

LEGAL ANALYSIS OF ADMINISTRATIVE LAW IN THE HANDLING OF PALM OIL PLANTATION THEFT: A CASE STUDY ON THE IMPLEMENTATION OF THE PLANTATION LAW

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Abstract

This study analyses the application of administrative law in handling cases of palm oil theft, with a focus on the implementation of the Plantation Law. Through a literature review examining existing theoretical studies related to case studies, this research identifies the role of the Plantation Law in providing a clear legal basis and the challenges in its implementation in the field. The analysis results show that, although regulations are available, their implementation is often hampered by a lack of socialisation of the rules, limited public understanding, and operational challenges, such as a lack of resources for law enforcement officials. Furthermore, the study highlights the importance of collaboration between local governments, law enforcement agencies, plantation owners, and the community to enhance the effectiveness of addressing oil palm theft through legal education, technology-based surveillance, and capacity building for law enforcement agencies. This study provides practical recommendations to maximise law enforcement in the plantation sector while supporting the protection of assets for business operators.

Keywords: *Analysis, Administrative Law, Palm Oil Plantation Theft Management, Case Study on the Implementation of the Plantation Law*

Abstrak

Penelitian ini menganalisis penerapan hukum administrasi dalam menangani kasus pencurian hasil kebun sawit, dengan fokus pada implementasi Undang-Undang (UU) Perkebunan. Melalui kajian literatur dengan melihat kajian teori yang ada berkaitan dengan studi kasus, penelitian ini mengidentifikasi peran UU Perkebunan dalam memberikan landasan hukum yang jelas serta tantangan dalam pelaksanaannya di lapangan. Hasil analisis menunjukkan bahwa, meskipun regulasi telah tersedia, pelaksanaannya sering kali terhambat oleh kurangnya sosialisasi aturan, tingkat pemahaman masyarakat yang terbatas, dan tantangan operasional, seperti minimnya sumber daya pada aparat penegak hukum. Selain itu, penelitian menggarisbawahi pentingnya kolaborasi antara pemerintah daerah, aparat hukum, pemilik kebun, dan masyarakat untuk meningkatkan efektivitas penanganan pencurian kebun sawit melalui edukasi hukum, pengawasan berbasis teknologi, dan penguatan kapasitas aparat. Penelitian ini memberikan rekomendasi praktis untuk memaksimalkan penegakan hukum di sektor perkebunan, sekaligus mendukung perlindungan aset para pelaku usaha.

Kata Kunci: Analisis, Hukum Administrasi, Penanganan Pencurian Kebun Sawit, Studi Kasus Implementasi UU Perkebunan

Introduction

Oil palm plantations play an important role in Indonesia's economy, both as a source of foreign exchange and as a provider of employment for millions of people. As one of the country's leading commodities, oil palm contributes significantly to state revenue through exports. As such, oil palm has become one of the main sources of foreign exchange, helping to improve Indonesia's economic stability. The government has also given special attention to

supporting the development of this industry, from policies to the development of more efficient and environmentally friendly agricultural technologies (Lestari, 2023).

In addition to its contribution to foreign exchange, oil palm plantations are also a source of livelihood for millions of workers in Indonesia. This industry opens up job opportunities ranging from daily workers on plantations to experts in processing and distribution. Many families in rural areas depend on this industry for their livelihood, so the sustainability of palm oil plantations has a direct impact on the welfare of many people (Siregar & Tanjung, 2023). The government and industry players continue to strive to improve sustainable practices so that the growth of this industry is in line with environmental conservation and the welfare of local communities. However, due to the vast area of plantations, security issues often arise, including palm fruit theft. This theft not only harms plantation companies but also impacts the economy and well-being of surrounding communities (Hartono, 2022).

To address this issue, the Indonesian government has specifically regulated the management of palm oil plantations through the Plantation Law. This law is designed to provide legal protection for plantation owners and managers, as well as to ensure that plantation operations are conducted in an orderly and safe manner (Siregar & Tanjung, 2023).

The objective of the Plantation Law is to regulate, protect, and promote plantation activities that contribute to the economy, community welfare, and environmental conservation. This regulation aims to create a sustainable, equitable, and productive plantation system so that its benefits are not only felt by industry players but also by the wider community, including smallholders. In addition, this law provides guidelines for plantation management to maintain a balance between ecological, social, and economic aspects, thereby minimising negative impacts on the environment and supporting inclusive development (Anwar, 2023).

