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HUMAN RIGHTS VIOLATIONS AGAINST OIL PALM PLANTATION WORKERS IN WEST KALIMANTAN REGION

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Article

Abstract

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Indonesia, a leading palm oil producer, faces a dilemma between the palm oil sector's positive economic contribution and its negative impact on labor rights. Despite creating jobs and economic growth, the sector is often associated with rights violations such as corruption, job insecurity, low wages, forced labor, occupational safety, child labor, and social security. Case studies in West Kalimantan and Central Sulawesi highlight the issues that need to be addressed to strike a balance between economic development and human rights protection in Indonesia's palm oil sector.

1. INTRODUCTION

Indonesia, a tropical country rich in natural resources, has become one of the world's leading producers of palm oil. With vast tracts of land and a favorable climate for growing the crop, Indonesia has emerged as a major producer of palm oil, which is widely used in the food, cosmetics, and biodiesel fuel industries¹. In Indonesia, oil palm plantations are expanding rapidly on major islands such as Sumatra, Kalimantan, Sulawesi, and Papua. (Violation of Labor Rights of Sawit Farmers: A Case Study in West Kalimantan and Central Sulawesi, 2021).

Oil palm is one of the main commodities in the plantation sector in West Kalimantan. The oil palm plantation sector contributes to national economic growth and provides a large number of jobs. Despite its significant contribution to the regional and national economy, the palm oil industry is often associated with controversies related to human rights violations, especially in the plantation labor sector.

Human rights are a set of rights inherent in every individual, ensuring protection and respect for dignity, freedom and justice. Human rights are the basic rights that humans have since they were born. Human rights can be formulated as rights that are inherent to our nature as humans, without which it is impossible to live as humans (Rosmalasari, 2017). Human rights exist and are inherent in every human being. Therefore, they are universal, meaning that they apply anywhere and to anyone and cannot be taken away by anyone (Fadly & Alita, 2021).

Human rights issues concerning labor rights in oil palm plantations in Indonesia are not neglected. Violations of rights concerning issues of corruption, job security, decent wage, force labor, occupational safety and health, child labor, and social security occur in the field. (Violation of Labor Rights of Sawit Farmers: A Case Study in West Kalimantan and Central Sulawesi, 2021).

¹ Indonesia sebagai penghasil utama minyak kelapa sawit, <https://holding-perkebunan.com/kelapa-sawit/>

2. RESEARCH METHODOLOGY

In the context of this research, we apply a qualitative normative legal approach to delve deeper into the text of relevant legislation, international conventions and related policies. This approach aims to identify and analyze human rights violations occurring in the oil palm plantation labor sector in West Kalimantan. We understand that it is important to review the legal framework governing the oil palm plantation industry, given its significant impact on labor rights and environmental protection.

The data we used in this study was sourced from a variety of sources, including Laws, Government Regulations, Local Regulations, and other legal documents relevant to the protection of oil palm plantation labor rights. We also made use of human rights reports and studies specifically related to the conditions of oil palm plantation workers in West Kalimantan. By gaining access to these data sources, we were able to explore various aspects relating to labor conditions and potential human rights violations in the sector.

To obtain comprehensive data, we used the technique of data collection through document analysis. Our main focus was on the text of relevant legislation and legal documents, which we carefully examined to identify provisions that could potentially impact labor rights and human rights in general. We also considered the social, economic and environmental context in interpreting the findings of the data we collected.

In the analysis process, we applied content analysis methods to carefully identify legal provisions relating to the palm oil plantation labor sector. Our deductive approach allows us to relate these findings to the theoretical framework we have described earlier, contributing to a broader understanding of the issue. As such, this research is expected to provide greater insight and valuable information for efforts to protect human rights in the oil palm plantation labor sector in West Kalimantan.

3. ANALYSIS AND DISCUSSION

3.1 Corruption Factors

The National Commission on Human Rights (Komnas HAM) presents the results of research and analysis on human rights violations in various sectors, including the palm oil plantation industry, as stated in the 2018 Komnas HAM report. This shows that Komnas HAM has an interest in identifying and addressing human rights violations in the oil palm plantation sector in Indonesia.

The specific law that underpins Komnas HAM's report is Law No. 32/2009 on Environmental Protection and Management (UU PPLH), which provides the legal framework to control human rights violations related to the environment.

Laws and Regulations on Palm Oil Theft, Legal arrangements related to palm oil theft in Indonesia are regulated in Law Number 107.39 of 2014 concerning Plantations². Penalties include imprisonment for a maximum of four years and a maximum fine of IDR 4 billion for companies with a land area of 25 hectares or more that have obtained a plantation license from the government.

