

# Social Control Pattern Based on Local Regulation in the Area of Palm Plantation in Sanggau Regency

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**Abstract-** Since the opening of palm oil plantations in Sanggau in 1995 it often occurs dispute between the companies with palm smallholders. It can be seen from land management tenure of more than 90 percent controlled by the company exclusively. Phenomenon of conflict potential include the existence of structural conflict by the government, annexation and land overlap and deceit committed by the company. Allegedly, the company did not respect the local institutions in the fields of conflict resolution, giving rise to a protracted conflict between the company with the local community. This study used a qualitative approach with a descriptive method. this study collected data through the purposive technique to the informant of the company and the smallholders, which is then analyzed using qualitative analysis. The results of the study explained that disputes occur in the settlement which have not been fully resolved through local institutions. The fact shows that local communities Dayak Ethnic Tobak have a form of social reconciliation wisdom in the form of governance that is responsive to palm oil plantations and social justice based on the local form of customary law and Customary Courts. Settlement of disputes and conflicts, judicial Dayak Tobak embraces two models, namely: Colap way (cold) and Angat way (heat). Colap mechanism (cold) is the whole matter settled through the customary kinship (befakat / discussion-agreement) based on customary law prevailing in the local community through the colap way while angat (heat) is used when the Colap (cold) mechanism can not resolve the matter / dispute occurred, and continued with angat mechanism (heat) or resolved through customary justice. The solution is decided by the traditional authorities appointed under customary justice and the traditional procession of the warring parties to pay the customary sanctions in accordance with the level of offense.

**Index Terms-** social control, local wisdom, Palm Oil Plantations

## I. INTRODUCTION

Government policies in developing and supporting the economy of the country through the development of palm oil plantations is currently the main star and the target of the investors to invest. Starting from the government's policy of providing opportunities to investors in the absence of strict regulation of the opening of the estate so that the invasion of the expansion of palm oil plantations on a large scale. This is confirmed by Gemawan about growth of palm oil plantations in West Kalimantan (2011, <http://gemawan.org/wordpress>); until 2010, there were more than 4.9 million awarded to 326 hectares of palm oil plantations. Calculating the rate of expansion of palm oil plantations, it reaches 40,000 hectares annually. Some of the results of ecological studies indicated that palm land clearance

can result in loss of bio-ecological sources. Socially negative effects in the form of loss of local wisdom of communities around the forest and the rise of social conflict in the matter of land acquisition compensation, can socio-economically marginalize local business opportunities. Land tenure for more than 100 years in the long run according to Gemawan (2012, <http://gemawan.org/wordpress>) by the company will close the opportunity of local community to manage the return of land that had been granted. Management of palm oil through the oil companies apparently raises ecological problems and social problems.

Management of palm oil plantations in Permentan No. 19 / Permentan / OT.140 / 3/2011 dated March 29, 2011 regarding Guidelines Palm Oil Plantation sustainable Indonesia (ISPO, Indonesian Sustainable Palm Oil), mentioned that the development of palm oil plantations emphasized the principle of the application of technical guidelines for the cultivation and processing of palm oil right, management and monitoring of the environment, community economic empowerment activities, and commitment to continuous improvement in the economy. (Yahya and Hari, 2011). However, in reality the presence of palm oil plantations bring problems damage the natural order (biological damage) and damage to the social fabric such as loss of livelihoods and sustainable conflict.

The existence of problems of palm oil plantations as found by Muzakkah and Fatmawati (2010), explained that the entry of palm oil plantations in Bengkayang such as in Seluas, Ledo, Sanggau Ledo and Jagoi Babang focuses more in a core plantation management than the ownership of the palm plantation land. The disparity in the management raised the ongoing conflict between the company and farmers and surrounding communities. This indicates the ISPO program (Indonesian Sustainable Palm Oil) is not running optimally.

Development of palm oil plantations is supposed to help increase the income of the people especially those involved in partnerships with the palm oil plantation companies. However, until now many issues, especially conflicts that often occur in the community. The current system of palm oil plantations have tread and seized the sovereignty and rights of farmers as land owners.

