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Strategy of the National Movement to Save Natural Resources in Structuring Palm Oil Licensing in Indonesia

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Abstract:

This study analyzes the implementation of the GNPSDA Program in structuring oil palm plantation licensing in Indonesia using the Grindle approach and adding two exogenous variables from the Institutional Analysis Development (IAD) approach. Through a qualitative approach, researchers explore information from various key informants, document review and spatial data review to find factors that affect the implementation of the GNPSDA program and formulate future GNPSDA strategy improvements. The research findings state that all policy content variables including interest affected; type of benefit; extent of change envisioned; site of decision making; program implementors; and resources committed and implementation context variables including power, interest, and strategy of actors involved; institutions and regime characteristics; compliance and responsiveness as well as two IAD variables namely biophysical characteristics of palm oil and community attributes affect the implementation of the GNPSDA Program. In addition, the study also found that the variables influence each other. However, due to limitations, this study did not conduct causality analysis between variables. The research suggests that the CORRUPTION ERADICATION COMMISION and the Ministry of Agriculture should be able to adopt the formulation of the GNPSDA strategy as an effort to improve governance and prevent corruption in the palm oil licensing sector in the future. In addition, for future research development, it is necessary to do tracing between variables to identify causal relationships between variables so that in-depth analysis is obtained.

Keywords: *licensing, palm oil, governance, corruption, GNPSDA*

1. Introduction

Indonesia plays an important role in the global palm oil supply chain. Indonesia produces 46 million matrix tons of palm oil. This is almost 59.2% of the total global palm oil supply of 77.74 million matrix tons in 2022 (USDA, 2022). The large production of palm oil is influenced by the large area of oil palm plantations. Indonesia's oil palm plantation area is recorded at 15.7 million hectares, consisting of 10.7 million hectares of private land, 493 thousand hectares owned by state-owned enterprises, and 4.4 million hectares managed by the community (Corruption Eradication Commision , 2016).

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Figure 1: World Palm Oil Production 2019-2023

The palm oil commodity also plays a major role in the Indonesian economy. Palm oil production contributes 82% of total plantation crop production, so its role in plantation crop GDP is quite large. In addition, the palm oil commodity is Indonesia's largest export contributor. In 2022, palm oil commodity exports reached USD 39.28 billion or equivalent to IDR 588.1 trillion (Central Agency of Statistics 2022). The oil palm plantation sector is also the main supporter of the lives of 16.2 million workers, both direct and indirect workers. Although, there are still many problems related to labor welfare that have not been fulfilled properly and the problem of poverty is still high in the area around oil palm plantations. The palm oil commodity also contributes tens of trillions of non-tax revenues from palm oil export levies.

However, the management of Indonesia's palm oil commodity, especially related to licensing, still leaves many problems, ranging from environmental, social, state revenue, and corruption issues. Over-exploitation of forests and land by oil palm plantations has caused environmental damage and human rights violations (Sulistyani & Nurlinda 2019). This is due to poor licensing and spatial governance systems. In addition, not many businesses in this sector fulfill their obligations towards tax payments. The low level of compliance with taxation has led to the loss of potential state revenue from the sector. Furthermore, corruption is rampant. The unaccountable licensing system has a high risk of corrupt practices and has ensnared many corrupt actors both in the government and the private sector.

Corruption Eradication Commision of Indonesia highlighted the problem of the weak palm oil licensing system, both in the process of issuing licenses and controlling them. Corruption Eradication Commision found many overlapping oil palm plantation licenses with land-based licenses and peat domes (Purwanto et al., 2020). This is the beginning of the chaotic governance of the palm oil commodity in Indonesia.

The fragmented licensing system across ministries/agencies, while there is no regulation or mechanism to ensure that the ministries or agencies coordinate with each other in the process of issuing licenses and controlling licenses, results in high

corruption vulnerability in the permit issuance process. An example of a corruption case involving Surya Darmadi. This case began with the issuance of location permits and oil palm plantation business licenses (IUP) by the Regent of Indragiri Hulu in 1999-2008. The issuance of the IUP was done illegally and caused potential state losses because the location was included in the forest area, without a release permit as a requirement.

