

Problems Of Issuance And Impact Of Forest Area Transfer Function Permits Based On The Principle Of Good Governance (Flood Study In South Kalimantan In 2021)

by Achmad Faishal

Submission date: 29-Mar-2023 10:57AM (UTC+0700)

Submission ID: 2049683450

File name: JPNR_-_S10_-_333.pdf (312.6K)

Word count: 5740

Character count: 30762

Problems Of Issuance And Impact Of Forest Area Transfer Function Permits Based On The Principle Of Good Governance (Flood Study In South Kalimantan In 2021)

¹Ichsan Anwary, ²Ahmad Fikri Hadin, ³Achmad Faishal, ⁴Muhammad Hadin Muhjad, ⁵Muhammad Erfa Redhani and ⁶Fakhrudin Razy

Corresponding author: Ichsan Anwary

Email: ichsan.anwary@ulm.ac.id

Address: ¹Coordinator of The Center For Anti-Corruption and Good Governance Studies University of Lambung Mangkurat, South Kalimantan, Indonesia, ²Researcher of The Center For Anti Corruption and Good Governance Studies University of Lambung Mangkurat, South Kalimantan, Indonesia, ^{3,4,5} Faculty of Law, University of Lambung Mangkurat, South Kalimantan, Indonesia, ⁶ Faculty of Humaniora, University Sari Mulia, South Kalimantan, Indonesia

DOI: 10.47750/pnr.2022.13.510.333

Abstract

In the event of a flood that hit the South Kalimantan region in early 2021, there were accusations that the cause of the flooding that hit was apart from the weather anomaly and high-intensity rainfall, namely the massive factor of the conversion of forest areas to other areas. This study uses socio-legal research. The results of the research obtained were that there were no licensing instruments issued by parties who had the authority to issue permits for the conversion of forest areas to designated oil palm areas, especially in the Hulu Sungai Tengah Regency area. Based on the data, regarding the area of oil palm plantations in Hulu Sungai Tengah there are none but the findings in the results of interviews are that many shifting cultivation fields are cultivated by the people in the upstream area and are not based on the legality of licensing instruments issued by the authorities in the field of licensing because they serve as a livelihood for the community. So that the occurrence of major floods that hit South Kalimantan in 2021 due to the conversion of the function of forest areas, especially in the Upper Middle River Region to an oil palm plantation area, is baseless.

Keywords: Permits, Transfer of Functions of Forest Areas, Good Governance

Introduction

The event of a flood that hit the South Kalimantan Region in early 2021 jolted many people (Puspitarini RC, 2021). There are several districts / cities in South Kalimantan that are affected by flooding. Residents affected by the floods are spread across 11 regencies/cities in South Kalimantan. The eleven areas are: Hulu Sungai Tengah; Banjar; Tanah Laut; Barito Kuala; Balangan; Tabalong; Banjarbaru; Tapin; Hulu Sungai Selatan; Banjarmasin; dan Hulu Sungai Utara. Particularly in the Hulu Sungai Tengah, which was the worst affected by flooding, a mapping of critical land was carried out in 2013 as shown in the map below:

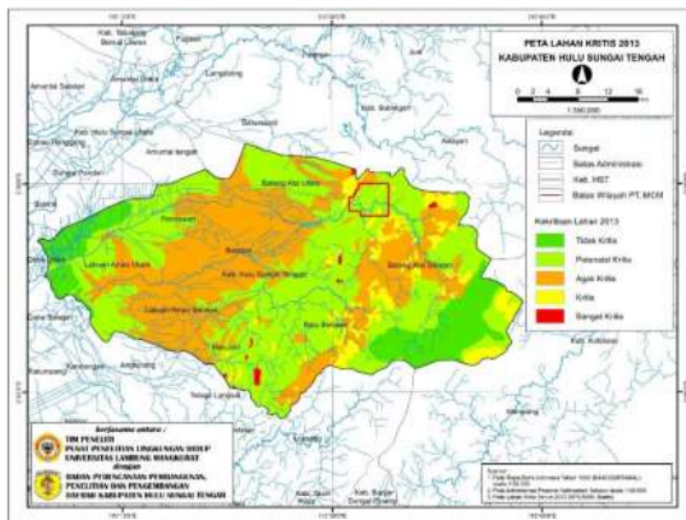


Fig 1. Mapping critical land from the impact of flooding
 Source: Bappeda Hulu Sungai Tengah District, 2018.

