

Conference Paper

Forest Management Model Based on Community Participation Under the Provisions of Forestry Law in the KPH Saradan, Madiun, East Java

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Abstract

This paper aims to analyze forest management by involving community participation in the field of legal policy in the KPH Saradan, Madiun, East Java. Furthermore, it will also be assessed the appropriate model for forest management in Indonesia, so that community participation-based in forest management becomes the appropriate alternative to resolve the forestry issues in Indonesia, specifically related to deforestation as a consequence of the weak legal policies. This research is part of socio-legal research. The type of data used in this research is primary and secondary data. As a result, it can be said that; *First*, forest management based on community participation is a KPH program named as the Community Forest Management, wherein Law Number 41 of 1999 on Forestry, Government Regulation of the Republic of Indonesia on Forest Management and Forming of Forest Management Plan, and Forest Utilization, also Community Forest Management Policy PLUS (PHBM Plus) as the legal basis. *Second*; the Forest management model based on community participation has not been implemented optimally yet. The obstacles that arise are precisely associated with the lack of control in management efforts. Community participation in managing forests without supervision will be a boomerang for forest sustainability in Indonesia. For this reason, creating a monitoring model is a key requirement in discussing the forest management model in Indonesia.

Keywords: forest management model, KPH, legal policy, PHBM PLUS

Introduction

Deforestation cases in Indonesia's forests are still a threat to the extent of healthy and protected forests in Indonesia. Reporting from the website <http://www.menlhk.go.id/>, Indonesia's forest area is shrinking compared to the forest area in 2015. Data from the Ministry of Environment and Forestry (KLHK), states that from 2017 to early 2018, forest area which was recorded at 125,922,474 hectares. When compared with the area of forests in 2015, this area had shrunk by around 2.1 million hectares. KLHK data states that in 2015 Indonesia's forest area was still around 128 million hectares. Based on these data, the existence of deforestation is certainly also influenced by forest management and protection policies as well as its enforcement.

Speaking of legal policies on forest governance for forest protection and management, the policies of the Old Order directed towards decentralized forest governance. Government Regulation No. 64 of 1957 which was born in the Old Order era regulates the pattern of management by the government through the decentralization of forest governance outside of Java to the provincial government.

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This is different from the forest management policies of the New Order era (1968-1998) which were centralistic in nature. Forest management at that time was also influenced by pro-Western investment policies with foreign loan scenarios through the IMF and the World Bank (Awang, 2006). The centralistic policy is often only oriented to the growth of the country's economy with profit-oriented emphasis on the state until finally, it ends in the destruction of forest resources. This is because the existing legal products only refer to production policies, namely as stated in Law Number 5 of 1967 concerning Basic Forestry Provisions.

Such matter then encourages environmental activists to discourage changes in laws and policies that are centralized in terms of forest governance, towards policies that are more pro-forest protection, even the long-term needs of the community. The issuance of Law No. 41 of 1999 concerning Forestry on September 30, 1999, paid sufficient attention to aspects of conservation and community participation.

Supporting this policy, in 2001 Perum Perhutani launched the Community Joint Forest Management (PHBM) program by including the Human Development Index (HDI) component as part of its activity targets. Based on Decree No. Perhutani Public Corporation Supervisory Board. 136 / KPTS / DIR / 2001, Community Joint Forest Management (PHBM) is a system of forest resource management that is carried out jointly by Perum Perhutani and forest village communities with stakeholders with a shared spirit so that the common interest is to achieve sustainability of functions and the benefits of forest resources that are realized optimally and proportionally.

The policy then inspired the principles in the framework of preventing and eradicating forest destruction contained in Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction in Article 2 letter d, which prioritizes community participation in the framework of preventing and eradicating forests that are included in the system forest governance.

Local community participation is important, given the decentralization of the regional autonomy regime it is not only the decentralization of government in general but also the management of the environment. The participation of local people in this matter is importantly related to the regional autonomy regime, the needs of indigenous people are the focus of attention.

About the policy, this research will then focus on looking at the implementation of forest management based on community participation, as well as to formulate a collaboration model between the government and local communities in forest management. This is intended to inventory the problems of implementing existing policies, that is, *das seen*, with what should be applied *das sollen*.