Since its inception, Corruption Eradication Commision has placed the natural resources sector, including the palm oil commodity, as a focus area for corruption eradication. On March 19, 2015 Corruption Eradication Commision initiated the signing of the National Movement to Save Natural Resources (GNPSDA) program by 27 ministries/institutions. The goal of GNPSDA is to increase cooperation between parties in improving governance, preventing corruption and saving natural resources. From this goal, it is derived into six program targets, namely, strengthening community rights, improving regulations, building accountability systems and preventing corruption, saving state assets, strengthening the institutional capacity of state apparatus and increasing compliance with the implementation of obligations (NKB GNPSDA, 2015).

The GNPSDA Program implementation strategy in the 2015-2018 period in several aspects was able to show the performance of improving natural resource governance, increasing state revenue, strengthening licensing control instruments, and improving public service standards. However, the GNPSDA Program has not been able to touch the root causes of corruption in the natural resources sector in Indonesia. In addition, the GNPSDA program after 2018 has decreased in intensity and is no longer mainstreaming in corruption prevention. Therefore, improving the GNPSDA strategy is urgent.

2. Theoretical Background

Public Policy

In practice, public policy is the result of a political process carried out in a state government system, which contains steps that must be implemented by the government as state administrators (Birkland 2019). Therefore, public policy is inseparable from the role and function of the government apparatus called the bureaucracy (Astuti 2021).

The word policy can mean policy or wisdom, until now there has been no agreement regarding the differences in the meaning of the word policy, but there is a tendency for the term policy to be interpreted as policy. Therefore, public policy is translated as public policy (Androniceanu 2021).

Many definitions of public policy are delivered by experts. According to Thomas R. Dye & Zeigler (1992), public policy is whatever the government chooses to do or not to do. According to Dye & Zeigler (1992), if the government's choice is to do

something, there must be a goal to be achieved, because public policy is a government action. Likewise, if the government's choice is not to do anything, it is public policy because there must be a purpose.

Policy Implementation

Policy implementation is a crucial stage in the public policy cycle and is no less important than policy formulation (Knill & Tosun 2020). A policy, even though it has been formulated well, will not achieve its goals well if it is not implemented properly. Fundamental difference between a country and other countries lies in the level of a country's ability to run its government. This can be seen from their capacity to implement the policies that have been set (Bracking 2018).

In its development, there are various theories and models in policy implementation. Among them are the theories of Edward III, Grindle, and Mazmanian and Sabatier. Each theory has a different approach in seeing the success of a policy implementation. Edward III theory (1980) sees the success of policy implementation determined by four components: 1) communication; 2) resources; 3) inclination and behavior (disposition), and; 3) bureaucratic structure.

In the same year Grindle argued differently, that the success of policy implementation can be characterized by two things, first the suitability between policy design and implementation which refers to policy action, secondly the achievement of policy objectives by looking at the impact felt by the community. According to Grindle, the success rate of policy implementation is influenced by the content of the policy and the context of implementation (Kraft & Furlong 2019).

Meanwhile, Mazmanian and Sabatier in Hoerudin (2019) explained that there are three groups of variables that affect the performance of policy implementation: 1) characteristics of the problem, namely whether or not a problem is easy to control); 2) characteristics of the policy, is the ability of a policy to structure the policy implementation process); and 3) environmental variables, are variables outside the policy that affect policy implementation. Each group of variables must be managed so that they are measurable and can be controlled in policy implementation. If examined carefully, each theory has its own specificity in seeing variables that affect the performance of policy implementation. Grindle's theory has a point of view on regulatory understanding of a policy which must then be carried out according to a predetermined design. Edward III's theory on the other hand focuses more on the preconditions needed for successful policy implementation, while Mazmanian and Sabatier's theory emphasizes the factors that influence the achievement of formal goals during the policy implementation process.

Grindle's policy implementation approach is called Implementation as A Political and Administrative Process. Policy implementation is a general process of

administrative actions taken by the government or other policy implementers in achieving certain goals (Grindle, 1980).

Grindle's policy implementation is characterized by interactions between policy makers, policy implementers, and policy users in an interactive model (Santosa et al., 2022). There are two variables that affect policy implementation, where these two variables can be parameters for the successful implementation of a policy. These parameters are: 1) the policy process, which is to see the compatibility between implementation and policy design; and 2) the achievement of policy objectives, by looking at two indicators: a) the impact of policies on society both individually and in groups; and b) the level of change that occurs and the acceptance of target groups of changes that occur.

