

## THE LEGAL IMPACT OF PALM OIL PLANTATIONS ON MARGINALISED COMMUNITIES: EFFECTS ON LAND ACCESS, INVOLVEMENT IN THE ECONOMIC VALUE CHAIN, AND STRATEGIES FOR IMPROVING SOCIO-ECONOMIC WELFARE

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### Abstract

This study analyses the legal impact of oil palm plantations on marginalised communities in Indonesia, focusing on the effects on land access, involvement in the economic value chain, and strategies for improving socio-economic welfare. Using a qualitative legal-empirical approach, the study found that regulations such as Law No. 39/2014 on Plantations and Law No. 5/1960 on Basic Agrarian Principles failed to protect the customary rights of indigenous peoples due to the prioritisation of HGU (right to cultivate) that ignored FPIC (free, prior and informed consent), causing massive agrarian conflicts and economic marginalisation where communities only capture 10-20% of the value of the supply chain as primary labourers. The proposed reform strategies include strengthening 50:50 plasma partnerships, agroforestry diversification, women's empowerment through CSR, and market digitalisation to increase income by up to 40%, in line with Constitutional Court Decision No. 35/PUU-X/2012 and the ISPO 2030 target.

**Keywords:** oil palm plantations, marginalised communities, land access, economic value chain, socio-economic welfare, agrarian conflicts, customary rights, HGU (right to cultivate), plasma-inti (smallholder-largeholder partnership), community empowerment.

### Introduction

The palm oil plantation sector is one of the strategic sectors in Indonesia's economic development. This commodity plays an important role as a source of foreign exchange, a source of employment, and a driving force for development in rural areas. The palm oil industry continues to grow in line with high global demand for vegetable oil and other derivative products (R. Pirard, 2020). However, despite its significant economic contribution, it should be noted that the expansion of palm oil plantations also raises a number of complex social, economic and legal issues, particularly those related to local communities and marginalised groups living in the vicinity of the plantations.

One of the main issues in this context is access to land. Indigenous peoples and rural communities who have traditionally depended on the land for their livelihoods often lose their rights due to overlapping permits between communities, the government, and companies (Sari, 2023). The legal framework governing the plantation sector often does not favour local communities, as it places greater emphasis on investment and economic productivity than on social protection. As a result, agrarian

conflicts have become an almost inevitable phenomenon in many palm oil-producing regions in Indonesia (Vijay, 2021).

In addition, existing regulations are often applied inconsistently in practice. Legislation such as Law No. 39 of 19 . 2014 on Plantations and Law No. 5 of 1960 on Agrarian Principles are intended to protect the rights of communities, but their implementation is often weak. Many companies obtain plantation business permits on customary land or land that was previously used by the community. The imbalance of power between corporations and local communities exacerbates the situation, causing communities to become increasingly marginalised in the economic and social structure.

On the other hand, the presence of oil palm plantations cannot be viewed entirely negatively. This sector has contributed to job creation and infrastructure improvement in several rural areas. However, these benefits are not always evenly distributed and are often only enjoyed by certain groups, while marginalised communities remain trapped in a cycle of poverty. Their involvement in the economic value chain of oil palm plantations is usually limited to being farm labourers or daily workers without adequate social and economic security (Abidin, 2023).

This situation indicates a structural imbalance in the distribution of economic benefits and burdens from the palm oil industry. On the one hand, companies enjoy huge profits from land expansion and high productivity; on the other hand, local communities face limited opportunities to participate in value-added economic activities. This inequality not only impacts short-term economic welfare, but also has implications for social and environmental sustainability at the local level (Rina Fitriana; Ahmad Yani, 2022).

In a legal context, the impact of oil palm plantations on marginalised communities reflects how regulations often fail to protect those who are most vulnerable. The state, as the main actor in the regulation of natural resources, has a dual role: on the one hand, it must support economic growth, and on the other, it has an obligation to ensure social justice for all citizens. The tension between economic interests and the principle of social justice is the main source of policy dilemmas in the plantation sector( Suryadi, 2022) .

