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Policy Model Reconstruction of Social Forestry

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Article	Abstract
<p>Keywords: Economic Activities; Forest Management Program; Social Forestry; Perum Perhutani.</p> <p>Article History Received: Nov 29, 2019; Reviewed: Jan 14, 2021; Accepted: Jan 30, 2021; Published: Jan 31, 2021.</p> <p>DOI: 10.28946/slrev.Vol5.Iss1.451.pp130-142</p>	<p>Internationally, there has been a paradigm shift in forest resource management from state-based forest management to community-based forest management. This change has also occurred in Indonesia, namely through the social forestry program as outlined in the Minister Regulation on Social Forestry and the Minister Regulation on Social Forestry in Perhutani Area. Indeed, these Ministerial Regulations already contain the principles of community-based forest management. However, the implementation still leaves problems. This paper will analyse the procedural weaknesses and inaccuracies in the designation of these Ministerial Regulations. The approach used is the statutory approach and comparison with qualitative analysis. The result shows that it is necessary to change the policy model by changing procedures by re-functioning Forest Management Units' role as an institution that has the authority to manage forest resources in its area. Besides, the Social Forestry program should only be intended for forest communities who have pioneered forest resource management, whether they have joined the Community Joint Forest Management program or not. However, they must reside around forests managed by Perum Perhutani.</p>
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INTRODUCTION

Under Law Number 41 of 1999 concerning Forestry, the authority to manage forest resources is given to the government. In this rule, there is a concept forest management, which includes preparation of management plans, utilisation, rehabilitation and reclamation, and protection and nature conservation. For this reason, the forest management area is required either at the provincial, regency/city or unit level. Forest Management Units (KPH) are management units at the central level.

The KPH carries out forest management based on the Forest Planning Agency's plans under the Perum Perhutani Unit. The position of planning agency is equivalent to that of the Forest Stakeholder Unit. The Forest Stakeholder Unit's main task is to carry out forest

management activities, namely planting, maintaining, thinning, selling, and so on in the managed area.¹

Forest Village Community Institution (LMDH) is an institution established by village communities in or around the forest to regulate and fulfil their needs through interactions with the forest in social, economic, political, and cultural contexts.

System of Community Joint Forest Management (PHBM) launched by Perum Perhutani in 2001 opened opportunities for forest village communities to be actively involved in forest management. This active involvement began with the implementation of forest management cooperation between Perum Perhutani and the LMDH. In this PHBM system, empowerment process is carried out for forest village communities, aiming to achieve sustainable forest resource management and increase the welfare of forest village communities. Community empowerment in forest management can be interpreted as a process of playing a role, sharing space and time, and various outcomes.²

In connection with the PHBM program, Faisal and Rama stated that this program is seen as a tool used to handle vacant land not handled by Perum Perhutani and still top-down so that it has not been able to solve the real problems faced by the community.³ The government has included the Social Forestry program in the Medium Term Development Plan (RPJM 2015-2019). It is targeted that in 2019 the government will be able to open access to the community to manage forests covering an area of 12.7 million hectares for five years. Various groups welcomed the policy because this policy reflects community-based forest management (CBFM). Community-based forest management includes community participation in forest resource management. In a broad sense, UNESCO, 1979 defines participation as "... is a collective, sustained activity for the purpose of achieving some common objectives, especially a more equitable distribution of the development benefits."⁴

Internationally and nationally, there has been a paradigm shift in forest resource management, seen from Handoyo.⁵ The management of forest resources was initially characterised by Germany scientific forestry, as management rule in the colonial era, which was simultaneously adopted as the basis for forest management by the state until the New Order and as the basis of knowledge by forest institutions, mostly higher education. Scientific forestry has reached a deadlock in responding to challenges in managing forest resources and forest products in its development. In the end, the country claims that community-based forest management, as a new discourse, is a rule in managing forest resources that must be developed to replace scientific forestry. As a country that is active in international relations, Indonesia must follow these developments/trends.

¹ Basah Hernowo and Sulistya Ekawati, *Operationalization of Forest Management Units (KPH) The First Step Towards Independence Title* (Jakarta: Kanisius, 2014).

