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To cite this article: A J Silubun and S G A Putri 2019 *IOP Conf. Ser.: Earth Environ. Sci.* **235** 012086

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Analysis of the implementation impact of Merauke Integrated Food and Energy Estate (MIFEE)

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Abstract. Merauke Integrated Food and Energy Estate (MIFEE) the government is preparing a potential land in Merauke covering 1.6 million hectares or up to 20 thousand hectares. The purpose of this research is to determine the environmental impact of MIFEE Implementation. This research is an empirical juridical legal research that is research on the effectiveness of the law, which discusses how the law operates in society, the factors affecting the law in society. The research results showed that the MIFEE Project had an impact and threatened the existence of community rights. Large companies continued to expand and displace community lands to be converted into agriculture. As a result, influencing the community's water sources, the removal of local communities is increasingly minority and the destruction of the traditional economy of the communities who have relied on their lives in the forest, sad poverty proves the failure of the company to carry out promises of social development and economic assistance.

1. Introduction

To strive for Indonesia's food security for the long term, the government has set up a large-scale food development program or better known as the food estate program. The first location chosen for the implementation of this food estate program is in Merauke, Papua. The program is Merauke Integrated Food and Energy Estate (MIFEE). MIFEE is new imperialism, born by a crisis discourse initiated by the World Bank (2010) and responded by the Indonesian government to be a national program "From crisis to opportunity." This discourse explains that in 2007-2008 when the decrease of petroleum reserves caused oil reserves to cause the decline in fuel production, there was a subsequent energy crisis resulting in soaring world food prices... Panic also hit almost all countries in the world. Rich countries with high food need but have no more land as production seeking land in other large land countries. Finally, the world crisis was seen as an opportunity by the Government of Indonesia [1]. Related to the MIFEE, the government will prepare potential land of 1.6 million hectares to 20 thousand hectares. The cooperation opportunities are also provided for foreign companies but limited to a maximum of 49 percent. Investors are granted 35-year (HGU) tenure and can be extended twice, 35 and 20 years respectively.

Since its establishment in 2010, the Merauke Integrated Food and Energy Plantations (MIFEE) project sponsored by the government in Papua has led to widespread rejection from various civil societies who have documented the negative impacts of the project on the rights of indigenous Papuans. They formed the Papuan People's Solidarity to Reject MIFEE (SORPATOM), and on August



11, 2010, announced the rejection of MIFEE and urged the central and regional governments to revoke all kind of MoU form related to the program. Throughout 2011, the villagers of Sanggase and Buepe demanded tens of billions to PT. MEDCO for the forest in the ulayat land that had been cleared. Domande villagers blocked the road that PT. Rajawali passed through and knocked down some coconut trees and marked with customary symbols. Zanegi village community repeatedly visited the office of PT. SIS and filed 9 demands, dropping heavy equipment vehicles into the swamps, forcing themselves to survive by establishing and farming on land that is controlled by the company, because it is land from ancestors. [1] Not only that, civil society organizations have filed complaints to the UN Committee on the Elimination of All Forms of Racial Discrimination (UNCERD) in 2011-2013, and there are strong recommendations for a change in approach from the Committee, but there are actions taken by the Indonesian government to provide better recognition and protection of the rights of the Papuan people, as well as no improvement in all violations [2].

One of the objectives of environmental protection and management as contained in Article 3 of Law Number 32 of 2009 concerning Environmental Protection and Management, from now on abbreviated as UUPPLH, is to guarantee the fulfillment and protection of the right to the environment as part of human rights. There are eight rights recognized in the UUPPLH, namely: (1) the right to a good and healthy environment as a human right, (2) the right to obtain environmental education, (3) information access rights, (4) participation access rights, (5) the right to submit proposals or objections to plans for businesses and / or activities that are expected to have an impact on the environment, (6) the right to play a role in environmental protection and management, (7) the right to make complaints due to suspected environmental pollution and / or damage and (8) the right not to be prosecuted in a criminal and civil manner in fighting for the right to a good and healthy environment. By the UUPPLH, it was also explained that the use of natural resources must be harmonious and balanced with the function of the environment. As a consequence, development policies, plans and programs must be imbued with the obligation to carry out environmental conservation and realize sustainable development goals.