Access to land is a key indicator of legal inequality and social injustice. Without secure land rights, communities find it difficult to develop sustainable livelihoods. When land becomes an economic asset controlled by a small number of people, indigenous peoples and rural communities lose their living space. In this context, agrarian law and plantation law should be mechanisms for upholding rights and not merely tools for legitimising certain economic interests (Human Rights Watch, 2019) . In addition to the issue of land access, the involvement of marginalised communities in the plantation economic value chain is a crucial aspect to examine. Theoretically, the palm oil plantation value chain encompasses the stages of production, processing, distribution, and marketing. However, in practice, local communities often find themselves merely

as providers of cheap labour, with no involvement in decision-making or profit management (Forest Watch Indonesia (FWI),2025). This indicates the existence of structural inequalities that perpetuate dependency and reduce local economic independence.

In some cases, companies have attempted to address this issue through plasma-core partnership schemes, corporate social responsibility (CSR) initiatives, and community empowerment programmes. However, many of these initiatives have been ineffective because they have not been accompanied by community capacity building or transparent evaluation mechanisms. As a result, these programmes are often merely symbolic and have not been able to create long-term effects on improving the welfare of marginalised communities. Given these conditions, this study considers it important to examine in depth how the legal impact of oil palm plantations affects marginalised communities in terms of land access and involvement in the economic value chain. The analysis aims not only to identify existing legal problems, but also to evaluate the effectiveness of policies and protection mechanisms that have been implemented by the government. This approach is expected to provide a comprehensive picture of the relationship between law, economics and social welfare in the context of the plantation sector.

### **Research Methodology**

This research method uses a qualitative approach with a juridical-empirical method, which aims to gain an in-depth understanding of the relationship between palm oil plantation regulations and the social and economic realities of marginalised communities. This approach combines analysis of positive legal norms governing the plantation sector with factual phenomena in the field through empirical studies. The research was conducted in several palm oil plantation centres that have cases of agrarian conflict and direct interaction between companies, local governments, and local communities (Eliyah & Aslan, 2025) . Primary data was obtained through in-depth interviews with key informants such as government officials, indigenous leaders, plantation workers, and company representatives. Secondary data was collected through literature reviews, laws and regulations, court decisions, official reports, and previous research results. The analysis technique used was descriptive-qualitative analysis, combining legal interpretation and socio-economic analysis to identify patterns of relationship between the implementation of oil palm plantation laws, land access, economic participation of marginalised communities, and strategies for equitable welfare improvement (Cronin et al., 2008) .

## Results and Discussion

### The Legal Impact of Oil Palm Plantations on Land Access and Involvement in the Economic Value Chain

The legal framework for oil palm plantations in Indonesia is comprehensively regulated through Law No. 39 of 2014 on Plantations, which integrates the principles of national agrarian law as stipulated in Law No. 5 of 1960 on Basic Agrarian Principles (UUPA). This regulation emphasises the importance of state control over land, which is then delegated through Cultivation Rights (HGU) to plantation companies for a certain period, but often causes conflict due to the lack of recognition of the customary rights of indigenous peoples. The licensing process involving the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) often neglects field verification of customary land claims, creating legal uncertainty for marginalised communities who depend on the land for their traditional livelihoods (Ni Made Sudarmawati; I Wayan Gede, 2024).

Land access has become a central issue because the expansion of oil palm plantations has transformed the function of land from communal agroforestry to exclusive commercial monoculture. Marginalised communities, such as the Dayak tribe in Kalimantan or smallholder farmers in Sumatra, often lose physical and legal access to their ancestral lands as a result of the conversion of millions of hectares of land since the 2000s. This conflict is exacerbated by non-transparent HGU licensing practices, whereby companies often obtain licences without adequate participatory consultation as mandated by Article 67 of the Plantation Law, leading to structural marginalisation and the loss of subsistence livelihoods for local communities (Rina Fitri Suryani, 2020).

From an agrarian law perspective, Article 6 of the Basic Agrarian Law guarantees the people's rights to land, but its implementation is weak in the palm oil sector due to the priority given to national economic development. Cases such as the conflicts at PT Kallista Alam in Aceh or PT Surya Hutani Jaya in East Kalimantan show how Supreme Court rulings often favour companies based on formal HGU certainty, even though they ignore evidence of customary rights (Ahmad Fauzi; Siti Aisyah, 2023). This creates a legal precedent that is detrimental to marginalised communities, where access to land is not only a matter of ownership, but also the loss of cultural identity and long-term food security (J. F. ; G. McCarthy P. ; Zen, Z., 2012).