² San Afri Awang, *Guidelines for Forest Village Empowerment (LMDH)*, (Bogor: CIFOR, 2008).

³ Rama Ardana and Faisal H. Fuad, "Perhutani's Forest Certification: A Sustainable Forest Management Incentive, A Gift or A Blunder?," *Journal of Forest Policy Analysis*, 2000.

⁴ Muhammad Shakil Ahmad and Noraini Abu Talib, "Decentralisation and Participatory Rural Development: A Literature Review," *Contemporary Economics* 5, no. 4 (2011): 58–67, <https://doi.org/10.5709/ce.1897-9254.28>.

⁵ Tasya Moedy Agusty, "Implementation of Social Forestry Regulations That Are Beneficial to Communities Around the Forest," *Scientific Journal of Pancasila and Citizenship Education* 4, no. 2 (2019).

Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction reflected paradigm shift, namely by regulating community participation in forest resource management.⁶ The Social Forestry Program as outlined in the Regulation of the Minister of Environment and Forestry as outlined in Number P.83/MENKLH/SETJEN/KUM.1/10/2016 concerning Social Forestry (the Minister Regulation on Social Forestry) is a further implementation of community-based forest management. Thus Indonesia follows the change in the global paradigm. Likewise Madura as part of Indonesia; therefore in this study, Madura is the reference area.

Consideration of why the Social Forestry program was issued relates to reducing poverty, unemployment and inequality in forest management/utilisation, so Social Forestry activities are needed by providing legal access to communities around forests. Furthermore, the Minister of Environment and Forestry Regulation Number P.39/MENLHK/SETJEN/KUM.1/6/2017 concerning Social Forestry in Perum Perhutani Work Areas (the Minister Regulation on Social Forestry in Perhutani Area).

The two regulations allow the community to obtain forest utilisation permits in social forestry schemes, namely Forestry Partnership Protection Recognition (Kulin KK) and Social Forestry Forest Utilization Permits (IPHPS). To be critical is that the scheme can be applied for by people outside the LMDH who have been managing it for a long time. There is no copy in the application, knowing let alone approval from the KPH but directly to the Ministry of Environment and Forestry. Even more fatal, the test of whether the application is granted or not solely based on the physical condition of the land by the Directorate General of Planning, Ministry of KLH. It is said to be critical because it has the potential for conflict between the existing LMDH and the permit holders (parties outside the area who have obtained permits from the Ministry). For example, in several areas such as Banyuwangi, Malang, Blitar and Bojonegoro, there are conflicts because the Social Forestry Forest Management Permit (IPHPS) holders had just obtained management rights on land that had been cultivated by the local LMDH. LMDH is under the guidance of Perum Perhutani within the framework of the PHBM.

The community has not responded to many conditions in Madura because until now there is still one application for Forestry Partnership Protection Recognition (Kulin KK) submitted by LMDH and one application for the IPHPS submitted by the applicant outside the LMDH. Any petition that may be submitted by an applicant outside the LMDH has the potential for conflict. Meanwhile, Perum Perhutani KPH Madura did not receive copies of the two requests.

The implementation of the social forestry application procedure has several weaknesses. One of them is that the Head of KPH only receives a copy at the time of submission. It has the meaning of negating the KPH function as the party with the authority to handle all forest management problems in its territory. This paper will criticise the Minister's policy, particularly concerning the application procedure for Social Forestry in which KPHs only receive a copy.

In Madura, there are sixty-two LMDHs spread across four regencies, namely Bangkalan, Sampang, Pamekasan and Sumenep Regency. Perum Perhutani KPH Madura forms LMDH within the framework of the PHBM. Madurese soil's "minus" condition compared to forest or

⁶ Muhamad Erwin, "Reconstruction the Paradigm of Law and Justice on the Regulation of Right to Living Space of the Orang Rimba Tribe in Bukit Duabelas, Jambi Province," *Sriwijaya Law Review* 2, no. 1 (2018): 56, <https://doi.org/10.28946/slrev.vol2.iss1.110.pp56-68>.

land outside Madura is one of the factors that cause several LMDHs to "die". The government has included the social forestry program in the 2015-2019 RPJMN. The target is that in 2019 the government will be able to open access to the community to manage forests covering an area of 12.7 million hectares for five years. Various groups welcomed the policy. This policy reflects community-based forest management (CBFM).