The influence of social and cultural damage against the pattern of palm oil plantations spread social order. Farming as the main business of society was replaced by palm oil plantations. Farming activities according to local tradition have the values of cultural wisdom. There is a ritual in every stage of the rice planting. When the pattern of palm oil plantation begins to develop, the tradition can not be done anymore, According to tradition, there are no cultural values in pattern of palm oil plantations. On the other hand agricultural patterns of communities shift to the pattern of plantation society with a system of production; the community began to think

pragmatically., Economic values become the primary goal when turning farming communities into the plantation business. Another effect that has a negative impact is the dispute between employers palm with the local community. The issue of land clearing plantation exploited and tended to ignore the values of cultural wisdom and rights of local communities which have yet to be resolved.

The government policy provides the widest space at the oil companies having domination of palm land by the company, this creates social injustice. This condition will lead to open conflict someday if there is a trigger for conflict. Based on this problem, this study examines the potential conflicts that are in the area of palm plantation and then makes a recommendation, reconciliation, management in the form of local wisdom to become alternative problem-solving of palm plantations in Sanggau regency. This study is considered important because it is based on empirical conditions communities of Sanggau regency which has local wisdom as local institutions that becoming the basis of community life. Communities have communal land that has been managed for generations. Local institutions as one of the community's social capital can be used as guidelines in anticipation of open conflict. Through this research, it is expected that (1). It can be used as a basis for seeking the presence of understanding both sides that can be used to determine preventive measures in anticipation of open conflict. (2). Values and social norms that serve as guidelines in an effort to promote substantive conflict resolution keadilan, balance and peace. (3). It strengthens the function of indigenous institutions as social capital to build a relationship with the party.

## II. LITERATURE REVIEW

### 1 Source of Potential Conflicts

West Kalimantan can be said as one of the areas that have the potential social disaster. This is due to socio-cultural and economic conditions of society characterized by a separation / distinction of geographical area, power, religious differences and customs. This potential is stronger when the space region of the people's livelihood more and more narrow as controlled by the entrepreneur (the investors) and ruler. If there is a trigger (provocateurs) then it could some time lead to open conflict (violence). In certain groups, deliberately spreaded rumors may cause a burning passion primordial sentiments which consequently polarize society by primordial ties on behalf of the community.

Unfavorable conditions caused stereotypes that can form a latent conflict (hidden). In the end, it is feared that the relationship with social disasters potential will lead to potential conflicts. Referring to the events of the conflict, Ralf Dahrendorf (Susan, 2009: 49) described that the conflict arises because of the social relations within a social system. The social relations is determined by power. The essence of the rule in question is the control of power and sanctions that allow those in power to use the power to govern and get what they want from those powerless persons; in the end, it arises a form of conflict of interest between the governing and the governed.

If the meaning of the conflict as a conflict of physical abuse that are not inevitable, it could be caused by cultural differences and different interests. Refer to the type of conflict it can be divided into 2 types (Susan, 2009: 51), first, the vertical

dimension of the conflict between the elite and people (folk), usually rulers use violence in the name of power. second, the horizontal conflict is the conflict among people (folk), usually caused by a conflict between religions; ethnic conflict of each other. This conflict will arise if there are interest groups that mobilized in the name of religion or tribe.

Based on the opinion of Dahrendorf, the authorities use violence in the name of power; the control of management in domination of palm oil plantations was used in the name of development which marginalize the rights of local communities. Company parties violated customary rights which tilled for generations by local communities, raising sustainable conflict. Development of palm oil plantations are supposed to help to increase the income of the people especially those involved in partnerships with the palm oil plantation companies, but until now a lot of issues, especially conflicts that often occur in the community. Basically the local community expects respect for local institutions that form the basis for socio-cultural and economic life. Indigenous peoples have the local institutions as social capital contains elements believe. Cultural wisdom contains the rules that govern the behavior or human norms including the rules which adhere them together.

