

Local Government Authority in Managing Non-State-Owned Forest Areas to Reduce Deforestation

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Abstract: Analyze the authority of local governments in maintaining forest cover in forest areas that are not owned by the state or APL as life support from deforestation due to forest conversion into business areas. Looking at the considerations for determining the 10 areas with the Decree of the Sintang Regent in the APL, shows that APL has an essential function as a community environment. Therefore, forests and biodiversity in APL must be managed by prioritizing the function of environmental protection. This research is normative, with data collection techniques carried out by library researchers. The results of the study show that the Sintang Regency Government is given the authority to manage APL in its administrative area based on the Decree of the Minister of Forestry Number SK.733/Menhut-II/2014 concerning Forest Areas and Marine Conservation in West Kalimantan Province. Through Government Regulation Number 23 of 2021, the government encourages regional governments according to their authority to protect forest cover in APL that do not yet have business permits to fulfill the carrying capacity and environmental capacity to reduce the rate of deforestation in non-state-owned forest areas.

1. Introduction

Indonesia is a country that has a wealth of natural resources. This overflow of wealth needs to be managed and preserved with sustainability. One of Indonesia's natural resources is tropical rain forests and peat forests, spread across various parts of Indonesia. Based on data from the Ministry of Environment and Forestry for 2020, the area of forest areas throughout Indonesia is 95.6 million hectares or 50.9% of the total land area, of which 92.5% of the total forest area or 88.4 million hectares are in forest areas.¹ Meanwhile, 7.5% of the forested land area, or 7.2 million hectares, is outside forest areas or non-state-owned forest areas.

The term "non-state-owned forest area," hereafter abbreviated as "APL," refers to areas that are not Forest Areas under the Minister of Environment and Forestry's Regulation No. 7 of 2021 concerning Forestry Planning, Changes in Allotment of Forest Areas, Changes in the Functions of Forest Areas, and Use of Forest Areas. Additionally, it is stated in Regulation No. P. 58/Menhut-II/2009 of the Minister of Forestry of the Republic of Indonesia concerning the Replacement of

¹ Ppid. "Hutan dan Deforestasi Indonesia Tahun 2019," n.d. http://ppid.menlhk.go.id/siaran_pers/browse/2434.

Stand Value from Timber Utilization Permits or Land Preparation in Plantation Forests Development of that Areas for Other Uses (APL) are forest areas determined based on Ministerial Decrees. The Consensus Forest Use Arrangement (TGHK) or regarding the designation of provincial forest and water areas as non-forest areas. Forest and environmental governance include the action of the state and the participation of local communities, private businesses, and NGOs.²

The eastern part of West Kalimantan Province has tropical forest landscapes. Thus making it included in the Heart of Borneo forest area, which holds the richest biodiversity in the world.³ To protect these forest areas, the Minister of Forestry has issued Decree Number SK.733/Menhut-II/2014 concerning Forest Areas and Marine Conservation of West Kalimantan Province by designating an area of 8,389,600 hectares to be Forest Area and Marine Conservation of West Kalimantan Province. This Decree aims to safeguard biodiversity-storing forest and water conservation areas in the Province of West Kalimantan based on their functions. More robust policy, financial, and procedural support that ensures effective collaborations and partnerships.⁴ The empirical uptick in private governance is most evident in forest and marine sustainability sub-fields. Found that standard operating practices, habits, and routines influence decisions on opening or closing the door.⁵

With the Ministerial Decree's publication, non-state-owned forest areas whose functions have been assigned become non-state-owned forest areas or APL that can be used for development purposes. The change in the forest area to APL accelerates the deforestation rate caused by land conversion. Based on BPS data on Indonesia's Deforestation Rate (Net) Inside and Non-state owned forest areas for 2013-2020, the area of APL that experienced deforestation in West Kalimantan in 2018-2019 was 8,985.9 hectares, and there was an increase in 2019-2020 to 9,787.9 hectares.⁶ Deforestation is a condition where forest area has decreased caused by converting natural forests into business areas (such as oil palm plantations, rubber plantations, industrial plantation forests, and mining). This damage has hurt forests' ecological, socio-economic, and cultural roles.⁷ The conversion of the APL function, which has forest cover, to become a business area poses at least a danger to the function of the forest as a hydrological, ecological balance and provider of biodiversity will be destroyed. These various functions are so vital and unique that their existence is irreplaceable.