The success of policy implementation is influenced by the level of policy implementation itself, which consists of the content of policy and the context of policy (Grindle, 2010). This model has six elements of policy content: "1) interest affected; 2) type of benfit; 3) extent of change evisioned; 4) site of decision making; 5) program implementor; dan 6) resources commited, dan 3 elemen konteks implementasi kebijakan: 1) power, interest, and strategies of actor involved; 2) instituion and regime characteristics; and 3) compliance and responsiveness".

Institutional Analysis Development (IAD) Approach

It is an institutional approach that can be used to analyze the occurrence of corruption in the natural resources sector (Kartodihardjo et al., 2022). The IAD approach considers the existence of exogenous factors, namely natural resource characteristics, natural resource user characteristics (community attributes), and regulations. These exogenous factors influence the actions of actors in the action arena. In the action arena, interaction patterns are formed which will then determine performance outcomes. In this context, performance shows how various policies and programs or corruption prevention action plans can be adopted and implemented. The IAD approach allows the inclusion of more contextual factors according to the conditions. And as a dynamic framework, performance in turn feeds back into the system and influences the context and arena of action in the next round.

Good Governance

Governance is a concept that emphasizes how a government or public institution is organized and run effectively, transparently, fairly and responsibly (Ali 2015). Mark Robinson, an expert who has written extensively on good governance in developing countries, highlights the importance of transparency and public participation in strengthening good governance in government. Meanwhile, Joseph Stiglitz, a Nobel laureate economist, has made a major contribution to understanding good and equitable economic governance. Stiglitz emphasizes the importance of public participation in economic development and equitable distribution of resources. Another governance expert, Robert Klitgaard contributed to the effort to understand and fight corruption with his famous anti-corruption formula, C=M+D-A. Where

corruption (C) can occur due to the monopoly of power (M), coupled with discretion (D) minus accountability (A). Therefore, to understand and fight corruption, we must pay attention to the variables in the formula.

Corruption

Corruption comes from the Latin word corruptio or corruptus, which has various meanings, namely the act of damaging or destroying. In addition, corruptio is defined as rottenness, ugliness, depravity, dishonesty, bribery, immorality, deviation from purity, insulting or defamatory words or speech (Corruption Eradication Commision , 2022). Corruption comes from the Latin corruptio, became corruption in English in Dutch into corruptie in Dutch and entered the Indonesian language into corruption. In KBBI, corruption is defined as the misappropriation or misuse of State money (companies, organizations, foundations, and so on) for personal gain or other people.

Regulatory Capture Theory

The post-modern type of corruption is no longer in the form of bribes or gratuities (petty corruption). Corruption in this phase can appear in the form of policy narratives (regulatory capture). Boehm (2007) mentions three theories of regulatory capture. First, interest groups theory states that interest groups can influence the government in making decisions in favor of these interest groups, but they must compete with other interest groups. Second, Toolbooth theory emphasizes the position of bureaucrats or politicians as monopolist power holders, so they have the ability to design inefficient regulations (red tape regulation) to get rents from regulated industries. And third, Principle-agent theory bases its analysis on asymmetric information conditions, discretion and collusion between regulators and companies.

Memorandum of Understanding with the National Movement to Save Natural Resources (GNPSDA)

Departing from the authority mandated by the Corruption Eradication Commision Law. In order to monitor and prevent corruption, Corruption Eradication Commision initiated the GNPSDA Program. The GNPSDA program involved many parties with the signing of the Memorandum of Understanding on the National Movement to Save Natural Resources on March 19, 2015 by 27 Ministries or Institutions. GNPSDA also involves civil society (CSOs, academics and development partner organizations). For the law enforcement aspect, a declaration of natural resources rescue was signed by the Head of the TNI, the Police, the Attorney General and the Chairman of the Corruption Eradication Commision.

The objectives of the GNPSDA Program are: 1) to improve coordination and cooperation in improving the governance of Indonesia's natural resources; and 2) to improve coordination and cooperation in efforts to save Indonesia's natural resources and eradicate corruption (article 1 of the GNPSDA NKB). The scope of the

GNPSDA NKB is that the Parties are committed to cooperating in planning, carrying out their main duties and functions and monitoring by utilizing existing resources within the Parties for efforts to save Indonesia's natural resources (article 2 point (1) of the GNPSDA NKB).