### 2 Local Wisdom and Customary Law

Local wisdom here is the system of the values in the social life of local communities living in the midst of the local community to contain the values and norms specifically. According to Jakerpo (2003: Karya intelektual komunitas lokal. Http; // www.indonesia.com.), that wisdom is a form of a set of rules, knowledge and skills as well as values and ethics that govern the social fabric of ethnic communities continue to live and grow from generation to generation. Characteristics inherent in wisdom is that it is dynamic, sustainable and norms contained in it can be accepted by the community, values that exist in the community is related to environmental conditions, political conditions and power, culture or habit in the community to explain and to attribute to the value. The referred value is the value that is very broad and became a universal value. These values, such as mutual tolerance, mutual respect, mutual respect honesty, sincerity, and a sense of justice were agreed upon. These values as adhesive attachment having a harmonious relationship feel as part of the family (of the group).

Harmonious relationships among community groups is based on wisdom as described by Fatmawati (2011, 106) that the wisdom is the symbols prevailing in society into a system of integrated social construction in which all members of society make the values as a foundation to behave. Further Fatmawati (2011) explains that when resolve social conflicts in West Kalimantan is inseparable from the values of the local community in the form of cultural wisdom traditions and customary laws that contain "believe" which is believed to contain sensible values.

Customs of a particular society reflects the existence of order and adheres to traditional values and norms that have been preserved generation to generation as well as forming an indigenous cultural wisdom. People who still holds the custom tradition are called indigenous communities. According to the Working Group of *Multipihak palm plantations* (2008), the concept of Indigenous communities are groups of people who for

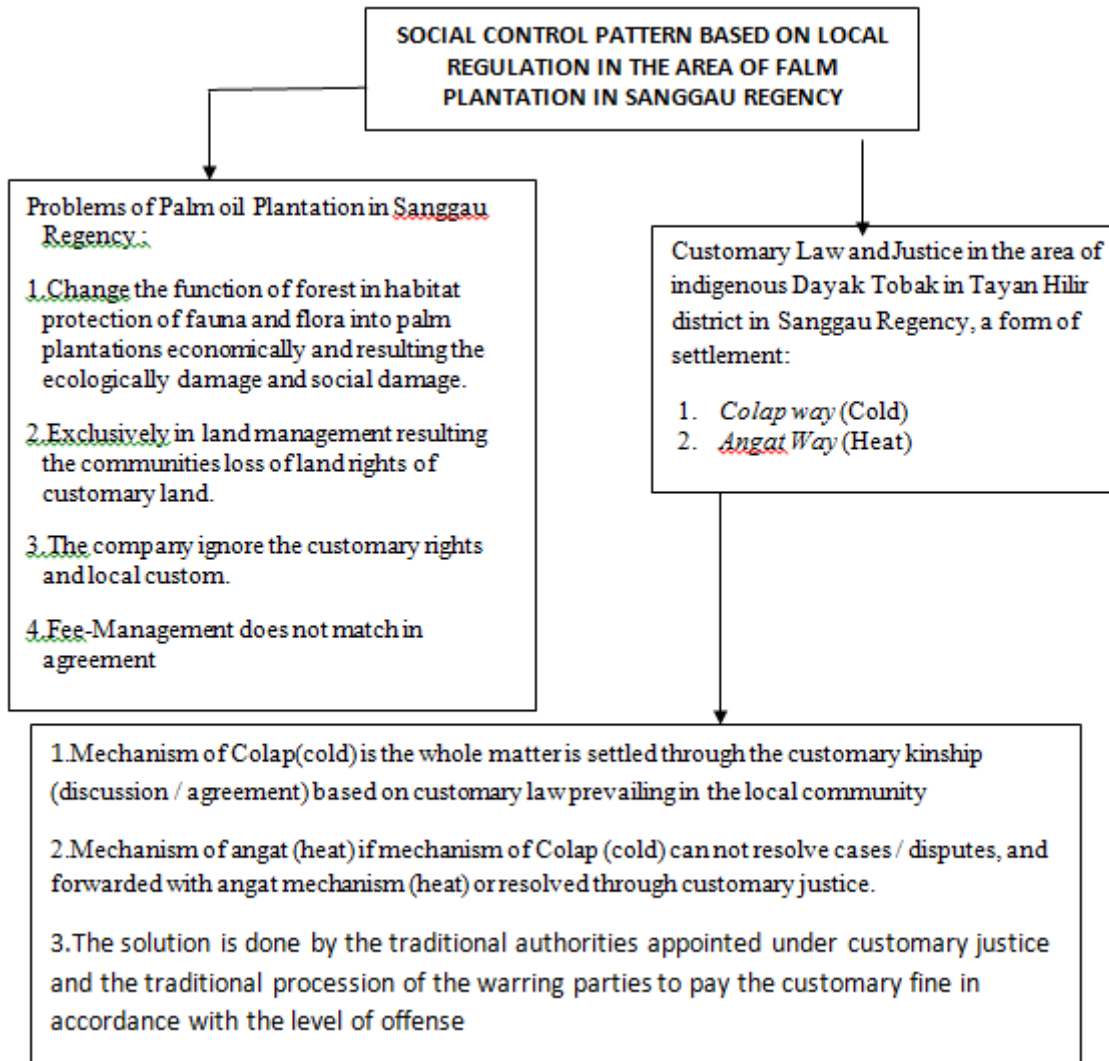
generations lived in a certain geographical region based on the bond of ancestral origin and have a strong relationship with natural resources with a value system that determines institutions, economic, political, social and law upheld by traditional institutions concerned. In addition, customary law is unwritten law or written sourced from community traditions and customs applicable in the territory of the indigenous peoples concerned. Based on the social conditions of indigenous Dayak communities in West Kalimantan especially according to Bahari, S (Atok, K, et.al: 27) the communities located in remote areas are entirely governed by customary law and customs. This means that all the problems in society are resolved peacefully based on customary law, without the use of positive law.

