planning Agency into the Ministry of Agrarian Affairs and Spatial Planning. In the Ministry of Environment, every preparation of the RTR is carried out using Participatory and Environmentally Conscious methods that are sustainable. And every KRP (Policy, Plan, or Program) is always through RTWR and RTWH compliance. The next integration is the Utilization of Information and Communication Technology where the government is still trying to create a policy of one spatial map (Single Geospatial Map) which covers all spatial management, licensing, agrarian/land and other area use. This is very important for monitoring the evaluation of the plantation HGU moratorium policy according to its RTR and also forming an early warning system for policy violations and environmental damage. The government also needs to carry out Strict Law Enforcement, especially regarding the procedures for releasing forest areas, which have been regulated by the Regulation of the Minister of Agriculture Number 104 of 2015 and the Regulation of the Minister of Environment and Forestry Number P51/Menlhk/Setjen/KUM.1/6/2016. The last step is Continuous Monitoring and Evaluation. Where every policy issued is always evaluated for its implementation, including the HGU moratorium regulation, namely INPRESS No. 8 of 2018, the Job Creation Law of 2021 and PERPU No. 12 of 2022. Thus, the government has carried out steps to integrate the HGU moratorium policy with spatial planning policies quite coherently, even though there are still shortcomings.

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