

Research Article

The Impact of Palm Oil Plantation Exploitation on the Environment in Sumatra: Analysis of Legal Violations

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Abstract: Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia guarantees the right of every person to live in a good and healthy environment, while Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia affirms the principle of sustainable and environmentally friendly development as the basis for natural resource management. These constitutional norms are implemented through Law No. 32 of 2009 concerning Environmental Protection and Management, which requires every business activity to prevent any pollution and/or environmental damage. In addition, through Law Number 11 of 2020 concerning Job Creation as amended by Law Number 6 of 2023, there have been significant changes in the business licensing system and environmental protection instruments, including the integration of environmental approval into risk-based business licensing as regulated in Articles 22 and 23. In the context of oil palm plantations in Sumatra, these changes in norms have legal implications for the fulfillment of business actors' legal obligations in environmental protection and management. This study aims to analyze the impact of oil palm plantation exploitation in Sumatra from an environmental law perspective, particularly in relation to legal violations based on the normative framework of applicable laws and regulations after the enactment of the Job Creation Law.

Keywords: Conditions in Sumatra; Environmental Pollution; Job Creation Law; Oil Palm Plantations; Violations of the Law.

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1. Introduction

Oil palm plantations constitute one of the strategic sectors in national economic development, particularly in Sumatra, which serves as the main center of oil palm production in Indonesia. The contribution of this sector to state revenue, employment generation, and regional economic growth is frequently used to justify the massive expansion of plantation land. However, behind these economic benefits, the exploitation of oil palm plantations has given rise to increasingly complex environmental problems, ranging from deforestation, land degradation, and water pollution to the escalation of agrarian conflicts and ecological disasters that directly affect local communities.

The urgency of this research stems from the reality that the expansion of oil palm plantations in Sumatra does not always proceed in line with compliance with environmental law provisions. Various findings indicate weak licensing practices, overlapping regulations, and a tendency to exploit legal loopholes under the pretext of national economic interests.

This condition has been further exacerbated by changes in licensing policies following the enactment of Law Number 11 of 2020 on Job Creation, which is considered to facilitate business activities but potentially weakens environmental supervision and protection instruments as regulated under Law Number 32 of 2009 on Environmental Protection and Management.

In Sumatra, the impacts of oil palm plantation exploitation are not only ecological in nature but also carry legal and social implications. Environmental degradation potentially violates the public's right to a good and healthy environment as guaranteed under Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia. Therefore, it is crucial to critically examine whether current oil palm plantation exploitation practices adhere to the principles of sustainable development and environmental law compliance, or whether they instead contain elements of systematic legal violations.

This study aims to analyze the environmental impacts of oil palm plantation exploitation in Sumatra from a legal perspective, with a particular focus on the existence of legal violations in licensing aspects and their implementation. In addition, this research is expected to contribute academically to the development of environmental law studies and to serve as a reference for policymakers in formulating more firm and equitable measures to balance economic interests with environmental protection and ecosystem sustainability in Sumatra.

2. Literature Review

Environmental Law and the Principle of Sustainable Development

Environmental law is fundamentally rooted in the principle of sustainable development, which seeks to balance economic growth with environmental protection and intergenerational justice. In the Indonesian legal system, this principle is constitutionally embedded in Article 33 paragraph (4) of the 1945 Constitution, which mandates that national economic development be conducted in an environmentally sound and sustainable manner. This constitutional mandate is further operationalized through Law No. 32 of 2009 on Environmental Protection and Management, which emphasizes preventive measures, the precautionary principle, and state responsibility in controlling activities that may cause environmental damage. Within this framework, environmental protection is not merely a technical obligation but a legal and ethical imperative that binds both the state and business actors.

In the context of oil palm plantation exploitation, the principle of sustainable development functions as a normative benchmark to assess whether economic activities comply with environmental obligations. Large-scale plantation expansion that results in deforestation, peatland degradation, and pollution indicates a deviation from sustainability principles, particularly when environmental carrying capacity is ignored. From a legal perspective, such practices raise concerns regarding the failure of environmental law to effectively internalize ecological costs into development decisions. Therefore, sustainable development serves not only as a policy objective but also as a legal standard against which the legality and legitimacy of oil palm plantation practices in Sumatra must be evaluated.