In 2015, another mapping of land cover was carried out, the results of which are as follows:

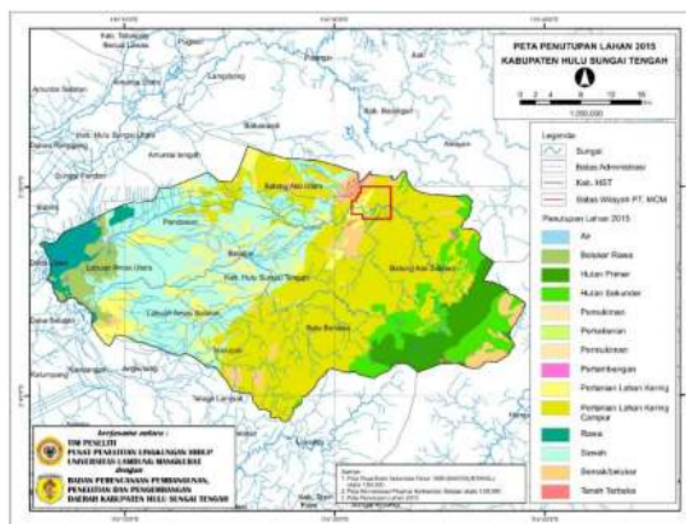


Fig 2. Re-mapping of land cover
 Source: Bappeda Hulu Sungai Tengah District, 2018.

It is illustrated from the map above that the condition of the land cover is not predicted that there will be major flooding in the future. However, the research in 2018 produced a flood hazard map which is a warning, as shown below, that the potential for flooding is very high in Hulu Sungai Tengah:

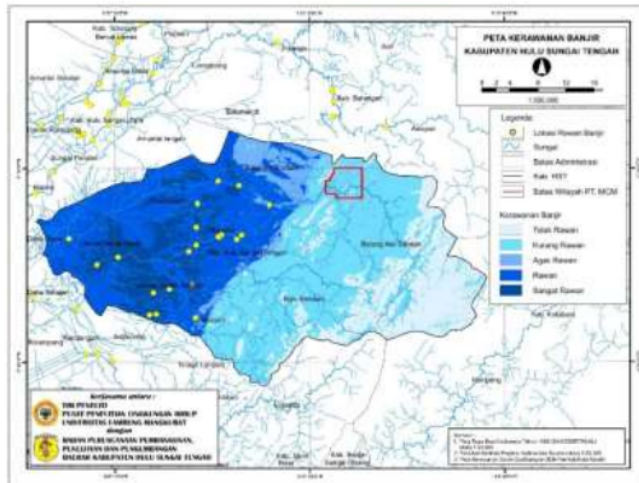


Fig 3. Flood hazard mapping
Source: Bappeda Hulu Sungai Tengah Distric, 2018.

Allegations emerged that the cause of the flooding that hit the South Kalimantan area at that time was apart from the weather anomaly and high-intensity rainfall, which based on information from the Ministry of Environment and Forestry stated that rainfall amounted to 2.08 billion cubic meters during the second week of January 2021 in South Kalimantan. Another causative factor is blamed on the massive land clearing. Changing the function of a forest area into another area.

Based on data from the Badan Pusat Statistik (BPS) office of South Kalimantan regarding the area and waters (hectares) in 2015 and 2018 there are data for protection forest in 2015 as much as 526.425,00 and 525.686,26. For Nature Reserves and Nature Conservation in 2015 and 2018 as much as 213.285,00 and for 2018 there is no data. Limited Production Forest in 2015 and 2018 as much as 762.188.00 and 762.964.43. Permanent Production Forest in 2015 and 2018 as much as 126.660,00 and 126.717,21. For Convertible Production Forest, data for 2015 and 2018 as much as 151.424.00 and 116 686.70.

Based on the results of LAPAN's (Lembaga Penerbangan dan Antariksa Nasional) analysis, that over a period of 10 years (2010-2020), there was indeed a decrease in the area of primary forest, secondary forest, paddy fields and shrub. The detailed data is as follows: Decrease in primary forest area: 13 thousand hectares Decrease in secondary forest area: 116 thousand hectares Decrease in paddy field area: 146 thousand hectares. One of the land clearing purposes in South Kalimantan is the creation of oil palm plantations which are carried out continuously (BPS South Kalimantan, 2022).