It is understood that the Ministry of Environment and Forestry Regulation 83/2016 and MoEF Regulation 39/2017 have not been able to stimulate the Madurese community to take this opportunity. However, it is still necessary to anticipate the possibility of horizontal conflicts between the old cultivators, who are members of the LMDH, and the Ministry of Environment and Forestry Decree Holders who suddenly obtained permits to work on the land. It could happen because in Article 65 letter (k) the Minister Regulation on Social Forestry stipulated that joint forest management activities carried out in the Perum Perhutani area are carried out under this Ministerial Regulation.

The article formulation still reflects the phenomenon of top-down management. It is proven when the forest area that has been used by LMDH has to deal with new permit owner, namely the Forest Farmer Group from outside the area. In this regard, it is interesting what was stated by Suharjito:

"It is still centralised because it is still a program of the Ministry of Environment and Forestry. It means that the budget comes from the centre, directing and monitoring from the centre and determining the centre's location. However, the government has tried to communicate with local governments. The central people do not know the details about the field's problems, what kind of forest conditions are there, whom the people occupy it, their behaviour, and what kinds of conflicts are there. What knows is it should be people who are at the field level or the site level. Therefore, with this still centralised approach, of course, there are weaknesses even though we have tried to work with the local government to communicate and coordinate."⁷

Based on this description, this article will analyse whether the social forestry policy model can be implemented procedurally and how the impact of this forest policy model. Based on the analysis using relevant laws and regulations and theory and expert opinion as analysis tools, arguments can be built to recommend the reconstruction of forest policy models that benefit all parties.

RESEARCH METHODS

This research is legal research using statute approach and factual approach, namely what happens in the community, especially those who will apply for Social Forestry based on the procedures stipulated in Article 6 to Article 50 of the Minister Regulation on Social Forestry. The research locations were four regencies in Madura, namely Bangkalan, Sampang, Pamekasan and Sumenep as reference areas beside Malang and Probolinggo. Respondents from research members and chairpersons of LMDH, administrators of Perum Perhutani KPH Madura, KPH Malang and KPH Probolinggo. Data were taken from interviews, Forum Group Discussion and literature studies using qualitative analysis.

Conclusions drawn in this study use deductive thinking logically, the conclusion drawn from cases that are common to be conclusion whose scope is specific. The fact of the conflict in

⁷ Fitri Andriani, "Result of Interview with Prof. Didik Suharjito," Forest Digest, 2017, <https://www.forestdigest.com/detail/147/perhutanan-sosial-masih-sentralistik>.

most areas is in social forestry such as in the areas of Malang, Jember, Lumajang, Probolinggo, Tuban and Bojonegoro as the general case.

ANALYSIS AND DISCUSSION

Social Forestry Policy is outlined in the Minister Regulation on Social Forestry and the Minister Regulation on Social Forestry in Perhutani Area. Etymologically, this policy is defined as a series of concepts and principles that serve as guidelines and basis for implementing a job, leadership, and act. A policy can also be defined as a political, management, financial, or administrative mechanism to achieve an explicit goal. In the context of social forestry, policies can be interpreted as a series of concepts and principles that form the basis for the implementation or implementation of social forestry.⁸ In this research, what is meant by policy model construction is a form of policy resulting from the interpretation of the provisions of the Minister Regulation on Social Forestry, namely from the aspect of how it is implemented. Policy reconstruction needs to be carried out because the implementation of the regulation contains weaknesses.

Social Forestry

Social Forestry is a system of sustainable forest management implemented in state forest areas or private forests which is implemented by local communities or customary law communities as the main actors to improve their welfare, environmental balance and socio-cultural dynamics in the form of Village Forests, Community Forests, Forests Community Crops, Customary Forests, Forestry Partnerships (Article 1 point 1).

