

RECONSTRUCTION OF CENTRAL AND REGIONAL GOVERNMENT RELATIONS IN THE EQUITABLE MANAGEMENT OF FOREST RESOURCES

BASRI MULYANI¹, GATOT DWI HENDRO W², ARBA.³ and MUH. RISNAIN⁴

^{1,2,3,4} Faculty of Law, Social Science and Political Science, University of Mataram, Indonesia.

E-mail: ¹basri25@gmail.com

Abstract

This study is a normative legal research aimed at analyzing and discovering the formulation and model of the central and regional government relations in the equitable management of forest resources using a Philosophical Approach, a Statute Approach, and a Conceptual Approach. The research finds that the formulation and model of central and regional authority in forestry management refer to: a) the principle of subsidiarity, which emphasizes that decisions should be made by the government closest to the affected community; b) the formulation of distributive justice, which underscores the importance of fair distribution of resources; c) the principle of procedural justice, which highlights the importance of participation, transparency, and accountability in decision-making; and d) functional decentralization, which grants greater authority to regional governments in managing forests according to local conditions and the needs of local communities, while maintaining effective coordination with the central government to ensure alignment with national policies. However, functional decentralization also presents challenges, such as ensuring the capacity of regional governments to manage forests effectively and efficiently.

Keywords: Reconstruction, Authority, Central Government, Regional Government, Forest Resources.

INTRODUCTION

Article 18, paragraph (2) of the Constitution of the Republic of Indonesia 1945 states that each regional government at its respective level has the right to regulate its own governmental affairs based on the principle of autonomy and assistance tasks. To implement the authority in managing governmental affairs, Article 18A, paragraph (1) of the Constitution of the Republic of Indonesia 1945 mandates and requires the regulation of authority relations between the central government and the regional governments of provinces, regencies, and cities through laws.

According to Article 12, paragraph (3) of Law Number 23 of 2014 concerning Regional Government (hereinafter referred to as the Regional Government Law), governmental affairs in the field of forestry are part of concurrent governmental affairs, categorized under optional affairs. In line with Article 14, paragraph (1) of Law Number 23 of 2014, the administration of governmental affairs in the field of forestry is divided between the Central Government and the Provincial Governments, with the division of authority between them clearly and specifically outlined in Annex BB. One of the authorities delegated to the Provincial Government in the field of forestry is the Sub-affair of Forest Management, which includes “the implementation of forest utilization in production and protection forest areas, covering the utilization of forest areas, the utilization of non-timber forest products, forest product

harvesting, and environmental service utilization, excluding the utilization of carbon storage and/or absorption.”

In line with the principles and objectives of forestry management as stipulated in Articles 2 and 3 of Law Number 41 of 1999, which include benefits, sustainability, populism, justice, togetherness, transparency, and integration aimed at the greatest prosperity for the people, one of the methods to achieve these objectives is by optimizing the existing forest functions to achieve sustainable environmental, social, cultural, and economic benefits.

Forest utilization can occur in protection forests and production forests. Forest utilization in protection forests (HL) includes activities such as area utilization and environmental service utilization, carried out through business license issuance. Additionally, activities such as harvesting non-timber forest products can be conducted through harvesting license issuance, as stipulated in Article 26, paragraphs (1) and (2) of Law Number 41 of 1999. According to Article 27 of Law Number 41 of 1999, licenses in protection forests are granted to individuals and cooperatives for business activities that utilize forest areas and to harvest non-timber forest products. Meanwhile, licenses for environmental service utilization activities are granted in the form of business licenses to individuals, cooperatives, Indonesian private enterprises (BUMSI), state-owned enterprises (BUMN), or regional government-owned enterprises (BUMD).

In the context of the division of governmental affairs in the field of forestry, as mentioned above, the implementation often encounters issues (conflicts) and administrative voids. Conversely, if well-organized, it can provide synergy and direction for better and higher-quality governance. This is based on empirical reality, where there is often overlapping authority, which, if left unchecked, can lead to friction and tension between different levels of government concerning regional authority.

The strong hidden influence of the central government results in overlapping regulations between various laws governing respective authorities, whether at the level of laws, government regulations, or ministerial decrees. One example is the potential conflict regarding forest resource management authority, which affects other sectoral laws, directly or indirectly related to regional forest resource management authority.