The factor of forest conversion is often the cause of hydrometeorological disasters such as floods, flash floods, landslides, which cause large material losses and trigger the climate crisis. Tracing data from the Ministry of Environment and Forestry (KLHK) shows that the legal conversion of forest land from the New Order to 2017 was 6.7 million hectares. Meanwhile, the conversion of forest land into oil palm plantations of 3.1 million hectares does not include illegal mining. There is also a transfer of function through a forest area borrow-to-use permit (IPPKH) which was issued from 1979 to 2018 covering an area of 563,463.48 hectares (Adi WB & Agum M, 2022).

That in South Kalimantan it is alleged that there has been continuous clearing of oil palm plantations, and this is suspected as one of the causes of the floods in South Kalimantan which hit the South Kalimantan region almost every year. Forest Areas in South Kalimantan that were converted, this concerns licensing instruments, with the question of whether there has been a change in the function of Forest Areas in South Kalimantan.

Administratively, business actors are legally able to carry out their business activities because they have obtained a Plantation Business Permit from the Regional Government in accordance with the Regional

Regulations on the RTRW which are stipulated based on the authority granted to the Regional Government. If the Regional Government stipulates that a location in its territory can be designated for business activities, a Business Permit will be issued on it. Another problem is when the location in the RTRW Regional Regulation and the location in the Forest Area Map intersect, that's when problems arise, one of which is the emergence of a conflict of authority between the Central Government and Regional Government because each has its own basis of authority at the same level or hierarchy. namely the Law, in which the Regional Government issues Plantation Business Permits while in the same location the area is a forest area with a protection or conservation function which based on Law Number 41 of 1999 is prohibited from carrying out plantation activities.

Government Regulation Number 23 of 2021, which is a derivative regulation of the Job Creation Law, stipulates that releasing forest areas is easier and more lax. The release of forest areas can not only be in production forest areas that can be converted, but also in permanent production forest areas for national strategic project activities, national economic recovery, land acquisition for food security (food estate) and energy, land acquisition for natural disasters, land acquisition objects of agrarian reform, and business activities that have been established and have permits in forest areas before the issuance of the Job Creation Law.

This paper focuses on research on licensing instruments in the forestry sector, particularly regarding permits for the conversion of forest areas in South Kalimantan. Where the instrument for transferring the function of the forest area is through a licensing instrument. This research also examines the perspective of the implications of licensing issuance in the context of governance with a good governance perspective (Hadjpn et al (2010), Jaja TC & Zaka FA (2022), Susanti A, (2022)).

Materials And Methods

This research method uses the socio-legal method. The socio-legal approach is a legal research method that does not only cover the rule of law, but also examines the context, which includes all processes, for example related to the formation of laws to the precise 'implementation of law' on how permits can be issued (Wiratraman HP, 2005).

Result And Discussion

Characteristics of The Research Area

Research on the Problems of Issuance and Impact of Forest Area Conversion Permits Based on the Principles of Good Governance (Study of Floods in South Kalimantan in 2021) takes a research location in Hulu Sungai Tengah Regency, South Kalimantan Province. With the premise that at the time of the major floods in the South Kalimantan region in 2021, the Upper Middle River region was a fairly large affected area.

Geographically, Hulu Sungai Tengah Regency has the following regional boundaries:

1. To the north it is bordered by Balangan Regency;
2. South side is bordered by Hulu Sungai Selatan Regency;
3. To the east it is bordered by Kotabaru Regency;
4. West side is bordered by Hulu Sungai Utara Regency.

Hulu Sungai Tengah Regency has an area of 1,770.77 km² or 177,077 hectares. Throughout 2021 the air humidity ranges from 88.8% to 94.5%. While the air temperature ranges from 19.4°C-32.8°C. Judging from the number of rainy days per month in 2021, the most frequent rain occurs in December with 23 rainy days. While the fewest rainy days occur in January with 19 rainy days.

Topographically, Hulu Sungai Tengah Regency consists of 3 (three), namely: swamp areas, lowlands, and Meratus mountain areas. All of them are at an altitude between the lowest of ± 9.53 m in North Labuan Amas District, ± 25 m in Barabai District, ± 330 m in East Batang Alai District and the highest is in Mount Halau-Halau/Mount Besar Meratus Mountains ± 1,894 m above sea level, with a slope of land varying between 0% – 40%. Soil types consist of yellow red podzolic, organosol gley humus, litosol and latosol. The average annual rainfall is 179 ml with 85 rainy days/year and the temperature intensity is between 21.19° C to 32.93° C.