Nine agendas (*Nawa Cita*), which are a summary of programs in the President/Vice President's Vision and Mission of President Joko Widodo and Jusuf Kalla are outlined in the strategy development outlined in the 2015-2019 RPJMN. It includes forest tenure reform through the Social Forestry scheme. Through Social Forestry, the 12.7 million hectare forest area allocated by President Djoko Widodo to be managed by the people through the granting of permits and management rights by the Ministry of Environment and Forestry⁹.

This effort was proclaimed as a national program that aims to carry out economic equality and reduce economic inequality through 3 (three) pillars, namely land, business opportunities and human resources. This national program is legality for communities living around forest areas to manage state forest areas covering an area of 12.7 million hectares (Social Forestry Academic Paper, 2018). As for what has been realised until November 2017 covering an area of 1,301,070.24 hectares.¹⁰

Based on the Minister Regulation on Social Forestry, the forest area being requested if it has a forest cover area of more than 10% and lasts five consecutive years, then it is given in the form of Kulin KK (Partnership Recognition and Protection Forestry) with the legal umbrella of Decree. On the other hand, forest areas with forest cover areas below or equal to 10% and

⁸ Ifrani Ifrani and Yati Nurhayati, "The Enforcement of Criminal Law in the Utilization and Management of Forest Area Having Impact Toward Global Warming," *Sriwijaya Law Review* 1, no. 2 (2017): 157, <https://doi.org/10.28946/slrev.vol1.iss2.40.pp157-167>.

⁹ Asep Yunan Firdaus, *Practical Guide to the Application of Social Forestry Policies - The Framework for Acceleration of Forest Tenure Reform* (Bogor: CIFOR, 2018).

¹⁰ Firdaus.

within 5 (five) consecutive years will be granted in the PIHPS scheme (Social Forestry Forest Utilization Permit) based on the Minister Regulation on Social Forestry in Perhutani Area.

The Impacts of the Minister Regulation on the Social Forestry Application Procedure

In the social forestry program, the government lends state-owned land to be managed by the community. The lands whose management rights are lent are expected to be produced simultaneously, and the community feels economic equality. These lands can be developed according to each region's ability, for example, in the Gombang area. The local government allows land to be developed into ponds or other commodities such as corn, cocoa, and tobacco. The policy raises pros and cons opinions because it is feared that balancing land ownership without being supported by scientific calculations will endanger the environment preservation.

The target of awarding certificates to the public up to 2019 is 126,000 temporary certificates so far there are still around 40,000 certificates. Thus there are still around 31.75%, which means there are still 68.25% that must be "saved". Based on the regional division of the Perhutani Public Corporation, KPH Madura is divided into several Forest Stakeholder Units (BKPH): (1) BKPH West Madura: 3,999.40 ha=8.49%; (2) BKPH East Madura: 4,877.70 ha = 10.35%; (3) BKPH West Kangean: 5,550.05 ha=11.27%; (4) BKPH East Kangean: 24,545.95 = 52.60%; (5) BKPH Along: 8,148.10 ha = 17.29%. The total area of Perhutani Public Corporation of KPH Madura is 47,121.20 ha. In contrast, there are 62 Forest Village Institutions (LMDH) in 4 (four) Regencies with details: 9 (nine) LMDHs in Bangkalan; 5 (five) LMDH in Sampang; 7 (seven) LMDHs in Pamekasan and 41 (forty-one) LMDHs in Su-menep.¹¹

Both Minister Regulations give the community the right to apply for management permit. However, in several areas, such as in Banyuwangi, Malang, Blitar and Bojonegoro, there was a conflict because the holders of the IPHPS had just obtained management rights on the land cultivated by the local LMDH. Perhutani Public Corporation fosters LMDH within the framework of PHBM.

In general, the Madura KPH forest area's soil condition is categorised as barren with the characteristics of shallow, nest, rocky, and lacking in humus.¹² Therefore, Madura is recommended to develop eucalyptus plants because they can grow anywhere, including infertile and nutrient-poor soils. So that in September 2020 the East Java Unit Perhutani Unit has inaugurated the Eucalyptus Oil Factory in Semenep.¹³

The condition in Madura has not been responded by many people because until now there is still one request for Recognition of Forestry Partnership Protection (Kulin KK) submitted by LMDH and one request for Social Forest Forest Utilization Permit (IPHPS) submitted by the applicant outside of LMDH. Applicants may submit some requests outside this LMDH that will potentially create conflicts. Simultaneously, Perhutani Public Corporation KPH Madura did not receive the copy of the two requests. Case in point: can be seen in the conflict between KTH

¹¹ "Perhutani Public Corporation Data Base of KPH Madura," 2019.