The entry of tertiary institutions in terms of examining issues that are related to forest governance policies is directed to give birth to the optimization of norms or policy-based implementation. The East Java "Veteran" National Development University, in this case, in particular, the Law Study Program, Faculty of Law, in the context of organizing the Tri Dharma of Higher Education, has a major contribution in terms of contributing ideas for the formulation of policy models and community participation in forest governance. From the background above, the authors are interested in conducting more in-depth research on the "Forest Management Model Based on Village Community Participation in terms of Law Number 19 of 2004 and Decentralization of Environmental Management in the Regional Autonomy Regime.

Research Method

Types of Research

Socio *Law* Research Method is research that examines *law* science by incorporating social factors while remaining within the limits of *law* writing. Social facts are seen through empirical research to analyze the law based on society's behavior (Sunggono, 2003).

Research Location

Held in the LMDH, KPH Saradan, Madiun, Jawa Timur.

Data Source

Collaborating field and empirical research, the source of data is taken from primary data, which is obtained directly through interviews. Secondary data is divided into primary *law* materials consisting of laws and regulations related to research and secondary *law* materials, which is in the form of materials or related material that explain the problems of primary *law* material consisting of books and literature related to universities.

Data Collection Technique

Data was collected through direct interviews with respondents who knew the problems in this research, using interview guides. The data is then analyzed with the help of document studies, namely the collection of documents directly from respondents as well as the literature that supports the analysis.

Data Analysis Technique

Checking (Editing) Data, which is meant to re-examine from the start of the interview guidelines namely pre-interview, to re-examine the results of the interview that is in the post-interview process. Grouping (Classifying) data, is intended to classify the data obtained and identified which data can be used for data analysis. Examination (Verifying) Data, intended to check whether the data obtained is following what is in the field, and vice versa. Data Analysis, intended for analysis of raw data for further compilation as the discussion material.

Result and Discussion

The study was conducted at the Saradan KPH, which is part of the Perum Perhutani Unit II of East Java. KPH Saradan in data Perum Perhutani, at <http://bumn.go.id/perhutani/>, manages a forest area of 37,934.66 hectares and its management area is in four regions namely Madiun, Bojonegoro, Ngawi and Nganjuk Regencies. Reporting from <http://www.perhutani.co.id/kph-saradan/>, data is obtained that Perum Perhutani Saradan Forest Management Unit (KPH) is one of the management units in the East Java Division Area The area is 37,936.6 Ha, consisting of Protection Forest 6% and Production Forest 94%. The forest area of the Saradan KPH covering an area of 37,936.6 hectares is located in 4 (four) administrative administrative areas, namely: Madiun Regency 24,869.0 Ha (66%); Ngawi Regency 5,200,9 Ha (14%); Nganjuk Regency 566.9 Ha (1%) and Bojonegoro Regency 7,299.8 Ha (19%).

Forests are a great potential for natural wealth for the country of Indonesia. As a country included in the category of countries that have forests to support the lungs of the world, the Indonesian state must think of effective forest management policies while supporting governance and the existence of forest functions. Communities have a large role in forest management. Forests, moreover forests that were previously controlled by indigenous peoples, or local communities, should be managed by involving the community's role. Community needs for forests should be regulated in such a way that they do not damage the existence of forests. Encouraging community participation or role in this matter must start with planning. Conyers further stated three (3) main reasons why community participation in planning has a very important nature: (Conyers, 1994)

- 1) the community is a tool to obtain information about the conditions, needs, and attitudes of the local community.
- 2) the community will trust the development program more if they are involved in its preparation and planning because they will know more about the ins and outs of the program and will have a sense of ownership of the program.
- 3) encourage public participation because there will be an assumption that it is a democratic right if the community is involved in development.

Forest management by involving community participation becomes very important for people who are entitled to the highest sovereignty in the State of Indonesia. As the holder of the highest sovereignty, the community has a big role to determine the implementation of the policy, even including forest management policies. Forests in Indonesia, not all of them are included in remote areas of people's lives. Some people start their life in a forest area or environment or around close to a small forest area. Moreover, many forest areas in Indonesia are also used for daily life, and even for people's livelihood objects. Bearing this in mind, encourage community participation to help manage forests at close range. Not including the role of the surrounding community may make the community around the forest not care about forest sustainability. Responding, by building trust in the community around the forest, through the participation and participation of the community around the forest, can support the management and protection of forests based on the nearest community.

