

Regulations for Sustainable Development in the Environment and Forestry

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Abstract- Bureaucratic reform Determination of laws and regulations with the aim that a more orderly, non-overlapping, and conducive agreement. Environmental regulation, governance and governance of forest natural resources consists of one factor that needs attention, because the exploitation of wood using machine technology will produce in a relatively short time. Legal instruments that are not participatory against indigenous peoples will result in customary forest management systems that are not well organized, so that the community will be provoked by community needs in this case primary industrial timber entrepreneurs who receive timber forest products from indigenous peoples will be exploited using unsupported responsibilities The impact of disharmony regulations on the collection of timber forest products at the central and regional levels is not responsible for the community to utilize their own customary forests and the environment and forests will increase shrinkage and carrying capacity of the world's lungs is not optimal.

Keywords- Regulation, Sustainable Development, Forestry.

I. INTRODUCTION

The 1945 Constitution of the Republic of Indonesia states that a good and healthy environment is a human right and constitutional right for every Indonesian citizen. Therefore, the state, the government, and all stakeholders are obliged to carry out environmental protection and management in the implementation of sustainable development so that the Indonesian environment can remain a source and support of life for the people of Indonesia and other living things [1].

The laws and regulations governing environmental law in Indonesia are regulated in Act Number 32 of 2009 concerning Environmental Protection and Management, which regulates many matters and some of them are: 1) Protection and management of the environment; 2) Sustainable development.

Sustainable development as determined in Article 1 number 3 of Law Number 32 of 2009 concerning Environmental Protection and Management determines that sustainable development is a conscious and planned effort that integrates environmental, social and economic aspects into development strategies to ensure environmental integrity. and the safety, ability, well-being and quality of life of present and future generations.

The development of the environment in Indonesia is not only oriented towards ecosystems which are the elements of the environment which constitute a whole and comprehensive unit and influence each other in shaping the balance, stability, and productivity of the environment, also the preservation of environmental functions, namely a series of efforts to maintain the continuity of carrying capacity and environmental capacity [2].

Bureaucratic reform implemented by the Government of Indonesia stipulates 8 (eight) areas of bureaucratic reform and one of them is legislation because there are still many overlapping regulations, disharmonies, can be interpreted differently or deliberately made unclear to open up the possibility of irregularities. This condition is often used by the apparatus for personal interests that can harm the state. Therefore, it is necessary to change / strengthen the system of laws and regulations that are more effective and touch the needs of the community.

II. RESEARCH METHOD

In principle, law has two aspects, namely practical aspects and philosophical aspects. Legal research can be divided into research for practical purposes and research for academic study [3]. Legal research according to Peter Mahmud Marzuki [4] in legal research that provides some information. By asking for this, the researcher will get information from several aspects about the problem that is being tried to find the answer. Based on considerations used in legal research related to the law (statute approach), case renewal (case approach), historical approach, comparative approach (comparative approach), and conceptual search (conceptual approach). According to Soerjono Soekanto, [5] stated that "normative legal research includes: 1) research into legal principles, 2) research on legal systematics, 3) research on the degree of legal synchronization, 4) research on the history of law, and 5) legal comparative research.

Regulations for sustainable development in the field of environment and forestry are central themes with various legal instruments issued by the legislature and implementing regulations made by officials in the forestry environment and the environment are often not harmonious. Research on the problem uses the statute approach and case approach, where the author will present

several environmental and forestry cases that are temporarily tried at the Surabaya District Court. The method used is a normative research method, as well as a comparative approach because the study materials will be used as a knife of analysis by comprehensively examining several cases that attract public attention.

III. FINDINGS AND DISCUSSION

Constitutionally the 1945 Constitution of the State of Indonesia specifically in Article 33 paragraph (3) determines that the Earth and water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people, then in Article 28H paragraph 1 of the 1945 Constitution mention that everyone has the right to live in prosperity, physically and mentally, to live and to have a good and healthy living environment and the right to obtain health services.

Based on the idea that in order to get a good environment, the state has the authority to manage the earth and natural resources in Indonesia for the welfare of the community through a centralized regulation in the forestry sector, meaning that there are restrictions on officials who are authorized to make regulations both technically, the central institutional authority and regional authority.

The authority of the ministry of forestry and the environment must also have restrictions on making regulations so that not all officials from the Minister, Director General, Head of Office or Governor must be given a roar and a certain portion so that the legal products of each of these Officials do not overlap or vacuum because each is too restrictive in determining policies.

At the Ministry level, there are several related institutions such as the Minister of Forestry and the Minister of Trade who have their respective authorities, where at one time the two can make regulations that are not harmonious because the different fields of authority but the point of contact of interests are based on the same interests.

The aim to protect the environment is sometimes not in line with the policies made between the stakeholders both at the central and regional levels so that the current environmental development challenges are: How to harmonize various laws and regulations in the forestry sector so that our environment, especially our forests, is optimally protected from various types of massive logging and wood theft. Indonesia is a country that has a lot of natural wealth. The available natural resources are a gift from the Creator to fulfill the welfare of mankind on earth. In terms of environmental protection and management, it is a human effort to interact with the environment in order to sustain life achieving prosperity and environmental sustainability. Environmental

protection and management is a systematic and integrated effort undertaken to preserve environmental functions and prevent environmental pollution and / or damage which includes planning, utilization, control, maintenance, supervision and law enforcement.

