



KEMENTERIAN PENDIDIKAN, KEBUDAYAAN,  
RISET, DAN TEKNOLOGI

**UNIVERSITAS LAMBUNG MANGKURAT**

Jalan Brigjen. H. Hasan Basry, Banjarmasin 70123

Telepon: 3304177-3304195 Laman: <https://ulm.ac.id>

---

**BUKTI KORESPONDENSI YANG MENUNJUKAN KEWAJARAN PROSES  
PUBLIKASI.**

Bahwa Journal Resources, Judul Jurnal: Forest Management Based on Local Culture of Dayak Kotabaru in the Perspective of Customary Law for a Sustainable Future and Prosperity of the Local Community, volume Jurnal: Volume 8 Issue 2, Tahun terbit jurnal: 2019, ISSN: 2079-9276, Penerbit: Multidisciplinary Digital Publishing Institute (MDIP), Link Journal: <https://www.mdpi.com/2079-9276/8/2/78> Jurnal internasional bereputasi terindeks scopus Q2 SJR 0,6 , H Indeks 38 , scopus coverage Years from: from 2012 to Present. **Bahwa pengusul adalah tim pengajar mata kuliah tindak pidana lingkungan, tindak pidana dibidang sumber daya alam, dan mata kuliah hukum sumber daya alam pada program sarjana hukum ULM dan mata kuliah hukum lingkungan dan sumber daya alam pada program magister hukum ULM. Sedangkan tema yang ditulis pengusul terkait dengan tindak pidana dibidang kehutanan.** Artikel ini berisi kajian mengenai pengelolaan hutan oleh Masyarakat Adat Dayak Kotabaru yang pada pokoknya pengelolaan dilakukan dengan **sistem bera disertai ancaman sanksi pidana adat berupa denda dalam bentuk Tahil yang kemudian dibandingkan dengan ketentuan pidana pada UU Kehutanan.** Maka artikel ini berkesesuaian dengan bidang Penulis yakni Hukum Pidana dengan fokus kajian Pidana Adat dan Pidana Lingkungan. **(Substansi relevan dengan disiplin ilmu pengusul).** **Link pangkalan data PDDIKTI [https://pddikti.kemdikbud.go.id/data\\_dosen/MzUyNjE3NDMtNzREMS00NTYxLThDMkMtQjY3NkI2MEQ4Nzk5](https://pddikti.kemdikbud.go.id/data_dosen/MzUyNjE3NDMtNzREMS00NTYxLThDMkMtQjY3NkI2MEQ4Nzk5) Mohon untuk dinilai.**



Bersama Data Wujudkan Pendidikan Tinggi Bermutu

Keyword : [Nama PT] [Nama Prodi] [Nama MHS] [Nama Dosen] [NIM] [NIDN].

BERANDA    TENTANG PDDIKTI    STATISTIK    PUBLIKASI    KONTAK    VERIFIKASI HP    LOGIN

8	Ganjil 2017	7420103-BHKD543	HUKUM KESEHATAN	02678	Universitas Lambung Mangkurat
9	Ganjil 2017	7410103-MHP2216	Tindak Pidana Lingkungan	00298	Universitas Lambung Mangkurat
10	Ganjil 2017	7420103-BH DU113	ILMU ALAMIAH DASAR	02651	Universitas Lambung Mangkurat
11	Ganjil 2017	7420103-BH DU113	ILMU ALAMIAH DASAR	02650	Universitas Lambung Mangkurat
12	Ganjil 2017	7420103-BHKD543	HUKUM KESEHATAN	02418	Universitas Lambung Mangkurat
13	Ganjil 2017	7420103-BHKN702	SISTEM PERADILAN PIDANA	02434	Universitas Lambung Mangkurat
14	Ganjil 2017	7420103-BHKD543	HUKUM KESEHATAN	02417	Universitas Lambung Mangkurat
15	Ganjil 2017	7420103-BHKD543	HUKUM KESEHATAN	02498	Universitas Lambung Mangkurat
16	Ganjil 2017	7420102-BHID130	Hukum Kesehatan	02540	Universitas Lambung Mangkurat



Bersama Data Wujudkan Pendidikan Tinggi Bermutu

Keyword : [Nama PT] [Nama Prodi] [Nama MHS] [Nama Dosen] [NIM] [NIDN].

BERANDA    TENTANG PDDIKTI    STATISTIK    PUBLIKASI    KONTAK    VERIFIKASI HP    LOGIN

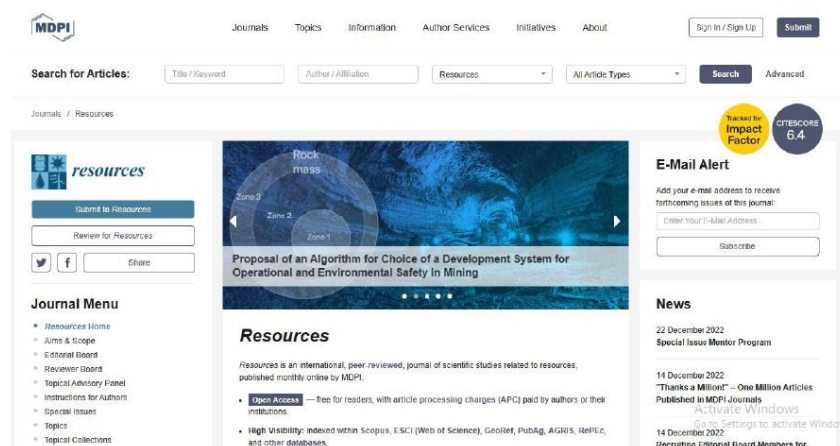
155	Ganjil 2020	7420104-WFPS332	PERCOBAAN, PENYERTAAN, GABUNGAN DAN TINDAK PIDANA ADUAN	04757	Universitas Lambung Mangkurat
156	Ganjil 2020	7410104-MIH1714	Hukum Lingkungan dan Sumber Daya Alam	00898	Universitas Lambung Mangkurat
157	Ganjil 2020	7420103-BHKN703	HUKUM PIDANA INTERNASIONAL	04864	Universitas Lambung Mangkurat
158	Genap 2020	7410104-MHA1723	Praperadilan di Indonesia	00929	Universitas Lambung Mangkurat
159	Genap 2020	7410104-MHP1725	Tindak Pidana Ekonomi	00920	Universitas Lambung Mangkurat
160	Genap 2020	7410104-MHP1722	Sistem Peradilan Pidana	00917	Universitas Lambung Mangkurat
161	Genap 2020	7420104-WFPS345	HUKUM KESEHATAN	05185	Universitas Lambung Mangkurat
162	Genap 2020	7420104-WPHPI4203	TINDAK PIDANA DI BIDANG SUMBER DAYA ALAM	05044	Universitas Lambung Mangkurat
163	Genap 2020	7420103-BHKD647	METODE PENELITIAN DAN PENULISAN HUKUM	05251	Universitas Lambung Mangkurat
164	Genap 2020	7420104-WFPS346	HUKUM SUMBER DAYA ALAM	05227	Universitas Lambung Mangkurat

emdikbud.go.id/data\_pt/NzMOZdDRTAtMTYyRC00RDl0LTg2QkUtrRQzQOUHNTGAnjE

## LAPORAN KORESPONDESI JURNAL INTERNASIONAL BEREPUTASI

### INFORMASI JURNAL

Nama Jurnal : Resources (2079-9276)  
Bidang : Environmental Science: Management, Monitoring, Policy and Law  
Jenis Publikasi : Full Open Access Journal  
Scopus Coverage : From 2012 to Present  
Quartile : Q2  
Scimago H Index : 38  
Penerbit : Multidisciplinary Digital Publishing Institute (MDPI)  
Negara : Switzerland  
Link : <https://www.mdpi.com/journal/resources>



The screenshot displays the MDPI Resources journal homepage. At the top, there is a navigation bar with links for Journals, Topics, Information, Author Services, Initiatives, and About. A search bar is located below the navigation bar, with fields for Title/Keyword, Author/Affiliation, and Resources. The main content area features a large image of a rock mass with zones labeled Zone 1, Zone 2, and Zone 3. Below the image is the title of the featured article: "Proposal of an Algorithm for Choice of a Development System for Operational and Environmental Safety in Mining". The article is categorized under "Resources" and is described as an international, peer-reviewed journal. The page also features an "E-Mail Alert" section and a "News" section with recent updates.

### DETAIL NASKAH

Manuscript ID : Resources-460450  
Manuscript Title : Forest Management Based on Local Culture of Dayak Kotabaru in the Perspective of Customary Law for a Sustainable Future and Prosperity of the Local Community  
Author : Ifrani  
Co-Author : F.A. Abby, Y. Nurhayati, A. H. Bakatullah, M. Y. Said

Published : 24 April 2019  
 Issue : Volume 8 (2): 78. <https://doi.org/10.3390/resources8020078>  
 Link : <https://www.mdpi.com/2079-9276/8/2/78>

**SCOPUS**

Scopus Preview Author Search Sources Create account

Source details Feedback Compare sources

**Resources**  
 Open Access  
 Scopus coverage years: from 2012 to 2022  
 Publisher: Multidisciplinary Digital Publishing Institute (MDPI)  
 E-ISSN: 2079-9276  
 Subject area: Environmental Science: Nature and Landscape Conservation Environmental Science: Management, Monitoring, Policy and Law  
 Source type: Journal  
 View all documents Set document alert Save to source list Source Homepage

CiteScore 2021: 6.4  
 SJR 2021: 0.742  
 SNIP 2021: 1.429

**CiteScore** CiteScore rank & trend Scopus content coverage

Improved CiteScore methodology  
 CiteScore 2021 counts the citations received in 2018-2021 to articles, reviews, conference papers, book chapters and data papers published in 2018-2021, and divides this by the number of publications published in 2018-2021. Learn more

CiteScore 2021: 6.4 = 3,376 Citations 2018 - 2021 / 524 Documents 2018 - 2021  
 CiteScoreTracker 2022: 7.3 = 3,910 Citations to date / 538 Documents to date

Scopus Preview Author Search Sources Create account Sign in

Source details Feedback Compare sources

**Resources**  
 Open Access  
 Scopus coverage years: from 2012 to 2022  
 Publisher: Multidisciplinary Digital Publishing Institute (MDPI)  
 E-ISSN: 2079-9276  
 Subject area: Environmental Science: Nature and Landscape Conservation Environmental Science: Management, Monitoring, Policy and Law  
 Source type: Journal  
 View all documents Set document alert Save to source list Source Homepage

CiteScore 2021: 6.4  
 SJR 2021: 0.742  
 SNIP 2021: 1.429

**CiteScore** CiteScore rank & trend Scopus content coverage

Year	Documents published	Actions
2022	118 documents	View citation overview
2021	129 documents	View citation overview
2020	198 documents	View citation overview
2019	179 documents	View citation overview





This author profile is generated by Scopus Learn more

Ifrani,

Universitas Lambung Mangkurat, Banjarmasin, Indonesia

57209340626

https://orcid.org/0000-0003-3689-5363

Is this you? Connect to Mendeley account

11

Citations by 11 documents

6

Co-authors

2

h-index View h-graph

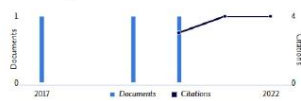
Set alert

Edit profile

Potential author matches

Export to SciVal

Document & citation trends



Most contributed Topics 2017-2021

- Environmental Crime; Criminology; Harm 1 document
  - Terrorism; Counterterrorism; British Muslims 1 document
  - Environmental Protection; Indigenous Communities; Malaysia 1 document
- View all topics

Activate Windows Go to Settings to activate Windows.

3 Documents Cited by 11 Documents 0 Preprints 6 Co-Authors 3 Topics 0 Awarded Grants

Note: Scopus Preview users can only view an author's last 10 documents, while most other features are disabled. Do you have access through your institution? Check your institution's access to view all documents and features.

Export all Add all to list

Sort by Date (newest)

- View list in search results format
- View references
- Set document alert

Article  
 Deradicalisation to combat terrorism: Indonesia and Thailand cases  
 Sumarwoto, Mahmudarom, Ifrani  
*SriJogya Law Review*, 2020, 4(2), pp. 249-260  
 Show abstract Related documents

1 Citations

Article - Open access  
 Forest management based on local culture of dayak kotabaru in the perspective of customary law for a sustainable future and prosperity of the local community  
 Ifrani, Abby, F.A., Barkatullah, A.H., Nurhayati, Y., Sakd, M.Y.  
*Resourcen*, 2019, 4(2), 78  
 Show abstract Related documents


7 Citations




























Article - Open access  
 The enforcement of criminal law in the utilization and management of forest area having impact toward global warming  
 Ifrani, Nurhayati, Y.  
*SriJogya Law Review*, 2017, 1(2), pp. 157-167

Activate Windows 3 Citations Go to Settings to activate Windows.