The values of cultural wisdom traditions were made as the source of law in the local community such as the study by Fatmawati & Muzakkah in 2009 about the knot model of society based on cultural wisdom studies on the local communities of ethnic Malays and Dayaks in Kubu Raya regency of West Kalimantan. The results of the study explained that the Malay and Dayak ethnic have cultural that used as a basis to govern the community life in the socio-cultural and socio-economic life. If there are problems or disputes of communities, they are resolved according to customary law by mutual agreement. Communities are more obedient with customary structures because there are

associated with religious belief related to the strength of "Jubata" (God) and nature. This belief is the basis of Dayak communities maintaining harmony and balance of nature. Based on these studies, the differences in previous studies with present studies is, if research Fatmawati and Muzakkah (2009) study focuses on the aspects of ethnicity disputes or problems that occur between ethnic Malays and Dayaks, the focus of this study is to assess the dispute between surrounding communities of palm plantation with the companies using customary law.

Based on the described explanation concepts, this study designed a model of conflict resolution using local institutions or local wisdom to communities around the palm oil plantation between company with local communities. Furthermore, it was described based on social control model with local institutions based in the area of palm oil plantations:

Mindset scheme of Social control pattern based on Local Institution in Palm oil Plantation land in Sanggau regency.



Description: Scheme of social control pattern based on local institutions in the area of palm oil plantations.

### III. METHOD OF RESEARCH

The approach used qualitative methods with consideration to identify potential conflicts in the area of palm oil plantations. Implementation of research purpose was conducted through the qualitative methods namely (1), exploring the potential and causes of conflict in palm oil plantations (2), modeling the local institutions in resolving conflicts in the palm oil plantations.