To realize the goal of sustainable development, one of the ways given by Law Number 32 the Year 2009 in Article 70 is by optimizing the participation of the community in protecting and managing the environment. This article describes some roles that can be conducted by the community, such as social supervision, giving opinion, suggestions, objections, complaints and submitting information and report. Thus, normatively UUPPLH is in line with or has adopted Principle 10 of the 1992 Rio Declaration which emphasizes the importance of community participation in protecting and managing the environment [2].

In the administration of President Jokowi, MIFEE is still the mainstay program of the Indonesian government. Previously, the criticism of indigenous peoples and civil society organizations requested that the MIFEE program is stopped and reviewed due to the problems and impacts that have resulted from the program from the beginning to its implementation. Instead of conducting extensive reviews and consultations to review, the government is increasingly accepting the offer of business actors for the development of modern agricultural industries and conducting negotiations and surveys for large land acquisitions [3]. Government's breakthrough for the expansion of food land, through the development of large-scale food (food estate).

The MIFEE program is a nationally recognized food estate, Energy Estate (MIFEE) in Merauke Regency, Papua. However, at the moment, MIFEE has not run as expected because of problems with different perceptions of investors, government and society, institutional problems, and social problems [4]. Thus, this research examines the analysis of implementation impact of the Merauke Integrated Food and Energy Estate (MIFEE) in the Merauke region.

2. Methods

This research was conducted in Merauke Regency, as the location of Merauke Integrated Food and Energy Estate Project (MIFEE). This research is directed as empirical juridical research that is research on the effectiveness of the law, which discusses how the law operates in society. The

necessary search and data collection is focused on the subject matter. The data used in this research are primary data and secondary data. Primary data were obtained in the field through interviews and reports in document form. Secondary data is data derived from library materials consisting of literature, legal regulations, and documents. After all the data collected, then the processing, analyzing the qualitative analysis and construction of data as a whole is conducted. After the data is processed, the next step is data interpretation to conclude.

3. Results

The MIFEE project is an economic program of the Susilo Bambang Yudhoyono (SBY) administration on the Economic Program Focus of 2008-2009 to implement a policy of Increasing Food Investment through the Food Investment Facilitation Program and the preparation of food estate policies. During the reign of President Jokowi, MIFEE is still the mainstay program of the Indonesia Hebat Government. This was also conveyed by Hilarius F.Y Ulukyanan, S.E as a member of the Commission B of the Merauke Regency DPRD engaged in Economics, Agriculture and Finance. MIFEE is a government program aimed at clearing food land in Merauke region to increase food security. In line with this thought, Yoseph B. Gebze, S.H., L.L.M, now the Chief of Legal Affairs of the Merauke Regency Regional Secretariat, also said that MIFEE is a food estate program that aims to improve the welfare of the community and is expected to catch up the Papua region from other regions.

In the MIFEE Grand Design Document (2010), it is stated that the objectives of the MIFEE program are: (a) to strengthen national stock or food reserves and bio-energy in order to strengthen and preserve national food security, as well as enter the world food market through the export of food products produced, taken by utilizing the regional comparative advantage in the form of the potential of large-scale and fertile agricultural land while maintaining and preserving the environment; (b) to improve the welfare of the Merauke Community; (c) to save and generate foreign exchange for the country; (d) to accelerate equitable development in the Eastern Region of Indonesia while reducing disparities between regions in order to strengthen the integrity of the Unitary State of the Republic of Indonesia; (e) to create employment and business opportunities; (f) enhancing regional economic growth while contributing to the growth of the national economy [4].

Looking at the existing conditions, the MIFEE project has a bad impact and threatens the existence of community rights. The MIFEE location, which has become a giant agro-industry initiative project run by various companies, has covered the land of Merauke indigenous people of 2.5 million hectares. Consequently, project-affected indigenous peoples have experienced extensive land loss, due to acquisitions by companies involved and converted into industries. It is estimated that about 2-4 million workers will come to Merauke - an ongoing process - to work on the MIFEE project. The number of immigrants is enormous and further threatens the rights and welfare of the Malind community of about 52,000 people [5].