## SCIMAGOJR

### Resources

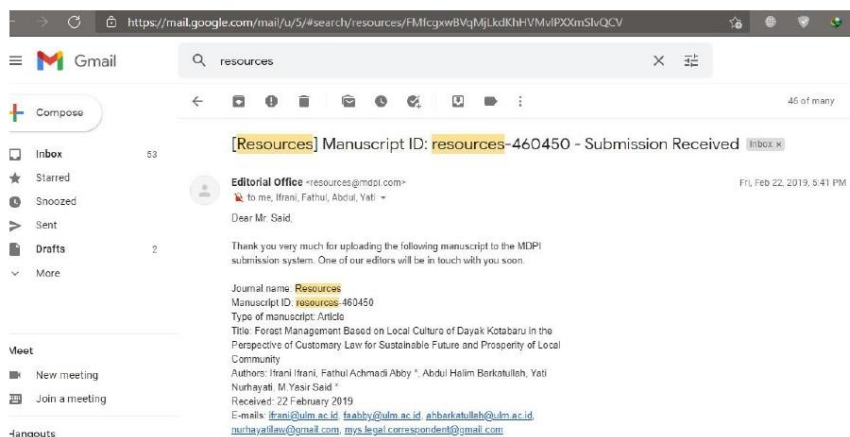
<b>COUNTRY</b> Switzerland  Universities and research institutions in Switzerland	<b>SUBJECT AREA AND CATEGORY</b> Environmental Science - Management, Monitoring, Policy and Law - Nature and Landscape Conservation	<b>PUBLISHER</b> Multidisciplinary Digital Publishing Institute (MDPI)	<b>H-INDEX</b> <b>38</b>
<b>PUBLICATION TYPE</b> Journals	<b>ISSN</b> 20799276	<b>COVERAGE</b> 2012-2021	<b>INFORMATION</b> <a href="#">Homepage</a> <a href="#">How to publish in this journal</a> <a href="mailto:resources@mdpi.com">resources@mdpi.com</a>

25	Challenges in Sustainability 	journal	0.772 	2	4	6	382	10	5	1.67	95.50	
26	Frontiers in Sustainable Food Systems 	journal	0.768 	24	539	482	40582	2360	474	4.49	75.29	
27	Journal of Integrated Pest Management 	journal	0.755 	27	62	59	5809	193	59	3.63	93.69	
28	International Journal of Climate Change: Strategies and Management 	journal	0.763 	26	29	140	1517	538	135	3.60	52.31	
29	Resources 	journal	0.742 	38	129	409	8584	1754	395	4.01	66.54	
30	Geoenvironmental Disasters 	journal	0.731 	20	30	77	1766	272	73	3.66	58.87	
31	Environmental and Sustainability Indicators 	journal	0.703 	11	71	81	4887	328	80	4.05	68.85	
32	Maritime Studies 	journal	0.691 	19	33	113	2305	299	89	2.35	69.85	
33	Recycling 	journal	0.672 	19	81	133	4442	535	130	3.32	54.84	

## KORESPONDENSI

1. Pada tanggal 22 Feb 2019, melakukan registrasi melalui melalui Sistem Submission & Review Tracking dari MDPI pada <https://susy.mdpi.com/> dan mendapatkan Username & Pasword. Setelah melakukan Submit online melalui system, pada hari yang sama, menerima balasan pada email dengan isi email

balasan bahwa artikel telah diterima pihak jurnal untuk diproses dengan ID Submit Resources-460450.



2. Artikel yang disubmit berjudul "*Forest Management Based on Local Culture of Dayak Kotabaru in the Perspective of Customary Law for a Sustainable Future and Prosperity of the Local Community*". Artikel ini berisi kajian mengenai pengelolaan hutan oleh Masyarakat Adat Dayak Kotabaru yang pada pokoknya pengelolaan dilakukan dengan **sistem bera disertai ancaman sanksi pidana adat berupa denda dalam bentuk Tahil yang kemudian dibandingkan dengan ketentuan pidana pada UU Kehutanan**. Maka artikel ini berkesesuaian dengan bidang Penulis yakni Hukum Pidana dengan fokus kajian Pidana Adat dan Pidana Lingkungan. Tema ini memenuhi focus and scope Jurnal Resources yakni: *Environmental Science Management, Monitoring, Policy and Law*.

have repressive measures to punish the perpetrator of forest destruction or even a violation of their customary law.

As repressive measures, the punishments for perpetrators of forest destruction are still applied to the principles of customary law as well as resolving other disputes that occur within the community, with payment of fines called Tahil. Therefore, Tahil is a calculation to determine sanctions for those declared guilty by the custom. One Tahil equals 8/16 plates or bowls according to the Dayak community. In Dayak communities, bowls and plates are interpreted as a treasured item. The same fines are also applicable to those who violate customary laws such as fighting, murder, theft, adultery, etc. Thus, it can be seen that sanctions for perpetrators of forest destruction is more emphasized on compensation than administrative (prohibition or limitation on forest use) or criminal sanction.

While in the Indonesian legal system, the regulation on forestry is administrative penal law and there are two laws concerning forestry sanctions directly, namely: Law No. 41/1999 on Forestry and Law No. 18/2013 on Prevention and Eradication of Forest Destruction. In Law No. 41/1999 on Forestry, it regulates the provision of sanctions on civil, administrative, and criminal penalties. The civil sanction is applied under a general or class action lawsuit if an act is deemed to be detrimental to the plaintiffs. The administrative sanctions are given to holders of forestry permits that violate their permits. There are five types of administrative penalties for permit holders of forest utilization namely: (1) Temporary suspension of administrative services; (2) temporary suspension of field activities; (3) administrative fine; (4) reducing the production quota; (5) revocation of permit.

Furthermore, criminal provisions as stated in Law No. 41/1999 on Forestry are limited to unauthorized use of forest and forest protection with prevention efforts and the welfare of plants and animals. Meanwhile, Law No. 18/2013 on Prevention and Eradication of Forest Destruction regulates the prohibition, criminal sanctions, and institutions explicitly to prevent forest destruction. This law governs the expansion of criminal acts in forestry covering corporate crime, organized forest destruction, even abuse of authority by officials. The penal policy of this law is contained in articles 11 until 28. Therefore, the criminal sanction in forestry has become more functional.

Provisions on forest violations as stipulated in Law Number 41/1999 on Forestry show that the criminal regulation is limited to the use of forests without permits and forest protection with prevention efforts, as well as the welfare of plants and animals. Meanwhile, Law Number 18/2013 on Prevention

and Eradication of Forest Destruction specifically regulates prohibitions, criminal sanctions, and institutions to prevent forest destruction.

In addition, the Law Number 18/2013 regulates the expansion of criminal acts in the forestry sector involving corporate crime, organized forest destruction, and even abuse of authority by officials. Therefore, the penal law has become more functional today. Thus, it can be concluded that the penal policy in the forestry sector has been developed significantly. The criminal regulation in Law Number 41/1999 was limited to illegal forest area use and forest destruction; since in the beginning, the Forestry Law regulated governance forests in Indonesia and only used penal law as a tool in forestry law enforcement. Then, the enactment of Law No. 18/2013 provides legal certainty by extending its provisions to the domain of permit and document forgery, regulating organized forest destruction, corporate crime and abuse of authority by officials [26].

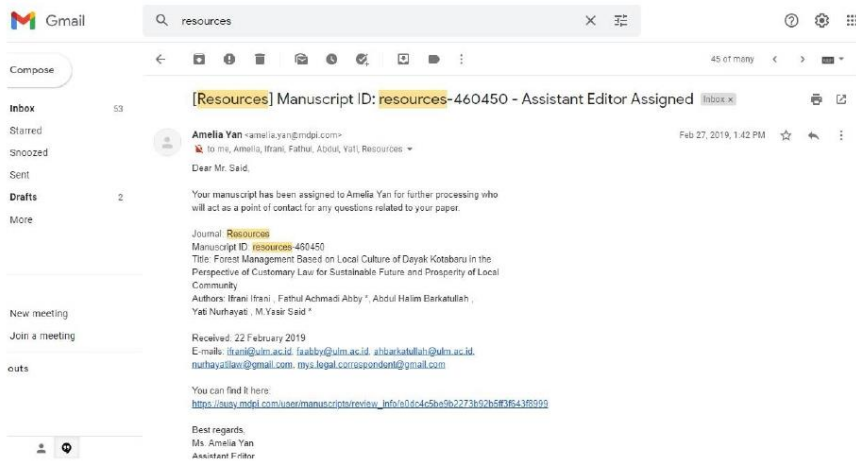
## 5. Discussion

The recognition of the customary law of indigenous peoples can be seen from Indonesian legal politics stipulated in the 1945 Constitution of the Republic of Indonesia. Article 18B paragraph (2) states: "The state recognizes and respects the customary law communities and their traditional rights as long as they are alive and in accordance with community development and the principles of the Republic of Indonesia which are regulated in the law".

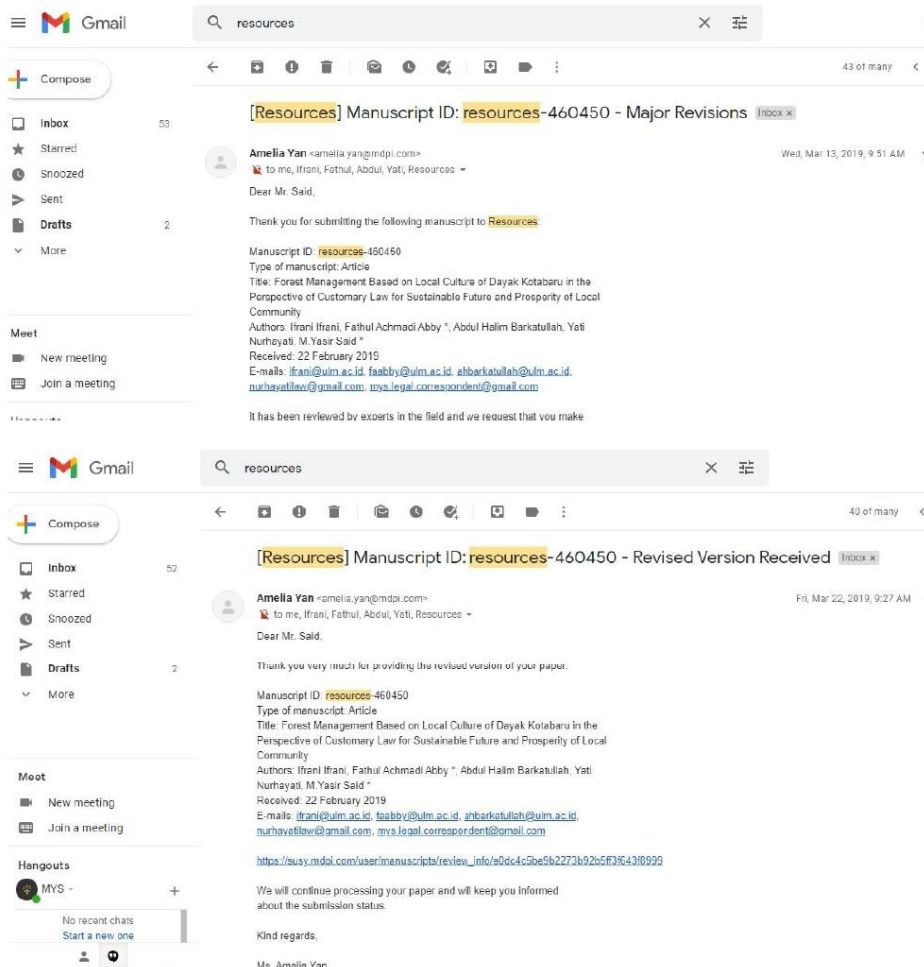
However, in its development, Indonesian law tends to move more towards western law (civil law and common law) which has implications for Indonesian legal politics to deny customary law, which is more relevant. For example, resolving disputes between indigenous peoples in one area should be addressed through the role of *adat* institutions rather than district courts [27]. The crucial problem that arises due to the overriding of customary law is that there is a conflict between land ownership by *adat* community based on customary rights and the public interest which is an obligation of the State [28].

Recognition of customary law shows the right of communal groups to manage and control forests collectively for the common interests [29]. The customary ownership system is also recognized with the attributes of social, mystical and religion which are inherent in customary land. For decades, the problem in the forestry policies as interests of the state for the welfare of its people is that it is often violating the customary rights as a result of interest and regulation conflicts. Thus, based on the problems outlined earlier, several essential steps can be formulated towards effective forest management, namely:

3. Pada tanggal 27 Feb 2019 diberitahukan melalui email bahwa telah ditunjuk editor dari Resource bernama Amelia Yan untuk memproses artikel lebih lanjut.

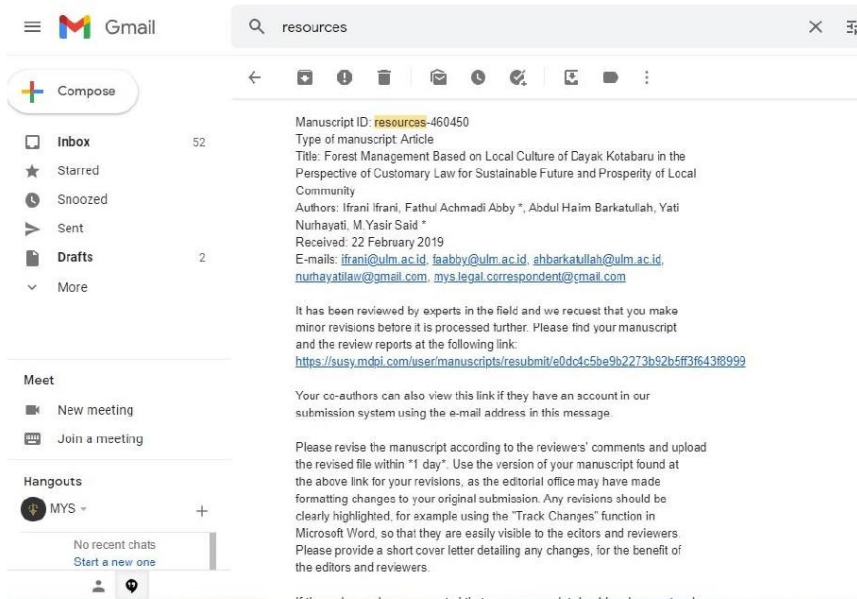


4. Selanjutnya pada tanggal 13 Maret 2019 diberitahukan kepada kami bahwa artikel telah melewati proses peer review dan diperlukan major revisi yang mana kami submit kembali perbaikannya pada tanggal 22 Maret 2019 di sistem Submission & Review Tracking dari MDPI pada <https://susy.mdpi.com/> Tahap Peer-Review dilakukan oleh 2 orang reviewer masing-masing terbagi kedalam 3 tahapan.

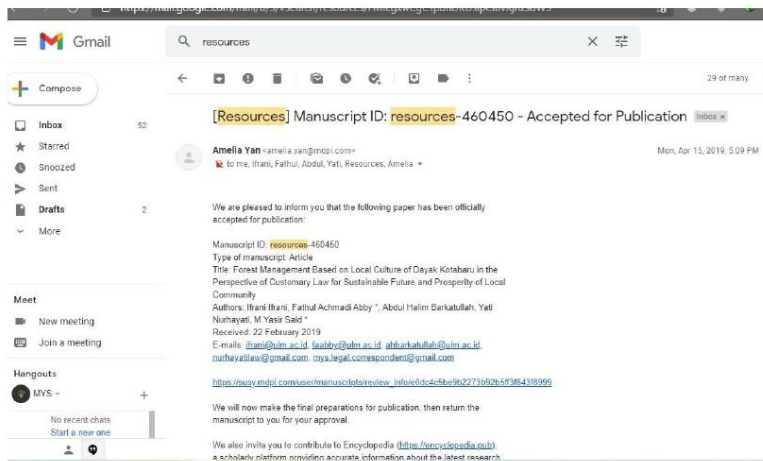


5. Selanjutnya artikel pada tanggal 10 April 2019 hasilnya masih diperlukan revisi minor sebelum dapat diterima untuk publikasi pada jurnal Resources. Sebagaimana sebelumnya kami submit kembali perbaikannya di sistem Submission & Review Tracking dari MDPI pada <https://susy.mdpi.com/>





6. Pada tanggal 15 April 2019 artikel secara resmi dinyatakan diterima (*accepted*) untuk publikasi pada jurnal Resource. Para penulis diberikan salinan draft artikel untuk di cek dan proofread sebelum diterbitkan. Selanjutnya dihari yang sama invoice biaya publikasi jurnal secara Open Access dikirimkan ke email penulis.