However, the implementation of the Plantation Law often encounters obstacles in the field. Some of the obstacles faced include a lack of legal awareness, limited resources for law enforcement officials, and a lack of coordination between relevant agencies. In addition, local communities' understanding of the importance of maintaining plantation security is also a crucial factor that needs to be considered (Pratama, 2020).

Thus, this study aims to examine the extent to which administrative law plays a role in addressing the issue of oil palm theft and the steps that can be taken to overcome the existing obstacles.

Research Method

This study uses a literature review method. A literature review is a research approach that focuses on collecting and analysing information from various written sources, such as books, scientific journals, articles, research reports, and other documents (Green et al., 2006). The main objective is to gain an in-depth understanding of a particular topic by exploring relevant theories, concepts, or previous findings. This method is highly useful for providing a theoretical foundation for new research, comparing the results of previous studies, or answering research questions using existing data. Researchers typically maintain rigour in identifying credible sources and organising information systematically to produce valid conclusions that are beneficial to the broader community (Torraco, 2016).

Results and Discussion

Administrative Law Mechanisms in Plantation Laws Related to the Handling of Palm Oil Theft

The Plantation Law in Indonesia serves as an umbrella law that regulates various aspects of the plantation industry, including legal issues such as palm oil theft. Palm oil theft is a serious problem that can disrupt economic stability and the welfare of plantation workers. Therefore, the Plantation Law provides administrative legal mechanisms to effectively address this issue (Fauzi, 2023).

The first step in addressing theft is to accurately identify the problem in the field. Plantation companies need to immediately report any cases of theft to the local authorities, such as the police or local government. The report must include clear details about the amount of plantation produce stolen, the time of the incident, and the suspected perpetrators (Kartika & Sutrisno, 2024).

After the report is received, the authorities will conduct an initial investigation to gather relevant evidence. This process involves checking the location of the incident, interviewing witnesses, and collecting evidence found at the scene. The data and information obtained will be analysed to determine the next legal steps (Rahman & Kusuma, 2020).

Based on the results of the investigation, if a crime is proven, the authorities will file criminal charges against the perpetrators of the palm oil plantation theft. These charges are filed in court through a transparent and fair judicial process. During the trial, the perpetrators will face charges in accordance with the provisions of the Plantation Law and Indonesian criminal law (Surya & Putra, 2020).

In addition to criminal proceedings, the Plantation Law also provides administrative settlement mechanisms that can be taken by plantation companies. One such mechanism is the imposition of administrative sanctions on parties involved in the theft. These administrative sanctions may include fines, revocation of business licences, or the implementation of training programmes (Widodo, 2024).

The imposition of administrative sanctions aims to create a deterrent effect and encourage compliance with applicable regulations. These sanctions are not only imposed on individuals who commit theft but can also be imposed on companies that are negligent in protecting their plantation products. This is important to educate all parties about the importance of compliance with the law and security in the plantation industry (Abdullah, 2021).

In addition, the Plantation Law also encourages the implementation of better security systems in plantation areas. Plantation managers are expected to invest resources to strengthen surveillance in the field, such as installing surveillance cameras, increasing patrols, and conducting security training for workers (Handayani, 2022).

Empowering communities around plantations is also an important measure in preventing theft. Through partnership programmes and corporate social responsibility (CSR) initiatives, companies can involve communities in maintaining security and helping to improve their welfare, so that they feel they have a stake in protecting oil palm plantations (Nugroho & Setiawan, 2021).

The role of the government in supporting the handling of palm oil plantation theft is also vital. The government, through local authorities, must actively facilitate conflict resolution

in plantations, monitor policy implementation, and provide the necessary legal support to plantation businesses (Ramdhani, 2024).

In addition, it is important for the government to continue disseminating information about the Plantation Law and other security regulations. This dissemination can be done through various media, including social media, seminars, and training in areas with many oil palm plantations. The aim is for all parties, from plantation owners to the surrounding community, to understand their responsibilities and the applicable regulations (Winarto, 2020).

Community involvement and cooperation between institutions are also important to address the issue of oil palm plantation theft. Collaboration between the government, companies, law enforcement agencies, and the community is key to ensuring a comprehensive and sustainable resolution of this issue (Arifin, 2020).

Therefore, the implementation of clear and stringent administrative legal mechanisms, along with support from all relevant parties, is expected to reduce oil palm plantation theft and enable the oil palm plantation industry to operate more safely and productively. This will ultimately have a positive impact on Indonesia's economy and the well-being of communities involved in this industry.