Targets of the research were communities around palm oil plantations and palm oil farmers who are members of farmer groups and some business owners and community leaders and government in Sanggau Regency. Technique of Research data collection using non-participatory observation techniques to observe the condition of the palm oil plantation, land conditions indicated disputes and social conditions around palm plantations. Then it assisted with depth interview technique (depth interviews) to the research target which is informants from the communities around the palm oil plantation who had land dispute with the company, company representatives and public

traditional leaders. Processing and data analysis are using qualitative analysis. A qualitative approach focuses on a set of event from consciousness and human experience (Alwasilah, 2003: 78). Data analysis is the process of streamlining data into a formula that is simple and easy to read and easy to interpret, the data analysis here means not only provide ease of interpretation, but it is able to provide clarity of meaning of any observed phenomenon. Analysis of the data in the context of this study was how the people around palm oil plantations impose social control patterns based on customary law in solving the problems of plantation land managed by the company.

Broadly speaking, the analysis of data in qualitative research were done according to Muhajir (1998: 29-33), namely; (1) Data reduction, data abstraction preparation activities, including data related to the conflict and the values of cultural wisdom in the field of conflict resolution. (2), Data presentation, in the form of a dish of main points or broad outline that the validity is assured; in this context data associated with problems or conflicts between growers and the society around the plantation land, the values of cultural wisdom is in the form of



customary law and customary justice in conflict resolution (3), conclusions and verification. Conclusions tentatively arranged to provide space for further study that have relevancy to the plantations conflict and the values of cultural wisdom through study approach or another. Then verification was done in triangulation way at the time of the research is ongoing; the purpose is to explore the validity of the data in order to be valid.

#### IV. DISCUSSION

##### 1 Problem of Palm oil Plantation in Sanggau Regency

Since the opening of palm oil plantations in some districts in Sanggau regency early 1990s on the one hand can be positive, the community's economy began to show an increase, but these changes have negative consequences, especially the damage to the natural environment. Palm land clearance means shifting the function of forest previously as a natural preserve container in the form of functions of forests prevent landslides and wealth of flora and fauna apparently converted to the form of plantations that have high economic value and just looking for a quick profit, because in the long-term it could lead to the destruction of nature. Some cases occurred in palm oil plantations violate the rights of society and its impact on the surrounding plantations, the cases are:

Case 1: PT. MSP Company (Sawindo Mighty Mega) versus Indigenous People of Village of Mount Tamang associated with the claim boundaries (Sanggau Regency and Kubu Raya Regency). Position case: Kancel Village in the beginning was in the territory of Lalang Village of Tayan Hilir District of Sanggau Regency. After the splitting of the region, namely the Kubu Raya Regency, the village administratively is part of Gunung Tamang Village of Sungai Raya District of Kubu Raya Regency. This is where the problem of territorial claims related to Plantation Business Permit PT. Mighty Mega Sawindo included in the territory Sanggau. This case was triggered by economic reasons, there were approximately 1,500 acres (according to claim of Gunung Tamang Village's communities) included in Gunung Tamang Village's area, but according to the company (PT. MSP), the location permit issued by the Regent Sanggau region claimed it as an administrative region of Sanggau Regency. Based on these claims, Gunung Tamang's communities demanded compensation of land acquisition as a form of compensation to the company of 1,500 hectares. Until now the problem has not met any agreement.

Case 2: The dispute between plasma farmers with PT. MSP

Position Case I: Plasma farmers from Yongkok Hamlet of Sejutang Village ask the demands of citizens to ask for the division of smallholdings which is not being converted as plasma farmer's property. Analysis of the case: in a partnership agreement between farmers with the PT. MSP agreed that one year after the consolidation period (5 years), the company would convert the land according to the pattern established by regulation of Sanggau Regency to farmers along with the binding of credit agreement of corporate farmers through farmer cooperatives. However, after the due date of the conversion period, plasma farmers did not get right, even a year later the conversion rights of the new farmers has just happened. That is, a new conversion can be carried out two years after the consolidation. These facts materially harmed farmers because

they did not get their rights during a year of harvest. According to the principle of freedom of contract, the company deliberately did not have a good faith to implement the agreement.