The central government's influential role in forest area management is evident from the juridical issues in their relations, which involve authority issues. Article 14 of Law Number 23 of 2014 concerning Regional Government (hereinafter referred to as the Regional Government Law) shows that forest management authority is vested in the Central Government and Provincial Governments, with Regency/City Governments only authorized to manage Grand Forest Parks (Tahura).¹

Gatot Dwi Hendro Wibowo² states that forest degradation is a crucial issue in forest resource management in several regions in Indonesia due to inconsistencies and lack of synchronization in forest resource management policies, both vertically and horizontally. This inconsistency leads to confusion in the implementation of forest resource management authority among the Central Government, Provincial Governments, and Regency/City Governments. This situation can arise from several causes: First, regulations related to forest resources are not synchronized,

as forest issues are still regulated sectorally in various applicable laws and regulations. In some cases, there is overlapping content between one regulation and another, leading to inconsistent law enforcement of forest resources. Second, weak coordination among government agencies, both vertically and horizontally, as several agencies are involved in forest resource management, each prioritizing sectoral egocentrism unnecessarily. Third, biased interpretations of government authority at each level in forest resource management, which can trigger conflicts of interest among agencies.

These juridical issues also raise sociological issues in the discourse, involving the central government, regional governments, the community, and the private sector. For example, the issuance of some regional regulations by provinces and regencies has been "challenged" by the central government. For instance, the West Java Provincial Government issued Regional Regulation No. 191/2001 on Forest Management in West Java Province and Regional Regulation No. 201/2001 on Forest Product Circulation in West Java, which essentially refer to Law No. 4/1999 on Forestry and ongoing forestry policies. The emphasis is on the authority of provincial and regency governments in forestry administration in West Java Province. Similarly, the Wonosobo Regency Government issued Regional Regulation No. 221/2001 on Community-Based Forest Resource Management (PSDHM), and the East Lombok Regency Government issued Regional Regulation No. 13/2006 on Community-Based Forest Resource Management (PSDHM). The Minister of Home Affairs requested the revision of these four regional regulations at the recommendation of the Ministry of Forestry. In some cases, the Ministry of Forestry even requested the cancellation of the regional regulations.³

Various efforts (schemes) have been made, such as the Community Forestry Scheme (HKm), which provides land utilization rights to private entities through land use rights, land exploitation rights, building use rights, and other schemes such as communal rights, customary rights, and kinship rights; Social Forestry schemes, and others. However, these empowerment schemes have not been effective because empowerment is carried out very procedurally, without touching the community holistically; program policies remain centralized, and area determination, rules, and partner involvement are less accurate.⁴

Therefore, equitable forest resource management becomes crucial to constructing the concept that all forests within the territory of the Republic of Indonesia, including the natural wealth contained within, are controlled by the state for the greatest prosperity of the people. In this regard, the state grants the Government the authority to regulate, manage, and supervise everything related to forests. The modeling of equitable forest resource management is not only based on ethical considerations but also rational considerations, as 883 million people depend on the forestry sector for their livelihoods, meaning that forests serve as a mechanism for promoting community welfare. Besides promoting community welfare, the forestry sector also contributes to state revenue and is a determinant of global economic development. In 2015, Indonesia's forestry sector contributed 5.5 trillion IDR to non-tax state revenue (PNBP), surpassing the target of 4 trillion IDR.⁵

METHOD

This study is categorized as normative legal research, employing a Philosophical Approach, a Statute Approach, and a Conceptual Approach. The legal materials required for this research are derived from primary, secondary, and tertiary legal sources. The technical method for collecting legal materials is through literature study, after which the obtained legal materials are analyzed deductively by constructing arguments based on logical reasoning, and by interpreting various legal materials. This method allows for the accurate and comprehensive resolution of issues related to the reconstruction of central and regional government relations in the equitable management of forest resources.

RESULTS AND DISCUSSION

1. Formulation of the Principle of Justice in Regulating the Distribution of Central and Regional Authority in Forestry Management

Addressing the issue of authority imbalance between the central and regional governments in Indonesia in forestry management requires a proportional formulation of justice that takes into account various relevant aspects. First, this formulation must consider the geographical, ecological, and socio-cultural characteristics of each region in Indonesia. Each region possesses different natural resources, including forests, necessitating a division of authority that reflects this diversity. Indonesia is an archipelagic country comprising thousands of islands with varied geographical conditions, ranging from tropical rainforests in Kalimantan, Sumatra, and Papua to mountain forests in Java, Bali, and Nusa Tenggara. Each region has unique topography, climate, and geographical conditions that influence the types of forests and their management needs.⁶

Indonesia's ecological diversity is rich, with abundant species of flora and fauna. The division of authority in forestry management must consider the different ecosystems and protect the unique biodiversity in each region. This involves a deep understanding of forest ecology and the needs of specific species to maintain their natural habitats.⁷ Mubyarto also describes Indonesia as having a rich cultural diversity, with various ethnic groups, languages, customs, and value systems. Each region has a unique relationship between the local community and forests as natural resources. The division of authority must consider local wisdom and community participation in forest management, ensuring that policies do not disrupt existing socio-cultural orders.⁸