Plantations have a significant role for Hulu Sungai Tengah District. In 2021, plantations that have great potential are the rubber sector, with a total production of 20,083 tons, then coconut and coffee which can

produce 4,425 tons and 121.12 tons, respectively. Based on plantation data in Hulu Sungai Tengah there is no data on the oil palm plantation sector.

Table 1. Wide of Forest Area by District in Hulu Sungai Tengah Regency in 2016

Forest Area (Hectares)					
Subdistrict		Amount	Production Forest	Limited Production Forest	Protected Forest
		2016	2016	2016	2016
1	Haruyan	467.01	377.61	-	89.40
2	Batu Benawa	-	-	-	-
3	Hantakan	12260.26	4358.90	5393.76	2507.60
4	Batang Alai Selatan	400.03	-	128.78	271.25
5	Batang Alai Timur	32392.70	3921.49	8363.46	20107.75
6	Barabai	-	-	-	-
7	Labuan Amas Selatan	-	-	-	-
8	Labuan Amas Utara	-	-	-	-
9	Pandawa	-	-	-	-
10	Batang Alai Utara	-	-	-	-
11	Limpasu	-	-	-	-
12	Kabupaten Hulu Sungai Tengah	45520.00	8658.00	13886.00	22976.00

Source: HST District Bappeda, 2022

The area of protected forest in Hulu Sungai Tengah Regency in 2021 is around 25,949.43 hectares, production forest is around 9,081.87 hectares, and permanent production forest is around 14,056.08 hectares. According to its function, forests are divided into protected forests, production forests, forest reserves and nature conservation.

When compared based on data from the Central Bureau of Statistics for Hulu Sungai Tengah Regency regarding the Area of Forest Areas by District in Hulu Sungai Tengah Regency in 2016, they are as follows: Based on this data, there are three types of forest areas in Hulu Sungai Tengah, namely Production Forest Areas, Production Forest Areas Limited Production and Protected Forest Areas. Based on the district data above, there are only four districts in the distribution of the forest area referred to. Namely Haruyan District, Hantakan District, Batang Alai Selatan District and Batang Alai Timur District.

The paddy field production figures for 2021 are 190,645 tons with a harvested area of 34,319 hectares and a productivity of 5.56 tons/ha. During 2021, Pandawan District will be the district with the largest lowland rice production, namely 37,018 tons.

Legal Instruments for the RTRW of Hulu Sungai Tengah Regency

Hulu Sungai Tengah Regency has Regional Regulation of Hulu Sungai Tengah Regency Number 13 of 2016 concerning Spatial Planning for the Region of Hulu Sungai Tengah Regency for 2016-2036. The spatial planning policy for the Hulu Sungai Tengah district is a series of concepts and principles that form the outline and basis for the utilization of land, sea and air space, including space within the earth. Based on the RTRW of Hulu Sungai Tengah Regency, the designation and mapping of areas in Hulu Sungai Tengah Regency can be found.

The designated agricultural area consists of:

- designated area for agricultural wetlands;
- dry land agricultural allotment area;
- horticultural allotment area;
- plantation allotment area;
- livestock allotment area; and
- fishing area

As for the allotted area for plantations in the form of annual crops covering an area of approximately 31,907 (thirty one thousand nine hundred and seven) hectares including:

- a. Batang Alai Utara District with an area of approximately 2.040 hectares;
- b. Batang Alai Timur District with an area of approximately 6.722 hectares;
- c. Batang Alai Selatan District with an area of approximately 2.628 hectares;
- d. Limpasu District with an area of approximately 3.713 hectares;
- e. Hantakan District with an area of approximately 8.255 hectares;
- f. Batu Benawa District with an area of approximately 2,824 (two thousand eight hundred and twenty four) hectares; and
- g. Haruyan District with an area of approximately 5.724 hectares.

The protected forest area in the Upper Sungai Tengah area of approximately 60.087 hectares includes:

- a. East Batang Alai District with an area of approximately 57.357 hectares including: Batu Tangga, Nateh, Tandilang, Pembakulan, Muara Hungi, Datar Batung, Batu Perahu, Juhu, and Aing Bantai villages;
- b. Hanntak District with an area of approximately 2.363 hectares including: Datar Ajab, Patikalain, Haruyan Dayak and Pasting Villages;
- c. Haruyan District covering an area of approximately 111 hectares includes: Sungai Harang Village; and
- d. Batang Alai Selatan District with an area of approximately 256 hectares including: Wawai Gardu Village and Tanah Habang.

