



## Optimizing the Role of District Governments to Realize Employment Social Security for Informal Workers in Palm Oil Plantations

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### **Abstract**

Protection social or guarantee social Still become issue most important to world citizens. Indonesian, as members of the United Nations and the ILO, as well as fulfilling the mandate state constitution, continues to make an effort to develop and implement assurance programs comprehensive social. As to the study of the goals, this is to know the effort government of Musi Banyuasin district in the Framework to realize social employment, specifically worker informal. The method used is research juridical empirical. The result can be concluded that to optimize the role government of Musi Banyuasin Regency in the implementation of insurance social to power informal work on plantations of coconut palm oil, the company consulted with stakeholders' interests between liberation land and implementing Free Prior Informed Consent (FPIC).

**Keywords:** *Regency Musi Banyuasin; Optimization; Role Government; Informal Workers; Plantation Coconut Palm*

### **Introduction**

Protection social or guarantee social still become issue most important to world citizens (Ratnawati et al., 2020). Every country is trying to find a method to reach this. Since the Declaration of Rights Fundamentals, the United Nations Man of 1948 stated that “everyone, as member society, right to guarantee social,” efforts to advance social protection become essential and urgent. Convention No. 102 ILO ( Organization Labor International) 1952 detailed global agreements and obligations (Bahrudin, 2022).

Indonesian a member of the United Nations and the ILO, as well as fulfilling mandate state constitution, continues to make an effort to develop and implement assurance programs comprehensive social two schemes insurance social health and insurance social employment now known wide with

automation two institutions new, namely Health Social Security Administration Agency (BPJS) and Employment Social Security Administration Agency (BPJSTK) (Tagoe, 2022).

Indonesian government's efforts to implement guarantee comprehensive social no easy and face various obstacles and challenges. From the constitution and regulations perspective, social protection measures in Indonesia are gradual and progressive (Andre et al., 2019). The amendment's constitution recently added a clause on rights general on guarantee social, according to which everyone has the right to guarantee social being right as a person of value in a manner whole. "Provisions Article 28H Paragraph 3 of the 1945 Constitution is an absolute indication presence of the State in his efforts to give guarantee social to inhabitants of his country". Dynamics This underlines the effort government To create wealth. The country, via government, is trying to create wealth, ultimately becoming a state of Happiness (Purba, 2020).

Law No. 40 of 2004 concerning SJSN, in Article 4, regulates the principle guarantee social the exact national with ILO Convention Number 102, namely: cooperation partnership, non-profit, openness, prudence, accountability, portability, membership mandatory, mandated funds and results guarantee fund management social used whole To program development and too big interest participant (Yustina, 2019). The implementation ensures social employment in the challenges facing palm oil employees. Coconut plantation palm is an industry owned mainly by entrepreneurs and small farmers. Corporations are legal entities, and farmers are not a legal entity. That is an incorporated company law's connection to real work with relatively broad rules (Nor-Ahmad et al., 2022).

The total area of oil palm plantations in South Sumatra is recorded at 1.2 million hectares, with a composition of state and private plantations covering an area of 711,012 and 312,032 hectares and a self-help pattern of 209,876 hectares. Musi Banyuasin has the largest oil palm plantation in South Sumatra, with 314,099 hectares (Cooke, 2009). Therefore, it is considered necessary that the government must provide Special Regulations for the provision of Health Insurance to oil palm harvesting workers by the owners of these oil palm lands. Providing this insurance keeps the palm oil harvester from getting qualified health protection with all the risks that will occur. Suppose there is no specific regulation on this from the government. In that case, many landowners will not provide these health services to oil palm harvesters, which is feared to impact the yield of the oil palm plantation itself and long-term plans related to oil palm (Widayanti & Legowo, 2022).

## **Methods**

In this writing, empirical juridical methods seek to understand normative or positive legal aspects of literature results and direct interviews with actors to get valid results.

## **Result and Discussion**

The existence of business competition and several problems regarding palm oil commodities have triggered several positive and negative views. On the one hand, palm oil provides significant economic opportunities and has become the backbone of the national economy. Indonesia is the world's largest producer of palm oil. Based on Oil World 2019 data, Indonesia's CPO production reached 41.26 million tons from the total world production of 72.48 million tons or 56.93% 12. Furthermore, oil palm is part of the economic development strategy for local governments whose areas have a suitable climate for oil palm cultivation.

On the other hand, the high expansion of this commodity puts pressure on land availability, and there are direct and indirect impacts due to land use change (land conversion). However, the average

plantation activity, regardless of the type of commodity, has the potential to have similar ESG problems. The specific point is how this commodity is produced, and its mass production.