Second, a proportional formulation of justice must consider the interests of all parties involved in forestry management, including the central government, regional governments, local communities, industry, and environmental organizations. Effective and sustainable forestry management requires comprehensive consideration of these various interests. The proportional justice formulation must balance the interests of all parties involved in forestry management, including the central government, regional governments, local communities, industry, and environmental organizations.⁹

The central government is responsible for designing policies that support national forestry management, including infrastructure development, regulation, and inter-regional coordination. On the other hand, regional governments have a deeper understanding of local conditions and community needs in their areas. Active involvement of regional governments in decision-making can enhance community-based forest management and strengthen local participation in decision-making processes.¹⁰ Local communities are also key stakeholders in forestry management. They possess traditional knowledge about the forests and depend on these natural resources for their livelihoods. Involving local communities in decision-making can enhance the sustainability of forest management and strengthen the social ties between communities and their environment.¹¹

In the context of forestry management, granting adequate authority to regional governments is a crucial step towards creating a more responsive and sustainable system. Regional governments, with a closer understanding of local conditions and community needs, can become primary actors in managing forests within their territories. This means they should have sufficient authority to make decisions related to the utilization, conservation, and management of forests according to local needs and aspirations.

The central government, on the other hand, still plays an important role in providing guidance, standards, and technical assistance to regional governments in forest management. They are also responsible for coordinating national or cross-regional policies that affect forest management. This includes issues such as protected forest preservation, biodiversity conservation, and controlling illegal logging, which may involve broader areas or have national impacts.

A proportional formulation of justice should also consider social, economic, and environmental aspects of forestry management. The division of authority should be designed in such a way that it can improve the well-being of local communities, reduce poverty, and preserve biodiversity and forest ecosystem functions. In the social context, just forestry management should consider the participation of local communities in decision-making related to the forests in their areas. Research has shown that forest management involving local communities tends to be more successful in achieving natural resource conservation and social welfare goals. By actively involving local communities, they can gain better access to forest resources, enhancing their well-being and economic empowerment.¹²

From an economic perspective, just forestry management should create economic opportunities for local communities, especially those living near forests.¹³ This can be achieved through sustainable use of forest resources, such as ecotourism, agroforestry, and community-based forest management. Investment in capacity building and training is also important to improve local communities' abilities to utilize forest resources sustainably and competitively.¹⁴

In environmental aspects, just forestry management should focus on preserving biodiversity and forest ecosystem functions. This involves protecting the habitats of endemic flora and fauna and maintaining the balance of the complex forest ecosystem.¹⁵ Sustainable forest management can contribute to climate change mitigation through carbon sequestration and the restoration of

degraded ecosystems.¹⁶

Considering these various aspects, a proportional formulation of justice in the distribution of authority between the central and regional governments in forestry management in Indonesia can help address the existing authority imbalance and create a fairer and more sustainable framework for managing these valuable forest resources. The formulation of the principle of proportional justice in regulating the distribution of authority between the central and regional governments in forestry management can be divided into several aspects:

a) Distributive Justice

The principle of distributive justice emphasizes the fair distribution of resources, including the rights to manage and utilize natural resources such as forests. In this context, the formulation of the principle of distributive justice must ensure that regional governments have adequate access to forest resources in their areas to develop economic and social potential equitably.¹⁷ Distributive justice is a crucial aspect of natural resource management, including forest management. This principle emphasizes the importance of equitable resource distribution so that all parties can benefit fairly. Agrawal & Ostrom explain that in the context of forest management, the formulation of the principle of distributive justice must consider equal access for all parties, including regional governments, to manage and utilize forest resources in their territories.¹⁸

In resolving the issue of the division of authority in forest management between the central and regional governments in Indonesia, the concept of distributive justice can serve as a guide to formulating a fair and sustainable solution. The following are descriptions of addressing the issue using the concept of distributive justice:

- a) **Local Community Participation:** Actively involving local communities in decision-making processes to ensure their interests and knowledge are integrated into forest management policies.
- b) **Proportional Distribution of Authority:** Allocating authority based on the capacity and specific needs of regional governments, reflecting their geographical, ecological, and socio-economic diversity.
- c) **Capacity Building:** Enhancing the capabilities of regional governments and local communities to manage forests effectively.
- d) **Balance between Economic Needs and Conservation:** Ensuring that forest management policies balance economic development with environmental conservation.
- e) **Oversight and Accountability:** Establishing mechanisms for monitoring and accountability to prevent misuse of authority and ensure transparent governance.

