



DEVELOPMENT A FORESTRY MANAGEMENT POLICY IN INDONESIA BASED ON ECOLOGICAL JUSTICE

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Abstract: *The purpose of this paper is to present the results of research conducted by the author on the several factors that influence the effectiveness of forest protection policies. This study tries to analyze some of the factors affecting degradation including questioning why people are still cutting trees and assess the extent to which the effectiveness of forest protection policy in Indonesia. The data used to corroborate the results of research in the can by distributing a number of questions on a questionnaire given to respondents by purposive sampling. Respondents selected by 40 people on average work as farmers/cultivators who have taken or cut wood in the forest, so the data obtained is expected to represent the purpose of the study. The results of filling out questionnaires by respondents showed data that the highest factor determining why people cut wood in the forest was due to economic reasons and ignorance of existing policies. Meanwhile, for some questions that lead to the effectiveness of forest protection policies, respondents tend to answer that they don't know. Another analysis of the research conducted looks at the current application of sanctions, including administrative sanctions, fines and even imprisonment, which cannot show the enforcement of forest destruction violations in a better direction. The contribution made after analyzing the results of the questionnaire and reviewing several forest protection policies is that it is necessary to add some provisions on the study of local wisdom and the formulation of new forms of sanctions that are more effective, such as social sanctions.*

Key Words: *Policy Effectiveness; Forest Protection; Social Sanctions.*

1. INTRODUCTION-

Forests are natural resources controlled by the state in accordance with Article 33 of the 1945 Constitution of the Republic of Indonesia which states that the earth, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. Indonesia as one of the countries that have a large forest area is in ninth place after Argentina. Indonesian forests are categorized as tropical forests which are known to have a lot of fauna diversity and high biodiversity, including large trees that produce wood. Referring to article 47 of Law no. 41 of 1999 concerning Forestry, that forest and forest area protection is an effort to (1) prevent and limit damage to forests, forest areas, and forest products caused by human actions, livestock, fires of natural resources, pests and diseases; and (2) maintain and safeguard the rights of the State, communities, and individuals to forests, forest areas, forest products, investments and instruments related to forest management. Therefore, humans have an active role in forest protection (Perawati & Mustari, 2016).

2. METHODOLOGY:-

This Research aims to find out the factors that encourage people to still cut down trees in forest areas. In addition, the research conducted tries to analyze the existing forest protection policies in Indonesia to what extent the substance in them is. Research data was obtained from a number of respondents who have been determined by sampling. The selected respondents are domiciled around the forest area of Blora, the majority of whom work as farmers. The area of Blora district was deliberately chosen by researchers in conducting data collection because geographically this area is surrounded by forest and there is still a lot of tree cutting by local residents. The form of questions in the questionnaire is a closed question, using a dichotomous scale type in each question there are only two answer choices. In a dichotomous scale where these two answer choices contradict one another and the respondent chooses one answer that fits his opinion. While the results of the overall answers to the questionnaire will be presented



in a table where each rubric will have an average score. Several issues were used in directing respondents to provide answers such as economic factors, policy effectiveness, sanctions instruments, implementers and those in charge of policies to the community paradigm on the use of forest products. To get a clearer view, the researcher also conducted interviews with several respondents. It aims to further explore the answers that may not be represented from all the questions in the questionnaire. The study carried out also cannot be separated from several existing forest protection policies, including Law 41 of 1999 on Forestry which is an umbrella law or general provision and also Law 18 of 2003 concerning Prevention and Eradication of Forest Destruction which is more practical or special provisions.

