



Community Participation in Preventing and Eradicating Deforestation in Indonesia

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Abstract. The objectives of this study are to analyze the regulation of community participation in preventing and eradicating deforestation, to analyze the factors that hinder community participation in the prevention and eradication of deforestation, and to formulate the concept of community participation in the prevention and eradication of deforestation. The research method used is non-doctrinal. This research is a qualitative research, the type of data used is primary and secondary data. Data collection techniques through literature and field studies (focus group discussions, interviews and questionnaires). The data collected were analyzed through descriptive analysis. The legal theory used is the theory of justice and the theory of law enforcement. The results of the study found that the regulation of community participation in preventing and eradicating deforestation was Law No. 32 of 2009, Law No. 41 of 1999, the factors that hindered community participation in preventing and eradicating deforestation, namely the classic forest paradigm that is not related/separate to humans and other living things, the culture of “*ewuh pekewuh*”. Model of community participation in the prevention and eradication of deforestation through law enforcement based on the value of justice, namely on community participation by developing basic principles, including the Co-Ownership Principle, the Co-Operation/Co-Management Principle, and the Co-Management Principle. Responsibility, namely that the existence of forest areas is a shared responsibility because forest area management is a common goal.

Keywords: Community · Participation · Deforestation · Prevention · Eradication

1 Introduction

The urgency of deforestation in forestry issues is closely related to the image of Indonesia. In this connection, deforestation implies international “pressure” in assessing Indonesia’s work achievements related to sustainability and among them becomes a restriction or consequent pressure that harms international relations. The occurrence of deforestation is a sign that forestry management is not good, which in international relations is the lungs of the world. This is one of the requirements for providing assistance, technology transfer or other things that have implications for international politics [1].

As a momentum related to this, it will occur in 2020. The Amsterdam Declaration in support of a fully sustainable palm oil supply chain by 2020, signed by France, Denmark, Germany, the Netherlands, Norway and the UK, is a political commitment to support the private sector's commitments. Related to deforestation and Sustainable Palm Oil until now, effectively working and carrying out monitoring including monitoring the condition of Indonesia, especially in the field of deforestation in the forestry sector [2].

In this regard, it is realized how important mutual understanding is in the local, national and even international contexts for the problem of deforestation in question. Thus, various policies and implementations carried out by the Indonesian government and people have a direct positive impact on the intended international perception. Its substance internally is not only to fulfill constitutional administrative mandates and orders as stated in the 1945 Constitution of the Republic of Indonesia alone [3]. More than that, it is also to fulfill international requirements which have become a positive convention for Indonesia in international relations.

Forests as a gift and mandate from God Almighty bestowed on the Indonesian people, are a wealth controlled by the State, provide versatile benefits for mankind. Therefore, they must be grateful for, managed, and utilized optimally, and preserved for the greatest prosperity of the people. It is ironic that deforestation has caused environmental damage and ecological injustice [4]. Based on the description above, it is interesting to study in depth the regulation of community participation in preventing and eradicating deforestation, analyzing the factors that hinder community participation in preventing and eradicating deforestation, and the ideal concept of community participation in the prevention and eradication of deforestation in an equitable manner.

2 Research Method

The research method used is non-doctrinal. This research is a qualitative research, the type of data used is primary and secondary data. Data collection techniques was done through literature and field studies (focus group discussions, interviews and questionnaires). The data collected was analyzed through descriptive analysis.

3 Discussion

3.1 Regulation of Community Participation in the Prevention and Eradication of Deforestation

Community participation in eradicating illegal logging is regulated in several laws and regulations, including:

- (1) Law Number 26 of 2007 Concerning Spatial Planning [5]

In Law Number 26 of 2007 concerning spatial planning, regarding community participation, Article 60 letter a states that everyone has the right to know the spatial plan. Then Article 60 letter a was followed up with Government Regulation Number 68 of 2010 concerning Forms and Procedures for Community Participation in

spatial planning. Article 2 of the government regulation regulates the implementation of rights and obligations as well as the forms and procedures for community participation in spatial planning, namely in spatial planning activities, the community has the right to participate in the spatial utilization planning process and to know openly the regional spatial planning plan, regional spatial planning plan and detailed regional spatial plans.

- (2) Law Number 41 of 1999 concerning Forestry which has been amended by Law Number 19 of 2009 concerning amendments to Law Number 41 of 1999 concerning Forestry [6]

The purpose of the provisions in Article 68 and Article 69 of the law is to accommodate forest communities so that they can take part in forestry development and provide compensation to communities who are harmed by forestry development.

- (3) Law Number 5 of 1990 Concerning Conservation of Biological Natural Resources and Their Ecosystems [7]

Community participation or community empowerment in the prevention of illegal logging, in Law Number 5 of 1990 concerning Conservation of Biological Natural Resources and their Ecosystems is regulated in Article 37. Article 37 states that community participation in the conservation of living natural resources and their ecosystems is directed and is driven by the government through various activities that are efficient and effective. The explanation states that the participation of the community in question is the participation of the community in the form of individuals and community groups, whether organized or not.