By applying the concept of distributive justice in resolving this issue, a more inclusive, sustainable, and equitable forest management system can be established. This approach ensures that the interests of all parties, including the central government, regional governments, local communities, industry, and environmental organizations, are considered fairly and

proportionately in every decision related to forest management. Ensuring a fair distribution of authority between the central and regional governments, and considering the economic, social, and environmental interests of each region, can create a forest management system that is more responsive to local needs and aspirations while maintaining the ecological sustainability of forests. Thus, inclusive, sustainable, and equitable forest management will lay the foundation for achieving a balance between human needs and nature conservation, fostering a more prosperous society and a healthier and more sustainable environment.

b) Procedural Justice

The application of the principle of procedural justice in forest management requires mechanisms for consultation that allow all parties to provide input and opinions on policies and programs to be implemented. This can be done through public consultation forums, participatory meetings, or other mechanisms that enable active participation of the community and other stakeholders in the decision-making process. Additionally, procedural justice emphasizes the importance of active participation of all parties involved in forest management, including local communities living around the forests. Regional governments, as representatives of local communities, must ensure that the voices and aspirations of the community are heard and considered in every decision related to forest management.¹⁹

In resolving the division of authority in forest management between the central and regional governments using the concept of procedural justice, the following steps can be taken to ensure that the decision-making process is fair, inclusive, and transparent:

- a) **Public Consultation Mechanisms:** Establishing platforms for open and transparent discussions where all stakeholders can express their views and concerns.
- b) **Active Local Community Participation:** Encouraging the involvement of local communities in policy-making and implementation to reflect their needs and knowledge.
- c) **Transparency of Information:** Ensuring that all relevant information is accessible to the public and stakeholders, fostering trust and informed decision-making.
- d) **Accountability:** Setting up systems for holding decision-makers accountable for their actions and ensuring they adhere to fair practices.
- e) **Formation of Collaborative Forums:** Creating spaces for cooperation among different stakeholders to work together towards common goals in forest management.

By implementing the concept of procedural justice, an environment can be created where all parties feel valued and have equal access to the decision-making process regarding forest management. This will help build trust, strengthen participation, and ensure that the policies produced reflect the collective needs and aspirations for sustainable forest management.

c) Substantive Justice

The principle of substantive justice concerns the outcomes or consequences of the distribution of authority. In this context, substantive justice demands that the division of authority between

the central and regional governments must result in equitable and sustainable benefits for the entire society, both at national and local levels. The formulation of the principle of substantive justice must consider the social, economic, and environmental impacts of forest management and ensure that the interests of all parties are well accommodated.

From a social perspective, substantive justice reinforces the urgency of considering the needs and aspirations of local communities directly dependent on forest resources. A fair distribution of authority should allow active community participation in decision-making processes related to forest management.

This includes giving local communities the opportunity to contribute to the planning, implementation, and evaluation of forest policies. Community contributions to decision-making not only strengthen the legitimacy of policies but also ensure that the resulting policies are more responsive to local needs and can create tangible positive impacts for local communities.²⁰ Moreover, substantive justice demands that equal access to the economic and social benefits of forest resources be guaranteed for local communities.

This can be achieved through various mechanisms, such as revenue-sharing from ecotourism activities or community-based forest management that economically and socially empowers local communities.²¹

Economically, substantive justice highlights the need for the distribution of authority that can improve the economic well-being of local communities equitably. The importance of this effort lies in providing equal opportunities for local communities to access and utilize the economic potential contained in the forests. One approach that can be taken is to develop sustainable forest-based economies, such as through the development of ecotourism, agroforestry practices, or sustainable forest management.

The development of a forest-based economy can provide long-term benefits for local communities, not only in terms of income generation but also in strengthening local economic resilience and increasing livelihood diversification. Thus, substantive justice encourages the need for a division of authority that can create fair and sustainable economic opportunities for local communities.²²

Environmental aspects are a central focus in formulating the principle of substantive justice, which considers the impact of forest management on ecosystems and biodiversity. The division of authority in forest management must consider ecological sustainability, prioritizing the protection of endemic flora and fauna habitats and maintaining forest ecosystem functions. This approach encourages consideration of the long-term consequences of any policy or action taken, ensuring that environmental sustainability is maintained for future generations. Thus, substantive justice underscores the need to balance economic and social interests with environmental sustainability, ensuring that the interests of all parties are accommodated fairly and sustainably.²³

In resolving the issue of the division of authority in forest management between the central and regional governments using the concept of substantive justice, the following steps can be taken

to ensure that the outcomes of this division of authority provide equitable and sustainable benefits for the entire society and environment:

- a) **Environmental Impact Assessment:** Conduct thorough assessments to understand and mitigate the potential negative impacts of forest management decisions.
- b) **Community Participation:** Ensure that local communities are actively involved in evaluating and shaping forest management policies.
- c) **Sustainable Economic Development:** Promote sustainable economic activities that can enhance local livelihoods without compromising forest conservation.
- d) **Fair Distribution of Benefits:** Implement mechanisms to ensure that economic and social benefits from forest resources are shared equitably among all stakeholders.