Law No. 32/2009 on Environmental Protection and Management, this law provides an important legal framework in controlling human rights violations related to the environment, including in the context of the oil palm plantation industry.³

3.2 The impact of human rights violations in the oil palm plantation sector in Indonesia on society.

Human rights violations in the oil palm plantation sector in Indonesia have significant impacts on communities, as revealed in several search sources:

1) Environmental Impacts and Loss of Natural Resources.

The most striking impact of oil palm plantations is deforestation. Deforestation, which is the process of massive forest removal, has become a global concern because of its impact on biodiversity and ecosystems (The Impact of Deforestation on Biodiversity and Ecosystems, Nanang Jainuddin, 2023).

² Undang-Undang Nomor 107.39 Tahun 2014 tentang Perkebunan, <https://repositori.uma.ac.id/bitstream/123456789/19289/1/201803028%20-%20Master%20Sahat%20Maruli%20Tuah%20Purba%20Tanjung%20Fulltext.pdf>

³ Undang-Undang Republik Indonesia Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup, <https://peraturan.bpk.go.id/Details/38771/uu-no-32-tahun-2009>

As well as the direct impacts that occur, namely environmental damage, land conflicts, environmental pollution, global warming, food insecurity, and water, soil and air pollution⁴. Due to the frequent clearing of tropical forests to make room for oil palm plantations, which results in habitat destruction for various types of flora and fauna. This can threaten biodiversity and lead to the migration or even extinction of some species. The above impacts can threaten environmental sustainability and the well-being of local communities.

2) Impact on Community Life.

The practice of forced labor in the oil palm plantation sector in West Kalimantan creates a heavy burden on communities, compromising the freedom and human rights of oil palm plantation workers. The impact not only harms individuals directly, but also create social instability that can spill over into the community as a whole.

Violations of rights related to social security, such as the non-fulfillment of rights to welfare and living wages, harm plantation workers and their families. The resulting social and economic inequalities can create instability and poverty at the community level.

Unsafe and unhealthy working conditions impact the physical and mental well-being of plantation workers and their families. Violations of rights related to occupational safety and health create serious risks to the overall health of communities.

The use of child labor not only harms the educational and developmental rights of the younger generation, but also creates an environment that is not conducive to the growth and well-being of children. This can destroy the hope and future of local communities.

⁴ Dampak Kelapa Sawit, <https://www.tuk.or.id/2015/01/dampak-kelapa-sawit/>

Violations of the right to a living wage create significant economic stress for plantation workers and their families. Wage inequality can result in economic disparities that are detrimental to the well-being and development of local communities.

By understanding these impacts, it is important for the government and involved stakeholders to take urgent action to stop these harmful practices and ensure the protection of the human rights of oil palm plantation workers and the welfare of communities in West Kalimantan.

3) Agrarian conflicts.

Often caused by the presence of oil palm plantations, pose serious challenges for companies to ensure respect for human rights, particularly ESCR, and their impact on relations between companies and local communities⁵. In addition, conflicts can also threaten job security and jeopardize the safety of workers in the sector.

Therefore, companies must not only pay attention to economic aspects, but also prioritize the economic and social sustainability of local communities and ensure job security for their employees as part of efforts to resolve agricultural conflicts in a sustainable manner.

3.3 Law Application in The Court

Environmental protection is important to protect the interests and welfare of communities affected by the palm oil industry. The application of the law in court to human rights violations in the oil palm plantation sector in Indonesia is important for communities to uphold justice and protect individual rights. Some findings from relevant research and reports include:

⁵ Analisis yuridis terhadap kewajiban pemenuhan hak asasi manusia dalam praktik bisnis perkebunan kelapa sawit <https://ejournal.balitbangham.go.id/index.php/ham/article/download/2699/pdf>

Laws that help protect labor rights in the oil palm plantation sector in Indonesia include:

- 1) Job Security: Law No. 13 Year 2003 on Manpower regulates job security, including dismissal procedures that are strictly in accordance with the established conditions.
- 2) Living Wage: Law No. 13 Year 2003 on Manpower also provides guidelines on the national minimum wage, which must be paid to all workers in Indonesia.
- 3) Forced Labor: Law No. 21/2000 on Mineral and Coal Mining provides anti-forced labor clauses in the mining industry, but in general there are no laws specific to oil palm plantations. However, Principia Laboris Indonesia (PLI) recommends applying anti-forced labor principles in every industry.
- 4) Occupational Safety and Health (OSH): Law No. 8 Year 2003 on Occupational Safety and Health (OSH Law) provides guidelines on occupational safety and health, including the use of adequate personal protective equipment when using hazardous chemicals such as pesticides.
- 5) Child Labor: Law No. 23 of 2002 on Strengthening the Sexual Empowerment of Children provides an anti-child labor clause, which prohibits the use of child labor in any form of business.
- 6) Social Security: Law No. 13/2003 on Manpower provides guidelines on social security for workers, including jamsostek contributions, health contributions, death contributions, and supply contributions.