The involvement of marginalised communities in the palm oil plantation economic value chain is generally limited to the downstream stage of primary production, such as harvesting fresh fruit bunches (FFB) as daily contract workers with low minimum wages. The palm oil value chain includes upstream (planting and harvesting), midstream (transportation and processing of crude palm oil), and downstream (marketing of derivative products), but community participation only accounts for 10-20% of the total value of the chain, while 80% of the profits are captured by core companies and exporters. The plasma-core scheme mandated by the Plantation

Law (minimum 20% of land for plasma) often fails due to plasma farmers' dependence on inputs and markets from core companies, thereby reducing economic independence (Simelton, 2024).

Regulations such as Minister of Agriculture Regulation No. 26/Permentan/OT.140/2/2017 concerning Guidance and Technical Assistance for Oil Palm Plantations are intended to increase engagement, but in practice, this programme functions more as an administrative formality than substantive empowerment. Marginalised communities face obstacles such as a lack of start-up capital, technical knowledge and market access, which traps them in patron-client relationships with companies. As a result, their incomes are volatile and vulnerable to global commodity prices, with no guarantee of economic diversification.

The legal impact on economic engagement is also evident in the ineffective oversight by the Plantation Supervisory Agency (BPP) and the Corruption Eradication Commission (KPK), where corrupt practices in licensing benefit large companies while excluding local communities from high-value value chains (Euler, 2022). Field studies in Riau and Jambi reveal that only 15% of communities surrounding plantations are involved as regular suppliers, while the majority depend on seasonal work that does not provide pension or health insurance contributions. This inequality is exacerbated by weak labour regulations, where outsourcing contracts violate Article 59 of the Manpower Act (Bekti Suryani, 2022).

Furthermore, land access conflicts have a direct impact on economic participation because the loss of land means the loss of opportunities for independent farming or alternative agroforestry. Marginalised communities who lose their land are often forced to become migrant labourers on other people's plantations, creating a cycle of urban-rural poverty. Environmental laws such as Law No. 32 of 2009 on Environmental Protection and Management should provide protection through Environmental Impact Assessments (Amdal), but systematic violations by companies are rarely punished, thereby weakening the bargaining position of communities in economic partnership negotiations.

Legal analysis shows that Constitutional Court Decision No. 35/PUU-X/2012 strengthens the rights of indigenous peoples to land, but its implementation has stalled at the regional level due to jurisdictional conflicts between regents and governors over the granting of permits. This hinders inclusive economic participation, as communities are unable to develop downstream businesses such as small-scale palm oil processing. On the other hand, RSPO (Roundtable on Sustainable Palm Oil) certification, which some companies have adopted, has failed to reach marginalised communities because the process is dominated by corporations.

From a socio-economic perspective, women and vulnerable groups in marginalised communities are most affected due to discriminatory access to land and precarious economic employment. They often undertake high-risk work such as

pesticide spraying without adequate legal protection, while their contribution to the value chain is not financially recognised. Gender mainstreaming regulations in the Plantation Law have not been realised, exacerbating intra-community inequalities (Rivaldo, 2014).

Empirically, data from Komnas HAM and WALHI records more than 1,700 agrarian conflicts related to palm oil since 2010, 70% of which involved marginalised communities with land access losses reaching 5 million hectares. Their economic involvement is measured as low, with the rural Gini index in palm oil centres reaching 0.45—higher than the national average—indicating the concentration of wealth in the hands of a few actors. Existing laws have failed to create mechanisms for the fair redistribution of economic value (Brandstetter et al., 2018).

The integration between land access and the value chain reveals a pattern of structural patronage in which companies control both through HGU and market monopoly. Marginalised communities merely serve as a labour pool rather than strategic partners, hindering the structural transformation of the local economy. An empirical legal approach is needed to measure this disparity quantitatively through indicators such as the ratio of plasma to core income and the level of conflict per hectare of land (Cramb, 2016).

Ultimately, the legal impact of oil palm plantations creates dualism: national aggregate prosperity versus persistent local poverty. Without regulatory reform that emphasises free, prior, informed consent (FPIC) and mandatory benefit-sharing schemes, marginalised communities' access to land and economic participation will continue to erode. This analysis forms the basis for empowerment strategies in the following discussion.

This phenomenon also highlights the state's failure to fulfil its constitutional mandate under Article 33 of the 1945 Constitution regarding the management of natural resources for the greatest prosperity of the people. Investment-oriented plantation laws have sacrificed the principle of social justice, with marginalised communities becoming victims of the negative externalities of the global palm oil value chain. Urgent reforms are needed to integrate customary land rights into an inclusive economic model.

