

# The Role of Stakeholders and Mechanism of Forest Area Gazettement of Gunung Birah Protected Area

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## The Role of Stakeholders and Mechanism of Forest Area Gazettement of Gunung Birah Protected Area

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### ABSTRACT

The gazettement of forest area is one of the significant aspects in forest designation that should be carried out to determine the legal framework regarding with the administrative and the physical status as well as forest boundaries. It is expected that the legal framework and precise forest area will support the powerful and purposeful forest management. The study aimed to find out the roles and the standpoints of stakeholders, to explore the mechanism, to identify and analyze the obstacles in the process, to formulate alternative effort in the process of forest area gazettement of Gunung Birah Protected Forest. It is expected that this study will enrich the concern on forestry policy especially regarding with the gazettement of the forest area, as well as provide the input to the ministry of forestry and local government in formulating strategies and policies in the implementation of forest area gazettement. The result indicated the stakeholders involved in the gazettement of Gunung Birah protected forest in KPHP Model Tanah Laut as well as their roles are the functionaries of KPHP Model Tanah Laut, local community adjacent to the forest area, regional office of forestry Planning (Balai Pemantapan Kawasan Hutan/BPKH), Local Government (The administration committee of forest boundary), and Central Government (the ministry of Environment and forestry). Constraints in the affirmation process of Gunung Birah protected forest areas in KPHP Tanah Laut can be divided into internal and external factors. Internal constraints include human errors in the compilation of Minute of Forest Boundary, incomplete implementation document thus the gazettement could not be processed, and the lack of socialization dealing with forest boundary to the local community adjacent to forest area. Meanwhile, the external constraints were the determination of forest boundaries stretch frequently intersects with settlement or other rights, the overlapping use of an area, the lack of public recognition on forest area boundary, the issuance of private land rights certificate in forest areas, and diverse interpretations on the status of forest area.

**Keywords:** Forest area gazettement, stakeholders, forest area boundary demarcation, completion steps.

### 1. Introduction

#### *Background of the Research*

Based on its function, forests are not only intended to support local life and connecting the national economy, but at the same time it also has a function of sustainability for the balance of the global ecosystem. Forest in particular as a buffer function of local life is still significant for Indonesia, with 49 million people who still depend on forest resources. On the other hand, the Indonesian economy owes a lot from the forestry sub-sector as the connecting economic force, although in the last decade the contribution of forestry in Gross Domestic Product (GDP) has continued to decline. Recorded in 2011, the forestry sub-sector contributes economic potential to 0.7% of total GDP. This fact is actually not able

to downplay the function of forests that are actually extraordinary if managed optimally, given the vast Indonesian canopy recorded in 2011 still reached 99 million hectares (Ministry of Forestry 2012).

#### *Objectives and Benefits of Research*

The objective of the research:

1. Explain the roles and perspective of the parties in the process of strengthening the HL G. Birah area on KPHP Model Land.
2. Exploring the inaugural mechanism of the HL G. Armor area on the Sea Land KPHP Model.
3. Identify and analyze the obstacles that came in the inauguration process of the HL G. Armor region on the Sea Land Model KPHP.
4. Formulate alternative efforts to resolve the establishment of forest areas.

The benefits of the research:

1. Academic  
From the academic side it is expected that the results of this study can contribute ideas to forestry policies, especially regarding the strengthening of forest areas.
2. Practical  
From a practical side, it is expected that the results of this study can provide input to the Ministry of Forestry, Regional Governments in developing strategies and policies in the implementation of forest area gazettment.

## **2. Research Methods**

### *Research Place*

The study was carried out for 5 (five) months, starting from March to July 2015. Research Sites in HL G. Birah Area on the Marine Land Model KPHP located in Tanah Laut Regency, South Kalimantan Province.

### *Research tools and materials*

In qualitative research, the researcher is a tool (instrument) the main data collector, because the researcher is human and only humans can relate to the respondent or other objects, and be able to understand the relation of reality in the field. Therefore, researchers also participate in observation or participant observation (Moleong, 2007).

Data collection, the researcher requires tools (research instruments) using 2 tools, namely:

1. Interview guide
2. Observation Guidelines

### *Research Procedure*

1. Research Approach  
Qualitative Research
2. Type of Research

This research is normative legal research, In order to complete the secondary data, especially as a deepening of the contents and legal provisions, it is also necessary to have the primary data that collected from the speakers.