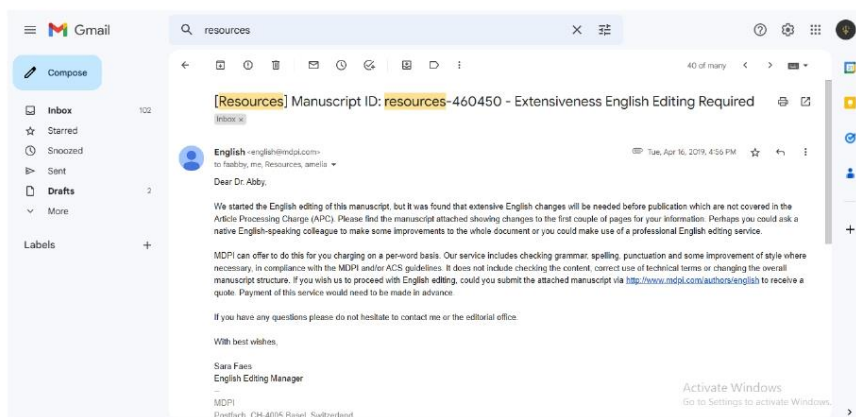
## INVOICE

MDPI  
St. Alban-Anlage 66  
4052 Basel  
Switzerland  
Tel.: +41 61 683 77 34  
Fax: +41 61 302 89 18  
E-Mail: [billing@mdpi.com](mailto:billing@mdpi.com)  
Website: [www.mdpi.com](http://www.mdpi.com)  
VAT no.: CHE-115.594.943

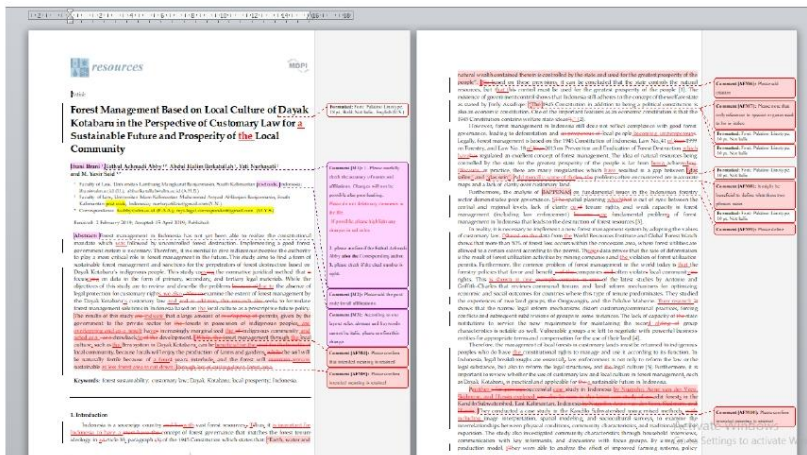
Date of Invoice: 15 April 2019  
Manuscript/Invoice ID: resources-460450  
Your Order: by e-mail ([faabby@ulm.ac.id](mailto:faabby@ulm.ac.id)) on 22 February 2019  
Article Title: "Forest Management Based on Local Culture of Dayak Kotabaru in the Perspective of Customary Law for Sustainable Future and Prosperity of Local Community"  
Name of co-authors: Ifrani Ifrani, Fathul Achmad Abby, Abdul Halim Barkatullah, Yati Nurhoyati and M.Yasar Said  
[Additional Author Information](#)  
Terms of payment: 5 days  
License: CC BY

Description	Currency	Amount
Article Processing Charges	CHF	350.00
Subtotal without VAT	CHF	350.00
VAT (0%)	CHF	0.00
<b>Total with VAT</b>	<b>CHF</b>	<b>350.00</b>

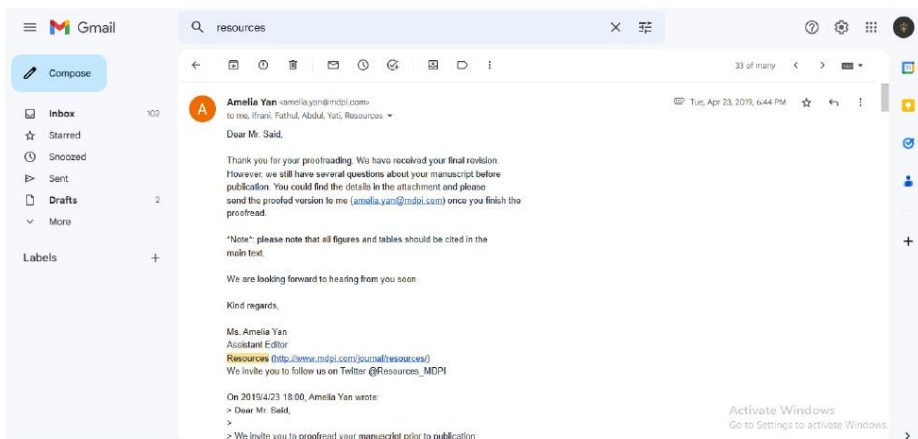
7. Sebelum dilakukan penerbitan, pada Tanggal 16 April 2019 pihak editor menghubungi penulis agar dilakukan penyempurnaan proofreading dan editing bahasa Inggris. Penulis kemudian menggunakan jasa proofreading profesional sebelum akhirnya mengembalikan hasil revisi naskah ke editor.



10



8. Pada tanggal 23 April 2019 pihak editor menyatakan menerima hasil proofreading dan editing bahasa Inggris Penulis.



9. Artikel diterbitkan pada tanggal 24 April 2019, Resources Edisi 8 Nomor 2 Tahun 2019 dan paper dapat diunduh pada link berikut <https://www.mdpi.com/2079-9276/8/2/78>



Submit to this Journal

Review for this Journal

Edit a Special Issue

**Article Menu**

Article Overview ^

- Abstract
- Open Access and Permissions
- Share and Cite
- Article Metrics
- Order Article Reprints

Article Versions v

Related Info Links v

More by Authors Links v

Abstract Views	2057
Full-Text Views	1430
Citations	3

**Open Access Article**

## Forest Management Based on Local Culture of Dayak Kotabaru in the Perspective of Customary Law for a Sustainable Future and Prosperity of the Local Community

by <sup>1</sup>, <sup>1, \*</sup>, <sup>1</sup>, <sup>2</sup> and <sup>2, \*</sup>

<sup>1</sup> Faculty of Law, Universitas Lambung Mangkurat Banjarmasin, South Kalimantan 70123, Indonesia  
<sup>2</sup> Faculty of Law, Universitas Islam Kalimantan Muhammad Arsyad Al-Banjari Banjarmasin, South Kalimantan 70123, Indonesia  
<sup>\*</sup> Authors to whom correspondence should be addressed.

Resources 2019, 8(2), 78; <https://doi.org/10.33390/resources8020078>

Received: 22 February 2019 / Revised: 10 April 2019 / Accepted: 15 April 2019 / Published: 24 April 2019

[View Full-Text](#)
[Download PDF](#)
[Browse Figures](#)
[Review Reports](#)
[Citation Export](#)

### Abstract

Forest management in Indonesia has not yet been able to realize the constitutional mandate which was followed by uncontrolled forest destruction. Implementing a good forest government system is necessary. Therefore, it is essential to give indigenous peoples the authority to play a more critical role in forest management in the future. This study aims to find a form of sustainable forest management and sanctions for the perpetrators of forest destruction based on Dayak Kotabaru's indigenous people. This study uses the normative juridical method that focuses on data in the form of primary, secondary, and tertiary legal materials. While the objectives of this study are to review and describe the problems due to the absence of legal protection for customary rights, we also examine the extent of forest management by the Dayak Kotabaru's customary law and seek to formulate forest management solutions in Indonesia based on the local culture as a prescriptive future policy. The results of this study indicate that a large amount of permits, given by the government to the private sector for forests in possession of indigenous peoples, are overlapping and as a result have increasingly marginalized the indigenous community and acted as a drawback to development. Forest management through the local culture, such as the Bera system in Dayak Kotabaru, can be beneficial for the local community, because locals will enjoy the production of farms and gardens, the soil will be naturally fertile because of a four year interlude, and the forest will remain sustainable as less forest area is cut down. [View Full-Text](#)

**Keywords:** forest sustainability; customary law; Dayak Kotabaru; local prosperity; Indonesia

## RECORD PEER-REVIEW NASKAH

### A. Hasil Review oleh Reviewer 1 Tahap Pertama (05/03/2019)

Review Report Form					
<b>Open Review</b>	<input checked="" type="checkbox"/>	I would not like to sign my review report			
	<input type="checkbox"/>	I would like to sign my review report			
<b>English language and style</b>	<input type="checkbox"/>	English very difficult to understand/incomprehensible			
	<input checked="" type="checkbox"/>	Extensive editing of English language and style required			
	<input type="checkbox"/>	Moderate English changes required			
	<input type="checkbox"/>	English language and style are fine/minor spell check required			
	<input type="checkbox"/>	I don't feel qualified to judge about the English language and style			
		Yes	Can be improved	Must be improved	Not applicable
Does the introduction provide sufficient background and include all relevant references?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the research design appropriate?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the methods adequately described?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the results clearly presented?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the conclusions supported by the results?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Comments and Suggestions for Authors</b>	<p>This paper uses the normative juridical method to find a form of sustainable forest management and sanctions for the perpetrators of forest destruction based on Dayak Kotabaru's indigenous people.</p> <p>The topic of this paper is interesting. However, there are too many English writing faults and paper format faults. In addition, the literature review is not enough to support the motivation of this paper. And, verification of the results should be made. Detailed comments are as follows.</p> <p>* A comprehensive literature review on related works should be made. In addition, the comparison of this work and these previous works should be detailed.</p> <p>* There are too many English writing faults. English writing of this paper should be checked carefully, e.g., in Abstract, there should be a conjunction in the first sentence, in line 7, 'method which focusing', page 1, 'can be find', and many others.</p> <p>* Page 2: Citation should be put before the ':' symbol, e.g., 'idoaz [18]' -&gt; 'idoaz [18]'. Also check similar faults throughout this paper.</p> <p>* Page 2: The figure resolution should be improved.</p> <p>* Page 4, Figure 2: Two arrow icons are placed at wrong positions.</p> <p>* Pages 4-5: Because the readers in the forestry journal may not be familiar with the research method from laws, a more detail introduction to the research method should be given.</p> <p>* An illustration of how the research method performs should be given.</p> <p>* Page 5: The indentations of paragraphs are not consistent. Check them throughout this paper.</p> <p>* Page 11: Generally, the correctness of an academic paper should be verified. The verification of this paper is lacking.</p> <p>* Page 12: The caption of Figure 3 should be placed on page 11.</p> <p>* There are two Figure 2's and two Figure 3's?</p> <p>* Picture 1 should also be referred as a figure.</p>				
Submission Date	22 February 2019				
Date of this review	05 Mar 2019 17:48:49				

## B. Catatan Hasil Revisi dan Jawaban Penulis Terhadap Reviewer 1 Tahap Pertama

The coverletter for this review report has been saved in the database. You can safely close this window.

**Authors' Responses to Reviewer's Comments (Reviewer 1)**

**Author's Notes** Dear Reviewer 1,

Resources Scientific Journal

First of all, thank you for your time to review our manuscript. From the report, there are several issues concerning the paper. Therefore we revised it as the reviewer's instruction. Please find all the changes in the highlighted paragraph.

The reviewer 1 ask for a comprehensive literature review on related works and the comparison of this work and previous works. For this, we added several previous research related to forest management in tenure customary land and their implications on this study. These changes can be seen in the highlighted paragraph.

Furthermore, the reviewer 1 argues that because the readers in the forestry journal may not be familiar with the research method from laws, a more detail introduction to the research method should be given. Thus we give an illustration of the research process. This can be seen in Fig 3 page 6.

As for technical and grammatical mistakes, we also fixed it according to the reviewer's comment and used grammatical software to improve it.

Hopefully, this cover letter is addressing the reviewer's comments properly and the revised paper can meet the reviewer's criteria.

Best Regard,

M.Y. Said

Activate Window  
Go to Settings to activate Windows Firewall

## C. Hasil Review oleh Reviewer 2 Tahap Pertama (12/03/2019)

**Review Report Form**

**Open Review**  I would not like to sign my review report  
 I would like to sign my review report

**English language and style**  English very difficult to understand/incomprehensible  
 Extensive editing of English language and style required  
 Moderate English changes required  
 English language and style are fine/minor spell check required  
 I don't feel qualified to judge about the English language and style

	Yes	Can be improved	Must be improved	Not applicable
Does the introduction provide sufficient background and include all relevant references?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the research design appropriate?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are the methods adequately described?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are the results clearly presented?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are the conclusions supported by the results?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Comments and Suggestions for Authors** At first sight, the topic of the paper is very interesting and promising, especially when the abstract is read. However, going through the paper, page after page, it is not an easy task to follow the ideas of authors, in particular for those who are not completely familiar with the Indonesian case. In many cases, the sentences are not understandable also because of improper English grammar used. I would say that this topic dispose of a great potential, however, proper literature review is needed. Then, the accurate objective of the paper together with the clear framework of reference need to be stated so that the results presented in the paper are followable. In general, the paper is of rather descriptive nature covering a number of different issues connected together by such keywords as forest management or customary law.

The introduction does not include all relevant references - only one example of the relevant

Activate Window  
Go to Settings to activate Windows Firewall

study prepared by the World Resources Institute is mentioned, however without proper citation (study on using of customary law in management of forest resources of three Latin America countries). There are numerous scientific studies dealing with the mentioned issues in different countries, including South East Asia countries. It is necessary to mention at least some of them.

Considering the methods used, it is necessary to take into consideration the document as well as content analysis as these two methods are viewed as the essential ones within the scope of legal research. The methods described in the paper seem to be too general, without clear connection to the problems analysed by the authors.

The whole chapter 3.1 is too general, without clear connection to the research design. As an example, the term "forest inauguration" as described in the chapter 3.1 is absolutely unclear, thus, one may not judge if this concept is important or not for the presentation of results.