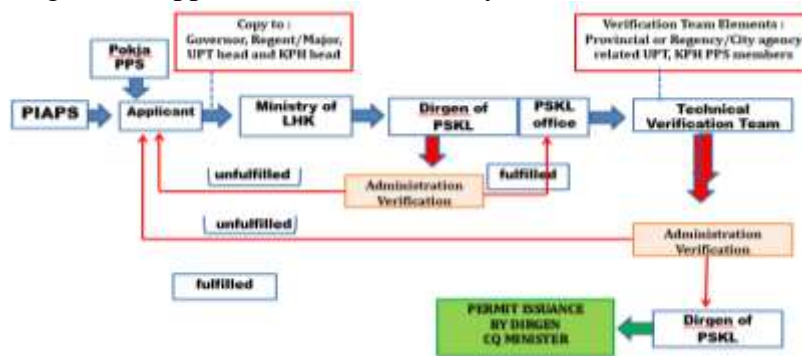
¹² Anonymous, "Letak Geografis Dan Luas Wilayah Hutan Di Madura & Kangean," Kangean.net, 2015, <https://www.kangean.net/2015/11/letak-geografis-dan-luas-wilayah-hutan-di-madura-dan-kangean.html>.

¹³ Tmadm, "Pegelolaan Perhutani Wilayah Madura Timur Mins, PMKP Jadi Pioner," Trans Madura, 2020, <https://www.transmadura.com/2020/09/11/pegelolaan-perhutani-wilayah-madura-timur-mins-pmkp-jadi-pioner/>.

Parang Sewu, LMDH Sido Rukun and Perhutani in Plandirejo Village, Bakung District, Blitar Regency. Forest Farmer Group Parang Sewu and LMDH Sido Rukun side with Perum Perhutani because they do not want the cultivated land pioneered to be divided by the Social Forestry program IPHPS scheme and there is a desire to benefit from forest products. The interest that has surfaced is that some farmers who side with Perhutani try to influence LMDH members not to register themselves in the IPHPS program.¹⁴

Both Ministry of Environment Regulation 83/2016 and Ministry of Environment Regulation 39/2017 regulate the procedure for submitting social forestry from the applicant directly to the Minister and only copy to the Director-General or Director-General in charge of the planology, the Head of the Provincial Service and the Managing Director of Perhutani. The procedure can be seen in the following Chart:

Diagram 2, Application to the Ministry of Environment and Forestry



Source: Study Program Implementation in Perhutani Public Corporation Work Area, Solo, March 2019

Based on Diagram 1, it can be interpreted that: 1) KPH does not merely accept copies of requests for social forestry; 2) Copies has a different meaning from the recommendation. A copy is a part of a letter used to indicate the presence of another party or person who received the letter beside the recipient of the letter. Other meanings that the letter was also known by other parties who got a copy of the letter, which is thus only useful for counting the number of who is given a copy. While the meaning of the letter of recommendation is a letter that states or reinforces or justifies; 3) In the context of the procedure for applying for social forestry, the KPH position only to receive a copy naturally has a different meaning from the KPH as the giver of recommendations. The results of the field study revealed the following facts:

1. At the time of verification in the field, the KPH as one of the Verification Team members, the parties namely the Petitioner and LMDH members (not the applicant) felt "pitted" by the KPH. It happened because LMDH members as the manager of the "owned" land of the KPH felt that they should be the ones who were worthy of requesting;
2. Requirements for social forestry that the land being applied for has a land cover of around 10% and five years in a row. What happens in the land field, which is the object of the request for social forestry, does not have these requirements, but does submit the request.