3. DISCUSSION:

On 24 May 1967 the government enacted Law Number 5 of 1967 concerning Basic Provisions on Forestry. In order to reduce damage to forests, the government issued Government Regulation Number 28 of 1985 concerning Forest Protection (Taqwaddin, 2011). After more than 32 years of enactment, Law Number 5 of 1967 was replaced with Law Number 41 of 1999 concerning Forestry, which is still in effect today. This law recognizes and explicitly regulates the existence of indigenous peoples and customary forests as state forests located within the territory of customary law communities. The utilization of this customary forest functions for the protection and conservation of forest as long as it does not interfere with its original function. By referring to the provisions in Law Number 41 of 1999, in principle all forest areas can be utilized by the community while still paying attention to the nature, characteristics while maintaining the sustainability of the main functions of the forest, the condition of the forest and its sustainability. It is also necessary to carry out rehabilitation and reclamation efforts on forest land with the aim of restoring forest quality, increasing empowerment so as to create community welfare. Furthermore, in order to reduce damage to forests, the government issued Government Regulation Number 28 of 2004 concerning Forest Protection.

To realize the mission of good forest management, the government launched a policy to establish a Forest Management Unit, as regulated in Government Regulation Number 6 of 2007 concerning Forest Management and Preparation of Forest Management Plans and Forest Utilization, which was amended by Government Regulation Number 3 of 2008 concerning Forest Management. Amendment to Government Regulation Number 6 of 2007. This policy is expected to encourage the realization of forest sustainability and community welfare, as well as accommodate the demands and interests of local governments. The level of forest destruction that occurred during that period was felt to be getting higher, so the government decided to enact Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction. In its development, forestry management in Indonesia has also undergone changes. Changes to the provisions of this Law Number 41 of 1999 are contained in Law No. 11 of 2020 concerning Job Creation where the Act is made using the Omnibus Law system. Paragraph 4 of Law No. 11 of 2020, specifically Articles 35, 36 and 37, contains changes to Law 41 of 1999 on Forestry as well as amending Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction. As a reference in implementing the provisions of Law No. 11 of 2020, the government issued Government Regulation no. 23 of 2021 concerning the Implementation of Forestry, which was stipulated and ratified on February 2, 2021. If we examine in-depth the provisions contained in Law No. 11 of 2020, it is a strategy in order to open up foreign investors to invest in Indonesia. One of the theories that talk about justice is the theory put forward by John Rawls. In theory, it is argued that there are three things that are solutions to the problem of justice. First, the principle of equal freedom for everyone in obtaining rights and using them under the law. This formulation is inherent in the notion of equal, i.e. equal or equal among human beings. The two principles of difference that he formulated as a result of social and economic inequalities must be better regulated so as to provide benefits for all parties. The three principles of fair equality to obtain equal opportunities for everyone in meeting economic needs (John Rawls in Bahder Johan Nasution, 2014).

According to Bunyan Bryan, environmental justice is related to cultural norms and values, rules, policies, habits and decisions to support the sustainability of a community, where people can relate to each other in a safe, healthy and productive environment (John Rawls in Bahder Johan Nasution, 2014). But basically, if we examine further the environmental balance must also have an impact on the ecological sustainability that exists in the environment. Damage to the environment not only ignores human rights but also eliminates the rights of other living things such as animals and plants (Bryant, 1995). When talking about environmental justice, it is often associated with the discussion of ecological justice. Ecological justice places the position of living things on how to survive and thrive in an environment. This is in accordance with what Brian Baxter said in his book *A Theory of Ecological Justice* that ecological justice is only part of the general problem of morality in the relationship between humans and non-humans. This becomes very important because local populations of non-human organisms have an impact on the survival and development of living things, including humans. Thus, ecological justice must be involved in solving potential problems for the survival of living species. The main issues placed in the topic of ecological justice consist of the environmental resources needed for a species population to survive and thrive (Baxter, 2005). Considering that

