

Government Responsibilities Related to Converting Forest Functions to Agricultural Land (Study in Batu Malang City)

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Abstract. The transfer of the function of a forest area is a change in the function of a forest that can cause environmental damage resulting from human actions. Humans in exploiting excessive natural resources can cause a change in an ecosystem that will affect environmental sustainability. Based on the policies and authorities granted by law based on the principle of regional autonomy, local governments are given the authority to regulate and manage natural resources including the forestry sector in the form of policies. The research problem examines the extent of the government's role and the illegal conversion of forestry land into housing and agriculture. This study uses an empirical juridical research method using an approach by looking at the reality that exists in practice in the field or going directly to the field to conduct research in Tulungrejo Bumiaji Village, Batu City. The government's role in the conversion of forest functions is needed to preserve the environment and protect forest ecosystems. Not only that, with government policies that accommodate the needs and desires of the people, the government needs to make future activities and plans transparent to the community regarding the activities that will be carried out. Not necessarily, the government is obliged to look at the needs of the community.

1 Introduction

Indonesia is a country that has a wealth of biodiversity with a forest area for 2022 calculations reaching 66,512,000 hectares [1]. Forest areas in Indonesia are categorized into three parts, namely, protection forest, conversion forest, production forest. The three parts of the forest have a great diversity of flora and fauna which must be preserved by not taking or destroying their habitat. In this reality, one thing that is controlled by the state is the diversity of natural resources which is quite abundant in the forest, with that many people or certain parties misuse the forest for personal gain, resulting in conflict [2]

Forest is a collection of all types of trees that form an ecosystem in the form of a large expanse of land that has biological natural resources dominated by tree crops, and can regulate water management, prevent flooding and erosion. Forests are formed by stands and stands are formed by groups of trees that have the same composition, type and shape. Forests are natural assets that are regulated by the government so that they can have a positive impact on providing employment, encouraging regional development, and as a life support system. The lack of public awareness of the importance of protecting the forest has resulted in rampant illegal logging [3]

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Forest damage according to Article 1 Paragraph 3 of Law Number 18 of 2013 Concerning the Prevention and Eradication of Forest Damage is the process, method or illegal burning, the use of permits that are contrary to the intent and purpose of granting permits in designated forest areas, which have been appointed, or those that are being processed for determination by the Government.

The factors causing forest destruction are described as follows, namely prolonged dry seasons, volcanic eruptions, rising sea levels and tsunamis, shifting cultivation cultivation systems, mining business in forest areas, transmigration, clearing of agricultural land or plantations. by the community and forest fires [4]. The cause of forest destruction is caused by two factors, namely caused by natural conditions and human behavior, if the forest is used properly it will be useful for the development of the State. Often neglected from both the government and community perspectives, they are unable to maintain forest sustainability in their area, which can result in natural disasters and natural damage which makes the forest less productive.

According to Article 71 Paragraph (1) of Law Number 32 of 2009 concerning Environmental Protection and Management, it states that Ministers, Governors or Regents/Mayors in accordance with their respective authorities are required to supervise compliance with business and activity responsibility for the provisions stipulated in laws and regulations. -laws in the field of environmental protection and management. As agricultural land, if this is done by the community continuously and there are no strict sanctions, the community will loot into the forest to open agricultural land. The need for decisive action from the government or public awareness to prevent clearing of agricultural land in forest areas.

The need for law in people's lives is an important tool for protecting and preserving the environment, and for protecting flora and fauna and for tackling environmental damage so that a sustainable and comfortable environment can be created for people's lives. According to Article 1 Paragraph (2) of Law Number 32 of 2009 concerning Environmental Protection and Management it states that Environmental Protection and Management and preventing environmental pollution and damage include planning, utilization, control, maintenance, supervision and law enforcement. The formulation of the problem to be discussed is what is the role of the government regarding the conversion of forest functions in Indonesia.

2 Research Methods

The approach method used in conducting this research is an empirical juridical method. Empirical juridical research is legal research related to the enactment or implementation of legal provisions in order to identify and clarify findings of non-legal material for the purposes of legal writing or research [5]. In this study, a sociological juridical approach was used, or known as an empirical juridical approach.