In general, there are various problems in Palm Oil Plantations in the groove of potential conflict. The biggest problem that more and more came to the surface was a land dispute between citizens with the palm oil plantation company. Land conflicts that have been going on for so long it seems does not interfere the palm oil plantation company was in the land dispute, because the possibility of strong support from the government and security forces. Conflict of palm oil plantation land became sharp because all this time both private and state-owned companies ignore the rights of communities around the location of the plantation. This is made clear by Atok, K and Sinju, B (2009: 296) there is injustice mastery of various social groups such as control of palm oil plantations by employers exclusively born justice crisis resulted in people becoming "development refugees" marked loss of rights over resource management on communal land. This is confirmed by Almasdi (2011. <http://almasdi.unri.ac.id>); existence of bad faith of management rights on palm oil plantation by employers caused problems and prolonged conflict.

##### 2 Customary Law and Justice Dayak Tobak: Options in Resolving palm oil Conflict in Lalang Village

Population In Sanggau is mostly from ethnic Dayak, among them consists of a sub-tribe of Bidayuh, Kerambay, Mali, Pandu, and Iban Ribun scattered throughout the Regency. The existence of ethnic Dayak still hold the tradition and custom from generation to generation in regulating the lives of its citizens. Strong indigenous influence makes people stick to the traditional authorities rather than government regulations. Customary law in the area of Indigenous fellowship Sanggau regency called Binua there are non-formal written custom rules that apply to manage the entire life of the citizens. Each binua handles of some village-level regions.

Customary justice is a judicial institution that always produce justice for the public in achieving substantive justice that getting away for people who do not have access to economic, political and social strong. Option in resolving conflicts using traditional justice based on three issues, namely the practical level, that customary justice is judiciary tasked resolve the problems that disturb the peace and harmony of indigenous communities such as the issue of boundary / garden, adultery, inheritance, marriage, disturb livestock yard or garden, and other violations.

Viewpoint of this Completion is sociological reflected from a very common phrase "in a family remedies". When efforts to amicably settlement can not be executed or failure, then pursued judicial remedies through law customary. At the conceptual level that efforts to resolve disputes through customary law and customary justice is seen as an effort to reach the autonomy of indigenous peoples because people trust the court customary because it can provide a sense of justice to communities. To that end, efforts to revive the traditional justice can be seen as an effort to developing the "sovereignty" of law of indigenous communities. At the ideological level, that the system of customary law concerning magical religoi aspects and elements

of "trust" element associated with a higher strength beyond human ability.

Disputes or conflicts in the context of indigenous peoples is seen as an act that is contrary to customary law as threaten the balance / harmony indigenous peoples, therefore the head of the people must act in order to restore the balance through traditional sanctions or fines or customary action. The strategic role of people's heads (custom judge) was also evident among the Dayak community Tobak. Role domong (custom judge) in the settlement of disputes or conflicts that occur in the community emphasized that the domong a central figure, not only as a justice of the peace, but also as a decision maker (decision-making) that determine a person's guilt or innocence, convicted or not convicted . According to the book "Ator Dayak Tobag" published by the editorial team of Indigenous Tobag consultative council, in 2013, to resolve disputes or conflicts, judicial Dayak Tobak embracing two models, namely; Colap way (cold) and Angat Way (heat).

In colap mechanism (cold), the whole matter is settled by indigenous kinship through consensus or discussion-agreement based on the customary law which prevail in the local community. Settlement through this mechanism involves only the parties involved in the dispute only and traditional authorities, without the involvement of indigenous peoples at large. If one party is found guilty, then he will be the customary sanctions imposed by mistake he had made. This mechanism is taken as the views of indigenous peoples if someone known to guilt or to perform any act contrary to customary law, then it can bring shame not only for him (the perpetrator) as a person, but also for his family. If the mechanism Colap (cold) can not resolve cases / disputes, then the case forwarded to angat mechanism (heat) or resolved through customary justice. However, most cases are resolved through this mechanism rarely continued to customary justice (through the mechanism of heat) because each party actually upholds customs prevailing in the society.