- (4) Law Number 5 of 1994 [8] Concerning the Ratification of Diversity Biological Regarding community participation in this Law, Article 13 is regulated. Based on Article 13, the parties are obliged to cooperate with other countries and international organizations in developing educational programs and public awareness, in the field of conservation and sustainable use of biodiversity.

- (5) Law Number 39 of 2009 [9] Concerning Environmental Management Life Regarding community participation or community empowerment, this Law is regulated in Article 5 Paragraph (3), which regulates community participation, everyone has the right to play a role in environmental management in accordance with applicable laws.

- (6) Government Regulation No. 68/1998 [10] on Asylum Areas Nature and Nature Conservation Areas.

- (7) Government Regulation Number 6 of 2007 [11] concerning Forest Management and Preparation of Forest Management Plans, and Forest Utilization

This government regulation regulates the empowerment of local communities. To get the benefits of forest resources optimally and fairly, local community empowerment is carried out through capacity building and providing access in the context of improving welfare, and the implementation of community empowerment is the obligation of the government, provinces, districts/cities whose implementation is the responsibility of the Forest Management Unit (KPH). . The empowerment in question can be carried out through activities such as village forests, community forests, partnerships.

Minister of Forestry Regulation Number P.01/Menhut-II/2004 dated 12 July concerning Empowerment of Local Communities in or Around Forests in the Context of Social Forestry. The Ministerial Regulation explains that the purpose of empowering local communities in and around the forest is to increase the ability and independence of the community in forest utilization in order to improve the welfare of local communities and the realization of sustainable forest management. The basic principles of empowering local communities according to the Regulation of the Minister of Forestry include: creating an atmosphere or climate that allows the development of the potential and power possessed by the community, protecting the community through taking sides with the community to prevent the impact of bad competition. In the implementation of social forestry, it is not allowed to give ownership rights to forest areas from forest management not partially but implemented in full. To raise public legal awareness in eradicating illegal logging or illegal logging, it is inseparable from community empowerment, especially communities around forests. For example, what has been done in managing the Evidence Barisan Selatan National Park (TNBBS), especially in the field of nature protection and conservation by involving communities around the forest [12].

3.2 Factors that Hinder Community Participation in the Prevention and Eradication of Deforestation

Deforestation in forestry management is based on the results of the analysis of land cover data in 2017 (period July 2016–June 2017), the national (net) deforestation is 479 thousand hectares, with details in the forest area of 308 thousand hectares and in the Area of Other Uses (APL) is 171 Thousand Hectares. Such a description on the one hand is a concrete number that is difficult to verify. On the other hand, it is a matter of concern, considering that deforestation means a decrease in the quality of the environment.

In general, it is encouraging that this deforestation rate has decreased compared to the deforestation rate in 2016, which was 630 thousand hectares. The forest area (forest cover) in 2017 covers 93.6 million hectares. Deforestation in forest areas, shows a concrete figure, which is 64.3%, compared to 2014 which was 73.6%. It should be noted that controlling deforestation is one of the strategic issues in the forestry sector [13].

The factors that cause illegal logging include: lack of attention from the government to prepare jobs, lack of seriousness of the security forces to take action against people who violate the law, lack of socialization from government officials about the consequences of illegal logging, low public understanding of environmental conservation, and still there are people who set up a sawmill (timber industry) without a permit.

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The challenge faced by indigenous peoples in the event of illegal logging is the criminalization of indigenous peoples. It is based on:

The unclear definition of illegal logging in indigenous peoples was followed by the recent passage of the Forest Encroachment and Destruction Law (P2H);

Data from the National Forestry Council and the Ministry of Forestry show that more than 30,000 villages in Indonesia are located in forest areas. The village referred to here is the units of indigenous peoples. For example, the Batu Sanggan Caliphate is one of the customary community units in Kampar Regency, they are located and included in the Bukit Rimbang Bukit Baling Wildlife Sanctuary where they have lived there for hundreds of years;

The destruction of customary order and at the same time the destruction of customary areas so that indigenous peoples are marginalized. The destruction of customary orders and at the same time the destruction of customary territories so that indigenous peoples are marginalized. The weak factor in law enforcement shows that the rules in positive law cannot always solve the problem of illegal logging. Therefore, the idea of increasing the role of indigenous peoples can be a relevant alternative in preventing illegal logging. The country of Indonesia which is well recognize as a mega biodiversity and mega cultural diversity country has enormous potential for diversity. At least Indonesia has more than 250 ethnic groups and 500 different languages. This cultural diversity is based on the existence of indigenous peoples. Of the 210 million population of Indonesia, between 50–70 million of them are indigenous people [14]. Indigenous peoples are residents who live in community units based on ancestral origins from generation to generation in a customary area, which has sovereignty over land and natural resources, socio-cultural life regulated by customary law and customary institutions that manage the sustainability of the life of their indigenous peoples. Based on this empirical historical fact, indigenous peoples have rights to natural resources around the forest. Broadly speaking, customary law stipulates that the customary community has the right to use the land in its territory, the right to live for a certain period of time around the area, and the right to use it for a certain period of time [15].