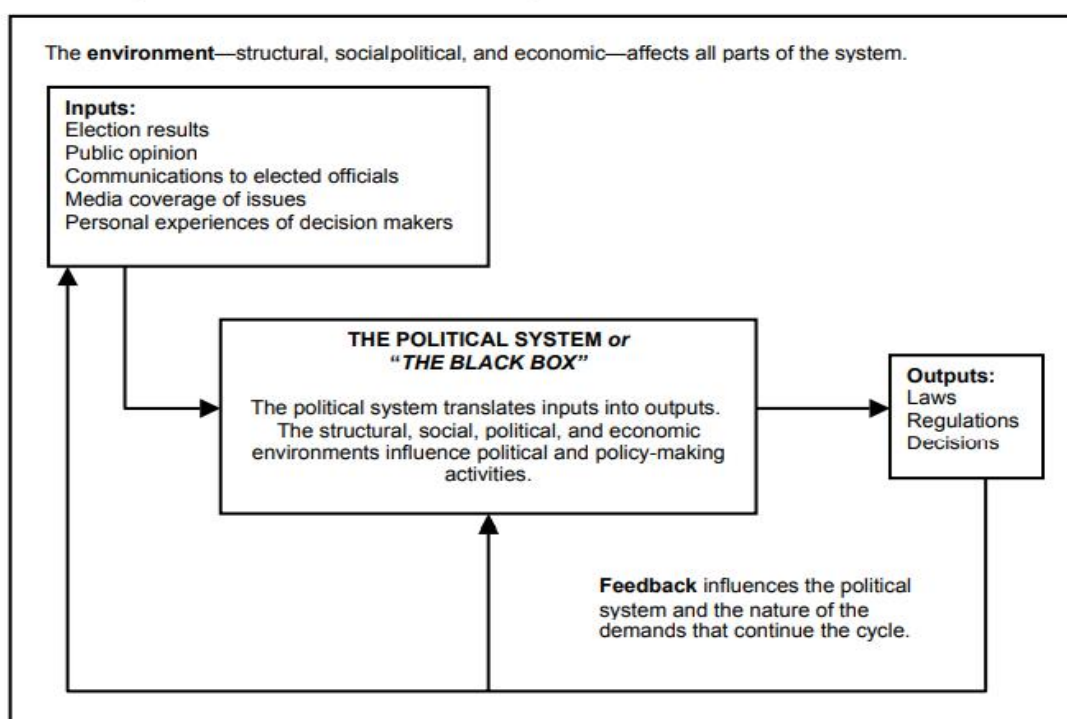


currently many species of living things are threatened with extinction due to the lack of carrying capacity of the environment where they should be.

James E Anderson provides a general understanding of policy refers to all actions taken by individuals or groups consistently aimed at dealing with problems. Elements of public policy can be found in many different expressions of law such as statutes, executive orders, regulations, and judicial decisions. They can also be seen from the way policymakers, such as presidents, governors, or legislators, describe how they view the public policy in a particular area. Both legal statements and the actions of policymakers can determine what public policy at any given time can be useful. To combine these perspectives, Michael E. Kraft & Scott R. Furlong offer a definition of public policy as government action in response to public problems. It relates to the objectives and means of officially approved policies, as well as the regulations and practices of the institutions implementing the program. Viewing public policy in this way emphasizes the reality of the behavior of implementing agencies and officials, not just the formal statements of policy goals and means found in law and other expressions of government policy. Every level of government, both central and regional, is involved in a certain matter in trying to formulate policies because of social problems, and public demands to be followed up (Kraft & Scott R. Furlong, 2018). Based on the understanding of public policies and policies that have been described above, Islamy suggests several important elements regarding public policy, namely: (a) That State policy in its first form is in the form of determining government actions. (b) State policy is not enough to just be stated but implemented in a tangible form. (c) The policy to do or not to do something needs to be based on certain aims and objectives. (d) State policies must be aimed at the public interest (Islamy, 2002).

In addition to the above formulation, it can also be concluded that the study of public policy is a complex study because the implementation of a public policy must go through a number of stages, namely: (1) identifying and formulating public problems, (2) formulating and scheduling a policy, (3) analyzing a policy, (4) making decisions on a policy, (5) implementing and monitoring a policy, (6) evaluating a policy, whether it has achieved the results as designed, and (7) assessing the impact and effectiveness of implementing a policy (Sirajuddin, 2014).