1 Inside a protected forest area there are residential areas which are still designated as protected forests based on the provisions of laws and regulations in the forestry sector, but there are settlements covering an area of approximately 462 hectares spread across Batang Alai Timur District and Hantakan District. provisions for controlling the use of space Based on the RTRW of Hulu Sungai Tengah Regency, a protected area is an area designated with the main function of protecting environmental sustainability which includes natural resources and artificial resources.

Based on the RTRW of Hulu Sungai Tengah Regency regarding the provisions for controlling spatial use in the Hulu Sungai Tengah Regency area, it is used as a reference in implementing spatial use control for the Regency area. Spatial use control provisions include:

- a. general provisions of zoning regulations;
- b. licensing conditions;
- c. provision of incentives and disincentives; and
- d. sanctions directives.

Based on Government Regulation of the Republic of Indonesia Number 23 of 2021 concerning Forest Administration, emphasizes that Protection Forest is a Forest Area which has the main function of protecting life support systems to regulate water management, prevent flooding, control erosion, prevent seawater intrusion, and maintain soil fertility. Forest Area Utilization is a series of activities in the context of determining the function and Use of Forest Areas. Changes in Forest Area Functions are changes in part or all of Forest functions in one or several Forest groups to become functions of other Forest Areas. Meanwhile, Release of Forest Areas is a change in the designation of Convertible Production Forest Areas and/or Permanent Production Forests into non-Forest Areas. Whereas for the data to be used for Forest Area Release, it must be passed with the approval instrument for forest area release, namely the approval regarding Changes in the Allocation of Convertible Production Forest Areas and/or Permanent Production Forests to Non-Forest Areas issued by the Minister.

Licensing Instrument for Changes in the Allocation and Function of Forest Areas

This research uses a statutory approach by tracing laws and regulations long ago, even though these statutory regulations have been replaced by new laws and regulations in later developments. These substitutions and changes are a follow-up step in making changes to Government Regulations implementing Law Number 41 of 1999 concerning Forestry as amended by Law Number 19 of 2004, including:

1. Government Regulation Number 44 of 2004 concerning Forestry Planning, which is closely related to changes to:

- a. A maximum limit of 30 (thirty) percent of Forest Areas that must be maintained from the area of watersheds or islands which are often considered to hinder the acquisition of land for investment is replaced with sufficient area of Forest Areas and Forest closures.
 - b. Implementation of Forest Area Gazettement, to accelerate Forest Area Inauguration, especially in national strategic programs, national economic recovery, food and energy security activities, land activities as objects of agrarian reform, Customary Forests, forest area rehabilitation activities in watersheds that provide protection, and in areas adjacent to densely populated settlements and with high potential for encroachment, this can be done by utilizing geographic or satellite coordinates using remote sensing technology.
2. Government Regulation Number 104 of 2015 concerning Procedures for Changing the Allocation and Function of Forest Areas:
 - a. Changes to the criteria for Production Forest Areas, which originally had three function criteria, namely Limited Production Forest Areas, Permanent Production Forest Areas and Convertible Production Forest Areas, were changed to 2 (two) functions, namely Permanent Production Forest Areas and Convertible Production Forest Areas, so that it will make it easier to determine the criteria for Forest function and in the use and Utilization of Forest Areas;
 - b. Changes in the allotment of Forest Areas which were originally only Production Forest Areas which could be converted for all activities, in this Government Regulation for national strategic project program (PSN) activities, economic recovery activities (PEN), food security activities (food estate and energy, land program object of agrarian reform, business activities that have been built and have permits in Forest Areas before the enactment of Law Number 11 of 2020 concerning Job Creation, can be carried out in Forest Areas Fixed Production and Convertible Production Forest Areas, as well as being exempt from the provisions on the imposition of PNBP.
 3. Government Regulation Number 24 of 2010 concerning Use of Forest Areas as amended several times, most recently by Government Regulation Number 105 of 2015, provides convenience and acceleration as well as business certainty such as:
 - a. Land acquisition carried out by the private sector which is permanent with the mechanism of Release of Forest Areas while those which are not permanent and to avoid fragmentation of Forest Areas and can become part of Forest management are carried out with an approval mechanism;
 - b. Use of Forest Areas outside of Forestry for activities without having a Forestry permit that was carried out before the enactment of Law Number 11 of 2020 concerning Job Creation, issuance of approval for Use of Forest Areas after the fulfillment of Administrative Sanctions;
 - c. Provisions relating to the provision of replacement land in the use of forest areas, in provinces where the forest area is sufficiently large, they are obliged to pay PNBP, while in provinces where the forest area is not exceeded, they are obliged to pay PNBP for the use of forest areas and pay compensation PNBP in the amount of the land used.
 4. Government Regulation Number 6 of 2007 concerning Forest Management and Preparation of Forest Management and Forest Utilization Plans, as amended by Government Regulation Number 3 of 2008, restrictions on forest utilization business permits are carried out by considering aspects of forest sustainability and aspects of business certainty, such as:
 - a. Change in nomenclature that was originally granted in the form of a permit to be replaced with a Business Permit for all Forest Utilization activities;
 - b. Deleting the types of permits into one Business Permit;
 - c. Change Community empowerment into Social Forestry management and include activities that have been regulated in Ministerial Regulations into Government Regulations and provide legality of Social Forestry management activities that have been regulated in Ministerial Regulations into Government Regulations; and
 - d. Forestry Multibusiness.
 5. Government Regulation Number 45 of 2004 concerning Forest Protection as amended by Government Regulation Number 60 of 2009, such as adjusting the obligations and prohibitions as well as nomenclature contained in Government Regulation Number 45 of 2004 concerning Forest Protection as amended by Government Regulation Number 60 of 2009 into this Government Regulation with related Government