#### a. Primer Data

Primary data is obtained through in-depth interviews with source according to researchers have competence so they are able to provide explanations and information about the establishment of forest areas.

#### b. Secondary Data

- 1) Primary Law Material
- 2) Secondary Legal Materials
- 3) Tertiary Legal Materials

#### 3. Research Subjects

The subjects of this study are those who according to the researchers have competence so they are able to provide explanations and information about the process of gazetting forest areas in general and Forest Areas in KPHP Tanah Laut in particular,

4. Data Collection
  - a. Primer Data
  - b. Secondary Data

## 5. Analysis Data

- a. Analysis of descriptive analytic qualitative data.
- b. Juridical-Normative Analysis

## 3. Results And Discussion

*Role and Perspective of Parties in the Process of Strengthening the Forest Area of Mount Birah Protected Forest at KPHP Land*

Based on the results of observations and interviews with subjects, the role of the parties in the process of establishing forest areas.

Stakeholders	Roles	Description
Forest Estate Manager (KPHP Tanah Laut Model)	<ol style="list-style-type: none"> <li>a) Delivering the interests of forest area management</li> <li>b) Manage the data and information related to forest areas</li> </ol>	Results of Interview with Mr Suratno (Head of Subdivision of KPHP Tuning Model)
Society	<ol style="list-style-type: none"> <li>a) Delivering the problem situation, aspirations and community commitment to the management of forest resources in the village and its surroundings.</li> <li>b) Providing information about the existence of the degraded forest and land boundaries.</li> <li>c) Form and engage in the implementation of erecting forest area boundaries / palms.</li> </ol>	Interview Results with: <ol style="list-style-type: none"> <li>a). Mr. Armansyah as Head of Batu Tungku Village and</li> <li>b). Mr. Ideransyah as Head of Kandangan Lama</li> </ol>
Forest Area Stabilization Center (as a member of the Boundary Organizing Committee and Technical Implementation Activities)	<ol style="list-style-type: none"> <li>a) Ensure the process of structuring the boundaries of forest areas according to the Guidelines for the Establishment of Forest Areas</li> <li>b) Take the measurement of the field limitation accordance with Technical instructions</li> <li>c) Measuring the land according to the aspirations of the people in the forest area</li> <li>d) learning about aspirations of the community as a reference in making measurements in the field</li> </ol>	The Results of Interview with Mr. Miftahol Arifin as Head of Forestry Policing Unit at BPKH Wil V Banjarbaru
Local Government (part of the Boundary Organizing Committee)	<ol style="list-style-type: none"> <li>a) Carry out the boundary arrangement process</li> <li>b) Facilitating the meeting process between communities with the Forest Zone Stabilization Center (BPKH)</li> <li>c) Mediating the negotiation process between the community and BPKH</li> <li>d) Considering the community recommendations that combined with forest management regulations.</li> <li>e) Taking decisions in resolving the right of the third side</li> </ol>	Interview Results with: <ol style="list-style-type: none"> <li>a). Mr. Ir. Ahmad Hairin as head of the Forestry Office of Tanah Laut Regency.</li> <li>b). Mr. Sarus (Head of Administration Section of Panyipatan Sub-District)</li> <li>c). Mr. Agung Hnanto, S. Hut from the Kal-Sel Provincial Forest Office.</li> </ol>

Stakeholders	Roles	Description
	accordance with forest management regulations	
	f) Monitoring and examining the results of the implementation of forest area boundary structuring in the field	
	g) Making and signing BATB.	
Central government	a) Decide the issues that cannot be resolved by the boundary committee	Results of Interviews with Mr. Ir. Eko Widjajanto as Head of the inauguration of the Kalimantan forest area in the Directorate General of Forestry Planning and Environmental Management.
	b) Ratifying the formal legal document for boundary arrangement, including the ratification of "partial" boundary arrangement results.	

#### *The problems in the process of establishing forest areas*

##### **1. Internal constraints**

- a. Inaccuracies in the appointment map have resulted in a difficult completion process, including the process of inventorying community rights during boundary arrangements.
- b. There are often mistakes in the making of Acasra Borderline and boundary map results, juridical conditions are not fulfilled so that they need to be repaired and returned to the area (PTB) so that it takes a long time.
- c. Documents implementing the forest area consolidation are incomplete so that the Minister of Forestry has not been able to process it.
- d. Lack of socialization of forest boundaries to the community.
- e. The number of measurement and mapping technical personnel is not evenly distributed when compared to the area of forest in the Province of South Kalimantan.