¹⁴ Febriani Puspitasari, "Forest Land Management Conflict (Descriptive Study at Parang Sewu Forest Farmer Group (KTH) , Sido Rukun Forest Village Community Institution (LMDH)and Perhutani at Plandirejo Village, Bakung District, Blitar Regency)" (Universitas Brawijaya, 2018).

This will not happen if the KPH is given the authority to provide recommendations or in other words, the role of the KPH at the beginning in the process of applying for social forestry. Because the KPH as an institution at the site or field level means "the most" knows the conditions in the field related to who has the most right to submit the application and the land condition;

3. If the KPH is given the authority to provide recommendations, it can have "responsibility" about the social forestry program's sustainability. In the field, the recipients of the certificate found themselves "left". Those who are members of LMDH or Farmer Group feel "stagnant" and do not know what they can do except plant and harvest. For example, KPH has an obligation to socialise the provisions of Article 63 of the Minister Regulation on Social Forestry which determines that funding for the implementation of social forestry can be through the Village Fund.

This failure is in line with the opinions of Gauld, Platteau, and Blaikie quoted by Raik and Decker stating "efforts to increase citizen participation, devolve authority, and create more efficient and equitable structures for managing resources have failed when decision-making powers have remained centralised or have been captured by elites unaccountable to local people."¹⁵

Participatory Based Forest Resources Management

Forest resources are one of the shared resources such as fish, water, and minerals. These shared resources have the following characteristics: 1) Every consumption or harvesting of a person for resources will reduce the ability or ration of others in utilising these resources; 2) There is a competition which causes costs to be incurred to limit access to resources for other parties to become beneficiaries; 3) Generate benefits that can be enjoyed by many people without being able to be excluded (non-excludable), where each of them can take the benefits until the limit of availability of benefits is used up. Goods and services are said to be non-excludable if anyone can utilise the benefits of the goods and services without having exclusive responsibility for building their supply. As stated by Ostrom:

"Common-pool resources share with public goods the difficulty of developing physical or institutional means of excluding beneficiaries. Unless means are devised to keep unauthorised users from benefiting, the strong temptation to free-ride on the efforts of others will lead to suboptimal investment in improving the resource, monitoring use, and sanctioning rule-breaking behaviour. Second, the products or resource units from common-pool resources share with private goods the attribute that one person's consumption subtracts from the quantity available to others. Thus, common-pool resources are subject to congestion, overuse and potential destruction unless harvesting or use limits are devised and enforced. In addition to sharing these two attributes, particular common-pool resources differ on many other attributes that affect their economic usefulness including their size, shape and productivity and the value, timing and regularity of the resource units produced".¹⁶

In connection with these characteristics, it is feared that Hardin will occur "tragedy of the commons" because people over-exploit resources. Therefore Hardin suggests "so the tragedy of the commons as a cesspool must be prevented by different means, by coercive laws or taxing

¹⁵ Daniela B Raik and Daniel J. Decker, "Insight: A Multisector Framework for Assessing Community-Based Forest Management: Lessons from Madagascar, the Resilience Alliance," *Ecology and Society* 12, no. 1 (2007): 14.

¹⁶ Elinor Ostrom, "Private and Common Property Rights," *Private and Common Property Rights*, 2000.

devices that make it cheaper for the polluter to treat his pollutants than to discharge them untreated.”¹⁷

Management of Forest Resources in Nepal

Before the Government forests nationalisation in 1957, where people's rights¹⁸ to forest resources were seized, there was a famous slogan that "Hariyo Ban Nepal Ko Dhan (Green Forest is the wealth of Nepal)". Further development is due to an increasing population that relies on adjacent forests to meet their basic needs such as fuelwood, fuel, fodder and wood. As a result, forests are increasingly exploited in ways that are not conducive to sustainable forestry efforts. Damage is getting worse through illegal logging, encroachment and deforestation. To stop this, the Social Forestry program was issued. The community forestry/social forestry program specifically aims to meet the subsistence needs of local communities while protecting forests by transferring the rights of users of forest resources to local users.