A Systems Model of Politics and Policy



Tabel 1. The Black Box Systems David Easton

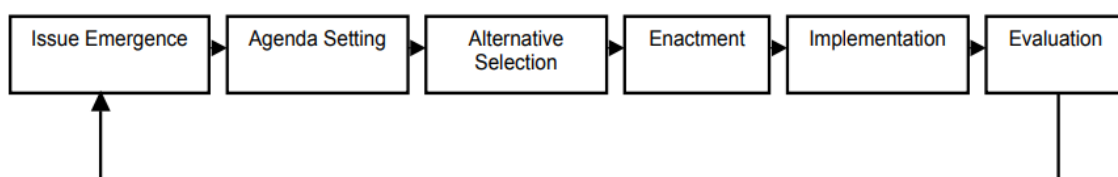
However, many relevant activities are very difficult to observe, so the process presented at the beginning is difficult to carry out. This brings us back to the issue of power. In fact, there are many hidden power processes that influence the policy-making process (Hill, 2005). The formation of public policy has several stages before being implemented into society. The stage model of the policy process relies heavily on systems thinking, one of which thinks about everything from social systems, biological systems to the much more prominent mechanical ones. The simplest model of the policy process is the input-output model. The input model in policymaking is a variety of



problems, pressures, information, and the like that become the reactions of the actors in the system. While the output in the simplest terms is a public policy decision to do or not to do something. David Easton provides an analysis of the system of political life which can be illustrated from the simple chart above.

The challenge in thinking about policy products as a system lies in understanding how policymakers translate a series of inputs into outputs. Easton's system model has received criticism because most depictions of this model treat the political system as a black box (that is, a system in which the internal workings cannot be described in detail), rather than opening the box to understand the processes that occur within it. Model The black box system is something that performs a translation or processing function, but where the actual workings of the system are is not clear. The stages model of the policy process is one way to open the black box to a more thorough analysis. The process can be seen from the chart below:

The Stages Model of the Policy Process



Tabel 2. The Stages Model

Once an issue arises to the agenda of discussion, it moves to the development of alternative policies in the form of responses some might call a solution to a public problem. From there then move to the selection of alternative policies; that is, the choice of the policy tool to be used to address the problem, where the policy is enforced. Enactment of legalized law; regulations are issued, or some other formal decision is taken to take certain actions to solve the problem. Once the decision is made, the policy will be implemented. The policy is then evaluated and the results of the evaluation provide feedback to the process, where it starts again. This model has received a lot of criticism in recent years. The main criticism of the stages, or model of policy-making above, is how it implies that each stage of policy-making takes place, starting from the beginning to the end of policy formulation. Critics also point out that policy ideas are likely to be unattainable at every stage. For example, policy ideas often get on the agenda, but don't move further than they already are. Others also object to this because they cannot separate the implementation of a policy from its evaluation. Evaluation occurs continuously when a policy is implemented.

Easton argues that the public policy process is a product of a system that is influenced by and influences the surrounding environment to operate. Political processes are always related to their environments like plants or animals. Both are parties that can be influenced by and affect their environment. However, this analogy cannot provide a boundary between the political system and its environment, because the system and the environment overlap. The strengths of the systems approach as a core value are in helping us isolate the important points worth studying. For example, in the General idea of environmental policy, we can isolate four “environments” that influence policymaking: the structural environment, the social environment, the economic environment, and the political environment (Birkland, 2015).

According to Wilensky, the initial attempt to explain the development of policies that lead to welfare in various countries in general can be shown by the positive correlation with modernization and industrialization economy. In the post-World War II period up to the early 1980s, it appears that the share of GDP is being matched by growth in social spending at least in some areas, such as unemployment insurance increases over time. Western democracy, and this process of growth is intensifying. However, instead of different countries catching up with each other, and in the late 1970s a new pattern was formed as welfare states matured (Dodds, 2013).