Environmental Licensing as a Preventive Legal Instrument

Environmental licensing occupies a central position in environmental governance as a preventive legal instrument designed to control human activities that pose risks to the environment. In environmental law theory, permits are not merely administrative formalities but mechanisms of ex ante control that ensure environmental considerations are integrated into decision-making processes before activities commence. Under Law No. 32 of 2009, instruments such as Environmental Impact Assessments (AMDAL) and environmental permits were intended to function as safeguards, ensuring that only environmentally feasible activities receive legal authorization. This preventive approach reflects the precautionary principle, which prioritizes the avoidance of environmental harm rather than post-damage remediation.

However, the transformation of the licensing regime following the enactment of the Job Creation Law has altered the preventive character of environmental licensing. The integration of environmental approval into risk-based business licensing shifts the focus from substantive ecological assessment to administrative risk classification. From a theoretical standpoint, this shift weakens the function of licensing as an independent environmental control mechanism and increases the likelihood of "legally authorized" environmental harm. Consequently, environmental licensing risks becoming a legitimizing tool for environmentally destructive

practices, rather than a protective instrument, particularly in ecologically sensitive regions such as Sumatra.

State Responsibility and the Right to a Healthy Environment

The right to a good and healthy environment is recognized as a fundamental human right under Article 28H paragraph (1) of the 1945 Constitution of Indonesia. In environmental law theory, this right imposes a corresponding obligation on the state to respect, protect, and fulfill environmental rights through effective regulation, supervision, and enforcement. State responsibility extends beyond lawmaking to include ensuring that economic activities do not undermine citizens' environmental rights. This perspective positions the state not merely as a regulator of development, but as a duty bearer accountable for preventing environmental degradation caused by both public and private actors.

In cases of oil palm plantation exploitation in Sumatra, persistent environmental damage suggests shortcomings in the fulfillment of state responsibility. When environmental harm occurs despite formal compliance with licensing requirements, it indicates a structural failure in environmental governance rather than isolated violations. From a theoretical viewpoint, such conditions reflect a misalignment between constitutional guarantees and regulatory practice, where economic interests are prioritized over environmental rights. This imbalance undermines the substantive realization of the right to a healthy environment and reinforces the need to reconceptualize state responsibility as an active, enforceable obligation within environmental law, rather than a passive or symbolic commitment.

3. Materials and Method

This study is a normative legal research of a descriptive–analytical nature employing a qualitative approach. Normative legal research is understood as research that positions law as a system of norms or rules in force, as embodied in statutory regulations, legal principles, and legal doctrines. This approach is used to analyze the environmental impacts of oil palm plantation exploitation in Sumatra and to examine the existence of elements of legal violations in its practices. The descriptive–analytical character of the study aims to systematically describe the applicable legal provisions while simultaneously analyzing their conformity with the realities of natural resource exploitation.

The normative juridical approach in this research focuses on the study of legal positivism through an examination of legal instruments governing environmental protection and oil palm plantations, a conceptual approach by analyzing legal concepts such as natural resource exploitation, environmental protection, and sustainable development, as well as a limited comparative approach to identify similarities and differences in legal arrangements related to oil palm plantation management. The qualitative approach is applied to explore the meaning and legal rationality in depth through hermeneutic interpretation of statutory texts and legal doctrines, without quantifying data. Accordingly, the emphasis of the research lies in the quality of legal analysis and argumentation.

The collection of legal materials is conducted through library research by examining various relevant legal sources. Primary legal materials include constitutional provisions guaranteeing the right to a good and healthy environment, statutory regulations on environmental protection and management, legislation on plantations, and government policies related to oil palm plantation management and environmental sustainability. Secondary legal materials are used to enrich the analysis and consist of legal textbooks, scientific journals, reports from non-governmental organizations, and previous studies addressing deforestation, oil palm plantation exploitation, and the effectiveness of environmental law enforcement. Tertiary legal materials serve as supporting sources, such as legal dictionaries and legal encyclopedias, to clarify the meaning of terms and concepts used in the research.