In Social Forestry, a portion of government forest is handed over to a group of local households known as Community Forest User Groups (CFUG). They prepare forest management plans according to their needs and forests are managed according to plans for the purpose of resource use and protection and conservation. The need for a social forestry program in Nepal was first introduced through government policy in early 1976 (by the National Forest Plan, 1976). This resulted in an amendment to the conventional Forest Law (amendment 1977) by making provisions to hand over a portion of government forest to the smallest local government unit, which came to be known as "Panchyat" (HMG, 1978). This further resulted in a regulation called the Forest Regulation in 1978 for the program's smooth implementation.

Local panchayats have ownership of the plantation forest (Panchyat Forest) and existing natural forests (Panchyat Protected Forests). But people living around forests must be involved in protecting forests, contributing their energy to forest management activities, and often having to sacrifice their traditional forest use, such as grazing, in the name of community forest development. Therefore, there is no sense of belonging among the local population. As such, local panchayats are unable to motivate local communities for forest management adequately. However, in terms of policy formulation, this program is considered one of the world's best forestry programs.

The subsequent development of the Panchayat System was abolished, and political instability was created. In the absence of an appropriate legislative structure, forest administration began to hand over forests directly to local groups involved in protecting forests. Giving forest management ownership directly to local forest users makes community forestry programs more acceptable, and users begin to contribute to forest protection and forest management, such as thinning, pruning, weeding and others. Thus, local communities began to have a greater responsibility in forest management, and they began to benefit from forest products such as tree feed, grass, poles and firewood. A forest sector master plan (1989) places the community for-

¹⁷ Garrett Hardin, "The Tragedy of the Commons," The Garrett Hardin Society, 2005, https://www.garretthardinsociety.org/articles/art_tragedy_of_the_commons.html.

¹⁸ Nurhidayatulloh & Febrian, "ASEAN and European Human Rights Mechanisms, What Should Be Improved?," *Padjadjaran Journal of Law* 6, no. 1 (2019): 151–67, <https://doi.org/10.22304/pjih.v6n1.a8>.

estry program as one of its six main programs. The Forestry Law came into force in 1993, where Social Forestry was recognised as one of Nepal's forestry programs. The regulation was passed in 1995, which outlines the operational basis for community forests. The regulation allows residents to manage forests and use forest products following management plans approved by the District Forest Office (DFO).¹⁹

Lessons for Indonesia

Indonesia needs to take lessons from Nepal because the dynamics of forest resource management in Nepal are relatively similar. The Social Forestry Program in Nepal was initiated in 1989, which was finally implemented normatively in 1993. Social Forestry is encouraged that forests are increasingly exploited in ways that are not conducive to sustainable management efforts. The damage is getting worse through illegal logging, encroachment and deforestation. Through the Social Forestry program, forest management is directly assigned to local forest users. This program will impact community Social Forestry programs that are more acceptable, and users will start to contribute to forest protection and forest management.

Meanwhile, this is different from Indonesia. The application procedure regulated in the Ministerial Regulation, especially in the Transitional Provisions letter (k), provides opportunities for people outside of those who have joined the PHBM program to register for the Social Forestry program. The PHBM program is regulated in the Supervisory Board Decree No. 136 / KPTS / DIR / 2001 concerning Management of Forest Resources with the Community as a substitute for the Decree of the Board of Directors No. 1061 / KPTS / DIR / 2000 regarding Collaborative Forest Management. Communities who have joined the PHBM program do not want the cultivated land pioneered to be divided by the Social Forestry program and the desire to benefit from forest products.

Compared to Indonesia, Nepal is better at managing its forest resources. It was said so because the Forestry Law was enacted in 1993, where Social Forestry was recognised as one of Nepal's forestry programs. As part of the Forestry Law, social forestry has a clear legal basis. It is stipulated that local residents can manage forests and use forest products following management plans approved by the District Forest Office. Regarding what has been implemented in Nepal seems following Isager's statement that participation requires change in social relations, redistribution of power and new responsibilities for all parties involved. These changes often create the need for new skills, new ways of thinking, and new ways to manage. The participatory process certainly involves various types of challenges for different stakeholders.²⁰

Reconstruction of Social Forestry Policy Model in Minister Regulation on Social Forestry *Overview of Perum Perhutani KPH Madura*

Forest management in the KPH Madura is the central management in Pamekasan. Most of the forest management area is 81% located in the Sumenep Regency, especially in the Kangean and Sepanjang islands. The average distance from the KPH office to the Kangean islands by sea \pm 450 km, not yet overland travel must be taken 80-200 km.