The eligibility of Dayak Kotabaru community to be classified as the customary law community, examined in chapter 3.2, is based on "believes" of authors as scientifically sound proofs are missing. Especially here, the detailed document analysis is needed.

Moreover, the concept of "Bera system", mentioned in chapter 3.3, is also unclear and its connection to the concept of customary law is rather vague. Thus, it is not obvious if the sanctions further analysed in this chapter dispose of any scientific value.

The discussion part once more describes issues already covered by previous chapters.

Finally, the conclusions just summarize the analysed issues, however, without any synthesis.

All figures are just illustrative ones and they do not really support any potential conclusions derived from the presented analysis.

Submission Date 22 February 2019  
Date of this review 12 Mar 2019 15:57:28

Activate Window

#### D. Catatan Hasil Revisi dan Jawaban Penulis Terhadap Reviewer 2 Tahap Pertama

The coverletter for this review report has been saved in the database. You can safely close this window.

##### Authors' Responses to Reviewer's Comments (Reviewer 2)

Author's Notes Dear Reviewer 2,

Resources Scientific Journal

First of all, thank you for your time to review our manuscript. From the report, there are several issues concerning the paper. Therefore we revised it as the reviewer's instruction. Please find all the changes in the highlighted paragraph.

The reviewer 2 ask for a comprehensive literature review on related works and the comparison of this work and previous works. For this, we added several previous research related to forest management in tenure customary land and their implications on this study. These changes can be seen in the highlighted paragraph.

Furthermore, the reviewer 2 argues that the need for accurate paper objective together with the clear framework of reference in order that the results presented in the paper are followable. Thus We revised it as your instruction, and you can find these changes in the highlighted paragraph. The reviewer also argues that the paper is of rather descriptive nature, this is because we used a descriptive analytic method for elaborate the paper.

The reviewer also stated that the introduction does not include all relevant references necessary to include study from South East Asia countries. Therefore We added the latest successful study on the adat forest in the Kandilo Subwatershed, East Kalimantan, Indonesia.

Then related to the generality of methods. We revised it and added a clear connecting point on the objective and also added an illustration related to the process (see p.4-5). Moreover, regarding the forest inauguration, we revised the structure and added more details and illustration on the stages (see p.8-9).

Moreover, the reviewer also commenting on the concept of "Bera system", that it is also unclear and vague. Thus, we elaborate more details on this concept and its implication for the research. As for the sanctions, we elaborate it for comparative value. Finally, the conclusions are revised as reviewers comment to added a form of synthesis.

Activate Window  
Go to Settings to activate

### E. Hasil Review oleh Reviewer 1 Tahap Kedua (24/03/2019)

Review Report Form

**Open Review**  I would not like to sign my review report  
 I would like to sign my review report

**English language and style**  English very difficult to understand/incomprehensible  
 Extensive editing of English language and style required  
 Moderate English changes required  
 English language and style are fine/minor spell check required  
 I don't feel qualified to judge about the English language and style

**Comments and Suggestions for Authors** The authors still did not give a comprehensive literature review on related works. In addition, a comparison of this paper with these previous works should be clarified. Therefore, the authors are suggested to revise this paper again.

**Submission Date** 22 February 2019  
**Date of this review** 24 Mar 2019 10:10:46

### F. Catatan Hasil Revisi dan Jawaban Penulis Terhadap Reviewer 1 Tahap Kedua

The coverletter for this review report has been saved in the database. You can safely close this window.

**Authors' Responses to Reviewer's Comments (Reviewer 1)**

**Author's Notes** Dear Reviewer 1,  
Resources Scientific Journal

The first reviewer once again ask for a comprehensive literature review and a comparison of this study and previous works. For this, we added a sub section on literature review (Page 6-8), while as the comparison between this study and previous research can be seen from this study objective which is aims to review and describe the problems that arise as a result of the absence of legal protection for indigenous peoples in customary forests in communal lands. Then, this study also aims to examine the extent of forest management by the Dayak Kotabaru customary law to prosper the local community. Besides, this research also seeks to formulate forest management solutions in Indonesia based on local culture as a prescriptive future policy to maintain the sustainability of forest for the locals. While previous work referred in article only focusing on the impact and efficiency of forest management through communal to reduce deforestation.

Hoposfully, this cover letter is addressing the reviewer's comments properly and once again the revised paper can meet the reviewer's criteria.

Best Regard,  
M.Y. Said

Activate Windows  
Go to Settings to activate Windows



G. Hasil Review oleh Reviewer 2 Tahap Kedua (25/03/2019)

Review Report Form					
Open Review	<input checked="" type="checkbox"/>	I would not like to sign my review report			
	<input type="checkbox"/>	I would like to sign my review report			
English language and style	<input type="checkbox"/>	English very difficult to understand/incomprehensible			
	<input checked="" type="checkbox"/>	Extensive editing of English language and style required			
	<input type="checkbox"/>	Moderate English changes required			
	<input type="checkbox"/>	English language and style are fine/minor spell check required			
	<input type="checkbox"/>	I don't feel qualified to judge about the English language and style			
		Yes	Can be improved	Must be improved	Not applicable
Does the introduction provide sufficient background and include all relevant references?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the research design appropriate?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the methods adequately described?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the results clearly presented?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the conclusions supported by the results?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments and Suggestions for Authors	<p>The revised version of this paper is slightly better than the original version, however, two points need to be stressed again:</p> <p>The accurate objective if the paper is not defined properly. At the end of the introduction part, authors state that "...this study aims to answer the issues of sustainable forest policy for the sustainable future for locals." Such aim is too general, thus, the analytical part of the paper may not be accurate enough.</p> <p>Results and findings are still not consistent enough. What authors did is that they exchanged subchapters and added some clarification, unfortunately (due to previous comments), it is extremely difficult to follow authors' ideas. For example, it is not understandable at all why authors compare the case of Finland with the case of Indonesia with totally different background.</p> <p>Also, it is still necessary to significantly improve English grammar and vocabulary.</p>				
Submission Date	22 February 2019				
Date of this review	25 Mar 2019 10:20:32				

Activa  
Go to Se

## H. Catatan Hasil Revisi dan Jawaban Penulis Terhadap Reviewer 2 Tahap Kedua

The coverletter for this review report has been saved in the database. You can safely close this window.

### Authors' Responses to Reviewer's Comments (Reviewer 2)

Author's Notes Dear Reviewer 2,

The second reviewer stressed that there are two major issues related to the paper. First is the objective of research, which the authors revised as following: This study objective is aims to review and describe the problems that arise as a result of the absence of legal protection for indigenous peoples in customary forests. Then, this study also aims to examine the extent of forest management by the Dayak Kotabaru customary law to prosper the local community. In addition, this research also seeks to formulate forest management solutions in Indonesia based on local culture as a prescriptive future policy.

Second regarding the result of the study, because the objective of the research has been revised and We consider the result is suffice, therefore We only rearranged the resulting structure and conclusion to make it more comprehensive for readers. While for the case of Finland as comparative subject, we added it as a supplementary example of country using doctrine of sustained yield which have similar characteristics to the Customary Law. Despite the different background, the regulation is actually applicable in Indonesia, the only problem is that the permission process in Indonesia often linked with bribery (as the study by Corruption Eradication Commission). Therefore it is essentially risky to put the major control of forest in the hand of private companies through permits.

As for English grammar and vocabulary We tried to enhance it as best as we could.

Hopefully, this cover letter is addressing the reviewer's comments properly and once again, the revised paper can meet the reviewer's criteria.

Best Regard,  
M.Y. Said

Activate Windows  
Go to Settings to activate Windows.

## I. Hasil Review oleh Reviewer 1 Tahap Ketiga (11/04/2019) Merekomendasikan Ke Pihak Editor Agar Naskah Penulis dapat diterbitkan.

### Review Report Form

**Open Review**  I would not like to sign my review report  
 I would like to sign my review report

**English language and style**  English very difficult to understand/incomprehensible  
 Extensive editing of English language and style required  
 Moderate English changes required  
 English language and style are fine/minor spell check required  
 I don't feel qualified to judge about the English language and style

**Comments and Suggestions for Authors** The authors have addressed my previous suggestion accordingly, though the revision on related works is still not complete. It is suggested to accept this paper for publication in this journal.

**Submission Date** 22 February 2019  
**Date of this review** 11 Apr 2019 01:17:02

## J. Hasil Review oleh Reviewer 2 Tahap Ketiga

Review Report Form					
<b>Open Review</b>	<input checked="" type="checkbox"/>	I would not like to sign my review report			
	<input type="checkbox"/>	I would like to sign my review report			
<b>English language and style</b>	<input type="checkbox"/>	English very difficult to understand/incomprehensible			
	<input type="checkbox"/>	Extensive editing of English language and style required			
	<input checked="" type="checkbox"/>	Moderate English changes required			
	<input type="checkbox"/>	English language and style are fine/minor spell check required			
	<input type="checkbox"/>	I don't feel qualified to judge about the English language and style			
		Yes	Can be improved	Must be improved	Not applicable
Does the introduction provide sufficient background and include all relevant references?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is the research design appropriate?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are the methods adequately described?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are the results clearly presented?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are the conclusions supported by the results?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Comments and Suggestions for Authors</b>	The revised version is again improved, however, English grammar still needs to be improved, thus, I would suggest to check the text by native English speakers as in some case it is not at all easy to follow ideas of the authors. I must say that the chapter 3. Literature review is not really a literature review, it is rather "legislative process review".				
Submission Date	22 February 2019				Activate Windows Go to Settings to activate Windows.
Date of this review	09 Apr 2019 14:23:11				

## K. Catatan Hasil Revisi dan Jawaban Penulis Terhadap Reviewer 2 Tahap Ketiga

The coverletter for this review report has been saved in the database. You can safely close this window.

**Authors' Responses to Reviewer's Comments (Reviewer 2)**

**Author's Notes** Dear Reviewer 2,  
I hope You are doing well,

Thank you once again for your kind advice. Regarding Ch. 3 to avoid the difference between the content and chapter title. Therefore we think it is more appropriate to change it to legislative review as the reviewer's suggestion. However regarding the grammar and proofreading by native, due to limited time given to us by the editor (1-day revision), therefore I reconstruct several sentences, to make it easier to follow.

Best Wishes,  
M.Yasir Said

Forest Management Based on  
Local Culture of Dayak Kotabaru  
in the Perspective of Customary  
Law for a Sustainable Future and  
Prosperity of the Local  
Community

*by* Fathul Achmadi Abby

---

**Submission date:** 23-Jul-2019 05:12PM (UTC+0700)

**Submission ID:** 1154306241

**File name:** 1563176485832\_Jurnal\_internasional\_scopus.pdf (1M)

**Word count:** 8913

**Character count:** 48663

Article

# Forest Management Based on Local Culture of Dayak Kotabaru in the Perspective of Customary Law for a Sustainable Future and Prosperity of the Local Community

Ifrani<sup>1</sup>, Fathul Achmadi Abby<sup>1,\*</sup>, Abdul Halim Barkatullah<sup>1</sup>, Yati Nurhayati<sup>2</sup> and M. Yasir Said<sup>2,\*</sup>

<sup>1</sup> Faculty of Law, Universitas Lambung Mangkurat Banjarmasin, South Kalimantan 70123, Indonesia; ifrani@ulm.ac.id (I.); ahbarkatullah@ulm.ac.id (A.H.B.)

<sup>2</sup> Faculty of Law, Universitas Islam Kalimantan Muhammad Arsyad Al-Banjari Banjarmasin, South Kalimantan 70123, Indonesia; nurhayatilaw@gmail.com

\* Correspondence: faabby@ulm.ac.id (F.A.A.); mys.legal.correspondent@gmail.com (M.Y.S.)

Received: 22 February 2019; Accepted: 15 April 2019; Published: 24 April 2019

**Abstract:** Forest management in Indonesia has not yet been able to realize the constitutional mandate which was followed by uncontrolled forest destruction. Implementing a good forest government system is necessary. Therefore, it is essential to give indigenous peoples the authority to play a more critical role in forest management in the future. This study aims to find a form of sustainable forest management and sanctions for the perpetrators of forest destruction based on Dayak Kotabaru's indigenous people. This study uses the normative juridical method that focuses on data in the form of primary, secondary, and tertiary legal materials. While the objectives of this study are to review and describe the problems due to the absence of legal protection for customary rights, we also examine the extent of forest management by the Dayak Kotabaru's customary law and seek to formulate forest management solutions in Indonesia based on the local culture as a prescriptive future policy. The results of this study indicate that a large amount of permits, given by the government to the private sector for forests in possession of indigenous peoples, are overlapping and as a result have increasingly marginalized the indigenous community and acted as a drawback to development. Forest management through the local culture, such as the Bera system in Dayak Kotabaru, can be beneficial for the local community, because locals will enjoy the production of farms and gardens, the soil will be naturally fertile because of a four year interlude, and the forest will remain sustainable as less forest area is cut down.

**Keywords:** forest sustainability; customary law; Dayak Kotabaru; local prosperity; Indonesia.

## 1. Introduction

Indonesia is a sovereign country with vast forest resources. Thus, it is important for Indonesia to have a concept of forest governance that matches the forest tenure ideology in article 33, paragraph (3)

of the 1945 Constitution which states that: "Earth, water and natural wealth contained therein is controlled by the state and used for the greatest prosperity of the people" [1]. Based on these provisions, it can be concluded that the state controls the natural resources, but that this control must

Resources 2019, 8, 78; doi:10.3390/resources8020078

www.mdpi.com/journal/resources

be used for the greatest prosperity of the people [2]. The existence of government control shows that Indonesia still adheres to the concept of the welfare state as stated by Jimly Assidique: "The 1945 Constitution in addition to being a political constitution is also an economic constitution. One of the important features as an economic constitution is that the 1945 Constitution contains welfare state ideas." [3].

However, forest management in Indonesia still does not reflect compliance with good forest governance, leading to deforestation and local people becoming unprosperous. Legally, forest management is based on the 1945 Constitution of Indonesia, Law No. 41/1999 on Forestry, and Law No. 18/2013 on Prevention and Eradication of Forest Destruction which have regulated an excellent concept of forest management. The idea of natural resources being controlled by the state for the greatest prosperity of the people is far from being achieved. In practice, there are many irregularities which have resulted in a gap between "das sollen" (ideals) and "das sein" (reality). Additionally, some of the problems often encountered are inaccurate maps and a lack of clarity over customary land.