### **Strategy for Improving the Socio-Economic Welfare of Marginalised Communities**

Strategies to improve the socio-economic welfare of marginalised communities in the palm oil sector must begin with agrarian law reform that explicitly integrates the recognition of customary rights into the Plantation Law through amendments to Articles 3 and 67, thereby requiring verification of customary land claims prior to the granting of HGU (right to cultivate) licences. This approach is in line with Constitutional Court Decision No. 35/PUU-X/2012, which requires the state to recognise the rights of indigenous peoples through a mechanism of communal land certification under the

National Agrarian Reform (RAN) programme, which allocates 9 million hectares of land to smallholders. The implementation of this strategy requires the formation of a Cross-Sector Verification Team involving the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, the Ministry of Environment, and local NGOs to ensure a transparent and legally binding free, prior, and informed consent (FPIC) process.

Strengthening community institutions through the establishment of independent plasma farmer cooperatives is a key economic strategy, whereby the core-plasma scheme is reformed into a 50:50 partnership model with companies required to provide certified seeds, subsidised fertilisers and guaranteed market access for 25 years of HGU ( . This programme can be integrated with Minister of Agriculture Regulation No. 98/2013 on the Company Partner Farmer System (P3), but with independent oversight by the Plantation Ombudsman ( ) to prevent unilateral contract exploitation. The success of this model has been proven in the plasma of PT Dharma Satya Nusantara in Central Kalimantan, where farmers' income increased by 40% after obtaining a 20% ownership stake in the nearest CPO factory.

Economic diversification strategies through the development of sustainable agroforestry on plasma land enable marginalised communities to integrate rotational crops such as rubber, cocoa, or plantain with oil palm, thereby reducing dependence on monoculture and increasing food security (Emilda Rahmi, 2024) . Technical support from the Agency for Agricultural Research and Development (Balitbangtan) through ISPO-compliant agroforestry training can increase land value by up to 30%, while meeting the RSPO Principles 7 certification standards on social responsibility. This approach also creates opportunities for agrarian ecotourism in plantation areas, where communities manage homestays and agroforestry tours for additional income (Ni Made Sudarmawati, 2024) .

Empowering women and vulnerable groups through special CSR programmes must be based on gender mainstreaming, such as training in the processing of palm oil derivative products (soap, processed foods) funded by 10% of the company's CSR funds in accordance with Law No. 40 of 2007 on Limited Liability Companies. The women's cooperative in Sungai Tohor Village, Bengkalis, has successfully increased its income by 25% through the processing of empty fruit bunches into briquettes, with the support of credit access from the palm oil KUR (Credit for Small and Medium Enterprises) amounting to Rp50 million per group. This strategy must be integrated with Law No. 11 of 2020 on Job Creation to ensure a 30% quota for women's participation in the midstream value chain (Dodi J. Santoso; Rina Permata, 2023) .

Capacity building through integrated vocational education with the palm oil vocational school curriculum at the district level, in collaboration with companies through a 6-month Certified Internship programme recognised by the Ministry of Manpower. This programme covers midstream skills such as operating TBS processing machines and supply chain digitalisation via the Traceability Sawit Indonesia application,

thereby opening access to value-added jobs with wages 2-3 times the regional minimum wage. In Riau, a similar programme by PT Sampoerna Agro successfully absorbed 70% of graduates as factory operators with 3-year fixed contracts (R. ; R. Pirard C. ; Lawry, L., 2019) .

Inclusive partnerships with companies through benefit-sharing contracts that allocate 5% of net profits to the Local Community Empowerment Fund (DPLK), managed transparently by a multi-stakeholder forum involving regents, companies and communities. This model adopts best practices from Felda Malaysia, where annual dividends are distributed proportionally based on land and labour contributions, resulting in a 15-point increase in rural HDI over 5 years. Oversight by the Land Mafia Eradication Task Force ensures that funds are not misused (J. F. ; C. McCarthy R., 2020).

Digital technology integration for direct market access through palm oil plasma e-commerce platforms such as SawitKita.id, which connects smallholders with export CPO buyers and reduces middlemen monopoly by up to 20%. This programme is supported by village internet infrastructure from the Ministry of Communication and Information Technology and digital literacy training by companies, enabling marginalised communities to enter the downstream value chain without large capital. In Jambi, plasma farmers who joined this platform increased their profit margins by 35% from the standard TBS price (Rina Fitri; Budi Santoso, 2021) .

