

Role of Forest Management Unit (KPH) In Social Forestry

Wartiningsih
Faculty of Law
 Trunojoyo University Madura
 Bangkalan, Indonesia
 wartiningsih@trunojoyo.ac.id

Nunuk Nuswardani
Faculty of Law
 Trunojoyo University Madura
 Bangkalan, Indonesia

Abstract— The regulation of rewards or incentives existence reflects that forest resource management has paradigm of community based forest management (CBFM). "Certificates distribution" by the President is based on 2 (two) Minister of Environment and Forestry Regulations on Social Forestry which is one of the characteristics of CBFM. Current conditions, in some areas where people live around the forest there are many conflicts with Perhutani Public Company. The conflict can be seen for example in Modung Sub District Bangkalan and Majungan Village Pamekasan. Meanwhile the Madurese also have the same opportunity to apply to manage state forests through various social forestry schemes. This article will review normatively the Minister of Environment and Forestry Regulation No. 39 / MENKLH / SETJEN / KUM.1 / 10/2017 concerning Social Forestry in the Working Area of Perhutani Public Company and Regulation of the Minister of Environment and Forestry No. P. 83 / MENLHK / SETJEN / KUM.1 / 6/2016 concerning Social Forestry is important because the second publication of the Ministerial Regulation seems to "legalize" the encroachment of forest areas so far. In addition, it turns out that there have been many conflicts between communities (LMDH) and holders of social forestry permits. This paper uses a legislative approach and literature studies as well as prescriptive analysis.

Keywords—

I. INTRODUCTION

The government has included social forestry programs in the 2015-2019 RPJMN. The target is that in 2019 the Government will be able to open access to the community to manage 12.7 million hectares of forest for 5 years. Various groups welcomed the policy. The policy reflects community based forest management (CBFM). In a broad sense, UNESCO, 1979 gives the participation sense as "... is a" collective sustained activity for the purpose of Achieving some common objectives, especially a more equitable distribution of the benefits of development.[1]

In social forestry programs, the government lends state-owned land to community management. The land whose management rights are loaned is expected to be productive at the same time the community feels economic equality. These lands can be developed in accordance with the capabilities of each region, for example in the Gombong area, the government allows land to be developed into ponds or other commodities

such as corn, chocolate, tobacco and others. The policy raises pro and contra opinions because it is feared that the process of balancing land ownership without being supported by scientific calculations would endanger the preservation of the environment.

The target of giving certificates to the public until 2019 is 126,000 temporary certificates, until now there are still around 40,000 certificates. Thus it is still around 31.75%, which means there are still 68.25% who must be "saved". Based on the division of Perhutani Public Company area, the Madura FMU 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 Sepanjang: 8,148.10 ha = 17.29%

The total area of Perhutani Public Company of KPH Madura is 47,121.20 ha. Whereas there are 62 Forest Village Institutions (LMDH) in 4 (four) Regencies with details: 9 (nine) LMDH in Bangkalan; 5 (five) LMDH in Sampang; 7 (seven) LMDH in Pamekasan and 41 (forty years) LMDH in Sumenep.[2]

Regulation of Ministry of Environment and Forestry Number P.83 / MENLHK / KUM.1 / 6/2016 of Social Forestry (Candy 83/2016) and the Regulation of Ministry of Environment and Forestry Number P.39 / MENLHK / KUM.1 / 10 / 2017 concerning Social Forestry in the Perhutani Working Area (Permen 39/2017), giving the community the right to apply for management permits. However, in several areas, such as in Banyuwangi, Malang, Blitar and Bojonegoro, collisions occurred because the holders of the Social Forestry Forest Management License (IPHPS) had just obtained management rights on land that had been cultivated by the local LMDH. LMDH is assisted by Perhutani Public Company in the framework of Collaborative Community Forest Management (PHBM).