Furthermore, the analysis of BAPPENAS (Ministry of National Development Planning) on fundamental issues in the Indonesian forestry sector demonstrates poor governance. Spatial planning which is out of sync between the central and regional levels, lack of clarity on tenure rights, and weak capacity in forest management (including law enforcement) are fundamental problems of forest management in Indonesia that leads to the destruction of forest resources [4].

In reality, it is necessary to implement a new forest management system by adopting the values of customary law. Data from the World Resources Institute and Global Forest Watch show that more than 50% of forest loss occurs within the concession area, where forest utilities are allowed to a certain extent according to the permit. These data prove that the rate of deforestation is the result of forest utilization activities by mining companies and the violation of forest utilization permits. Furthermore, the common problem of forest management in the world today is that the forestry policies that favor and benefit companies often violate local community rights. This is shown in one of the latest studies by Antonio and Griffith-Charles that reviews communal tenure and land reform mechanisms for optimizing economic and social outcomes for countries where this type of tenure predominates. They studied the experiences of two land groups, the Orogwangin and the Polulve Mahevie. Their research shows that the narrow legal reform mechanisms distort customary/communal practices, forcing conflicts and subsequent subdivisions of groups in some instances. The lack of capacity of state institutions to service the new requirements for maintaining the record of group characteristics is notable as well. Vulnerable groups are left to negotiate with powerful business entities for appropriate terms and compensation for the use of their land [5].

Therefore, the management of local forests in customary lands must be returned to indigenous peoples who do have the constitutional rights to manage and use it according to its function. In Indonesia, legal breakthroughs are essential; law enforcement is not only to reform the law or the legal substance, but also to reform the legal structures and legal culture [6]. Furthermore, it is important to review whether the use of customary law and local culture in forest management, such as Dayak Kotabaru, is practical and applicable for a sustainable future in Indonesia.

Another successful case study in Indonesia by Nugroho, Anne van der Veen, Skidmore, and Hussin explored adat forests in the Kandilo Subwatershed, East Kalimantan, Indonesia. They conducted a case study in the Kandilo Subwatershed using mixed methods, including image interpretation, spatial modeling, and sociocultural surveys, to examine the interrelationships between physical conditions, community characteristics, and traditional land-use expansion. The study also investigated community characteristics through household interviews, communication with key informants, and discussions with focus groups. By using an area production model, they were able to analyze the effect of improved farming systems, policy intervention, and law enforcement on traditional land-use expansion and deforestation. Based on the examination of 20 years of traditional land-use activities in adat forests, the evidence indicated that the steeper the slope of the land and the farther the distance from the village, the lower the rate of deforestation. This study also found that customary law, regulating traditional land-use, played an essential role in controlling



deforestation and land degradation (see Figure 1). We conclude that the integration of land allocation, improved farming practices, and enforcement of customary law are effective measures to enhance traditional land productivity while avoiding deforestation and land degradation [7].

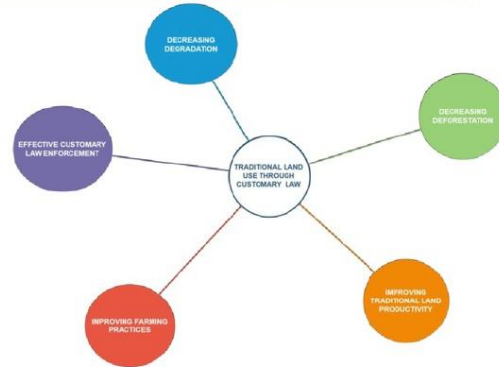


Figure 1. Positive impact on traditional land used in the Kandilo Subwatershed [7].

Concerning the effectiveness of forest resources protection managed by indigenous peoples, we used the World Resource Institute study to compare the efficacy of using customary law in forest management in Bolivia, Brazil, and Colombia. Based on these data, forest management in the secure lands of indigenous peoples runs effectively compared to forest management outside the customary sphere. During 2000–2012 the average rate of deforestation decreased significantly (see Figure 2). Standing at the top position, Bolivian indigenous people were even able to reduce the deforestation rate to 2.8× lower than conventional management.

Average Annual Deforestation Rates in Bolivia, Brazil and Colombia (2000-2012)

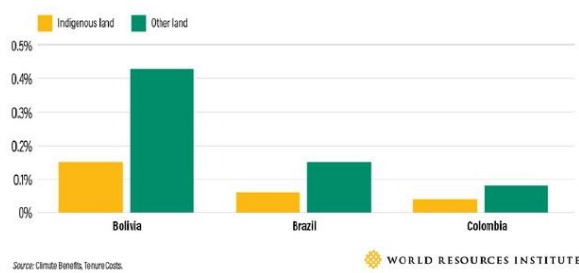


Figure 2. Forest management in tenure-secure indigenous lands [8].

Thus, we studied the Dayak Kotabaru customary law. Dayak Kotabaru was chosen as the subject of this research for some considerations, namely:

1. Their tradition is still active, and the system of communal rights is implemented;
2. It has strong economic ties between the community and the forest;



3. It is an area with strong economic development;

Furthermore, this study aims to review and describe the problems that arise as a result of the absence of legal protection for indigenous peoples in customary forests in communal lands. In addition, this study aims to examine the extent of forest management by the Dayak Kotabaru customary law to prosper the local community. Moreover, this research seeks to formulate forest management solutions in Indonesia based on local culture as a prescriptive future policy to maintain the sustainability of forest for the locals.

## 2. Materials and Methods

### 2.1. Research Methods

The method used in this study is normative legal research. This particular method was chosen because the objects of the study are the legal principles, rules, theories, and doctrines of legal experts. Peter Mahmud Marzuki explains that normative legal research is:

“... a process to find the rule of law, legal principles, and legal doctrines to answer the problems of law. ... Normative legal research is conducted to produce new arguments, theories or concepts as prescriptions in solving problems [9].”

This research was conducted to develop new arguments, theories and concepts of forest management based on Dayak Kotabaru local culture compared to national laws to implement the idea of norms (see Figure 3). It primarily aims to create an understanding of binding legal material such as legislation and court decisions, and non-binding laws, such as code of conduct, guidelines, social ethics and common values [10].

### 2.2. Legal Material

Furthermore, this research is focusing on secondary data in the form of primary, secondary and tertiary legal material. Meanwhile, the research specifications used descriptive analytic that describe the provisions, norms and legal principles applicable to obtain a comprehensive and systematic, factual, and accurate picture of the aspect of forest management in Dayak Kotabaru [11]. For legal materials, the analysis was carried out qualitatively, meaning it was conducted without using numbers, statistical formulas, and mathematics. The materials used in this study consist of primary legal material, secondary legal material and tertiary law material related to the issues.

Primary legal materials comprising of legislation in Indonesia on forest management and customary law are as follows:

1. 1955 Constitution of the Republic of Indonesia;
2. Law No. 41/1999 on Forestry; State Gazette No. 167/1999; Additional State Gazette No. 3888; and
3. Law No. 18/2013 on Prevention and Eradication of Forest Destruction; State Gazette No. 130/2013; Additional State Gazette No. 5432.

Secondary legal materials use books, research findings, scientific journals, and published papers. The sources of secondary legal materials include material as they contain references. Meanwhile, tertiary legal material is a material that can explain both primary and secondary legal material in the form of law dictionaries and encyclopedias.

### 2.3. Legal Analysis and Approach

The collected material was analyzed using descriptive qualitative language to describe the current regulations and the legal document was reviewed to answer the problems as referred to in the formulation. Moreover, to sharpen the study, there were several approaches used in this research, namely:

- a. Statute approach was carried out by reviewing the 1945 Constitution of the Republic of Indonesia, Law No. 41/1999 on Forestry, and Law No. 18/2013 on Prevention and Eradication of Forest Destruction. This approach sought to uncover the interpretation of the statutory texts, both grammar and meanings.
- b. Conceptual approach was carried out by understanding and reviewing the principles, doctrines, theories and legal philosophies of forestry law and the Dayak Kotabaru customary law [12].
- c. Comparative approach was carried out by comparing a national law with other ones. In this case, we used a comparison between the Dayak Kotabaru customary law to the Law No. 41/1999 on Forestry, and Law No. 18/2013 on Prevention and Eradication of Forest Destruction in Indonesia. It was used to find differences and marked similarities regarding the principle of sustainable forest management [13].

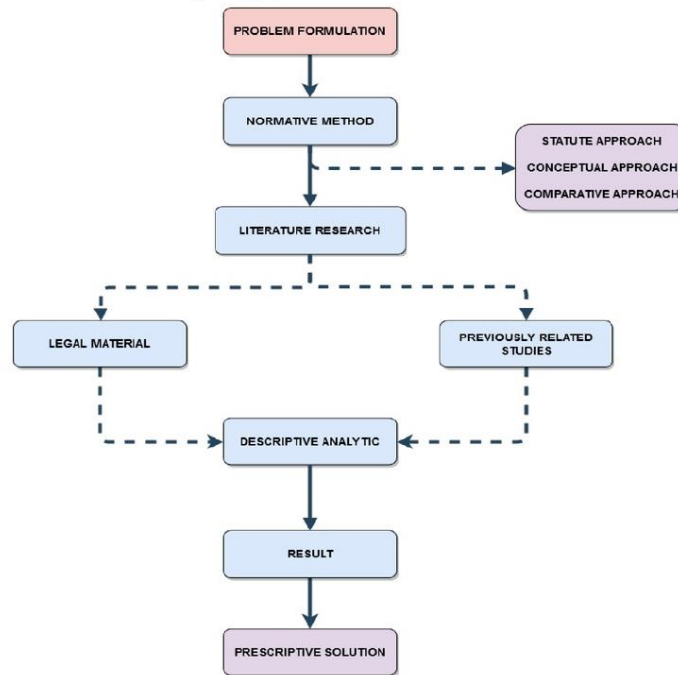


Figure 3. Methodology.

### 3. Legislative Review

Indonesia is a state which is based on the rule of law (hereinafter, it will be referred to as the State of Law) as stipulated in Article 1 (3) of the 1945 Constitution of the Republic of Indonesia. The implication of the State of Law (Staatrecht) is that we must actively strive for prosperity and fairness for the peoples in a balanced way, without any exception. The concept of state obligations in providing welfare is a state of the law in the real perspective (material social-service state), which is often known as a type of modern state of law. By this doctrine, the objective of the country is to bring

prosperity to all the people [14]. Therefore, the management and control of the forest are carried out by the Government. It aims to improve the effectiveness and efficiency of government as well as an extension of the 1945 Constitution which mandates the state control over natural resources (Article 33 (3) of the 1945 Constitution).

In addition, Article 33 (5) advocates the further provisions relating to the implementation of the national economy and social welfare shall be governed by the law. Thus, forest management has been governed by several laws since 1967. These policies have undergone several improvements based on the development of social, economic, political, cultural, and defense conditions of Indonesia. These developments can be seen in the following Table 1:

**Table 1. Forest legislative development.**

Year	Policy Development
Before 1980	Based on the Basic Law of Forestry No. 5/1967, forest areas were managed based on registers and partial designation of forest areas.
1980–1992	Spatial planning of forest areas is determined through the Forest Use Agreement (also known as TGHK) established by the Minister of Agriculture by enforcing the regulations in Law No. 5/1990 on Conservation of Natural Resources and Their Ecosystems.
1992–1999	The enactment of Law No. 24/1992 on Spatial Planning. Spatial planning of forest areas is based on the results of the integration between the Provincial Spatial Planning (also known as RTRWP) and TGHK.
1999–2005	The enactment of Law No. 41/1999 on Forestry, spatial planning of forest areas is based on the appointment of forest and water areas designated by the Minister of Forestry.
2005–2007	The enactment of Law No. 32/2004 which replaced Law No. 22/1999 on Regional Governance. Spatial planning of forest areas began to be implicated due to the existence of several regions that proposed revisions to the regional Spatial Planning as well as the need for infrastructure areas with the expansion of government administrative areas.
2007	The enactment of Law No. 26/2007 which replaced Law No. 24/1992 on Spatial Planning. Spatial planning of forest areas was adjusted according to the process of the RTRWP revision.
2008	The enactment of Government Regulation No. 26/2008 on the National Spatial Planning (hereinafter, it will refer to as RTRWN). A guideline for the preparation of national long-term development plans, domestic medium term to realize integration, linkages, and balance of development between provinces, as well as harmony between sectors, location determination, and space functions for investment, national strategic spatial planning, and regional spatial planning.
2010	The enactment of Government Regulation No. 10/2010 on Procedures for Changing the Designation and Function of Forest Areas, as well as Government Regulation No. 24/2010 on Use of Forest Areas, the designation and function of forest area can be changed in accordance with the dynamics of national development and the aspirations of the community.
2013	The enactment of Law No. 18/2013 on Prevention and Eradication of Forest Destruction which acts as a compliment and renewal of criminal orientation for Law No. 41/1999 on Forestry.
2015	The enactment of Government Regulation No. 104/2015 on Procedures for Changing the Designation and Function of Forest Areas regulates the procedures for changing the function of forest areas to stabilize and optimize the services of forests.

Despite several changes in forestry policies in Indonesia, there are still some shortcomings related to the status of forest management rights communally. The acknowledgment of customary rights in the 1945 Constitution of the Republic of Indonesia is based on Article 18B paragraph (2) that determines:

“The State shall recognize and respect, to be regulated by law, the homogeneity of societies with customary law along with their traditional rights for as long as they remain in existence and complying with societal development and with the principle of the Unitary State of the Republic of Indonesia.”

The Constitution acknowledges the existence of customary law, however, there is no further regulation related to this provision. Controls on customary rights are only partially regulated as an ownership status as stipulated in Law No. 5/1960 on Basic Agrarian Principles related to land rights and Law No. 41/1999 on Forestry regulating state of forestry. Moreover, legal protection and customary forest management are still not procedurally governed and without the establishment of a clear map on customary forestry. Therefore, it leads to overlapping rights between indigenous peoples and companies that obtain the permits by the government. Thus, in this case, there is a need for mechanisms related to customary forest management. Because, without the procedural regulations on the management of customary forests, it has implications for the absence of formal legal protection (rights on paper such as permits or certificates). As a result, it causes the lack of supporting evidence of their customary rights if facing the case of overlapping forestry rights. Unlike the lack of protection on customary rights, private companies can apply for forest area utilization permits that strengthen their legal standing.