3 Discussion

Role in social science means a function that is carried out by someone when occupying a certain position, someone can play the function because of the position he occupies. The government in a broad sense in the Indonesian context is the entire apparatus of the state, namely the high state institutions (MPR, DPR, President, Supreme Court and BPK). While government in a narrow sense is the president and his staff/apparatus who are in the scope of executive power which besides or does not include legislative and judicial power holders. In accordance with the mandate of the 1945 Constitution of the Republic of Indonesia, the Regional Government regulates and manages its own government affairs according to the

principle of autonomy and co-administration, directed at accelerating the realization of social welfare through improvement, service, empowerment and community participation, as well as increasing regional competitiveness taking into account democracy, equity, justice, privileges, and the specificity of a region within the system of the Unitary State of the Republic of Indonesia.

Based on the policies and authorities granted by law based on the principle of regional autonomy, local governments are given the authority to regulate and manage natural resources, including the forestry sector, which are translated into policies. The policy of converting forest land to plantations implemented by the government with a capitalistic development paradigm that emphasizes more on the economic aspect without regard to the interests of the community has had serious implications. The implementation of the policy on the conversion of forest land to plantations has in fact caused conflicts, both norms and conflicts of interest. Directly or indirectly, the involvement of these interests places indigenous peoples in a marginal position. This places people under pressure with limited choices and pushes them away from access to forest resources that they have controlled so far.

The government's role in Article 63 of Law Number 41 of 1999 concerning Forestry states that: "In carrying out forestry supervision as referred to in Article 60 paragraph (1), the Government and Regional Governments have the authority to monitor, request information, and conduct inspections of the implementation of forest management".

On this basis, the government and regional governments have the authority to carry out their duties in accordance with the applicable laws and regulations. In Article 17 of Law Number 41 of 1999 concerning Forestry in the forest management area it is explained that:

1. The formation of forest management areas is carried out for the following levels:
 - a. province;
 - b. district/city; And
 - c. management unit.
2. The establishment of a forest management area at the management unit level is carried out by taking into account land characteristics, forest types, forest functions, watershed conditions, socio-cultural, economic, local community institutions including customary law communities and government administrative boundaries.
2. Establishment of a forest management unit that exceeds the boundaries of government administration due to conditions and characteristics and type of forest, the determination of which is specifically regulated by the Minister.

According to Article 56 of Government Regulation Number 23 of 2021 concerning Forestry, the government's role is:

1. Partial changes to allotment of forest areas are carried out based on a request.
2. The application referred to in ayat (1) can be filed by:
 - a. minister or head of institution;
 - b. governor or regent/mayor;
 - c. heads of legal entities; or
 - d. Individuals, groups of people, and/or society.

Regional government according to Article 1 Law Number 23 of 2014 concerning Regional Government is Regional Government is the implementation of government affairs by regional governments and regional people's representative councils according to the principle of autonomy and co-administration with the principle of broadest autonomy in the system and principles of the Unitary State of the Republic of Indonesia as stipulated in the 1945 Constitution of the Republic of Indonesia.

In Article 12 Paragraph 3 of Law Number 23 of 2014 concerning Regional Government:

Optional Government Affairs as referred to in Article 11 ayat (1) include:

- a. marine and fishery;
- b. tourist;
- c. agriculture;
- d. forestry;
- e. energy and Mineral Resources;
- f. trading;
- g. industry; And
- h. transmigration.

The government does have the right to control forests as stipulated in Article 4 of Law Number 41 of 1999 concerning Forestry, which states that:

1. All forests within the territory of the Republic of Indonesia, including the natural wealth contained therein, are controlled by the State for the greatest prosperity of the people.
2. Forest control by the State as referred to in paragraph (1) authorizes the government to:
 - a. Organize and manage everything related to forests, forest areas and forest products;
 - b. Determine the status of certain areas as forest areas or forest areas as non-forest areas; And
 - c. Regulate and determine legal relations between people and forests, as well as regulate legal actions regarding forestry.
3. Forest control by the state still pays attention to the rights of indigenous peoples, insofar as they still exist and their existence is recognized, and does not conflict with national interests.

