Implications of omnibus law for forestland conflict resolution systems (a case study in Sumbawa)

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Abstract. There are many cases of forestland tenure in Indonesia and one of them occurs in a village on the island of Sumbawa. Currently, the Omnibus Law no. 11 / 2020 and its derivative regulation PP no. 23/2021 came up to create a more robust business enabling environment in the forestry sector with one of the targets is to improve the economic conditions of the communities around the forests. In relation to the forestry conflict in Sumbawa, these regulations bring hope for the parties involved in the conflict in the efforts to resolve prolonged tenure conflicts. The purpose of this case study is to examine how the new forestry regulations can provide options for communities and the Forest Management Unit (FMU) in resolving forestry conflicts, assess how conflicting communities perceive the forms of cooperation of their expectation in the future, and provide options for potential partnerships to be initiated.

The research methods used are historical study, survey, participant observation, semi-structured interviews with forest managers and communities, and focus group discussion that was all carried out in 2017. The findings show that according to PP. no. 23/2021 and the history of this area, this piece of land is a potential object of the social forestry program. In addition, through this action research, two farmer groups are successfully formed. This makes the legalization of social forestry one-step forward to be a reality. Moreover, all respondents agree to carry out partnership with the FMU. This study recommends that the ideal form of forestry partnership is community forestry considering the location of the conflict land is in a production forest area. The facilitations could be implemented to support; the community are the legalization of community forestry, support for the development of honey from stingless bees that has been being developed by some farmers, cashew based business development, and assistance in implementing agroforestry with a sustainable alley cropping model of wood-cashew-corn plants. Initiatives from local people and facilitation from FMU are required to succeed the implementation of Omnibus Law in the forestry sector.

1. Introduction
Massive forest land conflicts occur in all parts of the world [1]. In Indonesia itself, conflicts over forestland happen and occur in various locations of state forests. Forest land conflicts consist of several typologies, namely vertical conflicts between local communities and logging concessions [e.g. 2, 3], conflicts between local communities and plantations [e.g. 4, 5, 6], conflicts between local communities and the ministry of environment and forestry or forestry services [e.g. 7, 8-12], and horizontal conflicts between communities utilizing the land [e.g. 13, 14].
Claims on forestland are usually related to the ownership status and boundaries. Although the emergence of conflict can be seen as something positive and leads to improved governance [2], in many cases, land conflicts, especially those related to the contestations between the state and local communities will produce inconveniences that is counterproductive to forest sustainability in providing benefits especially to local communities and environment. A prolonged conflict will make the conflict resolution process more difficult for parties to agree on, especially if the historical sequence becomes more vague and there are more investments from local communities planted in the conflict locations. The study of history is essential in an effort to unravel tenure issues [see 10, 14].

In this study, a case of concern is a land conflict that occurred in an anonymous village in the middle of a forest in Sumbawa Regency, West Nusa Tenggara Province. Land conflicts in this location are in the low category because basically the community realizes that from the start that the location they live in and work on belongs to the state. The issuance of regulations that acknowledge the existence of indigenous people as holders of rights over forests has indeed been used as an opening to claim ownership. In 2017, the local community unilaterally declared itself a customary law community, even though the ministry managed to suppress it because they are not a customary community.

The Ministry of Environment and Forestry (MoEF) feels that land conflicts that occur must be immediately resolved and these lands become the objects to be managed together with the community through social forestry schemes [15]. Through this approach, perpetuating conflict as a result of legal ambiguity of land resources explained by [12] could be eliminated. In this social forestry scheme, the government's goal is to strengthen the economic condition of forest communities because most of them are in poor condition [15-17]. Through this research, it will be revealed how the condition of the community and their perceptions of this conflict itself. Specifically, this study will provide recommendations on the form of cooperation that will be a solution to conflicts that have existed for more than 30 years, based on the new regulations, namely the Omnibus law and its derivative regulations, namely PP. 23/2021.

2. Materials and method
This research is conducted in a kampong in Sumbawa District (see Fig.1). This kampong is located in Batulanteh Forest Management Unit (FMU). The data were collected in 2017. Until recently, any form of social forestry has not yet been established. Researchers carry out historical study, survey, participant observation, semi-structured interviews with forest managers and communities, and focus group discussion during the data collection. Data are tabulated and further proceeded through descriptive statistics. Descriptive analysis is also implemented to interpret the data and to propose recommendations.