These government policies that tend to “take sides” in the permit system in favour of the company is an indication of doctrine by Hans Kelsen stating that the rule of law is a “command of the sovereign” or interpreted as the will of the authorities. This doctrine is in line with Merkl stating that a legal norm always has two faces (*das Doppelte Rechtsantkizt*) [15]. Then, it can be understood that various interests always accompany legal policy as a product of politics carries in both the economic and governing aspects. Thus, the customary rights are often overlooked, because the impact of this traditional device cannot be assessed directly and often given the perception that the communal is a backward society, that customary law is inferior in terms of quality compared to positive law. Meanwhile, in reality, legal developments tend to lead to the concept of restorative as first used by indigenous peoples.

#### 4. Results and Findings

##### 4.1. The Problems in Current Forest Management

The protection of forestry must be maintaining balance in biodiversity. The principle of biodiversity protection is a prerequisite for the success of the inter-generational equity principle. It is also related to the prevention of species extinction from biodiversity [16].

Indonesia is a state of law. The concept of law, regulations, and policies are essential to maintaining security, order, and protection for the people. In general, the state views forest management based on status and functions. The issuance of the Constitutional Court Ruling Number 35/PUU-X/2012 strengthened the position of indigenous peoples. It regulates three types of forests based on their status, namely:

- a. State forest, i.e., forests in which the lands are not burdened with private ownership rights. This forest ownership belongs to the state. Thus, all types of ownership and management must be authorized by the state.
- b. Rights/Private forest is located on lands which are burdened with ownership rights. The ownership of these rights can be in the hands of individuals or legal entities.
- c. The customary forest is a forest in the territory of customary law communities.

Furthermore, the forest function is more related to how the forest is managed to maintain sustainability for the prosperity of the people. The distribution of forest areas, based on their functions with specific criteria and considerations, is stipulated in Government Regulation Number 34/2002 on Forest Arrangement and Preparation of Forest Management Plans, Forest Utilization and Forest Area Use regulated in Article 5 paragraph (2), as follows:



- a. Conservation Forest Area consists of nature reserves (nature reserves and wildlife sanctuaries),
- b. Nature Tourism Areas (National Parks, Great Forest Parks, Nature Tourism Parks, and Hunting Parks).
- c. Protected Forest; and
- d. Production Forest.

The separation of forest functions is intended to make the management adjustable to its designation. Then, to determine the legal status of the forest area, it is done through the inauguration. There are four stages in conducting forest inauguration, namely: The designation stage, the arrangement stage, the cartography stage, and the stipulation stage (see Figure 4). The inauguration is a significant momentum in determining the legal status of forestry. The decree of the Minister of Forestry divided the legal status of forest areas, whether protected forests, production forests, nature reserves, or tourism forests. In addition, it also covered the area, boundaries, and location of forest areas.

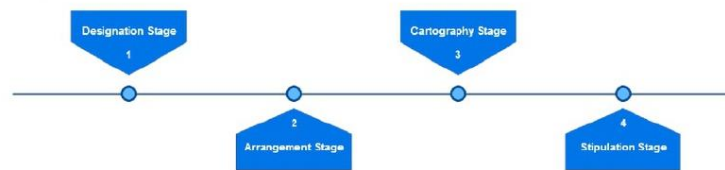


Figure 4. Forest inauguration steps [17].

<sup>19</sup> In the Elucidation of Article 15 paragraph (1) of Law Number 41/1999 on Forestry, it is stated that the designation of forest areas is an activity to prepare for the inauguration of forestry, namely:

- a. Creating a referral designation map on the outer boundary,
- b. designing temporary borders and passages,
- c. making boundary trenches in vulnerable locations, and
- d. announcing planned boundaries of forest areas, especially in places near private land.

Therefore, in determining the inauguration of the forest area, it still refers to the local spatial planning. To streamline the implementation of forestry planning, the activities that are most closely related to the planning are activities to designate forestry areas. However, the establishment of forest boundaries is a challenge in the forestry sector, and it continues to undermine the benefits for people from the forest. As a result, it will affect;

1. the level of deforestation;
2. state financial losses in the forestry sector;
3. legal uncertainty over forest areas caused by overlapping permits (agrarian disputes, overlapping gardens, mines that are not clean and clear).
4. the welfare of indigenous peoples.

Based on the objectives of regulating forest areas, shifting in the status and function of forest has several implications. The jurisdiction of forestry is determined by the legal boundaries of the area, which is also one of the most crucial challenges. Until today, the condition of forest areas in Indonesia could be categorized into several levels, including unregulated forest areas, regulated forest areas but are still in the process of ratification and stipulation, forest areas that are partially legalized by the Minister of Forestry, and forest areas stipulated by the Minister of Forestry. These conditions contain legal consequences for the existence of the forest area.

The activities in the forest are diverse such as opening and cultivating, plantations, fisheries/aquaculture, food crop farming, road construction, village/city expansion, and so on. This condition contributes to the worsening of the forest areas; in de jure, the state controls the forest, but

in de facto, people live from generation to generation and depend on their lives in forests and its products. The issue of forestry lies in the matter of tenure where the forest grows and resides, rather than in the forest resources. In reality, a forest area is an area including the land along with the resources contained in it. The land is an important subject that often becomes a basis for conflict among stakeholders [18].

The lack of transparency in the permission process is a common problem in Indonesia, whereas transparency is a key element for making and implementing a reasonable regulation in forestry [19]. Thus, the risk of corruption increases, where bribes are paid for issuing permits without following proper procedures. The modus operandus is to convert the forest area into plantation areas such as palm oil and others. In addition, lack of transparency decreases the ability of common peoples or Non-Government Organizations (NGOs) to participate in monitoring land allocation and use. Information about permit applications and land allocated for permission are also not available for the public.

Based on the study of the Corruption Eradication Commission (hereafter referred to as KPK (Komisi Pemberantasan Korupsi)), it was found that the cases of corruption in granting permits to convert forest functions was often carried out before the regional election. Towards regional elections, regions with vast natural resources easily issue their permits. This study showed that the authority of the region concerning natural resource management is very prone to corruption. This system of local autonomy has resulted in several delegations of powers to the regions. Thus, the regent, mayor or governor has authority which was once controlled by the central government. The regional head can abuse this authority for self-enrichment and also, even though there is no direct empirical data, it is closely related to the political process in the elections.

#### 4.2. The Overview of Dayak Kotabaru as a Customary Law Community

Indonesia is a complex nation, the motto of “Bhinneka Tunggal Ika” is a form of respect and appreciation of the philosophy of the Indonesian country of its diversity. This diversity can be seen in the existence in different groups of indigenous peoples. However, unfortunately, the presence of customary law as Indonesian living law became increasingly abandoned [20]. Empirically, many problems arise when indigenous peoples face the provisions of customary law and positive law, for example when the traditional rights of society are faced with the interests of companies with powers given by state law [21].

Article 2 paragraph (4) of Law No. 5/1960 on Basic Agrarian Law (hereafter referred to as UUPA) stipulates that the State’s right of control above its implementation may be authorized to the Swatantra regions and customary law communities, as necessary and not contrary to the national interest, which is in accordance with the provisions of Government Regulation. This arrangement is the basis for *ulayat* land management. UUPA does not define what *ulayat* land means. In Article 3 of the UUPA, there is a term “the *ulayat* rights and other similar rights.” In the explanation of Article 3 of UUPA, it is explained that what is referred to in customary law as “*beschikkingsrecht*.” The complete Article 3 of UUPA is as follows:

“In view of the provisions contained in Articles 1 and 2, the implementation of the *ulayat* rights and other similar rights of customary law communities—as long as such communities in reality still exist—must be such that it is consistent with the national interest and the State’s interest and shall not contradict the laws and regulations of higher levels.”

The definition of *Ulayat* Land is described in Minister of Agrarian Regulation No. 5/1999 on the Guidance on the Settlement of the Indigenous People’s Rights Problem. It is stated that *Ulayat* Land is a part of the land on which there are customary rights of a specific customary law community. Meanwhile, indigenous and tribal peoples are a group of people who are bound together by their universal order as citizens because of the similarity of residence or from descent. Moreover, Putu Oka Ngakan [22] defined *ulayat* right (collective right/*beschikkingsrecht*) as “land which is controlled jointly by indigenous and tribal peoples, where the management is carried out by the chief of adat (customary chief) and their utilization is intended for both indigenous and tribal peoples.”

Thus, the tenure rights over customary land are known as *Ulayat* Rights. Meanwhile, *ulayat* right is a series of authority and obligations of a customary law community related to land located within its territory. Furthermore, the requirements to be fulfilled as customary rights under Article 3 of UUPA are:

First, “As long as such communities in reality still exist”. Regarding this, following the explanation of Article 67 paragraph (1) of Law No. 41/1999 on Forestry, an *adat law* community is recognized, and Dayak Kotabaru is fulfilling the requirement elements:

1. The Dayak Kotabaru tribes are still in the traditional form;
2. Dayak Kotabaru have an institution in the form of traditional ruling device, i.e., “Kepala Adat”;
3. Every one of Dayak Kotabaru’s communities have their own form of customary law jurisdiction;
4. They have institutions and legal instruments in the form of “Balai Adat” and “Perangkat Adat”; and
5. They still collect forest products in the surrounding forest areas for daily needs.

The indigenous people (Dayak tribe) generally are farmers who live in groups in a traditional residential area with *Balai Adat* as the center (see Figure 5), so that each traditional residential area stands for *Balai Adat* which does not only function as a ritual and ceremonial place but also acts as a Traditional Justice Court.



Figure 5. Balai Adat as Dayak Kotabaru’s traditional institutions and legal instruments.

Second, “Must be such that it is consistent with the national interest and the State’s interest”. Since the statement “consistent with the national interest and the State’s interest” can lead to multiple interpretations and be full of political interests, it will be challenging to be able to determine whether the existence of a particular customary law community meets these requirements or not. However, we believe that Dayak Kotabaru’s society is not contrary to national interest.

Third, “Shall not contradict the laws and regulations of higher levels”. The Constitution has firmly acknowledged the existence of the traditional rights of communities in Indonesia. Article 18B paragraph (1) of the Constitution states that the State recognizes and respects the unity of customary law community with its traditional rights as long as it still exists and is under the development of society and the principle of the Unitary State of the Republic of Indonesia. Thus, if there is a law that does not recognize the existence of the traditional rights of the community, it is contrary to the Constitution.

#### 4.3. The Extent of Forest Management in Customary Law to Provide Livelihood for the Local People of Dayak Kotabaru

The management of forest areas is very closely related to land tenure rights. For the Dayak Kotabaru community, every single family, in general, has private land of residential and yardland, garden land, and farmland/ex-farmland. Housing and yard are the lands on which the house stands as a place to live for one family, and in fact, one building is often used as a place of residence for more



than one family. Garden land includes rubber gardens and orchard fruits; farmland is used as a farm; while ex-farmland is a land that is left for a relatively long time so that it becomes shrubs with the intention of giving an opportunity for the land to be able to naturally restore its fertility so that it can be used as a farmland again.

Besides, there are also lands which are explicitly not under individuals' control. These lands can be forest areas, including specific areas which are considered by the community as sacred. Therefore, in terms of managing the forest, the Dayak Kotabaru people tend to have awareness and compliance to preserve the forest because they believe that if it is violated, there will be a disaster. One prominent example is the belief of the Dayak tribe in the village of Limbur, Hampang Subdistrict, that there is a prohibition for local people to carry out any activities within the Gunung Kelawang forest area. They still obey this prohibition until today. Sacred places are usually those that are considered by the community as the burial places of their ancestors.

Furthermore, farming is the main livelihood of the Dayak tribe in general. It is a hereditary tradition that has been integrated into their cultural system. Their farming system is using shifting cultivation. With such a cultivation system, farmland is first obtained through cutting and burning forest (primary) which is then planted with various commodities, mainly rice, and so on (see Figure 6). Therefore, there is often an assessment that their activities have been considered as the cause of forest destruction. Meanwhile, the shifting cultivation they did was not in a sense of opening and burning primary or secondary forest from one place to another continuously. They have developed a concept called the "Bera System" as their law and local culture. This system is intended to give time and opportunity for ex-farm lands to naturally restore their fertility for at least four years [23].



Figure 6. Bera System of Dayak Kotabaru.

The use of the Bera System has implications for the creation of a cycle of land that has been designated as a plantation (see Figures 7 and 8). It is different from the forest conversion system in Forestry Law with a permits system as in practice; there is often a mismatch between legal ideals and reality. Moreover, behind this system, there is a substantial background on why Dayak Kotabaru tribes have a culture to maintain their forest and use it wisely. For them, land and forests are not only appraised based on economic value but also have religious–magical values as some forests and mountains are considered sacred related to their ancestors.



Figure 7. Primary and secondary Forest.



Figure 8. Garden/bush, palawijaya, and cultivating area.

The Dayak Kotabaru public forest management is in line with the sustained yield doctrine of forest management based on ‘forestry ethics’ which avoid unilateral and exclusive benefits and understand that forests are important for human life. The theory of sustained yield obscures preserved forest function for public goods and services with forests that can be owned privately or communally, where decisions are made to use the forest either as individual or group choices. As a result, forest preservation is mandatory for forest owners with various regulations.

One of the examples of sustained yield is forest management in Finland. Most of the Finnish forest owners are private owners. While, 62.2% of the private forest holdings is 5–100 ha. In southern Finland, private owners own 73.5% of the forested area, companies own 12.2% and the state owns 8.2%. In northern Finland, the state owns 54.6% of the forest, but more than half of the area is in scrubland. Private owners own 37.1% and companies own 4.2%. This regulation dismisses a political authority of the State to control every natural resource and gives a mandate to privates. We are, however, considering the bureaucracy and the increasing number of corruption cases in the natural resources sector in Indonesia, arising a doubt in this concept to be implemented in Indonesia.

Hence of that bureaucracy and political issues, the concept of forest management should be more involving of communal people. This concept arises a discourse in line with the doctrine of sustained yield as one of the objectives of scientific forestry by questioning, “is increasing the role of communal groups in managing customary forest as their human right and constitutional right able to reduce conflict, create sustainable forest management, or reduce open access of forest areas in Indonesia?”. To answer this question, based on a Bera system study as explained earlier, it shows that the use of the local culture system of the Dayak Kotabaru communal believes that the forest has a magical value that needs to be respected by preserving forests’ sustainability. In addition, some literature and previous research have proven the positive results of indigenous tenurial rights on forest management as outlined as follows:

In 1990, Cramb and Wills wrote “[The role of traditional institutions in rural development: Community-based land tenure and government land policy in Sarawak, Malaysia.](#)”. The research was performed on the ground that [traditional local-level institutions are frequently considered obstacles to rural development.](#) Therefore, attempts are made by the state to impose “dissonant”

institutional forms from above. In contrast, the result of research argues that traditional institutions should be viewed as the building blocks of a modern, development-oriented institutional structure. The argument is applied to the case of the Iban system of community-based land tenure and its relationship with government land policy in the Malaysian state of Sarawak [24].