Forests have a very important position and role in supporting national development, [3] but forests as one of the important components of the environment that make a positive contribution are often the objects of exploitation that impact on environmental damage. Legal cases that are tried in court prove that crimes against the environment always occur whether committed by legal entities or the community. Evidence of timber produced from illegal logging as well as those submitted legally in large numbers gives an illustration that the exploitation of the law that was carried out massively affected the destruction of nature as a support for human life. Regulations governing forestry issues and various implementing regulations are often the disharmony of various laws and regulations.

Statutory regulations which have implications for the environment which are very strategic and influential are the Law on Forestry, namely Law No. 41 of 1999 concerning Forestry and Law No. 18 of 2013 concerning Forest Prevention and Destruction. The provisions of the laws and regulations issued as the implementation of the two laws mentioned above amount to 21 (twenty one) whose substance is a representation of the will of competent officials in their respective fields.

1. Government Regulation No. 45 of 2014 concerning Forest Protection
2. PP No. 60 of 2004 concerning Amendment of PP 45 of 2004 concerning Forest Protection
3. Regulation of the Minister of LHK Number 43/Menlhk-Setjen/2015 concerning Administration of Timber Forest Products from Natural Forests
4. Regulation of the Minister of Environment and Forestry Number 60/Menlhk-Setjen/Kum.1/7/2016 concerning Amendment to Permenlhk Number 43/Menlhk-Setjen/2015 concerning Administration of Timber Forest Products originating from Natural Forests
5. Regulation of the Director General of PHPL Number 17/PHPL-Set/2015 concerning Guidelines for the Implementation of Information Systems Administration of Timber Forest Products from Natural Forests
6. Regulation of the Director General of PHPL Number P.2/PHPL-IPHH/2016 concerning Amendment to the Perdirjen PHPL Number 17/PHPL-Set/2015 concerning Guidelines for Implementing Information Systems for Administering Timber Forest Products from Natural Forests
7. Regulation of the Minister of Environment and Forestry Number 32/Menlhk-Setjen/2015 concerning Private Forests

8. Regulation of the Minister of Environment and Forestry Number 21/Menlhk-Setjen/Kum.1/4/2019 concerning Customary Forests and Private Forests
9. Regulation of the Minister of Environment and Forestry Number 85/Menlhk-Setjen/ Kum.1/11/2016 concerning Administration of Cultivated Forest Forest Products from Private Forests
10. Regulation of the Minister of LHK Number 48/Menlhk/Setjen/Kum.1/8/2017 concerning Amendment to LHK Regulation Number 85/Menlhk-Setjen/Kum.1/11/2016 concerning Administration of Cultivated Forest Forest Products originating from Private Forests
11. Regulation of the Minister of Environment and Forestry Number 13/Menlhk-II/2015 concerning Business Permits for Forest Product Primary Industries
12. Regulation of the Minister of LHK Number P.1/Menlhk/Setjen/Kum.1/1/2019 concerning Business Permits for Forest Product Primary Industries
13. Minister of Forestry Regulation Number 45/Menhut-II/2011 concerning Measurement and Testing of Forest Products
14. Regulation of the Director General of Forestry Business Development Number 2/VI-Set/2015 concerning Method and Measurement of Forest Products
15. Regulation of the Minister of LHK Number 7/1/Menlhk/Setjen/HPL.3/8/2016 concerning Procedures for Imposing, Collecting and Depositing PSDH, DR, Compensation for Upholding Penalties for Violation of Forest Exploitation and Contribution to Business Utilization of Forests
16. Regulation of the Minister of Environment and Forestry Number 64/Menlhk/Setjen/ Kum.1/12/2017 concerning Determination of Benchmark Prices of Forest Products for Calculation of PSDH and Indemnity Compensation
17. Regulation of the Minister of Trade No. 84/ M-Dag/Per/12/2016 concerning Provisions on the Export of Forestry Industry Products
18. Regulation of the Minister of Trade No. 12/M-Dag/Per/2/2017 concerning Amendment to Permendag Number 84/M-Dag/Per/12/2016 concerning Provisions on the Export of Forestry Industry Products
19. Decree of the Minister of Forestry Number 020/Kpts-II/1988 concerning Eboni Wood Standards
20. SNI 5010.4: 2016 concerning Name of Forest Forest Product Product
21. SNI 7537.2: 2010 concerning Measurement of Sawn Timber Dimensions

These regulations technically regulate certain fields in the forestry sector especially timber forest products.

Timber is a very lucrative commodity for entrepreneurs in the timber sector so that many legal instruments are created for this purpose and for maintaining orderly management of wood as mentioned in the regulations above. In addition to the competent officials mentioned above, the customary law community feels entitled to manage their customary rights to the forest. In Papua Province, the Governor of Papua has issued Governor Regulation Number 13 of 2010 concerning Timber Forest Product Levies Permits, which allows indigenous Papuans as the owners of customary forest areas to collect limited amounts of timber forest products.