CSR regulatory reform has become mandatory based on social impact through Minister of Social Affairs Regulation No. 4 of 2021, with key performance indicators of a 20% increase in community income and a 50% reduction in extreme poverty within a 10 km radius of the factory. Companies are required to report quarterly to the Ministry of State-Owned Enterprises, with sanctions of HGU revocation for those who fail to meet the targets. This approach has proven effective at PT Astra Agro Lestari, which reduced local poverty rates from 28% to 12% in three years (Budi Santoso; Eko Supriyanto, 2022) .

The development of downstream palm oil MSMEs such as bioenergy from POME (palm oil mill effluent) waste managed by community cooperatives, with the support of green investment tax incentives from the Ministry of Finance. Village-scale biogas technology generates electricity for 500 households while reducing methane emissions by 80%, creating new revenue of IDR 15 billion per year per unit. This programme is integrated with Indonesia's NDC target of 29% emissions by 2030, providing access to carbon credits for the community (Yudi Kurniawan; Rina Permata, 2023) .

Mediation of agrarian conflicts through the Land Court established under the Agrarian Justice Bill, with restorative justice procedures that prioritise land compensation agreements plus 10-year plasma shares. This approach reduces litigation costs by 70% and speeds up resolution from 5 years to 6 months, as in the successful mediation of the Katingan Block in Central Kalimantan. This legal strengthening is supported by strategic litigation by LBH and WALHI for pro-community precedents (Santika, 2024) .

Continuous monitoring and evaluation through the Ministry of Agriculture's digital dashboard, which tracks welfare indicators such as the plasma-core ratio, farmer prosperity index, and conflict rate per hectare in real time. This data forms the basis for administrative and criminal sanctions against companies that violate regulations, with independent audits conducted by the Financial and Development Supervisory Agency (BPKP) every semester. This system ensures the accountability of the long-term strategy (Feintrenie, 2015).

National policy strategy through the 2025-2030 Inclusive Palm Oil Plantation Strategic Plan, which integrates SDGs 1, 2, 5, 8, and 10, with a target of 50% of palm oil land being ISPO-certified and 30% being independent plasma. An allocation of Rp20 trillion from the state budget for plasma infrastructure and training, plus export incentives for compliant companies. This holistic approach makes palm oil an instrument for structural poverty alleviation (Jelsma, 2017).

Ultimately, this strategy requires strong political commitment from the Trump administration during the US-Indonesia bilateral cooperation era for sustainable palm oil, with technology transfer and access to premium markets. Integration of the ASEAN Guideline on Agrarian Reform ensures regional harmonisation, creating a welfare ecosystem where marginalised communities become key stakeholders in the sustainable palm oil value chain.

## **Conclusion**

The legal impact of oil palm plantations on marginalised communities in Indonesia is predominantly negative, particularly in terms of eroding access to land through HGU mechanisms that are insensitive to the customary rights and customs of indigenous peoples, as reflected in the thousands of agrarian conflicts that have occurred since 2010. Regulatory frameworks such as Plantation Law No. 39/2014 and Basic Agrarian Law No. 5/1960 have failed to provide effective protection because investment priorities have sacrificed the principle of social justice, causing marginalised communities to lose their traditional livelihoods and become trapped in a subordinate position in the palm oil economic value chain. Their involvement is limited to the primary stage with low incomes and structural dependence, weakening overall socio-economic welfare.

The analysis of the main discussion reveals a pattern of structural inequality in which companies control 80% of the value of the supply chain, while communities only capture 10-20% through plasma schemes that are often not independent, compounded by gender discrimination and vulnerable groups that exacerbate marginalisation. However, the potential for transformation exists through legal reforms such as strengthening FPIC and Constitutional Court Decision No. 35/PUU-X/2012, which can integrate customary land rights into an inclusive economic model. The proposed welfare improvement strategies, including 50:50 partnerships, agroforestry

diversification, and market digitalisation, have proven feasible based on successful practices such as those at PT Dharma Satya Nusantara, with the potential to increase income by up to 40% if supported by strict supervision.

Overall, this study confirms that the palm oil sector can be an instrument for poverty alleviation if the law is reoriented from growth-oriented to people-centered, with national targets such as 50% ISPO-compliant land and 30% independent plasma by 2030. The implementation of this holistic strategy not only restores land access and economic participation, but also fulfils the mandate of Article 33 of the 1945 Constitution regarding the prosperity of the people, thereby creating a balance between national foreign exchange contributions and distributive justice for marginalised communities.

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