While in 2014, Robinson, Holland, and Naughton-Treves wrote a paper entitled "Does secure land tenure save forests? A meta-analysis of the relationship between land tenure and tropical deforestation". Their study used the method to review literature that connects forest outcomes and land tenure to better understand broad interactions between tenure form, security and forest change. Papers from economic theory suggest that tenure is embedded in a broader socioeconomic context, with the potential for either a positive or negative conservation impact on forested land. Empirically, they found 36 publications that link land cover change to tenure conditions while controlling for other plausibly confounding variables. Publications often investigate more than one site and more than one form of tenure. Thus, from these, they derived 118 cases related to forest change with a specific tenure form in a particular location. From these cases, they found evidence that protected areas are associated with positive forest outcomes and that land tenure security is associated with less deforestation, regardless of the form of tenure. The researchers conclude with a call for more robust identification of this relationship in future research, as well as a set of recommendations for policymakers, particularly as forest carbon incentive programs such as Reduction of Emissions from Deforestation and Forest Degradation (REDD) is integrated further into national policies [25]. Therefore, as a preventative attempt, forest management through tenure right of communal groups has been proven to be successful. In addition to the Bera system as a preventative effort for deforestation, the Dayak Kotabaru people have repressive measures to punish the perpetrator of forest destruction or even a violation of their customary law.

As repressive measures, the punishments for perpetrators of forest destruction are still applied to the principles of customary law as well as resolving other disputes that occur within the community, with payment of fines called Tahil. Therefore, Tahil is a calculation to determine sanctions for those declared guilty by the custom. One Tahil equals 8/16 plates or bowls according to the Dayak community. In Dayak communities, bowls and plates are interpreted as a treasured item. The same fines are also applicable to those who violate customary laws such as fighting, murder, theft, adultery, etc. Thus, it can be seen that sanctions for perpetrators of forest destruction is more emphasized on compensation than administrative (prohibition or limitation on forest use) or criminal sanction.

While in the Indonesian legal system, the regulation on forestry is administrative penal law and there are two laws concerning forestry sanctions directly, namely: Law No. 41/1999 on Forestry and Law No. 18/2013 on Prevention and Eradication of Forest Destruction. In Law No. 41/1999 on Forestry, it regulates the provision of sanctions on civil, administrative, and criminal penalties. The civil sanction is applied under a general or class action lawsuit if an act is deemed to be detrimental to the plaintiffs. The administrative sanctions are given to holders of forestry permits that violate their permits. There are five types of administrative penalties for permit holders of forest utilization namely: (1) Temporary suspension of administrative services; (2) temporary suspension of field activities; (3) administrative fine; (4) reducing the production quota; (5) revocation of permit.

Furthermore, criminal provisions as stated in Law No. 41/1999 on Forestry are limited to unauthorized use of forest and forest protection with prevention efforts and the welfare of plants and animals. Meanwhile, Law No. 18/2013 on Prevention and Eradication of Forest Destruction regulates the prohibition, criminal sanctions, and institutions explicitly to prevent forest destruction. This law governs the expansion of criminal acts in forestry covering corporate crime, organized forest destruction, even abuse of authority by officials. The penal policy of this law is contained in articles 11 until 28. Therefore, the criminal sanction in forestry has become more functional.

Provisions on forest violations as stipulated in Law Number 41/1999 on Forestry show that the criminal regulation is limited to the use of forests without permits and forest protection with prevention efforts, as well as the welfare of plants and animals. Meanwhile, Law Number 18/2013 on



**Prevention and Eradication of Forest Destruction** specifically regulates prohibitions, criminal sanctions, and institutions to prevent forest destruction.

In addition, the Law Number 18/2013 regulates the expansion of criminal acts in the forestry sector involving corporate crime, organized forest destruction, and even abuse of authority by officials. Therefore, the penal law has become more functional today. Thus, it can be concluded that the penal policy in the forestry sector has been developed significantly. The criminal regulation in Law Number 41/1999 was limited to illegal forest area use and forest destruction; since in the beginning, the Forestry Law regulated governance forests in Indonesia and only used penal law as a tool in forestry law enforcement. Then, the enactment of Law No. 18/2013 provides legal certainty by extending its provisions to the domain of permit and document forgery, regulating organized forest destruction, corporate crime and abuse of authority by officials [26].

## 5. Discussion

The recognition<sup>27</sup> of the customary law of indigenous peoples can be seen from Indonesian legal politics stipulated in the 1945 Constitution of the Republic of Indonesia. Article 18B paragraph (2) states: "The state recognizes and respects the customary law communities and their traditional rights as long as they are alive and in accordance with community development and the principles of the Republic of Indonesia which are regulated in the law".

However, in its development, Indonesian law tends to move more towards western law (civil law and common law) which has implications for Indonesian legal politics to deny customary law, which is more relevant. For example, resolving disputes between indigenous peoples in one area should be addressed through the role of *adat* institutions rather than district courts [27]. The crucial problem that arises due to the overriding of customary law is that there is a conflict between land ownership by *adat* community based on customary rights and the public interest which is an obligation of the State [28].

Recognition of customary law shows the right of communal groups to manage and control forests collectively for the common interests [29]. The customary ownership system is also recognized with the attributes of social, mystical and religion which are inherent in customary land. For decades, the problem in the forestry policies as interests of the state for the welfare of its people is that it is often violating the customary rights as a result of interest and regulation conflicts. Thus, based on the problems outlined earlier, several essential steps can be formulated towards effective forest management, namely:

1. The need for harmonious regulation;
2. The need for strengthening law enforcement;
3. The need for legal certainty of forestry status;
4. The need for conflict resolution in the concept of forest control;
5. The need for maps of customary forest area;
6. The need for resolving forestry and agrarian conflicts.
7. The need for supervision on overlapping forest utilization permits.

Thus, in this case, several important things that need to be done in forest management are to designate a map of customary forest areas where the management and control of forests in communal tenure land are given entirely to indigenous peoples. Then, the status and inauguration of customary forests must be clarified and published so that there is no overlapping of company permits in customary forests. In addition, the harmonization of the Ministry of Forest policies in designation forest areas must be harmonized with spatial planning in each region.

The control of forests by communal tenure has proven to have a positive impact in several studies. In addition, based on a meta-analysis by the Center for Global Development (CGDEV), one of the critical factors that reduces deforestation<sup>31</sup> is indigenous people (see Figure 9). The CGDEV further states that "Indigenous peoples are consistently associated with low deforestation in both low and high levels of baseline threats." [30].

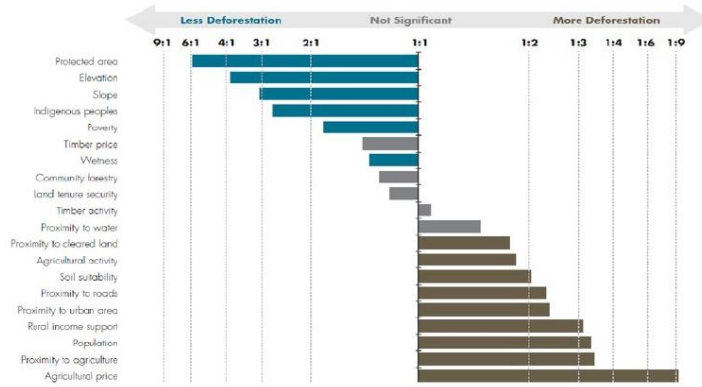


Figure 9. What drives deforestation and what stops it? A meta-analysis [30].

The complexity that occurs in the management of forest areas is in fact, which is in terms of determining policy choices, to reduce or override corporate interference in the land of indigenous peoples. A large amount of overlapping of permits given by the government to the private sector for the forests in possession of indigenous peoples has increasingly marginalized indigenous communities as a drawback of the development. This is because the formal verification system often favored permits as proof of the existence of stakeholder's rights, while the indigenous people indeed did not have written documents on the forest. Therefore, this condition certainly makes it difficult for the forestry apparatus and law enforcement officials to completely resolve violations of customary forest rights. On the one hand, there needs to be a policy towards the establishment of customary forests that can provide certainty and favors the locals. Furthermore, the forest management through local culture such as the Bera system in Dayak Kotabaru can be used for the benefits of the local community. Local people will enjoy the production of farms and gardens while the soil will be naturally fertile because of four years interlude and the forest will maintain sustainability through less cutting down of forest area.

As for future policy, by prosperous province should finance performance-based payments to forest management for reducing emissions from deforestation and degradation. The Central Government can propose an approach for customary forests and their community by consulting with the chief of local communities and providing their rights, including their economic growth through forest utilization.

## 6. Conclusions

From the results of this study, the conclusions can be drawn as follows:

First, the establishment of forest boundaries is a challenge in the forestry sector that continues to undermine the benefits for people from the forest. Whereas, the lack of transparency in the permission process is a common problem in Indonesia. Thus, the risk of corruption is increasing, where bribes are paid for issuing permits without following proper procedures. Furthermore, the complexity that occurs in determining policy choices has reduced or overrode corporate interference in the land of indigenous peoples. A large amount of overlapping of permits given by the government to the private sector for the forests in possession of indigenous peoples has increasingly marginalized the indigenous community as a drawback of the development.

Second, the Dayak Kotabaru customary law regulates the forest management through the Bera system with the additional punishment in the form of fines. Moreover, forest management through local culture such as the Bera system in Dayak Kotabaru can be used for the benefits of the local community. Local people will enjoy the production of farms and gardens while the soil will be naturally fertile because of four years interlude and the forest will maintain sustainability through less cutting down of forest area.

Third, several important things that need to be done in forest management are to designate a map of customary forest areas where the management and control of forests in communal tenure land are given entirely to indigenous peoples; then, the status and inauguration of customary forests must be clarified and published so that there is no overlapping of company permits in customary forests. In addition, the harmonization of the Ministry of Forest policies in designation forest areas must be harmonized with spatial planning in each region.

**Author Contributions:** Conceptualization, I.; methodology, I.; validation, I.; formal analysis, I., F.A.A., A.H.B., Y.N. and M.Y.S.; investigation, I., F.A.A., A.H.B.; resources, Y.N.; data curation, M.Y.S.; writing—original draft, I. and M.Y.S.; preparation, Y.N.; writing—review and editing, M.Y.S.; visualization, Y.N.; supervision, I.; project administration, I., F.A.A., A.H.B.; funding acquisition, I.; translation, M.Y.S.

**Funding:** This research received no external funding.

**Acknowledgments:** This research used the descriptive–analytic method with the support of secondary data which obtained from World Resource Institute, Global Forest Watch, Center for Global Development and Monograph from Lambung Mangkurat University, Faculty of Law.

**Conflicts of Interest:** The authors declare no conflict of interest.

## References

- Article 33, paragraph 3 of the 1945 Constitution of the republic of Indonesia. Available online: <http://www.unesco.org/education/edurights/media/docs/b1ba8608010ce0c48966911957392ea8cda405d8.pdf> (accessed on 20 March 2019).
- Muchsan. *Hukum Administrasi Negara dan Peradilan Administrasi di Indonesia*; Liberty: Jakarta, Indonesia, 2006. (In Indonesian)
- Asshiddiqie, J. *UUUD 1945: Konstitusi Negara Kesejahteraan dan Realitas Masa Depan*; Speech at Faculty of Law University of Indonesia: Jakarta, Indonesia, 13 June 1998. (In Indonesian)
- BAAPPENAS. *Indonesian Climate Change Sectoral Roadmap (ICCSR) Summary Report Forestry Sector*; Republic of Indonesia Synthesis Report: Jakarta, Indonesia, 2010.
- Antonio, W.; Griffith-Charles, C. Achieving land development benefits on customary/communal land. *Land Use Policy* **2019**, *83*, 124–133.
- Ifrani. *Kebijakan Hukum Pidana Terhadap Penyalahgunaan Perizinan Dalam Pengelolaan Kawasan Lindung*. Ph.D. Thesis, Universitas Padjadjaran, Bandung, Indonesia, 2017. (In Indonesian)
- Nugroho, H.Y.; van der Veen, A.; Skidmore, A.K.; Hussin, Y.A. Expansion of traditional land-use and deforestation: A case study of an adat forest in the Kandilo Subwatershed, East Kalimantan, Indonesia. *J. Environ. Res.* **2018**, *29*, 495–513.
- Veit, P.; Ding, H. *Protecting Indigenous Land Rights Makes Good Economic Sense*; World Resources Institute: Washington, D.C., USA, 2016. Available online: <https://www.wri.org/blog/2016/10/protecting-indigenous-land-rights-makes-good-economic-sense> (accessed on 20 March 2019).
- Marzuki, P.M. *Penelitian Hukum*; Kencana: Jakarta, Indonesia, 2005. (In Indonesian)
- Freeman, M.D.A.; Lloyd, L. *Introduction to Jurisprudence*; Sweet & Maxwell LTD: London, UK, 2001.
- Fajar, M.; Ahmad, Y. *Dualisme Penelitian Hukum*, 1st ed.; RajaGrafindo Persada: Yogyakarta, Indonesia, 2010. (In Indonesian)
- Hart, H.L.A. *The Concept of Law*; Nusa Media: Bandung, Indonesia, 2009.
- Waxman, M.P. Teaching Comparative Law in the 21st Century: Beyond the Civil/Common Law Dichotomy. *J. Leg. Educ.* **2001**, *51*, 305.
- Ellydar, C. *Negara Hukum, Demokrasi dan Konstalasi Ketatanegaraan Indonesia*; Kreasi Total Media: Yogyakarta, Indonesia, 2007. (In Indonesian)