Jänicke, Mol, Buttell and also Dryzek et al. argue that the role of the state in relation to the environment is one of their core metafunctions, in addition to economic and social metafunctions. It can thus be called a metafunction because it covers more than one separate policy area. Meanwhile, the economic metafunction provides the regulatory framework and infrastructure necessary for economic development and growth. The social metafunction consists of the welfare state, while the ecological metafunction ensures environmental protection, also includes research and education, consumer protection and especially the environmental division. Of all these policies, the economic sector is the most responsible for the environmentally intensive production sector, as well as the traditional environmental policy field. Although the scope of environmental policy appears to be expanding, contestation continues as long as



the scope is appropriate. In some countries, certain types of economic activity classified as having environmental impacts are not seen as appropriate targets for public policy in other countries (Dodds, 2013) .

Public policy lies in an increasingly complex, multiple, and overlapping network of interactions embedded in transnational networks, subnational governments and politics and the economy. The main pillars for analyzing public policy have become problematic because the process of globalization disrupts traditional analytical and conceptual frameworks of policymaking. Which implementation can still be understood so as to produce good results. In realizing the achievements of public policies, it is necessary to reorient the role of the state, the actors involved in making public policies, and the transition from sub-government to other sub-governments which are also influenced by aspects of the ever-changing environment. Many parties try to contribute to policymaking, seek to expand, integrate theoretical, conceptual and substantive, although policy debates sometimes arise. The most important thing is the consideration of various interpretations of government, their implications for the state, and the institutions, actors and processes involved in the making and implementation of public policies. Rhodes in his book *The new governance: governing without government*, argues that the ideal policy must be able to reform the government towards good governance. The main achievements of public policy must be to be able to instill, legitimize and secure reforms through 'inclusivity', expand government relations with civil society in the policy-making process and be able to promote good forms of government coupled with new public management with democratic advocacy (Kennett, 2008).

Within the framework of public policy-making, one can see the way in which previously seemingly foreign factors relate to political decision-making as well as to the consequences of actions or inactions related to the issues studied in the policy. It is an important note that policymaking stems from a process of recognizing problems, organizing these problems into political areas and non-political tracks, and sending political problems into decision making by disposition, implementation, and evaluation (Gerston, 2015).

Efficiency and effectiveness are defensible criteria for judging what policy is best in addressing a particular problem or issue of concern. However, the most efficient policy is not necessarily the most effective, and vice versa. If policy evaluation asks questions about what we have done, and policy analysis asks questions about what we should do, policy process research focuses on how and why policy-making needs to be done. Those who study the policy process are interested in knowing why governments pay attention to certain issues and not others, why policies change or remain stable over time, and where they come from (Smith & Larimer, 2009).

By summarizing several previous expert opinions, the writer formulated ten questions in the questionnaire. At least these questions can represent how the variables in developing ecological justice-based forestry management policies include the following:

1. The community has the same opportunity in obtaining the rights and use of the environment based on the law.
2. The current environmental management policy has eliminated social and economic inequality and there have been good arrangements so that it can provide benefits for all parties.
3. Management of the forestry environment is carried out by considering the balance in the environment, both related to ecosystems and/or socio-systems that make up the environment.
4. In society, norms, cultural values, rules, policies, habits and decisions emerge to support the sustainability of a community, where people can relate to each other in a safe, healthy and productive environment.
5. There is a good relationship between the local population of human organisms and non-human organisms that has an impact on the survival and development of living things.
6. Ecological justice is involved in solving potential problems for the survival of living species.
7. Environmental resources currently have a good carrying capacity for species populations to survive and thrive.
8. Enactment of policies that are ratified/issued, as well as several other formal decisions are taken to take certain actions to solve environmental problems.
9. There is an evaluation of forest management policies and the results of the evaluation provide feedback to the process, where the process begins again.
10. Forest management policy is a political product of a system that is influenced by and affects the environment. A good relationship has been established between the political system and its environment, and there are no overlapping policies.