Co-managing forest protected areas (PA) is a viable option to improve local-level forest governance. Theological understandings of clearing and burning in the uplands are crucial to recalibrating the burden of blame placed on poor farmers whose agriculture is deemed destructive by the

² Denis Dobrynin, Elena Smirennikova, and Irmeli Mustalahti. "Non-State Forest Governance and 'Responsibilization': The Prospects for FPIC under FSC Certification in Northwest Russia." *Forest Policy and Economics* 115 (June 1, 2020): 102142. <https://doi.org/10.1016/j.forpol.2020.102142>.

³ Redin, "Regional Government Authority Model in Ecotourism Development in Baning Nature Park, Sintang District." *Wacana Journal of Social and Humanity Studies* 23, no. 3 (2019). <https://wacana.ub.ac.id/index.php/wacana/article/view/837>.

⁴ Tapan Kumar Nath, Niaz Ahmed Khan, Abu Smg Kibria, and Uromi Manage Goodale. "Non-State Actors in Forest Governance: Genesis, Status, Challenges and Way Forward." *Journal of Sustainable Forestry* 41, no. 3-5 (May 28, 2022): 223-39. <https://doi.org/10.1080/10549811.2022.2128377>.

⁵ Jonathan W. K., Björn-Ola Linnér, and Heike Schroeder. "Non state Actors in Hybrid Global Climate Governance: Justice, Legitimacy, and Effectiveness in a Post Paris Era." *Wiley Interdisciplinary Reviews: Climate Change* 9, no. 1 (November 8, 2017). <https://doi.org/10.1002/wcc.497>.

⁶ Badan Pusat Statistik, (November 25, 2019). <https://www.bps.go.id/statictable/2019/11/25/2081/angka-deforestasi-netto-%20indonesia-di-dalam-dan-di-luar-kawasan-hutan-tahun-2013-2020-ha-th-.html>.

⁷ Yayan Hadiyan, Yuliah Yuliah, and Haryo Pambudi. "Memahami Dan Membangun Pendekatan Penyelesaian Deforestasi dan Degradasi Hutan Di Region Sumatera Dan Kalimantan." *Proceeding Biology Education Conference* 14, no. 1 (2017), <https://jurnal.uns.ac.id/prosbi/article/view/18770>.

region's burgeoning sustainability discourse.⁸ The existence of land conversion in APL, which still has primary forest cover for development, plantations, and agriculture in the regions, continues to increase, which is evidence of an imbalance in the commitment to protect forests. Sintang District, as one of the regencies in West Kalimantan, seeks to protect forested APL from deforestation, which continues to increase due to land conversion on permits issued by the Regional Government itself and by community activities.

Sintang Regency has an area of 21,638 km² (2,163,800 ha), of this area based on the Map issued by KalFor in 2018, covering 61,938 hectares is APL land or non-forest area, which can be used for the construction of various living facilities such as for cultivation agriculture, settlements, offices, and other supporting facilities.⁹ Utilization of APL within the Regency area is under the authority of the local government based on space utilization determined in the Provincial Spatial Plan and Sintang Regency Spatial Plan. APL, located in the administrative area of Sintang Regency, is spread across various villages, and several areas have good forest cover conditions; flora and fauna are still preserved, so they need to be saved. All living things, including humans, depend on the forest cover for survival and a place to live. The goal of rescue is to stop permanent human-caused shifts in forest cover to non-forest.

The Sintang Regional Government carried out efforts to save forested APL from deforestation by establishing a Decree of the Sintang Regent Number 593.3/513/KEP-BAPPEDA/2017, which determined 10 (ten) APL locations to become Eco-Cultural Areas. Sintang District Head Decree No. 593.3/236/KEP-BAPPEDA/2017 stipulates that the Rima Seringin forest is a forest cover. The Decree of the Sintang Regent Number 593.3/710/KEP-BAPPEDA/2017 stipulates that the Tawang Selubang forest is a forest cover.