Large companies continue to expand and displace community lands to be converted into plantations. This condition also affects the community's water sources and the destruction of the traditional economy of the people who have been relying on their life on the forest. Poverty rates continue to increase; malnutrition is rampant because people now do not have enough land to hunt, and fish die because the river is polluted. This is one proof of the failure of the company to implement the promises of social development and economic aid. The general description during the dissemination of programs and production plans that produce a variety of positive things for the welfare and progress of the people, as well as the provision of infrastructure, environmentally friendly production systems, mutually beneficial cooperation, preservation of cultural heritage, to sustainable development and improving the economic welfare of the family per year seems to only lead to a rhetoric that convinces the public at that time.

Deforestation that occurs results in the loss or dryness of water sources for the daily needs of the community. Local people have felt the negative impact of MIFEE project presence. In Kampung Boepe, Kaptel District, Merauke Regency, indigenous people have begun to have difficulty getting

firewood, game, clean water, and their staple food, sago. Besides that, the waste produced by wood processing is discharged into the river and pollutes the only water source in Kampung Boepe [6]. Besides that, the Zanegi people also complain of the existence of water pollution which results in them being difficult to get fish due to the fertilizers and pesticides used for plants in the forest carried by rainwater to the river. The river becomes turbid, and the fish are hard to see the bait given.

Seeing the impact it poses, it raises a question of how with the AMDAL permits granted by the government so far? Has the government never supervised the companies that do environmental cultivation? As it is known, the AMDAL is a study of the significant impacts of planned business and activity on the environment needed for the decision-making process regarding the conduct of business and/or activities. AMDAL study results must also consist of three documents, namely (1). Document of Reference Terms (KA), (2). Document of Environmental Impact Analysis (AMDAL), (3). Document of Environmental Management Plan (RKL), and Environmental Monitoring Plan (RPL). Answering the question, looking at existing the fact that negative impacts are resulting from the company's business activities that bring environmental and ecosystem damage. Thus the Regional Leader or the interested party can file the revocation of permits based on the Law of the Republic of Indonesia Number 32 the Year 2009 About Environmental Protection and Management Administrative Sanctions.

Article 76 (1) The Minister, governor, or regent/mayor shall impose administrative sanction to the party responsible for the business and/or activity if in the supervision is found a violation of the environmental permit; (2) Administrative sanctions consist of: (a) written warning; (b) government coercion; (c) freezing of environmental permits; or (d) revocation of environmental permits. Article 80 (1) Government coercion as referred to in Article 76 paragraph (2) letter (b) shall be in the form of (a) temporary suspension of production activities; (b) transfer of production facilities; (c) closure of sewerage channels or emissions; (d) demolition; (e) seizure of potentially infringing goods or devices; (f) suspension of all activities; or (g) other action aimed at stopping abuses and restoring environmental functions. (2) The imposition of government coercion may be imposed without a warning if the offense breeds: (a) very serious threats to humans and the environment, (b) greater and wider impacts if the pollution and/or destruction is not immediately stopped; and / or (c) greater damage to the environment if pollution and/or destruction is not immediately stopped. The government, Private and the whole society should be a unity that supports and complement each other in maintaining and preserving the environment to create a life of justice and fairness.

4. Conclusion

Merauke Integrated Food and Energy Estate is a giant agro-industry project initiative of the State run by various companies to implement the policy of Increasing Investment of Food through Food Investment Facilitation Program and action of food estate policymaking. The negative impact of the presence of the MIFEE project began to be felt by the local community. In Kampung Boepe, Kaptel District, Merauke Regency, indigenous communities have had the difficulty of getting firewood, game, clean water, and local staple food sources. Also, the waste produced by the company is disposed of in the river so that it contaminates the water source. Based on these impacts, the government must moratorium and cooperates with various elements of society, NGOs and Universities to re-examine the MIFEE project attendance permit.

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