The importance of sustainability efforts is related to the industry/company and how related parties, such as farmers, can use these crops and industries to increase their income. Oil palm farmers control 42 per cent of the total national oil palm plantations, so their existence plays a role. However, the average yield of enterprises is 25% higher than that of farmers. Some factors of low productivity are caused by farmers who use fertilizers and lack sources of fertilizers and pesticides, superior seeds and production methods that do not pay attention to sustainability, and limited access to capital and markets. To increase the productivity of these palm oil farmers, loans/financial support from banks is needed to promote sustainable palm oil production practices.

Based on the above, it is necessary to optimize the Musi Banyuasin District Government's role in implementing social security for informal workers in oil palm plantations. Smallholders must obtain permission from the competent authority, in this case, the Head of State/Mayor/Governor, based on the requested area and boundaries, including investment to develop oil palm plantations. A location permit is required within a maximum period of 3 years for land acquisition. Suppose the land acquisition process is not completed. In that case, the company will get an extension of time for one year, provided that the company has succeeded in controlling at least 50% of the area of the location permit granted.

Already based on Ministerial Decree No. 98 of 2013. Decree of the Minister of Agriculture No. 26 of 2007 concerning Planting Permit Guidelines. Permits issued before 2007 are still valid and recognized, e.g. 1. Plantation Business Registration Certificate (SPUP); 2. Permanent Plantation Business License (ITUBP); 3. Plantation Industry Permanent Business License (ITUIP); 4. Approval of principles/permits from the Minister of Agriculture; or 5. The Director of BKPM issues the planting permit on behalf of the Minister of Agriculture. The IUP statement reads as follows: IUP is a plantation business license with an area of more than 1,000 ha and must be incorporated in an oil palm product processing unit, effective since issuing the Minister of Agriculture No. 98 of the 2013 Decree. IUP-B must be a plantation business with a planting area of more than 25 hectares. The IUP-P must have a palm oil processing unit with more than 5 tons of fresh fruit packaging (FFB) per hour and must provide raw materials for at least 20% of the plantation itself and cover the shortfall—community or processing partnerships. In principle, palm oil mills (OPMs) should not build mills without planting. However, suppose land in the district/municipality is unavailable (evidenced by a certificate of land shortage from the local plantation office). In that case, cooperation can be carried out with agricultural cooperatives in the area concerned and known to the service manager responsible for planting. The existence of IUP can avoid the licensing system that opens up opportunities for the corruption of regional leaders.

AMDAL, approved by the AMDAL Commission, is a prerequisite for obtaining an environmental permit, while environmental access is a prerequisite for getting a plantation business permit. Plantation companies must have land rights in the form of Business Use Rights (HGU) and Building Use Rights (HGB). In addition, information on the extent of HGU is available following laws and regulations in plantation business licensing. The HGU area of oil palm plantations does not overlap with peat dome land or other permits. Some things that banks need to know related to HGU and HGB are as follows: 1. HGU is a state Land Right whose authority is given to its holder. According to its designation, the land is used for agriculture, animal husbandry and fisheries. 2. HGU can be used both for gardens and buildings (factories and buildings for garden needs). 3. HGU is given by the minister who organizes government affairs in the land sector or an appointed official. 4. HGU has been obtained at least two years after the competent authority issues the IUP. 5. Each company can have several HGUs for one plantation business unit. 6. HGU is granted for 35 years and can be extended for 25 years and renewed for 35 years. 7. HGB can only be used for buildings and not as a basis for garden cultivation. 8. HGU Acquisition.

## Conclusion

To optimize the role of the Musi Banyuasin district government in implementing social insurance for informal workers in oil palm plantations, the company consulted with stakeholders before land acquisition. It implemented Free Prior Informed Consent (FPIC). Furthermore, the company must fill in all the necessary documents to fulfil the operational aspects of the company/concession/plantation and obtain valid permits or approvals from the issuing authority (site approval, AMDAL approval and environmental management plan documents/RKL). And Environmental Control Plan Documents/RPL, Plantation Business Permits, HGUs and Forest Area Emission Permits/IPKH for those operating in forest areas). In addition, banks should note that the authorization process is carried out in stages. Generally, license B is only granted when license A is obtained, etc. And make sure the company has clear procedures in place to comply with old and new regulations. In particular, permits-related guidelines, such as B. Permit delays, compliance with land use and zoning. Especially for non-plantation mills or mills where most of the raw material supply comes from outside farmers, there must be policies and SPO to buy legal FFB. This is necessary to ensure that the FFB received comes from a legal and responsible area with a sound traceability system.

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