The designation of eco-cultural and jungle forest areas aims to protect forest cover, biological natural resources that have high conservation value, and the local wisdom of the local community; utilization of biological natural resources having high conservation value must be managed in a sustainable, harmonious and balanced manner for the welfare of the community; and as a cultural and tourist location in Sintang Regency. Such management is oriented towards preservation, which may conflict with the Regulation of the Minister of Forestry Number P.50/Menhut-II/2009 concerning Affirmation of the Status and Functions of Forest Areas, which states that APL is a forest area that has changed its function and can be used for economic activities, such as plantations, agriculture, and settlement development. This means that the change in forest area to APL aims to increase the area of land that can be used for economic activities, which is the cause of forest destruction.

Therefore, regions often prioritize the conversion of APL for permits for oil palm plantations or mining rather than forest protection. The existence of these investments can increase the rate of deforestation in the region. However, the constitution has mandated that Indonesia's natural resource wealth be utilized sustainably and justly. Therefore, forests must be optimally maintained,

⁸ Dressler, Wolfram, William L. Smith, Christian A. Kull, Rachel Carmenta, and Juan M. Pulhin. "Recalibrating Burdens of Blame: Anti-Swidden Politics and Green Governance in the Philippine Uplands." *Geoforum* 124 (August 1, 2021): 348–59. <https://doi.org/10.1016/j.geoforum.2020.01.024>.

⁹ Hartono, Budi, Abdul Rauf, Deni Elfiati, Fitra Syawal Harahap, and Simon Haholongan Sidabuke. "EVALUASI KES-EUAIAN LAHAN PERTANIAN PADA AREAL PENGGUNAAN LAIN UNTUK TANAMAN KOPI ARABIKA (*Coffea Arabica* L.) DI KECAMATAN SALAK KABUPATEN PAK-PAK BHARAT." *Jurnal Solum*, (August 30, 2018). <https://doi.org/10.25077/jsolum.15.2.66-74.2018>.

their carrying capacity maintained sustainably, and managed with noble character, fairness, prudence, openness, professionalism, and accountability (considering letter b of the Forestry Law).

Considering previous research, community-managed social forestry, which aims to preserve forest cover outside forest areas, may offer an alternative approach to Indonesia's deforestation issues.¹⁰ However, even though legal regulations that emphasize the responsibility of local governments have governed forest management, there are still activities that result in forest destruction,¹¹ contributing to increased deforestation in the regions. Moving on from the description of the background above, it is necessary to question the urgency of the authority of the local government in managing non-state-owned forest areas to reduce deforestation in the Sintang District. Researchers need to conduct more in-depth research to examine these legal issues.

2. Method

This type of research is normative legal research, which places law as a building system of norms. This research was conducted by examining the legal regulations relating to the authority of local governments in APL management to reduce deforestation – research material obtained by library research. The approach used in this research is a statutory approach, which is an approach that prioritizes legal material in the form of statutory regulations as a primary reference material in conducting research. The data collection technique in this study was carried out by studying the literature on legal materials. Searching for legal materials is done by reading and searching through internet media and documents. The data analysis used is descriptive qualitative, explaining secondary data obtained from library research to obtain a conclusion as an answer to the formulated problems.

3. Local Government Authority in Managing Non-State-Owned Forest Areas to Reduce Deforestation

A forest is defined as a unit of ecosystem in the form of a stretch of land containing biological natural resources dominated by trees in their natural environment, which cannot be separated from one another, according to Article 1 point 2 of Law Number 41 of 1999 regarding forestry. According to point 3 of Article 1 of the Forestry Law, a forest area is a specific area designated by the Government to remain a forest or is referred to as a forest area. In addition, forest areas are defined by Government Regulation Number 23 of 2021, which relates to Forestry Administration, as areas that the Government has determined will continue to be Permanent Forests. In contrast, a forest maintained as a forest area is called a permanent forest. Permanent production forests, conservation forests, and protection forests are all examples of permanent forests. It is possible to deduce from this normative definition that any area that is not within the conservation, protection, or production forest is still considered outside the forest area.

In the Decree of the Minister of Forestry, Number SK.733/Menhut-II/2014 Concerning Forest Areas and Waters Conservation of the Province of West Kalimantan, the First Amar has deter-

¹⁰ Farid, Achmad Miftah, Fandi Ahmad Fahreza, Dimas Putra Catur Prasetyo, and Shandy Herlian Firmansyah. "PERHUTAN SOSIAL SEBAGAI ALTERNATIF SOLUSI MEMINIMALISASI DEFORESTASI DI KULONPROGO, DAERAH ISTIMEWA YOGYAKARTA." *Bina Hukum Lingkungan* 7, no. 1 (October 30, 2022): 130–49. <https://doi.org/10.24970/bhl.v7i1.305>.