Regulations. Based on Government Regulation Number 104 of 2015 concerning Procedures for Changes in the Allocation and Function of Forest Areas, changes in the designation and function of Forest Areas are accommodated. This Government Regulation based on Government Regulation of the Republic of Indonesia Number 23 of 2021 concerning Forestry Administration is revoked and declared no longer valid.

According to Government Regulation Number 104 of 2015, changes to the designation of forest areas and changes to the function of forest areas are carried out to meet the demands of the dynamics of national development and the aspirations of the people while still being based on optimizing the distribution of functions and benefits of forest areas in a sustainable and sustainable manner, as well as the existence of forest areas with sufficient area, and proportional distribution.

Laws and regulations confirm that changes to allotment of forest areas and changes to the function of forest areas are stipulated by the Minister based on the results of an integrated research. As for what is meant by Integrated Research is research conducted by government institutions that have competence and scientific authority together with other related parties. That changes to allotment of forest areas can be made:

- a. Partially; or
- b. For the province.

Partial changes to allotment of forest areas are carried out through:

- a. Exchange of Forest Areas; or
- b. Release of Forest Areas.

Partial changes to the Allocation of Forest Areas are carried out based on a request. This application can be filed by:

- a. Minister or official at ministerial level;
- b. Governor or regent/mayor;
- c. Heads of legal entities; or
- d. Individuals, groups of people, and/or society.

As for relating to changes in the function of the forest area is carried out to strengthen and optimize the function of the forest area. Changes in the function of forest areas are carried out in forest areas with the following main functions:

- a. Conservation Forest;
- b. Protected forest; and
- c. Production forest.

The changes in the function of Forest Areas are carried out:

- a. Partially; or
- b. For the province.

Legislation confirms that conversion of the Function of Forest Areas into Production Forests that can be converted cannot be carried out in a province with an area of Forest Area equal to or less than 30% (thirty percent). Regarding the application as stated above, this is closely related to the licensing instrument that will be issued by the authorities/government. That the licensing instrument is used by the authorities in a large number of areas of policy. Especially applicable to environmental law, spatial planning law, water law. Where the purpose of the licensing system is to prevent harm to the environment.

Based on data regarding the area of oil palm plantations in Upper Sungai Tengah, there is none at all. This can also be seen in the area designated for oil palm plantations where there is no data on the size and yield when compared to several areas in other districts in South Kalimantan. So the indication that the major floods that hit South Kalimantan in 2021 were caused by the conversion of the function of forest areas, especially in the Upper Middle River Region to an oil palm plantation area, is unfounded. In the sense that there are no licensing instruments issued by parties who have the authority to issue permits for the conversion of forest area functions to palm oil designated areas, especially in the Hulu Sungai Tengah Regency area.

Based on the information and data obtained from informants from the Hulu Sungai Tengah Bappeda Office, that the large number of land clearings in the Hulu Sungai Tengah region was caused more by the community/farmers working on shifting cultivation, where each community/farmer did so that the accumulation of land tilled / this clearing of land is quite significant which might be one of the causes of flooding. This shifting cultivation is not based on the legality of the licensing instrument issued by the

competent authority in the field of licensing. Regarding the facts stated, the weakness is that the Hulu Sungai Tengah District Government does not have definite data about how large the area that the community has cleared by clearing this land. To anticipate the widespread and massive cultivation of shifting cultivation, it is necessary to carry out law enforcement measures. Both for enforcing the RTRW Regional Regulations that have been stipulated by the Regional Government of Hulu Sungai Tengah Regency as well as enforcement of laws and regulations in the agricultural and forestry sectors.