The collection of legal materials is carried out in stages, beginning with the inventory of statutory regulations and literature through official legal databases and credible academic sources, followed by the classification of legal materials based on key themes such as environmental damage prevention, supervision of plantation activities, and sanctions for legal violations. Cross-validation among sources is then conducted to ensure the consistency, relevance, and accuracy of the legal materials used. The analysis of legal materials is performed using a normative qualitative method by applying legal interpretation techniques, including grammatical, systematic, and teleological interpretation, to understand the intent and objectives of legislators in regulating environmental protection and oil palm plantation

activities. These legal norms are then confronted with empirical facts of environmental degradation resulting from oil palm plantation exploitation in Sumatra, including cases of deforestation that have drawn public attention. Through the process of legal syllogism, this study examines the conformity between legal norms and actual practices while identifying legal loopholes, regulatory ineffectiveness, or multi-interpretative issues in their application.

The results of the analysis are subsequently evaluated using indicators of legal effectiveness, encompassing the substance of the law, the structure of law enforcement, and the legal culture of society. This evaluation aims to assess the extent to which the law functions optimally in controlling oil palm plantation exploitation and protecting the environment. The overall findings are then synthesized to draw objective conclusions and formulate legal policy recommendations oriented toward strengthening environmental protection and promoting sustainable oil palm plantation management.

4. Results and Discussion

Licensing of Oil Palm Plantation Businesses under Statutory Law and Its Implementation in Sumatra

The granting of licenses for oil palm plantation businesses was originally intended as a legal instrument to control the utilization of natural resources in accordance with environmental protection objectives. In administrative and environmental law theory, a license is not merely a procedural formality, but a selective mechanism designed to ensure that only activities deemed ecologically and socially feasible are permitted to operate. However, in practice in Sumatra, licensing has often been used as a legal gateway for the expansion of oil palm plantations, which has resulted in serious environmental and social impacts on surrounding ecosystems and communities.

Law Number 32 of 2009 on Environmental Protection and Management (Environmental Law) explicitly places environmental considerations as the primary foundation for business activities. Article 22 of the Environmental Law requires an Environmental Impact Assessment (AMDAL) for activities that have significant environmental impacts, including large-scale oil palm plantations. This provision aims to ensure that the state considers not only potential economic benefits but also ecological risks from the planning stage onward.

This framework is reinforced by Article 36 paragraph (1) of the Environmental Law, which stipulates that any business required to prepare an AMDAL or Environmental Management and Monitoring Efforts (UKL–UPL) must obtain an environmental permit. Furthermore, Article 40 paragraph (1) emphasizes that an environmental permit is an absolute prerequisite for the validity of a business license. Normatively, these provisions demonstrate that environmental law adopts a preventive approach rather than a *laissez-faire* approach that intervenes only after environmental damage has occurred.

However, this policy orientation underwent a significant shift following the enactment of Law Number 11 of 2020 on Job Creation, later amended by Law Number 6 of 2023. Through Article 24 of the Job Creation Law, the environmental permit was abolished and replaced with an “environmental approval” integrated into business licensing. This change effectively minimized the role of environmental protection as an independent control mechanism and opened greater space for economic interests to take advantage of simplified licensing procedures.

The risk-based licensing approach regulated under Article 7 of the Job Creation Law and Government Regulation Number 5 of 2021 further widens this gap. In this system, the level of business risk determines the strictness of licensing requirements. The problem lies in the fact that risk assessments are often administrative in nature and do not fully reflect actual ecological conditions on the ground, allowing environmentally vulnerable areas to be legally allocated for plantation activities.

In Sumatra, the implementation of this policy reveals a tendency toward relatively easy issuance of oil palm plantation licenses, even in areas with low environmental carrying capacity. Many oil palm companies possess complete licenses yet operate on peatlands or formerly forested areas that are ecologically fragile. This administrative legitimacy is subsequently used as a legal shield when environmental damage or social conflicts arise.

This phenomenon has given rise to practices commonly described as “legal but destructive.” Under positive law, companies cannot easily be held liable because they formally comply with licensing requirements, despite causing tangible and widespread environmental

harm. This situation indicates that licensing law no longer functions as a control mechanism, but rather as a means of providing formal legitimacy to substantively problematic activities.