¹¹ Nakita, Clearestha, and Fatma Ulfatun Najicha. "Pengaruh Deforestasi Dan Upaya Menjaga Kelestarian Hutan Di Indonesia." *Ius Civile: Refleksi Penegakan Hukum Dan Keadilan* 6, no. 1 (April 28, 2022): 92. <https://doi.org/10.35308/jic.v6i1.4656>.

mined that the Area of Forests and Waters Conservation of the Province of West Kalimantan covers an area of ± 8,389,600 hectares, which is broken down by function by area as following: a. Nature Reserve Areas (KSA) and Nature Conservation Areas (KPA), covering an area of ± 1,621,046 hectares, consisting of: 1. Land, covering an area of ± 1,430,101 hectares; 2. Waters, covering an area of ± 190,945 hectares; b. Protected Forest Area (HL), covering an area of ± 2,310,874 hectares; c. Limited Production Forest Areas (HPT), covering an area of ± 2,132,398 hectares; d. Production Forest Area (HP), covering an area of ± 2,127,365 hectares; e. Convertible Production Forest Area (HPK), covering an area of ± 197,918 hectares.

Considering the stipulations issued by the Government, in this case, the Minister of Forestry can find out what is meant by forest areas: Nature Reserve Areas and Nature Conservation Areas; Protected Forest Areas; Limited Production Forest Areas; Production Forest Areas, and Convertible Production Forest Areas. As stated in Article 1 number 50 of Minister of Environment and Forestry Regulation Number 7 of 2021 and Minister of Forestry Number P. 58/Menhut-II/2009, the area that is not a forest area is therefore outside the area that has been determined by the Ministerial Decree.

Forest and non-forest areas are the notion of control by the state and other parties. If it is called a “forest area,” then the management rights are in the hands of the state or the Government. In contrast, if it is “not a forest area,” the management is in the hands of the regional Government for purposes outside of forestry interests, such as plantations, agriculture, and mining.¹² Therefore APL is not a forest area and can be encumbered with land rights.

Even though APL is not a forest area, it does not mean that APL does not have forest cover. Currently, the APL area reaches 67.4 million hectares in the Indonesian Ministry of Environment, and Forestry’s data indicate that forest cover remains at 7.9 million hectares, or 12 percent of APL.¹³ In the elucidation of Article 18 paragraph (1) of the Forestry Law, what is meant by forest cover is land cover with vegetation with a specific composition and density so that the functions of the forest are created, including microclimate, water system, and habitat for animals as one ecosystem.

The remaining forest or land cover in APL needs to be maintained and saved to prevent deforestation. Because based on data from the Directorate General of PKTL, Indonesia’s deforestation trend is relatively lower and stable. Net deforestation in 2018-2019, inside and outside Indonesia’s forest areas, was 462.4 thousand ha. The highest area of deforestation occurred in the secondary forest class, which was 162.8 thousand ha, of which 90.6 thousand ha or 55.7% was inside the forest area, and the remaining 72.2 thousand ha or 44.3% was outside the forest area.¹⁴

Based on the identification carried out by Yayan Hadiyan, Yuliah, and Haryo Pambudi on the factors causing forest deforestation in Kalimantan, it was found that the conversion of natural forests into business areas (such as oil palm plantations, rubber plantations, industrial plantation forests, mining) is the leading cause of forest deforestation.¹⁵ This means that the conversion of

¹² Susetyo, Pramono Dwi, “Apa Itu Tutupan Hutan?” n.d. (21 Februari 2021), <https://www.forestdigest.com/detail/1019/perbedaan-tutupan-hutan-dan-kawasan>.

¹³ Susetyo, Pramono Dwi, “Apa Itu Tutupan Hutan?” n.d. (21 Februari 2021), <https://www.forestdigest.com/detail/1019/perbedaan-tutupan-hutan-dan-kawasan>.

¹⁴ Ppid. “Hutan dan Deforestasi Indonesia Tahun 2019,” n.d. http://ppid.menlhk.go.id/siaran_pers/browse/2434.