The efforts to save natural resources include six main targets outlined in the form of action plans, namely: 1) strengthening community rights; 2) revamping regulations; 3) building accountability systems and preventing corruption; 4) saving State assets; 5) strengthening the institutional capacity of state apparatus; and 6) increasing compliance with the implementation of obligations (article 2 point (2) of the GNPSDA NKB).

In implementing the GNPSDA Program, the Parties form a joint task force consisting of representatives from the Parties who have the capacity and competence to implement the memorandum of understanding (article 4 point (1) GNPSDA NKB). In implementing the GNPSDA Program, Corruption Eradication Commision and the Presidential Staff Office jointly perform coordination and supervision functions (article 4 point (4) of the GNPSDA NKB). To support the implementation of the GNPSDA Program, the source of funding for the program comes from the Parties and other sources that are not binding and in accordance with laws and regulations (article 6 of the GNPSDA NKB).

3. Methodology

The research uses a qualitative approach with a case study of the implementation of the GNPSDA Program in structuring oil palm licensing in Indonesia. Data collection was carried out by conducting in-depth interviews with key informants involved in the implementation of the GNPSDA Program, document review and spatial data review.

4. Empirical Findings/Result and Discussion

Based on the research findings, the content of policy and context of implementation factors affect the implementation of GNPSDA in structuring oil palm licensing in Indonesia. This is in line with the theory of policy implementation presented by Grindle (1980). Two exogenous variables from the IAD approach, namely palm oil biophysical characteristics and community attributes, which in the research model affect policy content, also affect the implementation of the GNPSDA program.

However, there are interesting research findings to be revealed. In addition to the factors in the policy content variables and the implementation context, each of them affects the implementation of the GNPSDA program. Factors in the policy content variable and factors in the implementation context variable influence each other. Likewise, between policy content variables and implementation context variables influence each other.

Factors of interests that influence a policy (interest affected). GNPSDA program design involves many parties and aims to accommodate the interests of the parties. However, differences in interests between actors are a challenge in implementing the GNPSDA program. This is in line with what was conveyed by Soreide & Truex (2011), that there are problems related to differences in interests between groups (conflicting concerns) in a multistakeholder approach. Soreide & Truex (2011) divide the groups into three categories, namely: government, business, and civil society. The government should have an interest in the performance of the sector in accordance with policy targets. However, we do not know whether their involvement is motivated by a genuine ambition to improve performance, or they tend to maintain old ways of working or even have vested interests. For businesses, profit maximization is clearly the main driving factor, although social responsibility and environmental protection make corporate operations more meaningful. For civil society, the orientation is more towards environmental protection, the impact of natural resource management on people's welfare, and the allocation of state revenue and income from the natural resource sector. These conflicting concerns have the potential to become obstacles in the implementation of GNPSDA.

This research does not conduct tracing between variables (CDI, 2015), but as an illustration of the influence between factors or variables can be described as follows.

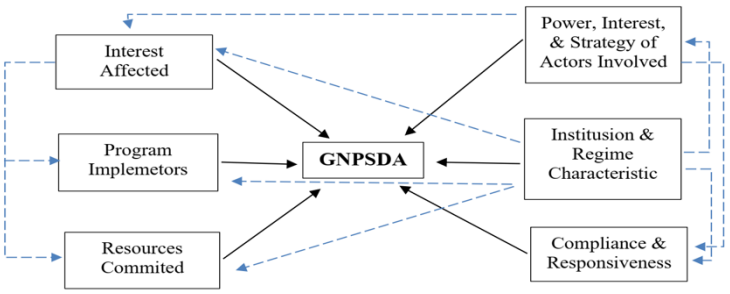

Figure 3. Relationship between Variables in GNPSDA Implementation

Each factor can directly affect the implementation of GNPSDA. However, differences in interests (conflict concerns) between groups or actors can affect the factors of program implementers and resources. Government groups, business actors, or civil society that are not concerned about the GNPSDA program will allocate incompetent personnel and inadequate resources and vice versa, which will then affect the implementation of GNPSDA. In the implementation of GNPSDA for the 2015-2018 period, differences in interests between groups or actors can be minimized by the institutional credibility of the Corruption Eradication Commision. Where the Corruption Eradication Commision has a central role in making decisions on the implementation of GNPSDA.

The interests that influence (interest affected) the implementation of GNPSDA on the other hand, can be influenced by the power, interests and strategies of the actors.