By considering the principles of distributive, procedural, and substantive justice, the formulation of the division of authority between the central and regional governments in forestry management must be designed to create equal access and participation, and result in equitable and sustainable benefits for the entire society. This approach will help address the issues that may arise from the inadequacies of regional autonomy decentralization policies and ensure that forest management can operate effectively and sustainably according to the principles of justice.

2. Design for the Allocation of Responsibilities Between Central and Regional Governments in Forest Management

In the context of forest management in Indonesia, it is crucial to establish an ideal regulatory design for dividing responsibilities between central and regional governments. This design must account for the complexity and diversity of Indonesia's geographic, ecological, social, and cultural contexts. As a country with approximately 17,000 islands and a wide range of ecosystems, forest management in Indonesia presents a complex challenge due to the distinct characteristics of each region. Effective allocation of responsibilities between central and regional governments is critical to ensure that the interests of all parties—including the central government, regional governments, local communities, and other stakeholders—are considered fairly and equitably.

Various studies and analyses highlight the importance of decentralization in forest management in Indonesia, aligning with the principle of subsidiarity which advocates for decision-making at the lowest appropriate level. According to Suharjito, decentralization has the potential to enhance the efficiency and effectiveness of natural resource management, including forestry, by tailoring policies to local conditions and bringing decision-making closer to the communities.²⁴ However, research also emphasizes the necessity of coordination between central and regional governments in forest management decisions to prevent policy overlap and ensure program continuity. Therefore, an ideal regulatory design must balance decentralization with effective inter-agency and inter-regional coordination to achieve sustainable forest management.

An ideal regulatory design for the allocation of responsibilities between central and regional governments in forest management in Indonesia should seriously consider the geographical, ecological, social, and cultural diversity across the country. Indonesia is renowned for its natural wealth, including extensive and varied tropical forests. From the dense tropical rainforests of Kalimantan and Sumatra to the biodiversity-rich mountain forests of Papua, each region has unique ecological characteristics. Additionally, the social and cultural diversity of Indonesia's population is reflected in their interaction with forests and reliance on natural resources for their livelihoods. Thus, an ideal regulatory design should accommodate these differences and create a flexible and adaptive framework for sustainable forest management across Indonesia.

Moreover, the regulatory design must address the challenges faced by local communities in forest management and natural resource utilization. For instance, in remote areas, local communities often possess extensive traditional knowledge about forest ecosystems and sustainable resource management practices. Therefore, an ideal regulatory design should provide space and support for the active participation of local communities in decision-making related to forest management, while recognizing and respecting their customary rights over natural resources in their regions. By doing so, the design can create an inclusive and sustainable environment where the interests of all parties, including local communities, central government, and regional governments, are fairly and equitably considered.

Since the decentralization era began in the early 2000s, Indonesia has undergone significant transformations in the allocation of responsibilities between central and regional governments, including in forest management. However, challenges related to disparities in authority and coordination between the two levels of government remain a major concern, given the complexity of forestry issues involving various aspects such as environmental protection, resource utilization, and local community needs.

Challenges related to authority disparities and coordination between central and regional governments continue to be a primary focus in forest management in Indonesia. The complexity of forestry issues, involving aspects such as environmental protection, resource utilization, and local community needs, creates imbalances in the allocation of responsibilities between the two levels of government. For example, environmental protection often becomes the central government's focus, responsible for national policies and regulations related to extensive forest management. However, implementing these policies at the local level often faces challenges due to local context differences and community needs. Conversely, resource utilization and local community needs often become the focus of regional governments, which are closer to the field realities. However, without effective coordination with the central government, risks of policy overlap and inter-regional conflicts may arise, impeding overall forest management effectiveness.

To address these challenges, tangible efforts are needed to improve coordination between central and regional governments in forest management. This includes developing effective communication and coordination mechanisms, as well as establishing collaborative forums involving all relevant stakeholders. These measures will facilitate smoother information

exchange, open discussions on complex issues, and more informed decision-making. Additionally, emphasizing the importance of mutually beneficial relationships between central and regional governments, where both support and reinforce each other's efforts, is crucial for achieving sustainable and equitable forest management goals.

An ideal regulatory design should also balance centralization and decentralization of authority. The central government should retain a role in regulating national or inter-regional policies and regulations, while regional governments are given sufficient authority to manage forests in their regions according to local conditions. In this regard, the principle of subsidiarity is key, where decisions are made at the lowest feasible level while considering local community needs and environmental sustainability.

Furthermore, an ideal regulatory design should ensure the active participation of local communities and other stakeholders in decision-making related to forest management. Involving them in the decision-making process will not only ensure distributive justice but also enhance the legitimacy of the policies and increase the chances of achieving sustainable forest management goals. By creating an inclusive and participatory system, Indonesia can optimize forest resource management for balanced and sustainable community welfare and environmental conservation.