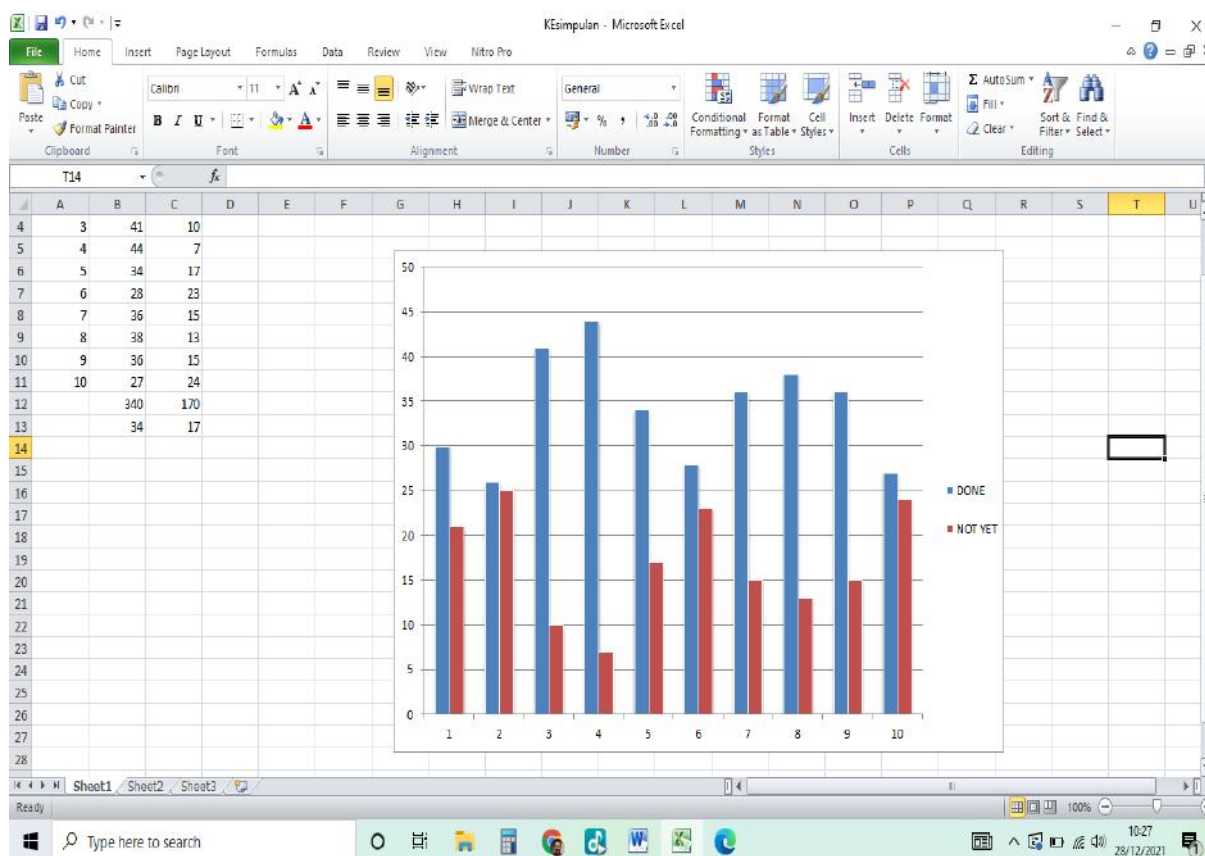


Diagram 1.