Where the power, interests and strategies of the actors will be greatly influenced by the characteristics of the regime. Almost all informants stated that regime characteristics are a determining factor in the successful implementation of policies or programs. The regime can influence all factors in the policy variables and the context of policy implementation. This is in line with the GNPSDA evaluation synthesis note (Corruption Eradication Commision, 2018). That the root of the problem of corruption in the natural resources sector is state capture corruption.

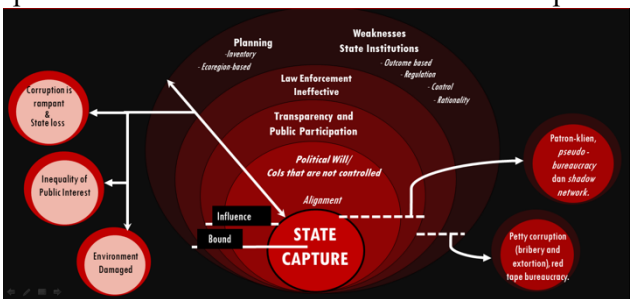

Figure 4. State Capture Corruption in Natural Resources Management

State capture corruption originates from a situation of uncontrolled conflicts of interest, lack of transparency and weak public participation. It leads to dysfunctional governance, ineffective law enforcement and weak state institutions (Corruption Eradication Commision, 2018).

Boehm (2007) states that there are three theories of regulatory capture. First, interest groups theory states that interest groups can influence the government in making decisions in favor of these interest groups, but they must compete with other interest groups. Second, Toolbooth theory emphasizes the position of bureaucrats or politicians as monopolist power holders, so they have the ability to design inefficient regulations (red tape regulation) to get rents from regulated companies. And third, Principle-agent theory bases its analysis on asymmetric information conditions, discretion and collusion between regulators and companies.

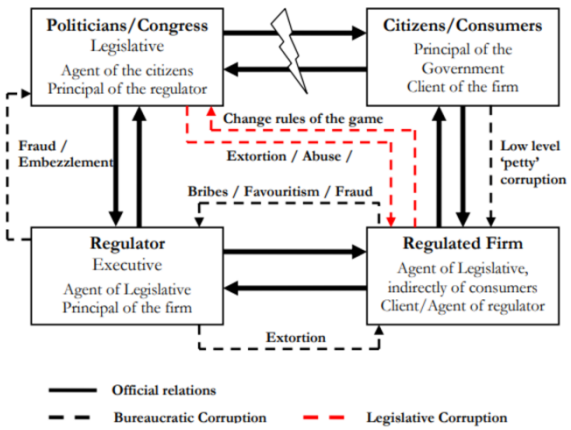

Figure 5. Relationship between Actors and Their Potential Corruption

The figure above explains the relationship between actors and their modes of corruption from the three capture theories presented by Boehm (2007). The illustration illustrates that corruption works in a network that involves many actors (Baker, 2020). These actors are organized into various groups, where each group obtains a different level of profit. Government actors have control over key resources, but corruption networks are dominated by private actors. Actors form dependency relationships, and the exchange of resources is the main condition for corruption (Capri 2022).

In the context of oil palm plantation licensing, regulatory capture can occur. Some relevant aspects are the involvement of business actors who have significant economic and political power. They can use these resources to influence regulatory and licensing processes. The cooking oil corruption case shows how the oligopoly power of palm oil companies can influence the supply and price of domestic cooking oil (Kuncoro 2022). Meanwhile, weak law enforcement and lack of transparency seem to fertilize the occurrence of regulatory capture.

Based on the results and analysis of the research, an improved GNPSDA strategy in structuring oil palm licensing in Indonesia can be formulated. The strategy is directed towards achieving the six main objectives of GNPSDA in structuring oil palm licensing which are divided into tactical, strategic and systematic strategies. Tactical is directed to be a catalyst in unraveling and resolving actual palm oil licensing problems in the short term. Strategic is directed to build a corruption control system in palm oil licensing in Indonesia. While systematic is comprehensively directed to improve the governance of palm oil licensing in Indonesia.