3.3 The Concept of Community Participation in the Prevention and Eradication of Deforestation in Indonesia

In terminology, community participation can be interpreted as a way of interacting between two groups that have not been included in the decision-making process, which is dominated by the government. A more specific meaning is that participation is actually a moral incentive that empowers groups who have the potential to spearhead forest protection to participate in negotiating forest management policies. In other words, these moral incentives serve as their participation to influence the higher macro spheres related to decision making that greatly shape their well-being. From the definition above, community participation is clearly an instrument to achieve a certain goal, where the goal is usually associated with better decisions or actions that determine the welfare of those who participate. Empowerment means equitable sharing of power so as to increase political awareness and power of the weak groups and increase their influence on development, while from an environmental perspective empowerment refers to securing access to natural resources and managing them sustainably. The concept of empowerment began to be studied since the decade of the 70s, this concept is a general concept and is only felt to touch the branches or leaves and does not touch the problem, but with

this concept the community has alternatives [16]: Helping the community to have more control over their own activities or environment; Helping the community to enlarge or strengthen their capacity in carrying out their respective duties; Helping to increase the opportunity for community members to grow and develop independently;

Empowerment here also concerns customary law communities who live traditionally in forest areas and outside forest areas whose existence has been recognized by the government. In the context of forest management with the concept of empowerment based on community participation, the basic principles that must be developed are:

The principle of Co-Ownership, namely that forest areas are common property that must be protected together, for there are community rights in it that must be recognized but also that protection must be carried out together;

The principle of Co-Operation/Co-Management is that joint ownership requires forest management to be carried out jointly by all community components (stakeholders) consisting of the government, communities and NGOs who must work together;

The principle of Co-Responsibility is that the existence of forest areas is a shared responsibility because forest area management is a common goal.

These three principles are carried out in an integrated manner so that the function of forest sustainability can be achieved by actively involving the participation of the community around the forest. However, in order for the community to be able to participate, it is necessary to empower the government to empower communities around the forest to improve their welfare. The government in supporting community participation is obliged to encourage various activities in the forestry sector that are efficient and effective. Likewise, local governments have a very large role in implementing this participation. Community participation as a moral incentive to realize material incentives can be detailed as follows [17]:

Community participation as a policy. This understanding holds that community participation is an appropriate and good policy to be implemented. This understanding is based on an understanding that people who are potentially victimized by a development project have the right to be consulted.

Community participation as a strategy. This notion postulates that community participation is a strategy to gain public support. This opinion is based on an understanding that if the community has access to the decision-making process and the public's concern at every level of decision-making is well documented, the credibility of the decision will naturally arise. Then regarding local wisdom possessed by various regions in Indonesia, it is hoped that it can prevent illegal logging, even if it is necessary to make a draft law (RUU) although of course to realize it is not an easy job because it requires careful study considering each tribe has different local wisdom. -different and applicable in their respective regions. This means that there is no uniformity in each of the existing sub-tribes, although there are common threads that can be drawn from these different local wisdoms. Especially if the goal is to prevent logging activities and forest fires;

Community participation as a means of communication, Community participation is utilized as a tool to get input in the form of information in the decision-making process. This perception is based on the idea that the government is designed to serve the community, so that the views and preferences of the community are valuable inputs to realize responsive decisions.

Community participation as a dispute resolution tool, In this context, community participation is utilized as a way to reduce or relieve tension/conflict through efforts to reach consensus of opinion. The assumptions that underlie this perception are various understandings and tolerances as well as reducing/reducing mistrust and confusion.

e). Community participation as therapy, Community participation according to this perception is carried out as an effort to “treat” people’s psychological problems such as feelings of powerlessness. Lack of self-confidence and a feeling that they are not an important component in society.

Ideally, forest management must always contain the spirit of the people, be fair and sustainable, including considering the role of indigenous peoples in forest management policies. The existence of customary law communities is often neglected in making policies carried out by the Government. Including the handling of illegal logging [18].

4 Conclusion

Regulation of community participation in preventing and eradicating deforestation Law Number 32 of 2009 concerning Environmental Protection and Management, Law No. 41 of 1999 concerning Forestry and Regional Government Law. Some factors that hinder community participation in prevention and eradication namely the classical forest paradigm that is not related to deforestation/separately from humans and other living creatures, the culture of “ewuh pekewuh”. Hence, to formulate a model of community participation in the prevention and eradication of deforestation is done through law enforcement based on the value of justice, namely on community participation by developing basic principles, including the Co-Ownership Principle, the Co-Operation/Co-Management Principle, and the Co-Management Principle. This responsibility means that the existence of forest areas is a shared responsibility because forest area management is a common goal.

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