##### **2. External constraints**

- a. In making route boundaries of forest areas in the field that often experience difficulties, there is overlapping use of forest areas for interests outside the forestry sector.
- b. There is weak public recognition of the boundaries of the forest area around HL G. Birah which has arable land located in forest areas generally does not accept their arable land by a border pal, because **if** some communities cannot show proof of ownership of arable land.
- c. There is **the issuance of certificates of land rights in forest areas**
- d. The removal of the forest boundary pal from the original position by the person who deliberately wanted to explore the forest area.
- e. The non-acceptance by various parties including law enforcement on the perception of "Appointment of Forest Areas" is part of the process of determining the status of forest areas by the Minister of Forestry.

#### *Alternative Efforts to Resolve Forest Estate Confirmation*

1. Procurement of high-resolution satellite images so that the Forest Zone Appointment Map is more accurate so that the Forest Confirmation process can be completed immediately.
2. Reviewing documents for the confirmation of forest areas by each forest area stakeholder
3. It is necessary to coordinate and consult with the Legal Bureau so that the boundary document meets the juridical aspects.
4. Improve coordination and synchronization of forest gazette documents between government agencies at the central and regional levels in order to find solutions that are acceptable to all parties.
5. Carry out legal processes transparently against violations as a form of joint commitment to realize forest area consolidation.
6. Carry out reconstruction activities on the boundaries of the Gunung Birah protected forest so that the boundaries in the field become clearer because it is probable that pal boundaries in the field have been lost or damaged.

7. Carry out socialization of legislation in the field of the inauguration of forest areas and boundaries of forest areas to relevant agencies and communities.
8. Improve the quality of human resources in the field of forest area gazettement through training such as measurement and mapping training.
9. The storage of documentation for the inauguration of forest areas needs to be improved by making digital documents to avoid loss of documents.

#### 4. Conclusion

1. The role of stakeholders in the inauguration of HL G. Birah area is
  - a) Management of Forest Areas (Tanah Laut KPHP Model): convey the interests of forest area management, manage data and information.
  - b) Society: convey the situation problem, aspirations and commitments of the community, provide information about the existence of disputed forest and land boundaries, form and participate in the implementation of the establishment of forest area boundaries.
  - c) BPKH: ensuring the process of structuring that boundaries the forest areas in accordance with the Forest Area Inauguration Guidelines, conducting boundary confirmations in the field, conducting confirmation of lands in accordance with the aspirations of the community, studying the aspirations of the community.
  - d) Regional Government (Boundary Organizing Committee): organizes a boundary arrangement process, facilitates the process of meeting between the community and the BPKH, mediates the negotiation process between the community and BPKH, considers community proposals, makes decisions in resolving third party rights, monitors and checks the results of structuring implementation make and sign the Border Procedure.
  - e) Central Government: decides on issues that cannot be resolved by the Border Committee, ratifies the formal legal document for boundary arrangements.
2. Internal constraints include inaccuracies in map designation, frequent errors in making Border Procedure Minutes, incomplete forest concession implementation documents and lack of socialization of forest boundaries to the community and not evenly distributed numbers of technical and measurement personnel. External constraints include making forest boundary routes often with residential land or other rights, overlapping use of the area, weak community recognition of forest area boundaries, issuing certificates of land rights in forest areas, issuing certificates of rights to land in a forest area, the removal of a forest boundary pal from the original position if a person and there are different interpretations of the status of the forest area.
3. Alternative efforts to resolve forest areas include: Procurement of high-resolution satellite images and Drones, tracking forest area gazettement documents, coordination and consultation with the Legal Bureau, Improving coordination and synchronization of forest gazettement documents among government agencies, implementing transparent legal processes, implementing boundary reconstruction activities in the HL G. Birah area, carry out socialization of regulations in the field of inauguration of forest areas and forest area boundaries to relevant agencies and communities, improve the quality of human resources in the field of forest area gazettement, store digital documentation.

#### 5. Suggestion

1. Need to improve the norms, standards, procedures, and criteria for the establishment of forest areas in accordance with Government Regulation No. 38 of 2007. This is very important as a legal framework for the establishment of forest areas that will be established by the Provincial and District / City governments in the implementation of boundary arrangements.
2. It is necessary to disseminate information to the Provincial Government and Regency / City Governments, and all stakeholders to have a common perception and interpretation of the legal framework for the strengthening of forest areas.

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