Narratives of national economic interest are frequently invoked to justify this condition. Article 33 paragraph (3) of the 1945 Constitution is often narrowly interpreted as a basis for natural resource exploitation to support economic growth. In reality, this interpretation neglects Article 28H paragraph (1) of the Constitution, which guarantees every person the right to a good and healthy environment. This imbalance in constitutional interpretation is then exploited to prioritize investment interests over environmental protection.

When compared, the Environmental Law and the Job Creation Law clearly differ in orientation. The Environmental Law is grounded in the precautionary principle and the prevention of environmental damage, whereas the Job Creation Law emphasizes efficiency and acceleration of licensing processes. This divergence is not merely a technical regulatory issue, but a legal policy choice that opens space for compromise in environmental matters, which in practice has been utilized by oil palm plantation companies.

Between the Positive and Negative Impacts of Oil Palm Plantations in Sumatra

Oil palm plantations in Sumatra are often promoted as an economic pillar due to their role in driving exports, creating employment, and generating income for local communities. However, this narrative of benefits is overly simplistic and frequently conceals the ecological and social costs borne by communities and the environment. Studies indicate that although economic benefits exist, the environmental impacts of oil palm cultivation are far greater than commonly claimed, particularly in terms of high carbon emissions, habitat loss, and significant alterations to tropical forest land cover.

The expansion of oil palm plantations is one of the primary drivers of deforestation in Indonesia, including Sumatra. The conversion of forests into plantations results in substantial greenhouse gas emissions, especially from drained peatlands, thereby exacerbating climate change. Systematic reviews of scientific literature confirm that land conversion triggers high carbon emissions, soil degradation, and the loss of critical ecological functions that cannot be restored in the short term.

Forest loss resulting directly from oil palm expansion has far more complex implications for biodiversity than merely reducing species numbers. Conversion to oil palm plantations drastically diminishes native species diversity that provides essential ecosystem services such as pollination, natural pest control, and carbon storage. This is not merely a statistical concern; disrupted ecosystem functions affect long-term productivity across agricultural sectors and weaken local environmental resilience.

Negative social impacts also arise from oil palm expansion, particularly affecting indigenous communities such as the Anak Dalam, who lose access to forest resources that constitute the basis of their livelihoods. While other groups, such as transmigrants or plantation owners, may benefit economically, vulnerable communities face greater difficulty meeting basic needs due to the depletion of natural resources on which they depend.

In a broader context, agrarian conflicts arising from oil palm expansion are neither unique nor isolated incidents. Numerous cases across Sumatra and other regions demonstrate disputes between smallholders and large corporations over land use rights, unconsented expansion, and overlapping land claims. These are not merely administrative problems; ambiguity in agrarian law exacerbates inequality, as farmers often lose productive land without fair compensation.

Excessive reliance on oil palm can also lead to long-term economic vulnerability. Soil degradation, declining ecological fertility, and rising environmental restoration costs may hinder future local economic transformation. Dependence on a single commodity exposes regions to international price fluctuations; when prices fall, communities lack sufficient economic diversification to sustain their livelihoods.

Conditions in Sumatra Before and After the Expansion of Oil Palm Plantations

Before the large-scale expansion of oil palm plantations, Sumatra was known as one of Indonesia's largest tropical rainforest regions with high biodiversity levels. The region's ecological structure was characterized by extensive natural forest cover that functioned as a life-support system, maintaining microclimate balance, hydrological cycles, and the sustainability of flora and fauna. These ecological functions held not only environmental value but also social and economic significance for local communities that relied on forest products and natural resources in a sustainable manner.

Land use during the pre-expansion period still reflected a relatively balanced relationship between humans and the environment. Although economic activities such as agriculture and plantations existed, their scale and intensity had not yet exerted massive ecological pressure.

Forest areas continued to function as water catchment zones, buffers against ecological disasters, and livelihood sources for indigenous and forest-dependent communities.

Significant changes occurred when oil palm was positioned as a strategic national commodity, driving large-scale plantation expansion. Land conversion from forest and natural areas into oil palm plantations took place systematically and extensively, particularly in eastern Sumatra. This transformation not only shifted spatial functions but also fundamentally altered the region's ecological structure. Previously heterogeneous landscapes with diverse species were transformed into homogeneous monoculture environments with minimal biodiversity.