One concept to consider in designing the ideal regulatory allocation between central and regional governments in forest management in Indonesia is functional decentralization. Functional decentralization offers an approach that allows regional governments to manage most forestry affairs within their regions, while the central government retains a role in regulating national or inter-regional policies and regulations.

Functional decentralization is a concept that provides a solution for dividing responsibilities between central and regional governments in the forestry sector. Under this concept, regional governments are given greater authority to manage most forestry affairs within their regions, including forest management and related natural resources. Meanwhile, the central government maintains a primary role in regulating national or inter-regional policies and regulations, such as environmental protection policies, strategic natural resource utilization, and biodiversity²⁵ conservation. This approach provides flexibility for regional governments to design policies more suited to local conditions and community needs, while maintaining a consistent national framework and effective coordination between different levels of government.

The application of functional decentralization has been a significant focus in several natural resource management contexts, including forestry. Various countries have adopted or adapted this concept according to their needs and contexts.²⁶ For example, Brazil has implemented functional decentralization in Amazon forest management by granting greater authority to regional governments for local forest and natural resource management, while the central government remains responsible for national policies and protection of tropical rainforests critical to global ecosystems. Similar approaches have been found in other countries such as Colombia and Mexico, which have seen success in granting greater authority to regional governments in natural resource management, including forestry, while ensuring alignment

with national and international frameworks. Through the prudent and balanced application of functional decentralization, Indonesia can leverage this concept to enhance the efficiency, effectiveness, and sustainability of forest management across the country.

Functional decentralization grants regional governments greater authority to manage forests according to local conditions and community needs while maintaining effective coordination with the central government to ensure alignment with national policies.

Implementing the concept of functional decentralization can yield several significant benefits in forest management in Indonesia. First, by granting greater authority to regional governments, functional decentralization can accelerate decision-making processes and the implementation of forest management programs at the local level. This allows for quicker responses to local conditions and enables regional governments to develop solutions more tailored to community needs. Second, functional decentralization can also enhance community participation in forest management, as decisions are made closer to them and through more open and transparent processes. This can improve the legitimacy of the policies and encourage active community involvement in conservation and sustainable forest management efforts.

However, the implementation of functional decentralization also requires serious attention to potential challenges. One challenge is ensuring that regional governments have sufficient capacity to manage forests effectively and efficiently. This includes enhancing administrative, technical, and financial capacities, as well as ensuring adequate oversight and accountability mechanisms to prevent abuse of power or uncontrolled environmental damage. Additionally, close coordination between central and regional governments remains crucial to ensure program and policy continuity and to prevent policy overlap or inter-regional conflicts. By addressing these challenges and implementing functional decentralization wisely, Indonesia can optimize the potential for sustainable forest management across its regions.

CONCLUSION

Reconstruction of central and regional authorities in forest management refers to: a) Principle of Subsidiarity: This principle emphasizes that decisions should be made by the government closest to the affected communities. In forest management, this means that regional governments should have sufficient authority to manage forests within their jurisdictions; b) Formulation of Distributive Justice: This concept highlights the importance of equitable distribution of resources in the allocation of forest management responsibilities between central and regional governments. Ensuring that resources and responsibilities are distributed fairly among different levels of government is crucial for achieving just outcomes in forest management; c) Principle of Procedural Justice: In forest management, this principle underscores the significance of participation, transparency, and accountability in decision-making processes. Procedural justice ensures that all stakeholders have a voice in the management processes and that decisions are made in an open and accountable manner, Principle of Substantive Justice: This principle focuses on achieving equitable and sustainable outcomes for all communities, taking into account social, economic, and environmental impacts. It stresses that the division of forest management responsibilities should result in fair

and enduring benefits for the entire society; d) Functional Decentralization: This approach grants regional governments greater authority to manage forests according to local conditions and community needs while maintaining effective coordination with the central government to ensure alignment with national policies. Functional decentralization aims to enhance local responsiveness and adaptability but also presents challenges such as ensuring that regional governments have the capacity to manage forests effectively and efficiently.