¹⁵ Yayan Hadiyan, Yuliah Yuliah, and Haryo Pambudi. “Memahami dan Membangun Pendekatan Penyelesaian Deforestasi dan Degradasi Hutan Di Region Sumatera Dan Kalimantan.” *Proceeding Biology Education Conference* 14, no. 1 (2017), <https://jurnal.uns.ac.id/prosbi/article/view/18770>.

natural forests, both primary and secondary forests in APL for business areas, causes the loss of forest cover, which maintains the microclimate, water system, and habitat for animals as a forest ecosystem.

Based on its function, the primary function of the forest is to protect the flora and fauna that inhabit the area, absorb rainwater, and positively impact humans. The 1945 Constitution Article 28H paragraph (1) that “everyone has the right...to have a good living environment...” is considered a green constitution that can strengthen environmental protection in all regions of Indonesia. Some experts highlight that the application of the concept of green Constitution in the 1945 Constitution is quite promising in solving the problem of environmental damage that has occurred in Indonesia¹⁶ is caused by the local Government’s clearing of forests for business areas in APL because it prioritizes economic aspects rather than environmental aspects.

However, the Constitution has mandated that the protection and management of the environment is the responsibility of the Government, regional governments, and the people of Indonesia. This includes forest management outside forest areas and non-state-owned forest areas to protect forests that are a biodiversity source. In addition, forests have an essential role in rural communities’ lives; they can provide economic, social, and environmental benefits.¹⁷

In Government Regulation Number 23 of 2021 concerning Forest Management as a derivative regulation of the Job Creation Law, the responsibility of local governments is emphasized to protect forest cover in APL. In Article 41, paragraph (8), it is stated that the local Government, by the Minister’s decision, regulates forest closure in non-state-owned forest areas to optimize environmental, social, economic, and cultural benefits. The Ministerial Decree in question is the Minister of Forestry Number 733/Menhut-II/2014 concerning the Conservation of Waters and Forest Areas in West Kalimantan Province, which the Central Government regulates.

Related to the responsibility for regulation, Article 249 paragraph (7) PP No. 23 of 2021 confirms that the Regional Government, according to their authority, shall carry out Forest Protection in areas non-state owned forest areas that are not burdened with Business Permits in order to fulfill the carrying capacity and capacity of the environment. In addition to being given the authority to regulate forest protection in non-state-owned forest areas, Article 251 letter e states that regional governments can also involve the participation of the community in forest management activities. In this case, the local government is the provincial government, and the district/city government is the government affairs administrator under their authority. Based on the spirit of autonomy outlined in the law governing regional government, this authority is obtained by the regional government as an institution for managing government affairs.¹⁸

According to the Minister of Forestry’s Decree Number 733/Menhut-II/2014, RTRW of West Kalimantan Province and RTRW of Sintang Regency, the Sintang Regional Government is in charge of managing the APL in Sintang Regency. Based on the Forest Cover Map outside the Forest Area in Sintang District issued by KalFor in 2018, 35,608 hectares of APL were not burdened with busi-

¹⁶ Muhammad Pasha Nur Fauzan, “MENINJAU ULANG GAGASAN GREEN CONSTITUTION: MENGUNGKAP MISKONSEPSI DAN KRITIK”. *LITRA: Jurnal Hukum Lingkungan, Tata Ruang, Dan Agraria* 1 (1), (2021): 1-21. <https://doi.org/10.23920/litra.v1i1.573>.

¹⁷ Anatika, Early and Kaskoyo, Hari and Febryano, Indra Gumay and Banuwa, Irwan Sukri, “Pengelolaan Hutan Rakyat di Kabupaten Tulang Bawang Barat”, *Jurnal Sylva Lestari*, 7 (1). pp. 42-51. ISSN 2549-5747, *Jurusan Kehutanan, Fakultas Pertanian, Universitas Lampung*, <http://repository.lppm.unila.ac.id/11195/>.

¹⁸ Redin. “The Responsibility of Government in Sintang Regency in Developing the Banning Nature Tourist Park as Nature Tourism Area,” *Management* 8 No. 2, (2018): 64-70. doi: [10.5923/j.mm.20180802.04](https://doi.org/10.5923/j.mm.20180802.04).

ness permits, while 26,330 hectares already had business permits. The Minister of Forestry's Decree No. SK.733/Menhut-II/2014, which establishes a forest area and water conservation area covering an area of 8,389,600 hectares for the province of West Kalimantan, provides legal certainty over the forest areas and non-state-owned forest areas that are scattered throughout each district and city in the West Borneo. The designation of forest area and provincial water area is based on Consensus Forest Use (TGHK) by considering the National RTRW and Provincial and Regency/City RTRW.