The government as control over forests must have planning and management of forests in Indonesia towards Prosperity, Welfare and Social Justice. Forest Management also has its arrangements, where forests need arrangement, utilization, rehabilitation and protection of forests which have been regulated by Article 21 of Law Number 41 of 1999 concerning Forestry, which states that:

- Forest management as referred to in Article 10 paragraph (2) letter b Law Number 41 of 1999 concerning Forestry, includes the following activities:
- a. Forest governance and preparation of forest management plans,
 - b. Utilization of forests and use of forest areas,
 - c. Forest rehabilitation and reclamation, and
 - d. Forest protection and nature conservation.

Preventive legal handling in dealing with environmental problems, through administrative legal means occupies an important position, because its function departs from the principle of prevention at the source (abatement at the source principle), so that the law enforcement process through administrative legal means is considered to fulfil the function of protecting the right to a good and healthy environment as a constitutional right [6]. The provisions of Article 5 stipulate several things, namely all forests in Indonesia including natural resources that are controlled by the state, the right to control from the state contained in Article 1 gives the authority to determine and regulate the planning, allocation, supply and control of forests in accordance with their functions in providing benefits to the people and the state.

Regulating the designation of forest functions in a broad sense is determining and regulating legal relations between individuals or legal entities and regulating legal actions regarding forests. It is clear that the conception of the state's right to control over forests has

not been linked to its use for the prosperity of the people, so that people plunder forest areas to carry out forest conversion. The making of new regulations is only an illusion or egosectarism related to the obvious number of problems that arise, this has become the trigger for the obstruction of agrarian reform in the forestry sector. The real form of the government's role in the conversion of forests to agricultural land in Tulungrejo Village is that the Tulungrejo Village Government provides socialization to the community by collaborating with Perhutani and LMDH regarding the use of agricultural land in forest areas.

The Tulungrejo Village Government also made regulations regarding an instruction letter not to damage the forest which was last made in 2004 after the flash flood occurred. Efforts from the Batu City government were to make Batu Mayor Regulation No. 2 of 2006 concerning the Prohibition of Land Management in Garden Forest Areas 15 RPH Punten, RPH Pujon, RPH Malang (Batu City Area). In fact, there are still many who carry out agricultural business activities in the forest areas in Batu City, especially in the Tulungrejo area. The government has tried to accommodate the various aspirations that have developed regarding forest welfare and community welfare. Accommodation that is carried out cannot be completely separated from the government's interests in natural resources and the systems and mechanisms that have been running in the government bureaucracy so far. For example, such as Social Forestry or Community Forestry policies which philosophically according to some parties are the granting or dissemination of trust and rights to local communities to regulate their own lives, including in the management of forest resources.

The conversion of the protected forest function that occurred in Tulungrejo Village to agricultural land is a social and economic impact on the community, whether it originates from the government's indecisiveness in protecting and protecting the forest, or the social impact of being forced to use the land. The government as the main stakeholder needs to implement and enforce laws to protect and maintain the condition of forests, because forests are a primary need for humans as the lungs of the world.

The government's role in carrying out stewardship of forest areas is largely determined by the policies that have been made on the basis of their authority. Sometimes the government is inconsistent in seeing that the arrangements or regulations on forest resources are not optimal. This can be seen from the performance of the government, starting from the lowest level that is accustomed to interacting with the community, up to the government that has the highest position in Indonesia. Destruction of forests so far has occurred because of permits from the government so that people continue to use natural resources excessively which can result in environmental damage. This forest conversion activity occurred because of the capital oriented by the government in the name of development and legalizing forest conversion.

In implementing permits for land conversion, the Pidie Regency government is guided by the regulations governing the control of land conversion. These rules are [7]:

1. Government Regulation Number 1 of 2011 concerning Determination and conversion of Sustainable Food agricultural land
2. Government Regulation Number 12 of 2012 concerning Incentives for Sustainable Food Agricultural Land Protection
3. Government Regulation Number 25 of 2012 concerning Sustainable Food Agricultural Land Information Systems
4. Government Regulation Number 30 of 2012 concerning Financing for Sustainable Food Agricultural Land Protection

Apart from that, socialization of regulations is carried out in order to provide the public with an understanding of the responsibility for protecting food agricultural land as regulated in statutory regulations. Socialization is also carried out as a form of government

responsibility. The outreach was carried out by the Agriculture Service and the Batu Regency National Land Agency (BPN).