It is realized by the Regional Government of Hulu Sungai Tengah that the efforts made by the community/farmers to clear shifting land cannot be separated from the efforts of the community/farmers to do so for the sake of livelihood efforts as a source of income/the daily livelihood of the community/farmers. So it is more related to the economic aspect of society.

Forest Protection is an effort to prevent and limit damage to Forests inside and outside Forest Areas and Forest products, which are caused by human actions, livestock, fires, natural resources, pests and diseases, as well as defending and safeguarding the rights of the state, Community, and individuals over Forests, Forest Areas, Forest products, investments, and instruments related to Forest management.

Government Regulation of the Republic of Indonesia Number 24 of 2021 concerning Procedures for Imposing Administrative Sanctions and Procedures for Non-Tax State Revenue Derived from Administrative Fines in the Forestry Sector. With regard to permits in the forestry sector, these are business permits in the forestry sector issued before the enactment of Law Number 11 of 2020 concerning Job Creation, which includes business permits for area utilization, business permits for utilization of environmental services, business permits for utilization of timber and/or non-timber forest products, permits for collection of timber and/or non-timber forest products, permits for borrow-to-use Forest Areas, permits for social forestry, or release of Forest Areas. Approval for Release of Forest Areas is an agreement regarding changes in the designation of Convertible Production Forest Areas and/or Permanent Production Forests into non-Forest Areas issued by the Minister. Approval for the Use of Forest Areas is an approval for the use of a part of a Forest Area for development purposes other than forestry activities without changing the function and allotment of Forest Areas. The use of Forest Areas for development purposes other than Forestry activities can only be carried out in Production Forest Areas and Protection Forest Areas. Every business activity in a Forest Estate is required to have a Business Permit in the forestry sector, with the approval of the Minister.

Deforestation and Land Degradation

Whereas deforestation and land degradation are components that can increase the critical level of land in a watershed, sub-watershed, and in a catchment area, the high level of critical land is a factor that determines the vulnerability of flood suppliers, so efforts to control deforestation and land degradation are needed (Oljirra A, 2019). Carried out in an integrated cross-sectoral and cross-regional manner. Mining activities will trigger deforestation and land degradation which increase the potential for flooding.

Flood events can occur due to human activities in land use that are not based on the principle of sustainability and as a result of prolonged rains in the upstream part of the watershed. Forest exploitation and other land uses that are not based on environmental sustainability can also cause flooding. In addition, the area of open land cannot hold rainwater which causes high water discharge during the rainy season which exceeds the capacity of rivers, reservoirs, lakes and other water reservoirs, resulting in flooding.

Land cover in Hulu Sungai Tengah District is dominated by mixed dryland farming. Forest cover when referring to the 30% standard of forest area that must be met, the total forest area cover of Hulu Sungai Tengah Regency is only 13.25% (environmental carrying capacity of tree vegetation <30%).

Conclusion

Regarding the causes of the major floods that occurred in early 2021, including those that hit the Hulu Sungai Tengah region, they were not related to the conversion of forest areas to plantation areas, especially oil palm plantations. Because the area of the plantation sector in the Hulu Sungai Tengah is dominated by rubber, coconut and coffee plantations. The area of the plantation area in the Upper Middle River does not contain the oil palm plantation sector. This is different from several other districts/cities in the province of South Kalimantan, where most of the area of oil palm plantations is quite large. Changes in the designation of forest

areas and changes in the function of forest areas with licensing instruments with quite stringent requirements are regulated in the forestry sector law with various further implementing regulatory instruments. Based on the data obtained in the Upper Sungai Tengah region, there were no permits for changes in the designation of forest areas and changes in the function of forest areas. Licensing instruments, especially business licensing based on the Job Creation Law, are an effort to create governance in the forestry sector through good and sustainable governance (good governance) by considering development priorities and regional development.