3.4 Final Verdict of The Case

On November 1, 2023, seven individuals from Central and East Java decided to desperately flee their workplace at PT BSL, an oil palm plantation located in Sambas Regency, West Kalimantan, after five of their friends were subjected to horrific confinement and abuse. On November 16, the police responded to a report about the mistreatment of the five palm oil workers. During the investigation, the police found that 32 other workers requested to be rescued from the inhumane conditions at the plantation. Their main reason was the unfair treatment they received, including unreasonable salary deductions.

Auriga Nusantara Foundation Legal Director, Roni Saputra, believes that the actions taken by PT BSL can be suspected of being categorized as human trafficking. According to him, this is in accordance with the definition contained in Law Number

21 of 2007, where trafficking in persons includes the recruitment, transportation, harboring, sending, transferring, or receiving of a person with the threat of violence and the use of violence, for the purpose of exploitation.

This incident highlights a larger problem in the oil palm plantation industry, which has also previously recorded cases of slavery in Bayur Opak Village, Lebak Wangi Village, East Sepatan District, Tangerang Regency. Roni Saputra reminded that a similar, even more egregious, case had been committed by B.

4. CONCLUSION

Thus, it can be concluded that Indonesia, as one of the world's leading palm oil producers, faces serious challenges related to human rights violations in the oil palm plantation sector. Their significant impact on the environment and communities demonstrates the need for urgent action to address these harmful practices.

Laws such as Law No. 32 of 2009 on Environmental Protection and Management provide an important legal framework in addressing human rights violations related to the environment. However, the application of the law in the courts is also necessary to uphold justice and protect individual rights.

The protection of labor rights, including living wages, work safety, and social security, is regulated by several laws, but effective implementation and strict law enforcement are still needed to ensure adequate protection for workers and local communities.

By understanding the impacts of human rights violations in the oil palm plantation sector and the existing legal framework, it is hoped that this discussion will provide insight to the general public and businesses interested in the industry. In addition, urgent action needs to be taken by governments and stakeholders to address human rights violations and ensure the economic and social sustainability of local communities in the oil palm plantation sector.

REFERENCES

Journal/Article

Dampak kelapa sawit. (2015, January 22). TuK Indonesia. Retrieved February 27, 2024, from <https://www.tuk.or.id/2015/01/dampak-kelapa-sawit/>

Implementasi Undang - Undang Perkebunan Dalam Penanganan Pencurian Hasil Kebun Kelapa Sawit Di Kawasan Hukum Polres Langkat Tesi. (2022, September 17).

Repository UMA. Retrieved February 27, 2024, from <https://repositori.uma.ac.id/bitstream/123456789/19289/1/201803028%20-%20Master%20Sahat%20Maruli%20Tuah%20Purba%20Tanjung%20Fulltext.pdf>

Kelapa Sawit | Pabrik Kelapa Sawit, Pabrik Kopi, Pabrik Karet, Pabrik. (n.d.). Holding Perkebunan Nusantara. Retrieved February 27, 2024, from <https://holding-perkebunan.com/kelapa-sawit/>

Nanang, J. (2023, 08 02). Dampak Deforestasi Terhadap Keanekaragaman Hayati Dan Ekosistem. Jurnal Humanoria, Sosial dan Bisnis, Vo.1.

Neli, S. (2015, 03 15). Perkembangan Dan Pelanggaran Hak Asasi Manusia. Jurnal Purdansi, Vol.2.

Pardomuan Gultom. (2022, 07 15). Analisis Yuridis Terhadap Kewajiban Pemenuhan Hak Asasi Manusia Dalam Praktik Bisnis Perkebunan Kelapa Sawit. Jurnal HAM, Vol.13.

Perbudakan di Kebun Sawit Kita. (2023, December 7). Betahita. <https://betahita.id/news/lipsus/9600/perbudakan-di-kebun-sawit-kita.html?v=1702197722>

UU No. 32 Tahun 2009. (n.d.). Peraturan BPK. Retrieved February 27, 2024, from <https://peraturan.bpk.go.id/Details/38771/uu-no-32-tahun-2009>

Widhayanto M, Herni R, Cut Nurul A, Viona A, Dwi Rahayu N. (2021). Pelanggaran Hak Buruh Perkebunan Sawit: Studi Kasus Di Kalimantan Barat Dan Sulawesi Tengah