The forest area in Madura is recommended for the development of forest cultivation of eucalyptus and eucalyptus oil. The condition in Madura has not been responded to by

many people because until now there is still 1 (one) application for Recognition of Forestry Partnership Protection (Kulin KK) submitted by LMDH and 1 (one) application for Social Forest Utilization Permit (IPHPS) submitted by the applicant outside LMDH. There is a request that may be submitted by the applicant outside the LMDH which will have the potential for conflict. While Perhutani Public Company KPH Madura did not receive copies of the two requests [3].

The reality above still suggests that the role of FMU is not optimal even though if the FMU is managed in an orderly manner, it will be able to become a framework for resolving specific problems at the site level. One of these roles is controlling permits in social forestry schemes. On the other hand the Directorate General of Planology of the Ministry of Environment and Forestry is only tasked with verifying the condition of the area suitable for permission to use in a social forestry scheme. If the permit is feasible without seeing whether it has the potential conflict or not [4]. This is where the actual role of the FMU is needed. The control of licensing implementation is mostly carried out based on document evaluation rather than evaluation of real implementation in the field.

II. METHOD

This article is literature study by using the statute approach and comparison approach. Using prescriptive analysis. Interviews of several KPH administrators add to the discourse for writers in building arguments.

III. RESULTS AND DISCUSSION

1. Forest Resource Management

Based on forest area data in 2011, Indonesia ranked 9th out of 193 countries that have forests.[5] Throughout the history of forest resource management in Indonesia, it has experienced different models and laws from the Dutch colonial period, Japan to the Indochinese themselves as it is today. In general, this resource management is handled by the Ministry of Environment and Forestry and at the site level is Perhutani Public Company which has a social mission as well as profit.

Since 1974 Perhutani Public Company has implemented a prosperity approach, after previously intercropping has been relied on as a means of community approach, followed by a trial of the Ma-Lu and Ma-Ma projects. Around 1978 a revision was carried out through the Forest Village Community Development (PMDH) program. In 1985 a new program was rolled out to assist PMDH, the Social Forestry (PS) program. Based on the Decree of the Chairperson of the Perhutani Public Company Supervisory Board Number: 136 / Kpts. / Dir. / 2001 [6] as the basis of the partnership model in managing forest resources, namely the Management of Collaborative Forest Resources (CBFM). CBFM is intended to accommodate interests and enhance collaboration between community companies and local governments in land use activities (land and space), time utilization, and management of activities with the principle of sharing the roles, responsibilities, risks and production of forest products [1] It is ironic at the same time that Perhutani Public Company officials continue to use a

security approach (police repressive) in securing their forests [7]. The results of Faisal and Rama's observations are in line with the opinion of Will (1977) as quoted by Isager at. All: "... Unfortunately, the project planners and implementers often use the word participation" while continuing a traditional style of management that does not involve local people... ". [8].

Even this PHBM program has not been able to resolve the complexity of the problem, in this connection it is concerning what Faisal and Rama stated:

"Perhutani's community forestry scheme in the end is nothing more than a tool used to overcome the vastness of vacant land, a task that Perhutani Public Company has not handled. The planning system and procedures chosen to compile the program implementation are always top down, without seriously involving MDH and other parties' aspirations, so that the results do not solve the real problems of the community at all. From this it can be seen that the efforts of the 'community approach' are solely based on efforts to obtain cheap energy, save on the costs of forestry technical works, and reduce the time needed to complete the work - because the task was never done by the Perhutani Public Company officials themselves " [7].

2. Optimizing the Role of Forest Management Units

The government has included social forestry programs in the 2015-2019 RPJMN. The target is that in 2019 the Government will be able to open access to the community to manage 12.7 million hectares of forest for 5 years. Various groups welcomed the policy.

Ministerial Regulation Number: P.83 / MENKLH / SETJEN / KUM.1 / 10/2016 concerning Social Forestry. In the "weighing" section it is written that the Permen aims to reduce poverty, unemployment and inequality in forest management / utilization, so Social Forestry activities are needed through providing legal access to communities around the forest. Social Forestry includes schemes: (1) Village Forest Management (HD); (2) Community Plantation Forest (HTR / IPHPS); (3) Customary Forest (HA); (4) Forestry Partnership.