¹⁹ Battarai Binod, "Community Forest and Forest Management in Nepal," *American Journal of Environmental Protection* 4, no. 3 (2016): 79–91, <https://doi.org/10.12691/env-4-3-3>.

²⁰ L Isager, Ida Theilade, and Lex Thomson, "People's Participation in Forest Conservation: Considerations and Case Stories," *Researchgate*, 2002.

Local economic factors are crucial for forest management in KPH Madura. The per capita income of each population is meagre, the majority of which are farmers and fishermen, not yet exploiting the area's potential for business development processing agricultural products into semi-finished goods to provide added value. While the cost of living on the islands is very high because of the need for transportation costs, all essential commodities and fuel from Madura Island, this makes the cost of labour in the islands almost double the tariff on Madura island.

For the islanders, Perhutani's presence is significant because it can support meeting their daily needs and the opportunities available in Perhutani's activities and their livelihood as fishermen.

Mutualism cooperation is still fostered to be established well with the Community Based Forest Management System (PHBM). PHBM is very important to build a synergy of togetherness between the community and Perhutani Public Corporation in various forest management activities. It will later be able to provide opportunities and employment as a more significant source of income for the community so that it will be able to reduce social pressure so that the potential of the forest can be secured from interference. Within the PHBM system framework, LMDH was formed, which to date, there are sixty-two LMDH.

Reconstruction of Social Forestry Policy Models

The issuance of the MoEF Regulation 83/2016 and the MoEF Regulation 39/2017 created a feeling that the LMDH was being "negated". With the impacts that have been described, the research results recommended the reconstruction of social forestry application diagram as follows:



Based on diagram 2, it can be interpreted that application submission in social forestry application must undergo verification by assigning roles to the KPH, Village and Forestry Service. The spirit contained in forestry is participation. In diagram 2, the recommendation is in line with Uphoff's opinion as quoted by Raik and Decker. It is argued that the rationale behind decentralisation efforts and participatory approaches resets partly on the idea of subsidiarity, namely decisions must be made at the lowest possible administrative level.

The proposed diagram 2 involves the village as an administrative place for the requested forest area. Verification from this village is also crucial because Article 63 of the Ministry of Environment and Forestry Regulation 83/2016 states that financing for social forestry implementation can come from village funds.

The KPH's role as the Verification Team is because the KPH as forest manager at the site level knows best about the land and social conditions. Whoever is a land user, namely who is

included in the LMDH that has been established, what plants are suitable and whether the land indeed applied for meets the land cover requirement of less than 10% and for 5 (five) consecutive years. Meanwhile, the Sumenep Forestry Service Branch has a program to strengthen several LMDHs in Sumenep, which needs to be involved in every process of submitting social forestry applications.

CONCLUSION

The Social Forestry policy model contained in the Minister Regulation on Social Forestry has been procedurally implemented. It has been proven that various social forestry programs in Indonesia are already running. However, in practice, in some areas, the implementation of this rule still arises problems, especially in the issue of licenses with different designations. In fact, in some areas, this policy has caused internal conflicts within farmer groups' association (Gapoktan). It is because people who are outside the PHBM group can submit applications, so there are concerns that the land they have pioneered from the start will become divided. Indonesia also needs to take essential lessons from Nepal's case because it has similar forest resource management dynamics. In Nepal, the Social Forestry program is given to local communities to manage it, especially those who had managed the forest before the government regulation was issued. Government policies that are born follow the factual conditions in society, not vice versa. As a result, in Nepal, since the government publicised the Social Forestry program in 1993, it has been more accepted by the community. Besides, this study's recommendation is to restore the KPH function as an institution authorised to manage forest resources in its area. KPHs are not only given a copy letter but provide recommendations for each application for social forestry. Such a policy model is expected to benefit all parties, namely restoring the function of the FMU, guiding applicants for the Social Forestry program and not harming communities who have joined the PHBM program.

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