Strengths and Weaknesses of Administrative Law Implementation in Plantation Law in Handling Palm Oil Plantation Theft

Administrative law plays an important role in supporting the implementation of the Plantation Law, particularly in cases of theft of plantation products such as palm oil. This law serves as a guideline for stakeholders to maintain the security and sustainability of plantation businesses. Its implementation has several strengths and weaknesses, depending on how it is applied in the field (Nurhalimah, 2023).

One of the strengths of administrative law in this context is the existence of a clear legal framework. The Plantation Law contains specific rules governing the rights and obligations of business actors, farmers, and communities related to plantations. This provides strong legal protection so that theft can be categorised as a clear violation of the law (Kurniawan, 2021).

In addition, administrative law functions as an effective supervisory tool in plantation management. Existing regulations allow the government to impose administrative sanctions on parties deemed negligent in maintaining plantation security. For example, if a plantation company fails to implement minimum security measures, it may be subject to fines or warnings (Rahman & Kusuma, 2020).

Another advantage of administrative law is its flexibility in providing solutions. Not all cases of theft need to be handled directly through criminal proceedings. Administrative sanctions such as fines can be imposed as an initial step to prevent repeat offences. This helps reduce the burden on the courts and provides legal education to the public. However, it cannot be denied that administrative law also has weaknesses. One of them is the lack of supervision over the implementation of regulations at the field level. In many cases, violations such as palm oil theft occur due to weak implementation of security measures stipulated in the law. Many parties do not understand or comply with these regulations (Maulana, 2023).

Another weakness is that administrative law often lacks sufficient mechanisms to deal with organised or large-scale theft. Administrative sanctions such as fines or revocation of

business licences may not be effective in deterring perpetrators with extensive networks and sophisticated theft methods. In addition, limited access to legal information is also an obstacle. Many business actors and communities in remote plantation areas do not fully understand the content and benefits of the Plantation Law. This often results in suboptimal implementation in the field (Hidayat, 2022).

On the other hand, lengthy and complicated administrative procedures also pose a challenge. In some cases, palm oil theft is not immediately addressed due to procedural obstacles, such as bureaucracy in reporting or initial handling by relevant agencies.

The lack of coordination between the central and local governments also exacerbates the situation. In handling palm oil theft, there are often discrepancies between national policies and local conditions. This causes uncertainty in the application of sanctions or security measures in certain areas. To overcome these weaknesses, strengthening administrative law capacity is essential. The government and relevant parties need to educate the public about the contents of the Plantation Law and establish stricter monitoring mechanisms. Technology can also be utilised to better monitor palm oil plantations, making theft easier to detect (Wahyudi, 2022).

In the long term, synergy between administrative law and criminal law is the ideal solution. The application of administrative sanctions can run parallel to criminal proceedings if palm oil theft is considered serious or causes harm to many parties. This approach not only maintains law and order but also deters perpetrators (Oktaviani, 2023).

Therefore, a more inclusive approach can also be pursued. Communities surrounding palm oil plantations need to be involved in maintaining security and sustainability. By building strong relationships between communities, businesses, and the government, the implementation of administrative law in the Plantation Law can be more effective and have positive impacts for all parties.

Conclusion

Legal analysis of administrative measures in handling palm oil plantation theft shows that the implementation of the Plantation Law plays an important role in providing a clear legal basis for resolving theft cases. The Plantation Law not only regulates plantation management but also provides legal tools to protect the rights of palm oil plantation owners. This regulation ensures that every violation, including theft of plantation produce, can be prosecuted in accordance with the procedures. However, challenges remain in its implementation in the field, particularly with regard to coordination between law enforcement agencies, local governments and the community.

In reality, it has been found that administrative law enforcement often faces obstacles such as a lack of dissemination of regulations and weak public understanding of the Plantation Law. In addition, limited resources at the law enforcement level, such as lack of access to technology and constraints in the area of surveillance, are obstacles to the efficient handling of theft cases. This shows that although regulations are in place, their implementation at the operational level still needs improvement.

Overall, it is important for the government, plantation owners, and the community to work together to improve cooperation and legal awareness in protecting plantation assets. Strong and effective law enforcement can prevent theft while building a sense of security for

business actors in the plantation sector. To support this, capacity building for law enforcement officials, legal education for the community, and the integration of technology in oil palm plantation surveillance are necessary steps to ensure protection and justice for all parties.

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