15. Ni'matul, H.; Nazriyah, R. *Teori dan Pengujian Peraturan Perundang-undangan*; Nusamedia: Bandung, Indonesia, 2011. (In Indonesian)
16. Bethan, S. *Penerapan Prinsip Hukum Pelestarian Fungsi Lingkungan Hidup dalam Aktivitas Industri Nasional*; Alumni: Bandung, Indonesia, 2008. (In Indonesian)
17. Article 15 of Law No.41/1999 on Forestry. Available online: <http://www.flevin.com/id/lgsso/translations/Laws/Law%20No.%2041%201999%20Forestry.pdf> (accessed on 20 March 2019).
18. Safitri, M.A. *Menuju Kepastian dan Keadilan Tenurial (edisi revisi 7 November 2011)*. Kelompok Masyarakat Sipil untuk Reformasi Tenurial: Jakarta, Indonesia, 2011. (In Indonesian)
19. Meidinger, E. The Administrative Law of Global Private-Public Regulation: The Case of Forestry. *Eur. J. Int. Law* **2006**, *17*, 47–87, doi:10.1093/ejil/chl168.
20. Hoadley, M.C. The Leiden Legacy: Concepts of Law in Indonesia (Review). *J. Soc. Issues Southeast Asia* **2006**, *22*, 124–128.
21. Syamsudin, M. *Beban Masyarakat Adat Menghadapi Hukum Negara*. *Law J.* **2008**, *15*, 338–351. (In Indonesian)
22. Wiliam, D.; Ngakan, P.O.; Achmad, A.; Iako, A. *Dinamika Proses Desentralisasi Sektor Kehutanan di Sulawesi Selatan: Sejarah, Realitas dan Tantangan Menuju Pemerintahan Otonomi Yang Mandiri*; Cifor: Bogor, Indonesia, 2005. (In Indonesian)
23. ULM Faculty of Law. *Lambung Mangkurat University Faculty of Law in Cooperation with Tanah Bumbu District Government, Monograph Entitled "Hak-Hak Adat Atas Tanah Suku Dayak Kotabaru"*; ULM Faculty of Law: Banjarmasin, Indonesia, 2007. (In Indonesian)
24. Cramb, R.A.; Wills, I.R. The role of traditional institutions in rural development: Community-based land tenure and government land policy in Sarawak, Malaysia. *World Dev.* **1990**, *8*, 347–360.
25. Robinson, B.E.; Holland, M.B.; Naughton-Treves, L. Does secure land tenure save forests? A meta-analysis of the relationship between land tenure and tropical deforestation. *Glob. Environ. Chang.* **2014**, *29*, 281–293.
26. Said, M. *Sanksi Pidana Sebagai Premium Kemedium Bagi Pelaku Tindak Pidana Di Bidang Kehutanan*; Research Paper; Universitas Islam Kalimantan Muhammad Arsyad Al-Banjari Banjarmasin: Kcta Banjarmasin, Indonesia, 2018. (In Indonesian)
27. Sahalessy, J. Peran Latupati Sebagai Lembaga Hukum Adat Dalam Penyelesaian Konflik Antar Negeri Di Kecamatan Leihitu Propinsi Maluku. *Sasi J.* **2011**, *17*, 45–52. (In Indonesian)
28. Rosmidah, R. Pengakuan Hukum Terhadap Hak Ulayat Masyarakat Hukum Adat Dan Hambatan Implementasinya. *J. Law* **2010**, *2*, 92–102. (In Indonesian)
29. Mudjiono, M. Eksistensi Hak Ulayat dalam Pembangunan Daerah. *J. Huk. UII* **2004**, *11*, 10.20885/justum.vol11.iss26.art11. (In Indonesian)
30. Ferretti-Gallon, K.; Busch, J. *What Drives Deforestation and What Stops It? A Meta-Analysis of Spatially Explicit Econometric Studies*; CGD Working Paper 361; Center for Global Development: Washington, DC, USA, 2014.



© 2019 by the authors. Licensee MDPI, Basel, Switzerland. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (<http://creativecommons.org/licenses/by/4.0/>).

# Forest Management Based on Local Culture of Dayak Kotabaru in the Perspective of Customary Law for a Sustainable Future and Prosperity of the Local Community

## ORIGINALITY REPORT

<b>18%</b>	%	<b>18%</b>	%
SIMILARITY INDEX	INTERNET SOURCES	PUBLICATIONS	STUDENT PAPERS

## PRIMARY SOURCES

- 1** Robinson, Brian E., Margaret B. Holland, and Lisa Naughton-Treves. "Does secure land tenure save forests? A meta-analysis of the relationship between land tenure and tropical deforestation", *Global Environmental Change*, 2014.  
Publication **2%**
- 2** Hunggul Y. S. H. Nugroho, Anne van der Veen, Andrew K. Skidmore, Yousif A. Hussin. "Expansion of traditional land-use and deforestation: a case study of an adat forest in the Kandilo Subwatershed, East Kalimantan, Indonesia", *Journal of Forestry Research*, 2017  
Publication **2%**
- 3** LexisNexis  
Publication **2%**
- 4** Nurul Listiyani, M. Yasir Said. "Political Law on the Environment: The Authority of the Government and Local Government to File **1%**

Litigation in Law Number 32 Year 2009 on Environmental Protection and Management", Resources, 2018

Publication

- 
- 5** Wycliffe Antonio, Charisse Griffith-Charles. "Achieving land development benefits on customary/communal land", Land Use Policy, 2019 **1%**  
Publication
- 
- 6** R.A. Cramb, I.R. Wills. "The role of traditional institutions in rural development: Community-based land tenure and government land policy in Sarawak, Malaysia", World Development, 1990 **1%**  
Publication
- 
- 7** E D Silambi, S A Yuldiana, J M Alputila, N Wijaya. "Sosio-legal analysis of forest cleaning process on Marind travel district Merauke", IOP Conference Series: Earth and Environmental Science, 2019 **1%**  
Publication
- 
- 8** Szennay, Szigeti, Kovács, Szabó. "Through the Blurry Looking Glass—SDGs in the GRI Reports", Resources, 2019 **1%**  
Publication
- 
- 9** Akhmad Fauzi, Zuzy Anna. "The complexity of the institution of payment for environmental **1%**

services: A case study of two Indonesian PES schemes", Ecosystem Services, 2013

Publication

---

10 Taufik Yahya, Fauzi Syam. "RETHINKING THE ROLE OF INDIGENOUS LAW COMMUNITY IN MANAGING INDIGENOUS FOREST IN JAMBI PROVINCE", *Jambe Law Journal*, 2018

Publication

---

11 "Tropical Forestry Handbook", Springer Nature, 2016

Publication

---

12 D A A Sari, A Mayastuti, A Rianto, Z Lutfiyah. "Indigenous people's forest management to support REDD program and Indonesia one map policy", *IOP Conference Series: Earth and Environmental Science*, 2018

Publication

---

13 Nguyen, Trung, Siegfried Bauer, and Ulrike Grote. "Does Land Tenure Security Promote Manure Use by Farm Households in Vietnam?", *Sustainability*, 2016.

Publication

---

14 Alfred Awotwi, Geophrey Kwame Anornu, Jonathan Arthur Quaye-Ballard, Thompson Annor et al. "Water balance responses to land-use/land-cover changes in the Pra River Basin of Ghana, 1986–2025", *CATENA*, 2019



- 
- 15 Ngakan P.O., Achmad A., Wiliam D., Lahae K., Tako A.. "The dynamics of decentralization in the forestry sector in South Sulawesi: the history, realities and challenges of decentralized governance", Center for International Forestry Research (CIFOR), 2005 <1%

Publication

- 
- 16 Allen Blackman, Leonardo Corral, Eirivelthon Santos Lima, Gregory P. Asner. "Titling indigenous communities protects forests in the Peruvian Amazon", Proceedings of the National Academy of Sciences, 2017 <1%

Publication

- 
- 17 Luca Tacconi. "Property rights and participatory biodiversity conservation: lessons from Malekula Island, Vanuatu", Land Use Policy, 1997 <1%

Publication

- 
- 18 Sudjito, Tatit Hariyanti. "Pancasila as a Scientific Paradigm for Studying Legal Pluralism in Indonesia: a Literary Perspective", SHS Web of Conferences, 2018 <1%

Publication

- 
- 19 Santoso T., Chandra R., Sinaga A.C., Muhajir M., Mardiah S.. "A guide to investigation and indictment using an integrated approach to law enforcement", Center for International Forestry <1%

## Research (CIFOR), 2011

Publication

---

20 Nur Rochaeti, Rahmi Dwi Sutanti. "Revitalization of Customary Court in the Juvenile Criminal Justice System in Indonesia", SHS Web of Conferences, 2018

Publication

<1%

---

21 Forest and land-use governance in a decentralized Indonesia A legal and policy review, 2015.

Publication

<1%

---

22 Isran Idris, Taufik Yahya, Windarto Windarto. "Pola Penguasaan Tanah Sawah Secara Gilir Ganti dalam Perspektif Hukum Agraria", Undang: Jurnal Hukum, 2019

Publication

<1%

---

23 E. Meidinger. "The Administrative Law of Global Private-Public Regulation: the Case of Forestry", European Journal of International Law, 2006

Publication

<1%

---

24 Nadea Le Roux, Anculien Schoeman. "A comparative analysis of the design of special economic zones: The case of South Africa, Malaysia and Indonesia", Journal of Economic and Financial Sciences, 2016

Publication

<1%

---

Meta Nadia Winata, Naomi Jesica, Lusi



25	Septiyati. "The Realization Of Social Justice For The Poor Citizens According To Legal Philosophy", FIAT JUSTISIA, 2018 Publication	<1%
26	Kamaljit K. Sangha, Jeremy Russell-Smith, Robert Costanza. "Mainstreaming indigenous and local communities' connections with nature for policy decision-making", Global Ecology and Conservation, 2019 Publication	<1%
27	Emiliana B. Rahail, Julianto J. J. Kalalo, Herbin F. Betaubun, Chyntia N. Kalalo. "Environmental Law Politics and Malind Anim Indigenous People Rights Protection based on Free and Prior Informed Consent Principles", E3S Web of Conferences, 2018 Publication	<1%
28	Mochtar Kusuma-Atmadja, Tommy H Purwaka. "Legal and institutional aspects of coastal zone management in Indonesia", Marine Policy, 1996 Publication	<1%
29	Zawawi Ibrahim. "Regional Development in Rural Malaysia and the 'Tribal Question'", Modern Asian Studies, 2008 Publication	<1%
30	Anne-Kathrin Weber, Lena Partzsch. "Barking Up the Right Tree? NGOs and Corporate Power	<1%

for Deforestation-Free Supply Chains",  
Sustainability, 2018

Publication

- 
- 31 Miaoying Shi, Runsheng Yin, Leo Zulu, Jiaguo Qi, Mark Freudenberger, Matthew Sommerville. "Empirical linkages between devolved tenure systems and forest conditions: Selected case studies and country experiences", Forest Policy and Economics, 2016 <1%
- Publication

- 
- 32 Ibrahim Ahmad, Krzysztof Koziol, Suleyman Deveci, Hyun-Kyung Kim, Ramachandran Kumar. "Advancing the Use of High-Performance Graphene-Based Multimodal Polymer Nanocomposite at Scale", Nanomaterials, 2018 <1%
- Publication

- 
- 33 Samsu, Suramenggala I., Komarudin H., Ngau Y.. "The impacts of forestry decentralization on district finances, local communities and spatial planning : a case study in Bulungan District, East Kalimantan", Center for International Forestry Research (CIFOR), 2005 <1%
- Publication

- 
- 34 Yoshiki Nakata, Keiichi Murakawa, Noriaki Miyanaga, Aiko Narazaki, Tatsuya Shoji, Yasuyuki Tsuboi. "Local Melting of Gold Thin <1%

Films by Femtosecond Laser-Interference Processing to Generate Nanoparticles on a Source Target", *Nanomaterials*, 2018

Publication

- 
- 35 DADANG SUPRIYATNA. "BANTUAN HUKUM YANG IDEAL BAGI MASYARAKAT TIDAK MAMPU", *JURNAL ILMIAH LIVING LAW*, 2018 <1%
- Publication
- 
- 36 Jason Patlis\*. "INDONESIA'S NEW FISHERIES LAW: WILL IT ENCOURAGE SUSTAINABLE MANAGEMENT OR EXACERBATE OVER-EXPLOITATION?", *Bulletin of Indonesian Economic Studies*, 2007 <1%
- Publication
- 
- 37 Yukiko Nakase, Tomohiro Matsumoto. " The RHEB–mTOR axis regulates expression of transposons in fission yeast ", *Journal of Cell Science*, 2018 <1%
- Publication
- 
- 38 Claudia Ituarte-Lima, Constance L. McDermott, Mari Mulyani. "Assessing equity in national legal frameworks for REDD+: The case of Indonesia", *Environmental Science & Policy*, 2014 <1%
- Publication
- 
- 39 Decentralisation of administration policy making and forest management in Ketapang district West Kalimantan, 2001. <1%



---

40 Mailinda Eka Yuniza, Marsudi Triatmodjo, Rizkia Evania. "Gas governance in Indonesia", The Journal of World Energy Law & Business, 2016 <1%  
Publication

---

41 "Legislative policy on the regulation of corporations as the subject of crimes", Journal of Financial Crime, 2016 <1%  
Publication

---

42 D. G. Bengen. "Interactions: Mangroves, Fisheries and Forestry Management in Indonesia", Fishes and Forestry, 03/03/2004 <1%  
Publication

---

43 Sahide, Muhammad Alif K., and Lukas Giessen. "The fragmented land use administration in Indonesia – Analysing bureaucratic responsibilities influencing tropical rainforest transformation systems", Land Use Policy, 2015. <1%  
Publication

---

44 R Arrasyid, D Rohmat, Jupri, S Himayah, A R Affriani, R Ridwana. "The Suggest of Rubber Crops Cultivation Development Zonation at West Bandung Regency", IOP Conference Series: Earth and Environmental Science, 2019 <1%  
Publication

---

Nurul Huda, A.H. Asy'ari T., Yusuf Saefudin,

45 Muhammad Bahrus Syakirin. "Strengthening Indigenous Law to Make a Sustainable Development of the Coastal Area and Small Islands in Indonesia", SHS Web of Conferences, 2018  
Publication

<1%

46 Birman Simamora. "Implementation of Regulation Number 2 of 2012 on Land Acquisition for Development", IOP Conference Series: Earth and Environmental Science, 2018  
Publication

<1%

47 Andrew Shandy Utama. "Law Enforcement to Copyright Infringement of Songs on the Internet Media", FIAT JUSTISIA, 2018  
Publication

<1%

48 J. Alder, N. Sloan, H. Uktolseya. "Advances in marine protected area management in Indonesia: 1988–1993", Ocean & Coastal Management, 1994  
Publication

<1%

Exclude quotes  Off

Exclude matches  Off

Exclude bibliography  Off