In settling disputes with colap mechanism (cold), usually those who feel guilty will do nyorok-nyembah (admit mistakes and apologize) accompanied ngansor Sirak (custom fixtures) with the intent that the guilty party confess and apologize by way of worship (worship in the tradition of the Dayak Tobak is a form of respect, self-emptying (feel unworthy, inappropriate and requested an apology from those who have been disadvantaged). This mechanism is a form of settlement that aims to restore the balance as well as the parties to the dispute have to forgive each other not only between families but also to the ancestors. Therefore, this model is magical religio dimension, psychological and social. It called as sweet religio dimensio because nyorok-nyembah and ngansor-Sirak has occurred peace and recovery that are vertical (involving ancestor). Psychological dimension because there is no element of revenge from each other between the disputing parties. Social dimension as a reconciliation between the families of the parties, even the community.

While the hot way mechanism taken when the process of colap way (cold) face the deadlock because one of them refuses a settlement with the family based on customary law (not satisfied, not fair), trying to achieved a sense of justice, and so on. When a deadlock occurs, then one of them who feel aggrieved will ask

the customs authorities at the lowest level and the traditional authorities / customs judges who have jurisdiction over the case (based on authority) is to take action or resolve disputes that occur. Competencies possessed by the traditional authorities / the customary judge at first instance held by customs officials / customary judge at first instance held by Lawang Agong. Lawang Agong has authority to hear the case of indigenous customary 2 (two) real sanction. (real is the term of customary fine which applicable in sub-Dayak Tobak) and jurisdiction covers RT (Neighborhood).

If the matter can not be resolved at the first level because of dissatisfaction, feeling unfairly, etc.) or Lawang Agong refuse the case, because it is not his authority, but the authority of traditional authorities over it, then one of the litigants or the court suggested Pesirah devolved to the level of Pesirah. Pesirah is a judge customary / traditional authorities who have jurisdiction over the case that have customary fine four (4) real, jurisdiction covers RW (Rukun Warga).

If the case is not resolved well (because one of them to take the fight against the customary judge's decision at that level), then the case would given to the indigenous judges over it, it is Jaya. Jaya will handle the case that the value of customary fine 6 (six) real and it is on jurisdiction covers hamlet. If the case can not be resolved at the Jaya, then one of them may submit the case to the higher customary judge it is Temanggung. The authority possessed by Temanggung is handling the case of indigenous customary fine of 8 (eight) real and jurisdiction covers the village. If at the temanggung level, who prosecuted the case is still not finished or one of the them ask for appeal, then the case is handled by higher customary judge who called Pati Adat (could be two or three villages incorporated in one Pati Adat or more).

Customary law violations that are regulated in the book "Ator Dayak Tobag" published by the editorial team of Tobag Indigenous consultative council, in 2013, there are several articles which regulate social relations and rules about violations. Each chapter explains the legal rules of customary forms of violations and sanctions that must be met by the offender custom. Traditional sanctions that must be obeyed is replacement or compensation and the implementation of traditional procession according to violations occur. Forms of violations involving land or land belonging to communities in accordance with predetermined articles, following several chapters violation, including:

a. Violation of section 100, called Adat Nguasa Pentanaman, it is a violation of possession or destruction of crops by certain persons or parties belonging to individuals or communities in a rural region, and imposed custom sanction 4 real and other custom devices.

1 real = Rp . 20.000 , - ( twenty thousand Rupiah ) . Determination of Rp . 20.000 , - is the result of deliberation Dayak Tobak VII in 2012 in the SERAMA hamlet of Tayan Hilir District of Sanggau Regency .

b. Violation of section 101, called Adat Nguasa Tanah, it is the form of land control or communal land areas, tembawang (plantations) and lawas (fields) belong to individuals or communities in a village and it imposed sanctions custom 4 real and other custom devices.

c. Violations 102, called Adat Ngumpah Tanah, is a violation eliminates the customary ritual procession when the land clearance occurs. The customary process is a form of asking for the blessing or farewell: to "forest keeper" in order to get approval. If it is violated it imposed custom sanction 8 real as well as other custom devices.