Reducing deforestation, involving the parties (stakeholders) in forest management needed to better guarantee the satisfaction of interested parties at a certain level, especially in the formulation of a balanced ecological, economic and social functions of the forest ecosystem. In discussions with this matter, the parties can be involved in the objectives to be achieved, situation analysis, as well as problem solving and development of remedial efforts.

The level of participation of the parties, according to Shindler and Neburka (1996) in Malamassam (2009), among others, is determined by First, the method of selecting party representatives involved in the participatory process. Experience proves that a more effective participatory process will result if members chosen and sent to represent the institution or group in the discussion process are those who discuss common problems and the desires of members, also support to always prioritize the common interests. Second, the form of interaction between members in a meeting that involves a structure that allows interaction between group members is proven to be more productive than meetings that only invite participants' contributions or just want to provide feedback.

Article 70 paragraph (3) of Law Number 41 of 1999 concerning Forestry, which reads: "In the context of increasing community participation, the Government and Regional Governments can assist through dialogue observers forums", through this regulation, the Forestry Law encourages community participation to form community forums to manage community forests.

Based on the sound of the article, then came the Forest Village Community Institute (LMDH), which is a forest observer forum that was born from indigenous communities around the forest. LMDH, in this case, is not only a forest observer who is obliged to participate in protecting but has rights to the potential of the forest, which is around the area he lives. Article 68 paragraph (3) of the Forestry Law, which reads, "Communities in and around forests are entitled to obtain approval related to access to forests adjacent to employment for the needs of the determination of forest areas, following applicable laws and regulations.

Forest Management Model Based on Community Participation

Forest management model based on community participation, the distribution is not only related to the large participation of the community or the community around the local forest. Furthermore, large controls must also be determined from the control holders in the control of community participation, still in the corridor, not vice versa destruction of forests "from within".

The form of community participation around the forest is carried out by forming groups/associations of institutions. Forest Village Community Institution (Lembaga Masyarakat Desa Hutan-LMDH) is a village community institution that has an interest in a joint forest management agency, whose members come from village institutions or other community institutions in the village that need care for forest resources.

However, what is important to consider and become the focus of forest management policy assessments is how to manage forests associated with community participation, given supervisory control, which is supported by the government of the natural potential that exists on earth, which can be used to support the prosperity of the people. reads Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The article reads, "The earth and air and natural resources are contained in regulations controlled by the state and used for the greatest prosperity of the state".

The author in this case then decides the controlled forest management model is controlled. The community-based forest management model has been approved, carried out by communities around the forest that can function as forest protection, security that can be received positively from the source of life from shared forest management, being attentive to caring for the surrounding forests provided by the country can also be a source life. Controlled here, in this case, the forest management forum should not then be left with existing programs. The signing of a forest management agreement, including that which is given in a forest regulation, which will be removed or completed with the approval of the forest, can be an effective control for each party, namely stakeholders and the community.

Conclusion

Forest management is home to the country of Indonesia which is a country with the potential of natural forests as the lungs of the world. If you don't think of good forest, the forest that turns into the lungs of the world will thin out. The Forestry Law, which has been encouraging community participation in forest management, has created a community forest management program, or village forest community institutions, that have the potential for participatory forest management. Community participation-based forest management will discuss participation is not well controlled by the government which has great requirements as the ruler of the natural potential on earth that is used to increase people's prosperity. To this end, the conclusion of forest management can be carried out with a controlled participatory affective forest management model. This model is a model of participatory forest management together with forest village communities, but it is still controlled by the government through certain timeframe agreements.

Suggestion

1. To the government, effective control patterns need to be considered, in this case, forest management is not only related to public law but also private law, namely management agreements between rural communities and state-owned institutions/business entities that provide forest management authority.
2. To KPH, it is necessary to regenerate, not regenerate, forest management by the community, so that it is not only certain, complete communities that are managed or utilize the potential of existing forests.
3. To the community, participation in forest management must be not only interpreted as participation that benefits the community around the forest but also supports the country, in this case, the wider Indonesian community.

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