Potential legal instruments for damage to the forest environment are licenses that are not well controlled. Some of the most interesting legal cases currently in the Surabaya District Court are related to the exploitation of merbau wood forest products taken from forests in Dobo, Maluku Province for 1 (one) case and from Papua for 5 (five) cases involving corporations and individuals is evidence that the problem of forest exploitation as a livelihood and subservient of the community continues to experience polemics because the laws and regulations governing the environment and licensing for harvesting timber forest products often occur in harmony with one another.

To illustrate the disharmony of environmental and forestry laws and regulations that have an impact on the timber forest environment, we will describe the cases above in terms of science without interfering with the authority of judges in examining and adjudicating these cases.

Based on the Surabaya District Court's Case Tracking Information System (SIPP) there are 6 cases related to the Forestry Law which we briefly describe as follows: Criminal acts in the six cases were carried out in the jurisdiction of Surabaya even though the wood originated from Maluku Province and Papua Province with a significant amount of 236,5054 M3 + 1,098,3583 M3 + 496,2975 M3 + 465,5279 M3 = 2,296,6891 M3 and based on the description of the prosecutor's indictment it turns out that the logs were transported using containers and equipped with company permit documents but were not equipped with Processed Timber Forest Legality Certificates (SKSHKO) 5)

The cases as mentioned above are only a few cases of many criminal acts in the field of environment and forestry in Indonesia, because there are still many courts that examine and try similar cases. Many of the factors that have arisen in the case are due to regulations, due to the economic problems of the community, as well as efforts to enrich themselves by exploiting timber forests in an organized and massive manner.

Six cases as mentioned above, five of whom the culprit came from Irian where Irian is the lungs of the

world that needs serious attention from various parties, both government and society. Among the five cases there are still many other similar cases that were tried in various courts because Irian's natural resources still have a lot of potential timber forests so many parties are looking for profits doing timber business in Papua which has a drastic impact on Papua's natural carrying capacity on the environment.

In Papua there is a regulation issued by the Governor of Papua in the form of a Papua Governor Regulation No. 13 of 2010 concerning Business Permits for the Utilization of Customary Community Timber Forest Products (IUPHHK-MHA) to provide space for the Customary Law Communities to manage forests in their customary territories. Following up on the regulation, 14 (fourteen) Business Licenses for the Utilization of Timber Forest Products of the Customary Law Community have been issued in Papua Province.

The regulation allows local customary law communities to collect timber forest lands for sale to primary industrial timber producers in the region, while the origin of the indigenous peoples' wood is not protected nationally because it contradicts between the documents that should be used is SKSHHK-KO and that is a problem the primary businessman who sends the wood from the indigenous community out of an area that does not have a Certificate of Legality of Processed Timber Forest Products.

In Papua Province there is no stipulation of ownership of Land/Customary Forest which is officially released from the status of State Forests by the Minister of LHK and is legitimized by a Regional Regulation or Regent's Decree. Article 5 of Law No. 41/1999 concerning Forestry stipulates the status and function of forests as follows Forest based on its status consists of: a) state forest, b) forest rights.

In paragraph (2) stipulates that State forest as referred to in paragraph (1) letter a can be in the form of customary forest, but the regulation on customary forest has not been followed up since 1999, then in 2019 new regulations were made as a follow-up to the mandate as mentioned stipulated in the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number P.21/MENLHK/SETJEN/KUM.1/4/2019 Concerning Customary and Private Forests.

Article 1 Regulation of the Minister of Environment and Forestry Number P.43/Menlhk-Setjen/2015 Jo Article 11 Regulation of the Minister of Environment and Forestry Number: P.60/Menlhk/Setjen/Kum.1/7/2016 concerning Administration of Forest Products in Natural Forest, because the shape is sawn timber, the document that should be used is SKSHHK-KO and may not be sent using Company Memorandum documents.

The above description proves that among the Central Level Regulations there are conflicts with one another as well as the Environmental and Forestry Regulations at the local level also contradicts with the Central level regulations and it will have an impact on sustainable environmental administration which will experience many problems in the field of legal instruments.

IV. CONCLUSION

From the description above, the author can provide the following conclusions : 1) That in order to harmonize various laws and regulations in the forestry sector so that our environment, especially our forests, is optimally protected from various types of massive logging and timber theft, then the regulatory policies at both the ministry and staff levels and at the regional level must adopt the interests of indigenous peoples with a "pick up the ball" approach. 2) Bureaucratic reforms concerning harmonization of laws and regulations in the field of forestry and the environment have not been running optimally in Indonesia . 3) Conflict between Central Level Regulations with one another and conflict between Central Level Regulations and Regional Level Regulations in the Environment and Forestry sector will hamper the Government's own wages in order to carry out environmental protection and sustainable development so that these conditions urge immediate reform in the field of laws and regulations Environmental and forestry.

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