Following the expansion of oil palm plantations, environmental degradation in Sumatra became increasingly complex and multidimensional. The decline in forest cover directly resulted in habitat loss for wildlife and disrupted ecosystem connectivity. Forest fragmentation caused ecological imbalance, intensifying human-wildlife conflict and accelerating species extinction. These conditions reflect serious pressure on the environmental carrying and assimilative capacity.

Negative impacts are also evident in soil quality. Land clearing through logging and burning removes fertile topsoil and increases erosion rates. Long-term monoculture oil palm cultivation degrades soil structure and reduces fertility, while dependence on chemical fertilizers and inputs further exacerbates soil degradation, diminishing the land's natural ecological functions.

Land-use changes significantly affect hydrological systems. Reduced forest cover decreases groundwater infiltration and increases surface runoff, heightening flood risks during the rainy season and drought during the dry season. Surface and groundwater quality also deteriorates due to chemical runoff from plantation activities, directly affecting surrounding communities through reduced access to clean water and declining non-oil-palm agricultural productivity.

Environmental damage becomes more severe when oil palm expansion occurs on peatlands. Peat drainage eliminates peat's natural function as a carbon sink and water regulator, increasing vulnerability to recurring forest and land fires. These fires generate transboundary haze, affecting public health, economic activities, and environmental quality across regions. Peatland fires demonstrate that environmental damage from oil palm plantations is cumulative and long-term.

From a socio-environmental perspective, post-expansion conditions in Sumatra have also created new vulnerabilities for local communities. Loss of access to forests and traditional natural resources disrupts livelihood patterns and intensifies land tenure inequality. Communities that previously depended directly on the environment experience declining quality of life due to surrounding environmental degradation, illustrating that environmental impacts are inseparable from their social consequences.

A comparison of conditions in Sumatra before and after oil palm expansion reveals a development paradigm shift that prioritizes economic growth at the expense of ecological functions. Although oil palm plantations contribute to national and regional economies, uncontrolled expansion has produced significant environmental consequences. The accumulation of negative impacts indicates that natural resource management has not fully embraced sustainability principles.

Post-expansion environmental conditions in Sumatra therefore provide a crucial basis for assessing the role and effectiveness of law in regulating natural resource use. The environmental degradation observed highlights a gap between environmental protection norms and actual practices. Consequently, this comparative analysis serves as a foundation for further examination of whether oil palm plantation exploitation contains elements of legal violations and how the state bears responsibility in guaranteeing the right to a good and healthy environment.

Measures That Should Be Taken by the Government in Addressing the Exploitation of Oil Palm Plantations in Sumatra

The exploitation of oil palm plantations in Sumatra forms part of the broader trajectory of economic development pursued by the state. Oil palm has long been positioned as a flagship commodity due to its contribution to foreign exchange earnings, employment generation, and regional economic growth. However, a development orientation that excessively prioritizes economic gains has frequently overlooked the social and ecological consequences of plantation expansion. As a result, the growth of oil palm plantations has produced structural problems that remain unresolved to this day.

In practice, one of the most prominent issues is the weak role of the state in supervising and controlling plantation business activities. Numerous plantation licenses have been issued without adequate planning and, in many cases, overlap with forest areas, community lands, and customary territories. When violations occur, government responses tend to be slow or inconsistent, creating the impression that investment interests are prioritized over legal compliance. Therefore, the first step that should be taken by the government is to undertake serious reforms in licensing governance and ensure that the law functions as an effective instrument of control rather than a mere formality.

The issue of oil palm exploitation in Sumatra is also inseparable from widespread agrarian conflicts. Plantation expansion often takes place on land that has long been occupied and utilized by indigenous peoples and local communities. In many cases, communities lose access to land and livelihoods without meaningful consultation or fair processes. When conflicts arise, the state frequently appears in a non-neutral position, tending instead to protect corporate interests. This situation contradicts the fundamental obligation of the government to safeguard citizens' rights, including rights to land and to a healthy environment.