Variables for the formation of ecological justice-based forest management policies

From the diagram above, it can be explained that this research used quantitative data obtained from 51 respondents, all of which consisted of various professions such as environmental activists, farmers, civil servants, university students and college students. In question 1 regarding equal opportunity in obtaining rights and use of the environment under the law, 58.8% of respondents answered yes or a total of 30 people. Question 2 regarding the current environmental management policy has eliminated social and economic inequality and there are good arrangements so that it can provide benefits for all parties, the results are that 51% of all respondents answered yes. Meanwhile, in the third question regarding forestry environmental management, it is carried out by considering the balance in the environment, both related to ecosystems and/or socio-systems that make up the environment, 80.4% of respondents or 41 people answered yes. In the 4th question in society, norms, cultural values, rules, policies, habits and decisions appear to support the sustainability of a community, where people can relate to each other in a safe, healthy and productive environment, a total of 86.3% or 44 respondents answered already. Question 5 about There is a good relationship between the local population of human organisms and non-human organisms that have an impact on the survival and development of living things as many as 66.7% or 34 respondents answered yes. In the 6th question regarding ecological justice involved in solving problems that have the potential to continue the existence of living species, the result is 54.9% or 28 respondents answered yes. Furthermore, in the 7th question regarding environmental resources currently having a good carrying capacity for species populations to survive and develop their species, 70.6% of respondents answered yes. As for the 8th question regarding the enactment of policies that were ratified/issued, as well as several other formal decisions are taken to take certain actions to solve environmental problems, the majority of respondents answered that it was 74.5% of respondents or 38 people. for the 9th question regarding the evaluation of forest management policies and the results of the evaluation provided feedback to the process, where the process was started again, 70.6% of respondents answered yes or 36 people. Next to the last question 10 is about forest management policies as a political product of a system that is influenced by and affects the environment. A good relationship has been established between the political system and its environment, and there are no overlapping policies by 52.9% of respondents or a total of 27 people answered that they had.

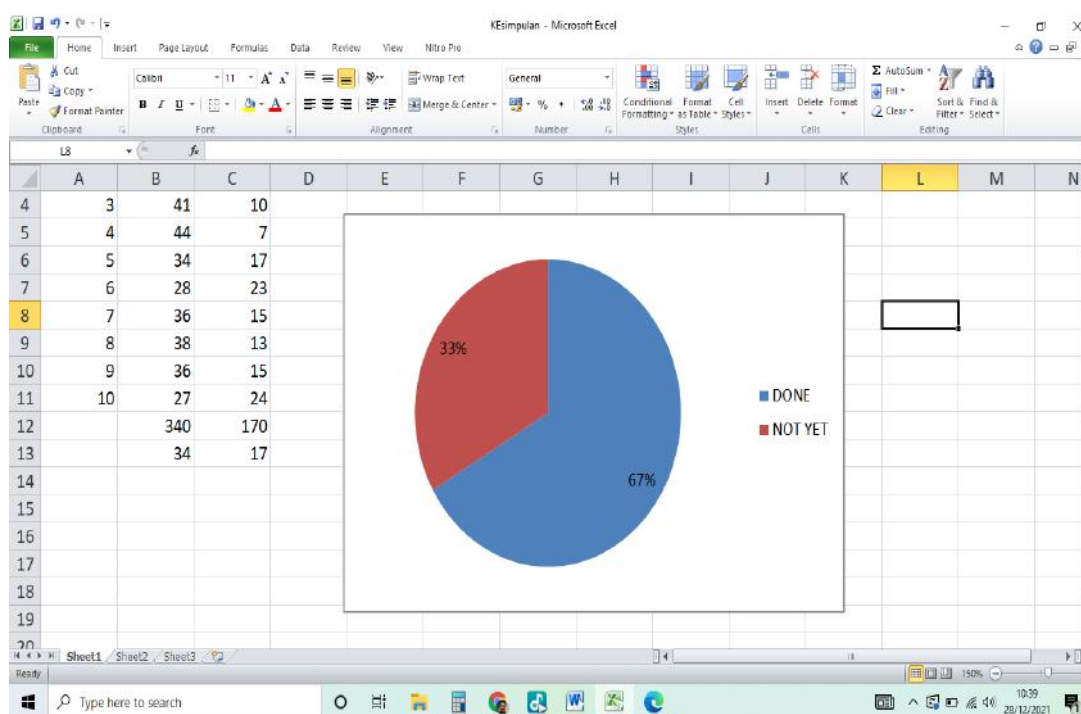


Diagram 2.