Footnote

- 1) Affan Ryaas Syaukani, “*Otonomi Daerah Dalam Negara Kesatuan*”, Pustaka Pelajar, Yogyakarta, 2002, hlm. 24.
- 2) Wibowo, Gatot Dwi Hendro. "Sinkronisasi Kewenangan Penyelenggaraan Urusan di Bidang Kehutanan." *Jurnal Perspektif Hukum* 9.4 (2004).
- 3) Aziz Khan, Hariadi, Dudung Darusman, Hasibuan & Fuad Say, *Menyimak Perjalanan Otonomi Daerah: Sektor Kehutanan, Prosiding Workshop Penguatan Desentralisasi Sektor Kehutanan di Indonesia*” Pusat Rencana Kehutanan, Badan Planologi Kehutanan, Jakarta, 2004, hlm. 87
- 4) Slamet Edi Sumanto, *Kebijakan Pengembangan Perhutanan Sosial Dalam Perspektif Resolusi Konflik*, Jurnal Analisis Kebijakan Kehutanan, Vol. 6 No. 1 Edisi April 2009, hlm. 16-18.
- 5) Pidato Menteri Lingkungan Hidup dan Kehutanan Pada Apel Rimbawan Peringatan Hari Bhakti Rimbawan Tahun 2017, Kamis 16 Maret 2017
- 6) Soekmadi Rijanto, & Sofyan Sjachroedin, *Ekologi Hutan Indonesia: Suatu Tinjauan Ekosistem*, (Jakarta: PT Gramedia Pustaka Utama, 2005).
- 7) Arif Wibowo, & Nyoman Sudana Degeng, *Pengelolaan Sumberdaya Alam: Pendekatan Sosial Ekologi* (Yogyakarta: Penerbit Andi, 2014)
- 8) Mubyarto, *Manajemen Sumberdaya Alam dan Lingkungan: Tinjauan Masalah dan Pemecahannya di Indonesia* (Jakarta: PT Gramedia Pustaka Utama, 2006).
- 9) Colfer, C. J. P., & Dudley, R. G. (Eds.), *Forest and People: Equity, Ethics, and the Anthropocene*. Earthscan Routledge, 2019.
- 10) Larson, A. M., & Soto, F, *Decentralization of Natural Resource Governance Regimes*. Annual Review of Environment and Resources, 33, 2008, hlm.213-239.
- 11) Ribot, J. C., Agrawal, A., & Larson, A. M, *Recentralizing While Decentralizing: How National Governments Reappropriate Forest Resources*. World Development, 34(11), 2006, hlm.1864-1886.
- 12) Larson, A. M., & Soto, *Op. cit*, hlm.213-239.
- 13) Larson, A. M., & Barry, D, *Decentralization and forest management in Latin America: Towards a working model*. Public Administration and Development, 30(3), 2010, hlm. 278-292.
- 14) Ribot, J. C., Agrawal, A., & Larson, A. M, *Op. cit*, hlm. 1864-1886.
- 15) Angelsen, A., & Wunder, S, *Exploring the Forest-Poverty Link: Key Concepts, Issues and Research Implications*. CIFOR Occasional Paper No. 40. Bogor, Indonesia: CIFOR, 2005.
- 16) Wollenberg, E., et al, *Policy Process in Livelihoods Approaches to Forestry: Designs, Concepts and Contexts*. Policy that Works for Forests and People Series No. 2. Bogor, Indonesia: CIFOR, 2007.

- 17) Meinzen-Dick, R., & Knox, A, *Collective Action, Property Rights, and Devolution of Natural Resource Management: Exchange of Knowledge and Implications for Policy*. CAPRI Working Paper No. 14. Washington, DC: IFPRI, 2001.
- 18) Agrawal, A., & Gibson, C. C, *Enchantment and Disenchantment: The Role of Community in Natural Resource Conservation*. *World Development*, 27(4), 1999, hlm. 629-649.
- 19) Obidzinski, K., Dermawan, A., Puntodewo, A., Ruchiat, Y., & Komarudin, H, *The Lessons Learned from Indonesia's Moratorium on New Forest Concessions*. *International Forestry Review*, 14(2), 2012, hlm. 212-223.
- 20) Fisher, R. J, *Environmental Governance and Sustainability*. (Routledge, 2019).
- 21) *Ibid.*
- 22) Sikor, T., & Lund, C. (Eds.), *The Politics of Possession: Property, Authority, and Access to Natural Resources*, John Wiley & Sons, 2009.
- 23) Agrawal, A., & Gibson, C. C. *Enchantment and Disenchantment: The Role of Community in Natural Resource Conservation*, 1999, hlm. 629-649.
- 24) Suharjito, D., etl, *Desentralisasi Kehutanan dan Pemberdayaan Masyarakat*. *Jurnal Analisis Sosial*, 20(2), tahun 2016, hlm. 149-166.
- 25) Tacconi, L, *Decentralization, forests, and livelihoods: the case of Central Kalimantan, Indonesia*. *World Development*, 30(9), 2002, hlm. 1637-1653.
- 26) Sunderlin, W. D., etl, *Why forests are important for global poverty alleviation: a spatial explanation*. *Ecology and Society*, 12(2), 2007, hlm. 1-22.