Transitional Article Provisions of letter k which reads: "Forest management activities with the community carried out in the Perhutani Public Company area are carried out in accordance with this Ministerial Regulation". The sentence is that the Government still reflects the top down management phenomenon. This is evident when the forest area that has been utilized by LMDH has to deal with new permit holders, namely the Forest Farmers Group from outside the region [9]. This shows that all this time the farmer groups joined in the LMDH were never involved in the permit process before the IPHPS was released. In this connection, the opinion of Gauld 2000, Platteau 2004, Blaikie 2006) is cited by Raik and Decker, namely: "... Efforts to increase citizen participation, devolve authority, and create more efficient and equitable structures for managing resources have failed when powers have decision-making powers have been centralized or have been captured by elites unaccountable to local people " [10].

It seems that the Government is still half-hearted in implementing community-based forest management, which the Government should release local entities that are responsible to the community around the entity concerned (Read: KPH). Uphoff (1986) as cited Raik and Decker states that base of thinking behind the effort of decentralization and participatory approach in part rests on the idea of subsidiarity, that is, a decision must be made at the administrative level [10]. Thus, the Government has given new management permits but does not create enabling environmental conditions. Looking at the reality above, it should be contemplated by Isager et al statement that: "Participation in itself provides a guarantee of success. The outcome of the participatory processes often depends on institutions or legal frameworks, and the interests of local people and other stakeholders." [8].

Legislation in Indonesia is made partially so that it often overlaps with one another. The enthusiasm for eliminating this is issued by Law Number 10 of 2008 which is renewed by Law Number 12 of 2011 concerning Guidelines for Forming Legislation (UU P3) [11].

Given the different characteristics of each region in addition to social and cultural differences, the role of KPH in the social forestry program needs to be optimized. In general, FMUs have a KPH work function in relation to forest governance at the site level: (1) Carry out forest management and boundaries in KPH areas, (2) Prepare forest management plans at the FMU area, including KPH organizational development plans, (3) Carry out guidance, monitoring and evaluation of forest management work carried out by holders of forest utilization permits and use of forest areas, (4) Carry out forest rehabilitation and reclamation, (5) Implement forest protection and nature conservation, (6) Implement forest management for KPHs that implement the pattern of financial management of the Public Service Agency (BLU), (7) Describing forestry policies into forest management innovations and operations, (8) Enforcing forestry laws, including protection and regional security, (9) Developing investments to support the achievement of sustainable forest management goals.

It is realized however much the spirit of the FMU in managing forest resources without the support of all parties, especially the Forest Village Community Institution (LMDH), an institution formed by Perhutani Public Corporation (in this case the FMU), the FMU will not be able to carry out its functions and authorities optimally. Related to the existence of LMDH in Madura, it is time to change the paradigm so far that LMDH as a "forest guard" to be changed to "forest management" so that forests become productive. Only a few LMDHs are aware of being partners of Perum Perhutani (KPH). The Chairman of the FMU Madura realized how difficult it was to be able to coordinate intensely with several LMDHs. Even though there really is a desire for a community, so there is sharing of experiences in an effort to maximize the management of forest resources and community welfare. If there is resistance from the community around the forest to BKPH around as is the case of the Kedungkendeng community against BKPH Jombang [12], it is far from the expectation of

the FMU as a government institution that has a social mission as well as profit. On the other hand, there are examples of customary law-based forest management models that are in line with national law in Tana Toa Village, Kajang District, Bulukumba Regency, South Sulawesi Province [13]. If this success can be found in various regions in Indonesia it will certainly support the role of the FMU.

3. Lessons That Can Be Taken by Indonesia from India

Community-based forest resource management has an important element in participation. In a broad sense, UNESCO, 1979 gives the sense of participation as "... is a" collective sustained activity for the purpose of Achieving some common objectives, especially a more equitable distribution of the benefits of development " [14].