Land disputes between plasma farmers (the status of sub indigenous Dayak Tobak) with PT. Mega Sawindo Perkasa, the taken legal options is using customary law, including violations of section number 100, 101 and 102, because the company is considered in destroying the value of the indigenous peoples by doing offense of Indigenous Plant Growing Indigenous Lands. This traditional offense is an act committed by a person or company deliberately take over without rights, damaging crops on land owned by indigenous and controlled by indigenous peoples do not held ritual ceremony in clearing palm oil land. Offense against this custom, the suspect imposed custom fine 4 (four) estate, money 6 (six) real, money 8 (eight) real, in addition, the suspect of this offense is required to pay customary compensation for crops that have been damaged or destroyed.

Customary justice institutions have the highest hierarchical structure in handling a variety of cases that resolved through customary law in accordance with the level of cases that occur. Judicial case law Dayak Tobak chaired by Temenggung, who also has authority to handle custom case. Resolution mechanism based on customary law aims to reconcile the conflicting parties to forgive each other. Thus there is no longer psychologically revenge element to each other between the disputing parties.

Conflicts governance through customary law in accordance with the idea of progressive law (Rahardjo, 2010) which puts the law as an institution that have aims to deliver to mankind a fair life, prosperous. As the conflict governance in the area of indigenous communities Dayak Tobak if it can not be resolved internally, it can be resolved through customary courts. Customary justice is a judicial institution that always produce justice, peace and security for the people which is rights of the community. The justice include any economic, political and social life. The customary justice has important meaning for them in solving the problems of society and justice among indigenous peoples and outsiders in relation of the interests of indigenous peoples.

Based on the above description it can be concluded that indigenous peoples have the values and local wisdom is in the form of customs which regulate social relations between members of the community through customs and customary law. In case of violations it carried in procession of indigenous customary law and a violation of sanctions is in the form of custom devices. People are more adherent to traditional authorities and customary law because they contain an element of trust that must be implemented. In contrast to the violations committed by the company, the material replacement form were not comparable to a large company. Some companies' replacement money is too small when compared to the results obtained from plantations. Not to mention the loss of natural damage done by the employer, then the form of sanctions in the form of custom tools and material compensation were not adequate.

## V. CONCLUSION AND RECOMMENDATIONS

Based on the results of presented studies, the conclusions drawn and suggestions as follows:

### Conclusion:

1. Government policies of running a palm plantation to improve the welfare of rural communities to improve the economy of rural communities evidently caused new problems, marked by social conflicts between farmers as the owner of the land with the palm oil companies. It characterized for more than 80 percent of palm oil plantation land management controlled exclusively by the company. Moreover, the core company does not respect the rights of customary land and customs by doing customary land seizures which belongs to the communities. The result is a drawn-out between the company and the community and the conflict resolution has not yet been completed until now.

2. Cultural wisdom of indigenous communities is in the form of Custom and Customary Law of customs union in Sanggau Regency. Offenses committed by the company including a violation of section 100, called Adat Nguasa Pentanaman, violation of section 101, called Adat Nguasa Tanah, violation of section 102, called the Adat Ngumpah Tanah. Settlement of land conflicts between the oil companies through customary justice according to the level of the violations it required to pay customary fine and the implementation of customary procession. Customary law include violations that are regulated in the book "Ator Dayak Tobak". In resolving disputes and conflicts, judicial Dayak Tobak get through the first way, the Colap way (cold), meaning all of the custom cases resolved through kinship (discussion / agreement) based on the customary law prevailing in the local community. The second way, Angat way (heat) if it can not be solved by the way of colap, the cases resolved through customary justice.

### Suggestion:

1. The company should honor and respect the rights of indigenous land and customs of indigenous peoples, and maintain the harmony with upholding traditions based on where on the earth they stand is in which the sky upheld on the basis of good will from corporate to resolve the citizens land issues. Social conflicts are resolved through protracted local knowledge belongs to the local community.

2. Government, traditional leaders and community leaders should resolve the land conflict between the residents and the company quickly.

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