References

- 1) Affan Ryaas Syaukani, "Otonomi Daerah Dalam Negara Kesatuan", Pustaka Pelajar, Yogyakarta, 2002.
- 2) Agrawal, A., & Gibson, C. C, *Enchantment and Disenchantment: The Role of Community in Natural Resource Conservation*. *World Development*, 27(4), 1999.
- 3) Agrawal, A., & Gibson, C. C. *Enchantment and Disenchantment: The Role of Community in Natural Resource Conservation*, 1999.
- 4) Andi Pitono, *Asas Dekonsentrasi dan Asas Tugas Pembantuan dalam Penyelenggaraan Pemerintahan*, *Jurnal Kebijakan Publik*, Volume 3, Nomor 1, Maret 2012.
- 5) Angelsen, A., & Wunder, S, *Exploring the Forest-Poverty Link: Key Concepts, Issues and Research Implications*. CIFOR Occasional Paper No. 40. Bogor, Indonesia: CIFOR, 2005.
- 6) Arif Wibowo, & Nyoman Sudana Degeng, *Pengelolaan Sumberdaya Alam: Pendekatan Sosial Ekologi* (Yogyakarta: Penerbit Andi, 2014)
- 7) Aziz Khan, Hariadi, Dudung Darusman, Hasibuan & Fuad Say, *Menyimak Perjalanan Otonomi Daerah: Sektor Kehutanan, Prosiding Workshop Penguatan Desentralisasi Sektor Kehutanan di Indonesia* " Pusat Rencana Kehutanan, Badan Planologi Kehutanan, Jakarta, 2004.
- 8) Colfer, C. J. P., & Dudley, R. G. (Eds.), *Forest and People: Equity, Ethics, and the Anthropocene*. Earthscan Routledge, 2019.
- 9) E. Utrecht, *Pengantar Dalam Hukum Indonesia*, Ichtiar, Jakarta, 1966.
- 10) Fisher, R. J, *Environmental Governance and Sustainability*. (Routledge, 2019).

- 11) Larson, A. M., & Barry, D, *Decentralization and forest management in Latin America: Towards a working model*. Public Administration and Development, 30(3), 2010.
- 12) Larson, A. M., & Soto, F, *Decentralization of Natural Resource Governance Regimes*. Annual Review of Environment and Resources, 33, 2008.
- 13) Meinzen-Dick, R., & Knox, A, *Collective Action, Property Rights, and Devolution of Natural Resource Management: Exchange of Knowledge and Implications for Policy*. CAPRI Working Paper No. 14. Washington, DC: IFPRI, 2001.
- 14) Mubyarto, *Manajemen Sumberdaya Alam dan Lingkungan: Tinjauan Masalah dan Pemecahannya di Indonesia* (Jakarta: PT Gramedia Pustaka Utama, 2006).
- 15) Obidzinski, K., Dermawan, A., Puntodewo, A., Ruchiat, Y., & Komarudin, H, *The Lessons Learned from Indonesia's Moratorium on New Forest Concessions*. International Forestry Review, 14(2), 2012.
- 16) Pidato Menteri Lingkungan Hidup dan Kehutanan Pada Apel Rimbawan Peringatan Hari Bhakti Rimbawan Tahun 2017, Kamis 16 Maret 2017.
- 17) Ribot, J. C., Agrawal, A., & Larson, A. M, *Recentralizing While Decentralizing: How National Governments Reappropriate Forest Resources*. World Development, 34(11), 2006.
- 18) Sikor, T., & Lund, C. (Eds.), *The Politics of Possession: Property, Authority, and Access to Natural Resources*, John Wiley & Sons, 2009.
- 19) Slamet Edi Sumanto, *Kebijakan Pengembangan Perhutanan Sosial Dalam Perspektif Resolusi Konflik*, Jurnal Analisis Kebijakan Kehutanan, Vol. 6 No. 1 Edisi April 2009.
- 20) Soekmadi Rijanto, & Sofyan Sjachroedin, *Ekologi Hutan Indonesia: Suatu Tinjauan Ekosistem*, (Jakarta: PT Gramedia Pustaka Utama, 2005).
- 21) Suharjito, D., etl, *Desentralisasi Kehutanan dan Pemberdayaan Masyarakat*. Jurnal Analisis Sosial, 20(2), Tahun 2016.
- 22) Sunderlin, W. D., etl, *Why forests are important for global poverty alleviation: a spatial explanation*. Ecology and Society, 12(2), 2007.
- 23) Tacconi, L, *Decentralization, forests, and livelihoods: the case of Central Kalimantan, Indonesia*. World Development, 30(9), 2002.
- 24) Wibowo, Gatot Dwi Hendro. "Sinkronisasi Kewenangan Penyelenggaraan Urusan di Bidang Kehutanan." *Jurnal Perspektif Hukum* 9.4.
- 25) Wollenberg, E., et al, *Policy Process in Livelihoods Approaches to Forestry: Designs, Concepts and Contexts*. Policy that Works for Forests and People Series No. 2. Bogor, Indonesia: CIFOR, 2007.