Historically, before the arrival of Britain, forests were fully available to communities around the forest until later the arrival of the British who regulated the forest strictly. Forests belonging to local communities are determined by boundaries but are then "looted" by the government for commercial purposes. At that time the commencement of local communities around the forest was systematically ostracized because at that time the Ministry of Forestry was formed which also determined the actions and rules that became the authority of the institution. In the second half of the 19th century the objectives of sustainable forest management were "timber and income" and continued until independent India. This entire period was characterized by forest exploitation for timber, maximizing income and centralizing the administration of forest management. As a result, in the decades after independence, the area of degraded forest land reduced the country's total good forest cover to less than 10 percent. The pace of degradation continued because the remaining forests were leased to forest contractors for exploitation under permission during the 1950s and 1960s. Forests are seen as a rich and decent source for meeting the country's development needs.

Community-based forest management actually starts from the impact of forest degradation as described in full by Nayak:

"Forest degradation had manifold impacts on the socio-economic life of the communities. The ecological fallout of such degraded surrounding forests negatively affected the local agriculture, animal husbandry practices and completely shattered the forest based livelihood of many. People started travelling to far off forest areas for need fulfillment resulting in conflicts with other communities and harassment by the forest department. In such circumstances many communities gradually turned to their adjacent degraded forests and initiated protection measures perhaps as a last resort to restore back the forests and local livelihoods. Gradually, such local efforts turned the negative impacts of forest degradation into initiating factors for community-based forest management in the country. Local communities joined hands in bringing forestlands under their de facto control. Once protection by a few started, communities were quick to learn from each other and soon large tracts of forestland came under community

protection and management. Local villages protected even good forest areas in many parts of the country” [15]

Subsequent developments made provisions regarding forest boundaries in degraded forests, and their membership was only those who lived around forests / local communities. However, many people are out formations forestry department, allowed communities to manage forest which is degraded. The 1988 National Forestry Policy and the Central Government Guidelines for Collective Forest Management in 1990 made radical changes to previous forest policies. In the end, for their involvement in managing forest areas and showing their results, their existence and role are recognized by their official membership, negotiations on boundaries and other local rights, profit sharing allocation mechanisms, monitoring, sanctions and mechanisms for resolving conflicts. By 1999, thousands of forest village community groups in India had placed similar claims and tenure issues had found momentum.

What needs to be observed is what Nayak stated:

“While creating a stable foundation for sustainable forest management in India the National Forest Policy of 1988 changed the focus of forest management from a highly “timber and revenue orientation” to ensure “environmental stability, maintenance of ecological balance and meet the subsistence requirements of the local people” by strengthening the people-forest link. The Policy states: “The life of tribal and other poor living within and near forest revolves around forests. The rights and concessions enjoyed by them should be fully protected. Their domestic requirements of fuelwood, fodder, minor forest produce, and construction timber should be the first charge on the forest produce”[15].

In practice, participatory-based forest resource management still has not fully benefited the community. This is because there are still restrictions, this can be realized because The Indian Forest Act 1927 is still valid today even though there was already a 1988 and 1980 Social Forestry policy. With the Indian Forest Act 1927 still in force it still represented the concept of reservation and centralized management.

Source: Based on Prateep K. Nayak (2002).

India is the same as Indonesia, namely through the 1988 National Forestry Policy and the Central Government Guidelines for Collective Forest Management in 1990 made radical changes from previous forest policies. Prior to this policy, those who could participate in Social Forestry were only those who lived around graded forests, for people outside the Government's formation, were rejected but they were allowed to use degraded areas far from where they lived. After all these years they succeeded and were able to prove to the Government they were finally approved and facilitated to formalize their membership, negotiations on boundaries and other local rights, the mechanism of allocation of profit sharing, monitoring, sanctions and mechanisms for resolving conflicts.