Respondents' perceptions of ecological justice-based forest protection policies

Based on the results of all the questions in the questionnaire, data obtained by 67% stated that currently the development of forest protection policies based on ecological justice can be said to be running. This also shows the readiness of the community to support the development of policies on ideal forestry environmental management, of course, with various changes, both positive and negative impacts. Respondents' perceptions of providing an overview of social and political life show a good level of trust in all elements, even though the implementation of several existing policies is still not running perfectly and there are many weaknesses. Of course, it takes the government's hard efforts to build public awareness and all components of society actively participate and provide full support for making ideal forest management policies.

4. CONCLUSION :

Based on the results of the research conducted, it can be seen that it is necessary to build an ideal forest protection policy in which the substance in it must be adjusted to the development of the community. The formulation of a policy may look efficient but is not necessarily the most effective, so in formulating policies including policies on forest management and protection, it is necessary to first analyze in depth the aspects that arise in the local community. The policy does not stop at the stage of completion of formulation, the most core thing is implementation and must end with the policy evaluation process itself. It is necessary to consider the community's readiness to support the development of policies on forestry environmental management with various options and solutions that always bring about changes, both positive and negative impacts. Public perception must be built and directed to build a good level of trust in the government and the party-appointed to implement the policy. By looking at the reality that occurs in forestry management, it is necessary for the government to make efforts to build public awareness with the achievement of all components of society being able to actively participate and provide full support for making ideal forest management policies that are able to realize community welfare.

REFERENCES:

Book

1. Baxter, B. (2005). *A Theory Of Ecological Justice*. Routledge.
2. Birkland, T. A. (2015). *An Introduction to the Policy Process (Theories, Concepts, and Models of Public Policy Making)*. Routledge.
3. Bryant, B. (1995). *Environmental Justice: Issues, Policies, and Solutions*. Island Press.
4. Dodds, A. (2013). *Comparative Public Policy*. Palgrave Macmillan.
5. Fatahillah. (2014). *Management of the Pocut Meurah Intan Geunong Seulawah Forest Park as the Lungs of the World*. Unimal Press.



6. Gerston, L. N. (2015). *Public Policy Making Process and Principles*. Routledge.
7. Hill, M. (2005). *The Public Policy Process*. Pearson Education Limited.
8. Islamy, M. I. (2002). *Principles of Formulation of State Policy*. Bumi Aksara.
9. Kennett, P. (2008). *Governance, Globalization and Public Policy*. Edward Elgar Publishing Limited.
10. Koesnadi, H. (1993). *Environmental Protection Law, Conservation of Biological Resources and Their Ecosystems*. UGM Press.
11. Kraft, M. E., & Scott R. Furlong. (2018). *Public Policy Politics, Analysis, and Alternatives*. SAGE Publications Ltd.
12. Smith, K. B., & Larimer, L. C. W. (2009). *The Public Policy Theory Primer*. Westview Press.
13. Taqwaddin. (2011). *Aspek Hukum Kehutanan dan Masyarakat Adat di Indonesia*. Intan Cendikia.

Articles

- John Rawls dalam Bahder Johan Nasution. (2014). Philosophical Study of the Concept of Justice from Classical Thought to Modern Thought. *Jurnal Yustisia*, 3(2), 126.
doi:<https://doi.org/10.20961/yustisia.v3i2.11106>
- LHK. (n.d.). *Spatial Information System and Documentation of Forest Management Units Plus LHK*.
- Perawati, & Mustari. (2016). Community Participation in Forest Protection in Tana Toa Village, Kajang District, Bulukamba Regency. *Jurnal Tomalebbi, Volume III(1)*, 108–115.
<https://ojs.unm.ac.id/tomalebbi/issue/view/255>
- Sirajuddin, I. A. (2014). Implementation of Local Government Policies in Basic Public Services in the Social Sector in Makassar City. *Jurnal Administrasi Publik*, 4(1), 3.