Pay close attention to the Minister of Forestry and Plantations' Decree No. 259/Kpts-11/2000, dated August 23, 2000, regarding the designation of forest areas in the West Kalimantan Province; there has been a decrease in the area of forest area from $\pm 9,178,760$ hectares to $\pm 8,389,600$ or there has been a decrease covering an area of 789,160 hectares in the range from 2000 to 2014. The decrease in forest area was due to changes in the designation and function of forest areas to become non-forest areas. In West Borneo, APL encompasses 6,341,100 hectares, or 43% of the province's total area, which includes every regency and city. Sintang Regency, as one of the Regencies in West Kalimantan in 2018, has an APL area of 61,938 hectares. Of this area, APL, which has forest cover and no business license, is 35,608 hectares.

Efforts to preserve forested APL in Sintang Regency are carried out to realize the vision of Sintang Lestari, which has been proclaimed by the local government since 2020 as support for environmental preservation. One of the efforts is to issue a Regent's Decree on APL with forest cover value and biological wealth in it so that its sustainability is maintained. In APL, that still needs to get a business permit; there are APL that has forest cover and some that do not have forest. This APL is forested or has forest cover that needs to be preserved because most of it still has a primary forest. The Regent of Sintang has issued the following Determination Decree since 2017, as determined by document tracing: 1. Decree of the Regent of Sintang Number 593.3/513/KEP-BAPPEDA/2017 concerning Determining the Location of Eco-Cultural Areas in Sintang Regency. In this decision, 10 (ten) locations have been determined: a. Senkuang Lebuk area of 9 hectares; b. Penam Ketunggau area of 28 hectares, Both locations are located in Empaka Kebiau Raya Village, Binjai Hulu District; c. Perauh, with an area of 32 hectares, is located in Gemba Raya Village, Kelam Permai District; d. Tawang Mesribung area of 55 hectares; e. Tawang Sebasai area of 9 hectares; f. Tawang Semilas area of 48 hectares, These three locations are in Ensaid Panjang Village, Kelam Permai District; g. Pendam Selabang area of 1 hectares; h. Pendam Senibung area of 2 hectares, Both locations are in Karya Jaya Bakti Village, Kelam Permai District. 2. Decree of the Regent of Sintang No. 593.3/236/KEP-BAPPEDA/2017 concerning the Determination of the Location of the Rima Seringin Forest Area as Forest Cover in Sepulut Village, Sepauk District, Sintang Regency with an area of 14.20 hectares. 3. Decree of the Regent of Sintang No. 593.3/710/KEP-BAPPEDA/2018 concerning the Determination of the Location of the Tawang Seuntung Forest Area as a Forest Cover in Merpak Village, Kelam Permai District, Sintang Regency, covering an area of 14,268 hectares.

Based on the purpose of determining the area contained in the second dictum is to protect biological natural resources that have high conservation value in the Sintang Regency area, which is in an area for other uses. Based on the data collected, the APL that has been determined to be protected covers a total area of 212,468 hectares or 0.60% of the APL area for which there is no business permit. This means that the Sintang district government's efforts to protect forest cover in APL need to be increased by issuing a District Head's Decree and involving the community in its conservation. Genuine efforts to protect forest cover in APL by the local government are urgently needed amidst the reminders of deforestation.

Generally, the state views forests from two perspectives: status and function. Status refers to the status of forest ownership. Regarding status, it can be seen as the ownership of forest areas. Meanwhile, the function of the forest sees the forest from its benefits and role for life as a whole (both for humans and for flora and fauna). The function of this forest is more related to how the forest is managed. While APL, seen from its status, is an area outside the state forest whose function is used for development needs so that APL can be burdened with land rights as regulated in the UUPA.