Table 1. Improvement of GNPSDA Strategy in Oil Palm Plantation Licensing Arrangement in Indonesia

No	Goal GNPSDA	GNPSDA Strategy in Structuring Palm Oil Licensing		
		Tactical	**Strategic**	**Methodical**
1	Strengthening Community Rights	a. Massive Mapping of People's Oil Palm b. Acceleration of People's Palm Data Collection (STDB)	a. Settlement of Community Oil Palm in Forest Area b. Strengthening land rights of smallholder oil palm	a. Development of community palm oil data collection system (e-STDB) b. Integrating e-STDB with SIPERIBUN c. Implementation of FPIC (Free, Prior, and Inform, Consent)
2	Regulatory Improvement	NA	a. Encourage the revision of MOA and ATR/BPN regulations that classify information on palm oil licenses and HGUs as open information. b. Regulating conflict of interest in palm oil licensing	a. Encourage the revision of MOA and ATR/BPN regulations that classify information on palm oil licenses and HGUs as open information. b. Regulating conflict of interest in palm oil licensing
3	Development of	a. Encourage	a. Strengthening the	a. Integrate SIPERIBUN

	Accountability System and Corruption Prevention		compliance of business actors to migrate license data (static data, dynamic data, numerical data, spatial data) through SIPERIBUN.		function of SIPERIBUN as a control instrument (tools for PUP implementation)		with other systems, both internal and external. An example of SIPERIBUN integration with the palm oil taxation system.
4	Institutional Capacity Strengthening	b.	Strengthening the capacity of PUP institutions (increasing the number of PUP personnel, education and training of PUP personnel)	a.	Encourage the GNPSDA framework to be adopted in National Policy (RPJMN) so as to bind commitments and resources between ministries/agencies and across regimes.	a.	Encourage the establishment of an independent regulatory body (Indonesian Palm Oil Board) for stronger industrial policy on palm oil in Indonesia.
5	Saving State Wealth	a. b.	Conducting palm tax revenue planning Conducting palm oil tax gap analysis	a. b.	Encouraging palm taxpayer compliance Enforcement of palm oil tax violations	a. b.	Integration of SIPERIBUN and palm oil taxation system Integration of SIPERIBUN with the AHU system
6	Improved Compliance of Obligation Implementation	a. b.	Encourage compliance with plasma development facilitation Conduct core-plasma palm oil partnership audits	a.	Settlement of oil palm in forest areas (both with the one map scheme and Articles 110A and 110B of the UUCK)	a. b.	Encourage an integrated control system for upstream and downstream palm oil commodities in Indonesia. Encouraging transparency and public participation in the supervision of palm oil licensing in Indonesia

This research has several limitations that can be taken into consideration for improving future research. Some of the limitations of this research include: a) this research did not conduct causality analysis between variables or tracing, which has implications for the depth of analysis in the research; b) this research relies on data and information from informant interviews and document reviews, which has implications for the potential for subjectivity in data interpretation; c) this research has a limited number of informants interviewed, which reduces the level of comprehensiveness of the research perspective.

5. Conclusions

This research has described the improvement of GNPSDA strategy in structuring oil palm licensing in Indonesia. Based on the findings and analysis, the following conclusions can be drawn: 1) policy content factors (content of policy) which include interests affected, type of benefit, degree of change envisioned, site of decision making, program implementors, and resources committed; exogenous IAD factors which include biophysical characteristics of resources and community attributes; and context of implementation factors that include power, interests, and strategies of actors involved, institutions and regime characteristics, compliance and responsiveness affect the GNPSDA strategy in structuring oil palm licensing in

Indonesia; 2) the improvement of the GNPSDA strategy is directed at achieving the six main objectives of GNPSDA in structuring oil palm licensing which is divided into tactical, strategic, and systematic strategies. Tactical is directed to be a catalyst in unraveling and resolving actual palm oil licensing problems in the short term. Strategic is directed to build a corruption control system in palm oil licensing in Indonesia. Meanwhile, systematic is comprehensively directed at improving the governance of palm oil licensing in Indonesia; and 3) this research has limitations because it does not conduct causality analysis between variables, which has implications for the depth of research analysis; relies on data and information from informant interviews and document reviews, which has implications for potential subjectivity in data interpretation; and the limited number of informants interviewed, which reduces the level of comprehensiveness of the research perspective.

The results of the study suggest to the Corruption Eradication Commision and the Ministry of Agriculture and related institutions to adopt the formulation of improving the GNPSDA strategy in structuring oil palm licensing in improving governance and preventing corruption in oil palm licensing. As well as for further research, it is recommended to analyze causality between variables using a dynamic model or tracing between variables for depth of analysis, adding key informants from ministries / institutions, and the community for a more comprehensive analysis.

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