The environmental impacts of oil palm plantation exploitation have likewise become increasingly evident and difficult to ignore. Massive deforestation, peatland degradation, and the rising frequency of forest and land fires demonstrate that plantation management has not adequately considered environmental carrying and assimilative capacities. These forms of environmental damage affect not only ecosystems but also the social and economic lives of communities, including declining water quality, loss of biodiversity, and heightened risks of ecological disasters. In this context, the government must take firm measures to control plantation expansion and ensure that environmental protection is fully integrated into development policies.

On the other hand, the presence of oil palm plantations is often justified by claims of improving community welfare. Empirical conditions, however, reveal that the promised economic benefits are not distributed equitably. Many communities living around plantation areas remain vulnerable, either as low-paid laborers or as groups that have lost their traditional sources of livelihood. The government should not allow such inequality to persist. Policies are needed to promote fair partnerships between companies and communities, along with stronger labor protections, so that plantation activities genuinely deliver tangible social benefits.

Another equally important step involves reforming the government's approach to resolving conflicts arising from oil palm exploitation. Conflict resolution has frequently relied on security-based approaches that tend to exacerbate tensions on the ground. Agrarian conflicts, however, require dialogical and justice-oriented solutions. The government must provide inclusive mediation mechanisms that involve all stakeholders on an equal footing and ensure that community voices are not marginalized in decision-making processes. Without such changes, agrarian conflicts will likely continue to recur and erode public trust in the state.

More broadly, the problem of oil palm plantation exploitation in Sumatra reflects deeper challenges in Indonesia's natural resource governance. The state often faces a dilemma between promoting economic growth and maintaining environmental sustainability. This dilemma, however, should not be used as justification for sacrificing principles of justice and sustainability. The government must formulate policies that position natural resource management as an intergenerational responsibility, rather than one driven solely by short-term economic interests.

Ultimately, the measures that should be taken by the government in addressing oil palm plantation exploitation in Sumatra require a comprehensive transformation of existing perspectives and policies. Firm law enforcement, protection of communities and the environment, and the strengthening of transparent and accountable governance must be pursued simultaneously. Without such fundamental changes, oil palm exploitation risks deepening environmental degradation and social inequality, while further distancing development objectives from the principles of justice and sustainability that ought to underpin state policy.

5. Conclusion

The exploitation of oil palm plantations in Sumatra reveals a clear tension between economic development interests and the obligation to protect the environment. Although palm oil is positioned as a national strategic commodity contributing to economic growth and state revenue, uncontrolled expansion practices have generated serious environmental impacts, ranging from deforestation and peatland degradation to declining soil and water quality and an increased risk of ecological disasters. These impacts indicate that oil palm plantation management has not fully taken into account the environmental carrying capacity and ecological limits of Sumatra.

From the perspective of environmental law, this condition reflects a significant gap between legal norms and their implementation in practice. Law No. 32 of 2009 on Environmental Protection and Management normatively places the principles of prevention, precaution, and sustainable development as the fundamental basis for business activities. However, changes in the licensing regime introduced through Law No. 11 of 2020 on Job Creation, as amended by Law No. 6 of 2023, have shifted the orientation of environmental control toward a more administrative and investment-friendly approach. The integration of environmental approval into risk-based business licensing potentially weakens the role of environmental regulation as an independent control instrument.

The implementation of oil palm plantation licensing in Sumatra demonstrates the emergence of practices that may be described as “legally compliant yet environmentally destructive,” namely business activities that formally satisfy licensing requirements while substantively causing environmental degradation and social conflict. Administrative legality is frequently used as a shield to evade legal responsibility, despite the tangible and widespread environmental harm produced. This condition indicates that licensing no longer functions as a mechanism of selection and control, but rather as a legalized means of natural resource exploitation.

Environmental damage resulting from oil palm plantation exploitation also has direct implications for the fulfillment of the constitutional right to a good and healthy environment, as guaranteed under Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia. When the state prioritizes economic and investment interests, the protection of communities’ environmental rights tends to be marginalized. This situation reflects an imbalance in the interpretation of Article 33 of the 1945 Constitution, which should be understood not merely as a mandate to achieve the greatest prosperity of the people, but also within the framework of sustainability and intergenerational justice.

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