Often, land use for development is oriented towards economic interests, prioritizing how humans achieve prosperity by regulating the availability of limited resources for human life. Ecological interests will always be the most affected in carrying out these methods. This is because ecological interests dictate that economic interests must consider environmental sustainability and the availability of resources for the benefit of present and future life, in addition to making welfare the primary objective.¹⁹

Cobb also stated that to balance economic and ecological interests, it should be mediated by the formation of government policies contained in a policy document.²⁰ Departing from this, the role of law and policy documents is essential to accommodate development policy directions based on environmental justice. On the other hand, APL is a location outside the state forest designated for non-forestry development projects. However, the Director General of the Ministry of Environment and Forestry's Department of Forestry Planning and Environmental Management asserts that forest management in APL is crucial for achieving the Job Creation Law's mandate of sufficient forest cover in one province.²¹

The allocation of APL for development activities is the authority of the respective regional governments by the boundaries of their administrative areas. Therefore, the local government is given the authority to manage APL according to its designation, whether it is granted a business permit or the assignment of land rights, or for forest protection. In addition, APL, which still has forest cover, can be designated as a protected area through a District Head's Decree. The existence of a Regent's Decree and a Regent's Regulation are the mediators so that economic and ecological interests are accommodated in the government's development policies based on the concept of environmental justice. Considering the considerations for the designation of 10 areas by the Decree of the Sintang Regent in APL, it shows that APL has an essential function as a community's living environment. Therefore, forests and biodiversity in APL must be managed by prioritizing the function of environmental protection.

The aim of determining APL that has forest cover by the Regent is to provide legal certainty and justice related to land use for the benefit of forest and biodiversity conservation. This is related to the theory of utilitarianism according to Jeremy Bentham, which states that the purpose of the law is to create order in society. Besides providing justice and great benefits for society, efforts

¹⁹ Pambudhi, Hario Danang, and Ega Ramadayanti. "Menilai Kembali Politik Hukum Perlindungan Lingkungan Dalam UU Cipta Kerja Untuk Mendukung Keberlanjutan Ekologis." *Jurnal Hukum Lingkungan Indonesia* 7, no. 2 (September 20, 2021): 297-322. <https://doi.org/10.38011/jhli.v7i2.313>.

²⁰ Pambudhi, Hario Danang, and Ega Ramadayanti. "Menilai Kembali Politik Hukum Perlindungan Lingkungan Dalam UU Cipta Kerja Untuk Mendukung Keberlanjutan Ekologis." *Jurnal Hukum Lingkungan Indonesia* 7, no. 2 (September 20, 2021): 297-322. <https://doi.org/10.38011/jhli.v7i2.313>.

²¹ Musriadi. "KLHK: Pengelolaan Hutan Di APL Harus Mengedepankan Perlindungan." *ANTARA News Bengkulu*, September 28, 2021. <https://bengkulu.antaranews.com/berita/187317/klhk-pengelolaan-hutan-di-%20apl-harus-mengedepankan-perlindungan>.

should be made to preserve forest cover in APL that protects forests from deforestation as a result of land conversion for business permits by the Sintang Regional Government can provide results that align with this objective. As an agency that has the authority to regulate forest protection outside the forest area in its administrative area. The Regent determines each area based on the proposed management rights from the Village Government. Against this decree, the Regent gave management permits to the Village Government. In his considerations, the issuance of permits for managing areas and utilizing biological natural resources that have high conservation value must be sustainable, harmonious, and balanced for the community's welfare. The issuance of permits also aims to provide protection and responsible management.

The APL that the Regent's Decree has determined holds the potential for medicinal plants such as pasak bumi wood, and ingredients for traditional ingredients (herbal medicine), Entuyut (Nepenthes), agarwood, resin, and jerry cane rattan (a source of natural dyes) which have added value when processed sustainably. There is a panoramic view of primary forests that can be managed to utilize environmental services like eco-tourism and ecoculture in addition to the potential for these non-timber forest products. The Sintang district government must implement management that prioritizes protecting APL's forest cover to maintain the environment's carrying capacity and capacity to protect the entire APL from deforestation.

4. Conclusion

In the management of APL, which has primary and secondary forest cover, the Sintang District Government is guided by the Decree of the Minister of Forestry Number SK.733/Menhut-II/2014 regarding the determination of forest areas and water conservation in West Kalimantan Province. Besides that, pay attention to the Regency RTRW on spatial use, which refers to the Provincial RTRW. It is urgent to protect forest cover in Sintang District because the conversion of APL, which has forest cover for permits, is trying to cause the rate of deforestation. Maintaining forest cover in APL is a form of Regional Government responsibility in providing forest cover protection outside state forest areas to support sustainable development by preventing forest deforestation.

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