The condition of critical land that causes flooding is not only related to the conversion of forest areas but can also be the result of exploitation of mining activities, both illegal and legal mining, so the commitment of the Regional Government of Hulu Sungai Tengah Regency to continue to reject coal mining in their area must be maintained. This is in accordance with the aspirations of the people, to save and defend the Meratus Mountains from illegal and legal mining materials. The need for coordination by both the central government, as well as provincial and district/city regional governments to make an integrated policy in the business licensing sector in the mining sector, the plantation sector, the plantation sector, and the mining sector

1

Acknowledgments

Thanks are conveyed to all parties who have assisted in completing this research, especially the relevant agencies and stakeholders who provided information in the interviews. In addition, thanks are also conveyed to the Research and Community Service Institute of Lambung Mangkurat University which has provided funds in this research based on the Research Compulsory Lecturer Program with the University Non-Tax State Revenue Financing Scheme at Lambung Mangkurat University for the 2022 Main Cluster Fiscal Year.

References

1. Adhi WI. Developing tropical peatlands for agriculture. *JO Rieley and SE*, 1997.
2. Badan Pusat Statistik (BPS) South Kalimantan. <https://kalsel.bps.go.id/indicator/60/165/1/luas-kawasan-hutan-dan-perairan.html> (Desember 22, 2022).
3. Eko P & Teguh K. Reformasi Birokrasi dan Good Governance: Kasus Best Practices dari Sejumlah Daerah di Indonesia. Departemen Ilmu Administrasi Fakultas Ilmu Sosial dan Ilmu Politik. Jakarta: Universitas Indonesia. 2008.
4. H.S, Salim. Dasar-dasar Hukum Kehutanan Jakarta: Sinar Grafika. 1997.
5. Hadjon, Philipus M., et.al. Hukum administrasi dan good governance. Penerbit Universitas Tri sakti. 2010. 1-163.
6. Jaja, Tonye Clinton, dan Zaka Firma Aditya. Promoting the Good Governance By Advancing the Role of Parliamentarians and the Term Offices Limitation (Comparing Nigeria and Indonesia). *Journal of Indonesian Legal Studies* 2022; 7(1): 265–98.
7. Lembaga Penerbangan dan Antariksa Nasional (LAPAN). <https://www.lapan.go.id/post/6829/banjir-di-kalsel-berkurangnya-area-hutan-primer-dan-sekunder-picu-banjir-terbesar-di-provinsi-itu>. Accessed date: December 1, 2022.
8. Murhaini, Suriyansyah. Hukum Kehutanan Penegakan Hukum Terhadap Kejahatan di Bidang Kehutanan. Jakarta: Laksbang Grafika. 2011.
9. Oljirra A. The causes, consequences and remedies of deforestation in Ethiopia.” *Journal of Degraded and Mining Lands Management* 2019;6(3): 1747–54.
10. Pamulardi, Bambang. Hukum Kehutanan dan Pembangunan Bidang Kehutanan. Jakarta: Raja Grafindo Persada. 2011.
11. Puspitarini RC. Perspektif Melihat Banjir Kalimantan Selatan Tahun 2021.” *Jurnal Ilmu Sosial dan Politik* 2021; 1(1): 1–10.
12. Sakuntaladewi N, et.al. (2022). Can We Simultaneously Restore Peatlands and Improve Livelihoods? Exploring Community Home Yard Innovations in Utilizing Degraded Peatland. *MDPI Journals Land* 2022; 11(2). 1-22.
13. Syahza et.al A. Peatland Policy and Management Strategy to Support Sustainable Development in Indonesia. *Journal of Physics: Conference Series* 2020; 1(1). 1-11.
14. Susanti, A. Implementation of the Principles of Good Governance in Improving Public Services At the Investment Office and One-Stop” *Journal of Multidisciplinary Science* 2022; 1(1): 1598–1611.
15. Wiratraman HP. Penelitian sosio-legal dan konsekuensi metodologisnya. <https://herlambangperdana.files.wordpress.com/2008/06/penelitian-sosio-legal-dalam-tun.pdf>: 1–12. Accessed date: December 1, 2022.
16. Adi WB & Agum Mi. 2022. Alih Fungsi Kawasan Hutan Dan Dampaknya Terhadap Bencana Banjir Yang Ada Di Kabupaten Bima. *Agrienv* 2022; 16(1): 75–82.

Problems Of Issuance And Impact Of Forest Area Transfer Function Permits Based On The Principle Of Good Governance (Flood Study In South Kalimantan In 2021)

ORIGINALITY REPORT

4%

SIMILARITY INDEX

4%

INTERNET SOURCES

0%

PUBLICATIONS

%

STUDENT PAPERS

PRIMARY SOURCES

1

pnrjournal.com
Internet Source

4%

Exclude quotes On

Exclude matches < 4%

Exclude bibliography On