![Figure 1. Research site [source: 18]](image)

3. Result and discussion
From a total 34 households in the forest area, there are only 19 households that could be able to interview. The characteristic of the respondent is shown in Figure 1 below. The dwellers come from
Lombok, the neighboring island of Sumbawa Island. They come to Sumbawa Island to work as casual workers in forestry state-owned enterprises operating in this area. Once the company stops the business activity in Sumbawa, these workers keep staying there as this area is promised would be their settlement. This happened around the 1980’s. These dwellers raise families and nowadays, there are three generations living there.

Most people work and depend their livelihood from forest areas. They work in agricultural sector; raise cattle, and selling sand and stone they get from rivers adjacent to the forest. They are living a poor life. Fortunately, they have been accessed by electricity and the location is quite close to modern civilization. Most of the house remains in semi-permanent structure.

This area is located in production forest supervised by Batulanteh FMU and it is categorized as a conflicted area. Fortunately, most of the people, especially the first generation, understand that the piece of land belongs to the state. They stay there because they have a dependency with the area. They do not have another option for their livelihoods.

Batulanteh FMU faces land conflict issues, similar to other FMUs in Indonesia [see 19]. Land conflicts with the community are closely related to competition for small amounts of resources, which have an impact on the level of community welfare. People in the research location are included in 37% of the poor who live around the forest (totally 10.2 million people) [20]. Poverty alleviation is the mandate of the state and the MoEF plays a role with the existing land resources to be part of the solution. The emergence of the Omnibus Law in 2020 with its derivative regulations, namely PP. No.23 / 2021 makes it possible for MoEF to develop social forestry as a priority program for poverty alleviation. The government is targeting 12.7 hectares of forest land to be legally managed together with the community [16]. Currently, almost 4 million ha of social forestry partnership in total have been formed till May 2021 (see Figure 3) and around 115 thousand of hectares have been stipulated till May 2021. In West Nusa Tenggara Province, based on data from the Directorate General of Social Forestry and Environmental Partnership (Direktorat Jenderal PSKL) in July 2021, 178 permits in social forestry scheme have been stipulated with 27,036 families are managing 39,467.55 ha of state forests.

![Gender](image1.png)

![Age of respondent](image2.png)

**Figure 2.** Respondent characteristic (source: our elaboration from surveyed data)
The distribution of forest management authority occurs massively throughout the world [5, 21] as an approach to reduce pressure on forests, providing livelihoods for forest communities [17] and it is expected to create better forest management [2]. In addition, social forestry practice in Indonesia has been implemented in National Forestry State-Owned Enterprises, namely Perhutani, along time ago. However, under the previous regulation, social forestry only contributed to the subsistence economy [22] and created a new forest problem [see 23]. The success of social forestry is highly dependent on the rules of the game that are applied or legal framework [2] (see Table 1) and the level of community participation [21, 23]. Thus, the achievement of forestry partnership through distribution of responsibility in forest management remains uncertain to help the state to reach the target. Minimum pre-condition seems to be well established prior to providing any forms of incentive.