Increasing public understanding is carried out as a form of preventing land conversion. Public awareness of the importance of food farming land for the economy and achieving national food security will prevent people from shifting land use. So when Farmers change the function of agricultural land for food, the City Regency Government can provide Dicentives which are carried out through the stages of: (a) giving a preliminary warning; (b) reduction in incentives; (c) withdrawal of incentives.

Based on the Circular Letter of the Minister of Agrarian Affairs/BPN Number 460-3346 dated 31 October 1994 concerning changes in the use of agricultural land to non-agricultural land, instructs the heads of Provincial and Regency/City BPN offices throughout Indonesia that in handling location permits, review the Provincial RTRW and Regency/City RTRW as well as efforts to efficiently use land guided by the Decree of the National Spatial Planning Coordinating Board. One government agency that has a very important role is the Land Office.

The Land Office is the first agency where permission to convert agricultural land to non-agricultural land is received and has the right to grant permission for the use of the converted land. The following is a recapitulation of the implementation of regional government responsibilities in protecting land conversion for sustainable food agriculture [8]:

No	Regional government responsibility for LP2b protection	Implementation
1	Planning and Determination	Not carefully planned, the determination of LP2B was mostly in the RTRW, not in the RDTR
2	Development	Most of these are routine programs, not special LP2B programs
3	Utilization	
4	Coaching: a) protection coordination b) Socialization of Legislation c) Providing guidance, supervision and consultation d) Education, training and counselling e) Dissemination of information on the LP2B area f) Raising community awareness and responsibility	
5	Control a) Incentives b) Disincentive c) Licensing mechanism d) Protection e) Counselling	

Land conversion mostly occurs due to development activities for both the business and public housing sectors. The most vulnerable to conversion are rice fields. This is caused by [9]:

1. Population density in villages that have a dominant rice field agroecosystem is generally much higher than dry land agroecosystems, so population pressure on land is also higher.
2. Many rice fields are located close to urban areas.
3. Due to development patterns in the previous period. Infrastructure in rice fields is generally better than in dry land areas
4. Development of residential infrastructure and facilities, industrial areas, and so on tends to occur quickly in areas with topographic data.

This control authority does not operate optimally, so that legally the implementation of government responsibilities does not yet have legal legitimacy because the law's orders have not been achieved. Government responsibility is also measured in terms of achieving the goals and objectives of the exercise of that authority. The aim of Sustainable Food Agricultural Land Protection are as follows [9]:

1. protect food agricultural areas and land in a sustainable manner;
2. ensure the availability of food agricultural land in a sustainable manner;
3. realizing food independence, resilience and sovereignty;
4. protect farmers' ownership of food agricultural land;
5. increase the prosperity and welfare of farmers and society;
6. increasing protection and empowerment of farmers;
7. increase the provision of employment opportunities for a decent life;
8. maintain ecological balance;
9. realizing agricultural revitalization

4 Conclusion

The government's role in the conversion of forest functions has been explained in Article 63 of Law Number 41 of 1999 concerning Forestry that orders are obliged to carry out in carrying out forestry supervision as referred to in Article 60 paragraph (1), the Government and Regional Governments have the authority to monitor, request information, and carry out inspections of the implementation of forest management.

The government as control over forests must have planning and management of forests in Indonesia towards Prosperity, Welfare and Social Justice. Forest Management also has its arrangements, in which forests need to be managed, utilized, rehabilitated and protected. The real form of the government's role in the conversion of forests to agricultural land in Tulungrejo Village is that the Tulungrejo Village Government provides socialization to the community by collaborating with Perhutani and LMDH regarding the use of agricultural land in forest areas.

Government legal actions that contain responsibilities are implemented in various legal instruments such as statutory regulations (reegling), policy regulations (beleidsregel), decrees (beschikking).

The government must play an active role in the conversion of forest functions to make policies more towards ecological protection not for personal or economic interests and to be more assertive in issuing permits for business management in forest areas which can have impacts both from an environmental or social perspective.

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