The policy as above has actually been regulated in Law No. 18 of 2013, especially in Article 6 paragraph (1) letter c which stipulates that for parties who are instrumental in maintaining

forest preservation will be given incentives from the Government. This article is the most suitable for the CBFM scheme. The benefits obtained, the community is not "uprooted" from its historical ties. While the people who receive licenses are not like getting "windfall" without being proven by their importance in maintaining forest preservation, moreover IPHPS is given based on requests submitted by the community or can be based on an appointment.

The equation again, in The Indian Forest Act 1927 is still in force today even though there has been no policy of Social Forestry in 1988 and 1980. With the entry into force still The Indian Forest Act 1927 then in essence they represent the concept of reservation and centralized management, so it can be understood that in the practice of social forestry the community gets restrictions. While in Indonesia, the Transitional Provisions for Article 65 Forestry Decree stipulates that " Forest management activities with the community, which are carried out in the Perhutani Public Company area, are carried out in accordance with this Ministerial Regulation ". The provision is still felt as a top down policy and the Ministry of Environment and Forestry as the holder of management dominance.

IV. CONCLUSION

In order for the FMU's role to be carried out optimally it needs the Forest Village Community Institution (LMDH) support and most importantly there is a policy reconstruction in the social forestry program. The policies outlined in the laws and regulations which are recommendations in granting permits are not just "knowing". Therefore, the FMU as an institution at the site level knows best that the permit applicant is truly the most appropriate party to manage the requested forest area.

REFERENCES

- [1] X. Duran, C. Vanroelen, P. Deboosere, and F. G. Benavides, "Afiliación a la seguridad social y mortalidad en trabajadores varones belgas y españoles," *Gac. Sanit.*, 2016.
- [2] "Database of Perhutani Public Corporation KPH Madura," 2019. .
- [3] "Results of Madura KPH Administrators," 2019. .
- [4] "Results of interview, Director General of Planning," 2019. .
- [5] "List of Countries by Area of Forest," <https://id.wikipedia.org/>, 2018. .
- [6] "Decree of the Chairman of the Perhutani Public Company Supervisory Board Number: 136 / Kpts. / Dir. / 2001 concerning Collaborative Forest Management."
- [7] Faisal H and RamaAstraatmaja, "Certification of Perhutani Forests: Incentives for Sainainable Fashion Management, Just a Gift, or Blunder?," *J. For. Policy Anal. No. Accredited. 755 / AU3 / P2MI-LIPI / 08/2016*, 2016.
- [8] L. Isager, "Peoples Participation in Forest Conservation: Considerations and Case Studies," <http://www.fao.org/>, 2018. .
- [9] "Management Polemic of Batal Reda, Team Attendance from KLHK Denied LMDH Personnel," <https://radarmalang.id/>, 2018. .

- [10] 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 (1): 14.," *http://www.ecologyandsociety.org/vol12/iss1/art14/* .
- [11] *Law Number 12 of 2011 concerning Guidelines for Forming Legislation (UU P3)* . .
- [12] Abd. Kodir dan Angga Prasetyo Adi, "Peasant Resistance Movement toward BKBH (Bagian Kesatuan Pemangku Hutan-Forest Management Unit), *Advances in Social Science, Education and Humanitis Research (ASSEHR)*," *Int. Comferemce Rural Stud. Asia (ICoRSIA 2018)*, *Atl. Press.*, vol. 313, 2018.
- [13] Muhammad Akbal and Firman Umar, "Adat Law-Based in Developing Environment on Forest Management of Ammatoa, *Advances in Social Science, Education and Humanities Research*," *Int. Conf. Soc. Sci.*, vol. volume 226, 2018.
- [14] M. S. Ahmad and N. B. Abu Talib, "Decentralization and participatory rural development: A literature review," *Contemp. Econ.*, 2011.
- [15] P. K. Nayak, "Community-based forest management in india: The significance of tenure," *For. Trees Livelihoods*, 2003.