Table 1. Social forestry schemes in Indonesia under PP no. 23/2021

| Scheme                          | Period                        | Right holder                      | Applicable in what forest category? | Confirmation process                                                                 | Permit issued by                                      |
|---------------------------------|-------------------------------|-----------------------------------|-------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------|
| Community forest (izin usaha pemanfaatan hutan kemasyarakatan (IUPHKM)) | 35 year and can be extended   | Individual, farmer group, or cooperative | Protection and production forests   | Bottom up process. Follow the indicative map of social forestry (PIAPS). Proposal can be addressed to MoEF Minister or governor | Minister of MoEF or can be delegated to governor         |
| Customary forest (hutan adat (HA)) | As long as CLC exists        | Customary law community (CLC) (masyarakat hukum adat) | Bottom up process. Customary community proposes customary forest stipulation to the minister of MoEF. | Legalized by local regulation (perda) or governor/rege/nt/mayor’s decree                   |
| Village forest (hak pengelolaan) | 35 year and can be           | Village institution               | Protection and production           | Bottom up process. Follow the indicative map of social forestry                        | Minister of MoEF or can be delegated                    |
| Scheme Description                                                                 | Time Frame       | Participants/Groups                                                                 | Bottom-Up Process                                                                                           | Approvals/Delegation                                                                                   |
|----------------------------------------------------------------------------------|------------------|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| Community plantation forest (izin usaha pemanfaatan hasil hutan kayu pada hutan tanaman rakyat (IUPHHK-HTR)) | 35 year and can be extended | Farmer group, farmer groups, forest farmer cooperative, social forestry business group, joint business between professional/individual who has experience supervising in forestry with local people | Production forest                                                                                         | Bottom up process. Follow the indicative map of social forestry (PIAPS). Proposals can be addressed to the MoEF Minister or governor. Unproductive production forest without the burden of business licensing of forestry state-owned enterprise is prioritized. It requires a guarantee of capital from financial institutions. | Minister of MoEF and assessment and approval can be delegated to governor or official appointed by the governor |
| Forestry partnership (kemitraan kehutanan; NKK (outside Java Island) and IPHPS (in Java Island)) | 35 year and can be extended | Group of local people                                                               | Conservation forest (with scheme conservation partnership) and production forest                           | Bottom up process. In forestry state-owned enterprise. For conservation partnership can be implemented in nature conservation area (KPA) and nature reserve area (KSA) | Head of Forestry State-owned enterprise MoEF through head of technical implementation unit |

Source: our elaboration from PP no.23/2021

Of the various existing social forestry schemes, the community forestry scheme is a possible option compared to the village forest or community plantation forest schemes. The HKm scheme is suitable considering that to become a village forest, this village's status is still not included in the entity of a village. Meanwhile, to become a HTR it will be difficult to meet the existing requirements, especially funding. The HKm scheme is one of the many recommendations that are often applied [e.g. 13, 24], in the form of agroforestry exploitation [15]. For this village, it is proposed that the right holders be handed over to individuals or farmer groups. In this research, two farmer groups have also been formed which may be fostered for the continuation of this forestry cooperation program. Communities tend to cooperate with the government and they understand the history of their occupation of the land. Figure 4 below shows the result of local people’s responses related to the important point to start a joint collaboration of forest areas under a legal procedure.
The only next event to watch out for is the presence of provocateurs who will undoubtedly complicate the establishment of this collaboration. The FMU itself seems to be able to solve this problem without the presence of mediator. The clarity of the form of cooperation and the distribution of responsibilities for each individual must be clearly stated in the memorandum of understanding.

Agroforestry is at the forefront of the success of the overall social forestry program. This form is also believed to be able to guarantee the preservation of the forest environment and be able to contribute economically to the community. The dry land conditions are suitable for the development of maize as seasonal crops and cashew nuts as trees. These two types have been widely grown in the research location. The community also understands how to cultivate these two types. The market for these two products is also open. Processed products such as syrup, peanuts, and shredded cashew nuts can also be developed by the community, especially since many people have mastered the processing procedure. The introduction of alley cropping agroforestry systems can be initiated to make it easier to control nutrient, light and water competition. The development of a stingless bee business that has been carried out by several residents should also be supported so that it becomes more developed.

It should be noted that there are real challenges in the application of social forestry, namely the need to strengthen the capacity of stakeholders including from the government, monitoring the implementation of social forestry, and evaluating the outcome [16]. Guidelines of implementation must be established to make social forestry effective [2]. Previous experience has shown that maintaining long term contracts is not easy [25], so that a robust guideline for field technical aspects and legal aspects must be prepared in advance.

4. Conclusion

The aspirations of Omnibus Law 11/2020 through its derivative regulation PP no.23 / 2021 are appropriate to improve the economic conditions of people in the research location. HKm form is the most rational social forestry scheme. Communities involved in conflict have sufficient social capital to continue in the form of forestry cooperation. Clarity on the responsibilities of each stakeholder needs to be accepted in advance. Technical and legal guidelines need to be prepared in advance. Furthermore, strengthening the capacity of facilitators and land managers, as well as the objective monitoring and evaluation will determine the success of the social forestry program. The role of Batulanteh FMU will be very decisive in this national forestry program.

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Figure 4. Response from local people (source: our elaboration from surveyed data)
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