

## Evaluation of the Decree of the Minister of Environment and Forestry Number 17 of 2018 concerning Procedures for Release of Forest Areas and Changes in Forest Area Boundaries for Land Resources for Agrarian Reform Objects in Riau Province

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### Kata Kunci ;

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**Abstrak:** Indonesia has a forest area of around 94.1 million hectares which consists of various spatial functions including those used as Production Forests. Production forests which are currently used are around 63 million ha of Indonesia's forest area which is divided into permanent production forest areas, limited production forests, and convertible production forests (HPK). In accordance with the policies contained in the Agrarian Reform Object Land (TORA) program issued by the central government, HPK is one of the targets used for area release. The current phenomenon that is occurring is that TORA does not accommodate land issues that previously had property rights issued by the National Land Agency which then turned into Convertible Production Forests. So far, what has arisen regarding land issues is the land mafia, but in this phenomenon the community is harmed again by changes in areas where the land with property rights status cannot be cultivated and bought and sold. This research will be carried out in Riau province with the National Land Agency and the Riau Provincial Forest Service as objects. The aim of this research is to resolve disputes over land issues, not only TORA, but also people who previously had land rights issued by BPN, changing their status to HPK. The method and type of this research is Qualitative Descriptive. The technique for attracting informants uses a proportional sampling technique and data collection techniques in this research are interviews, observation, literature study and documentation.

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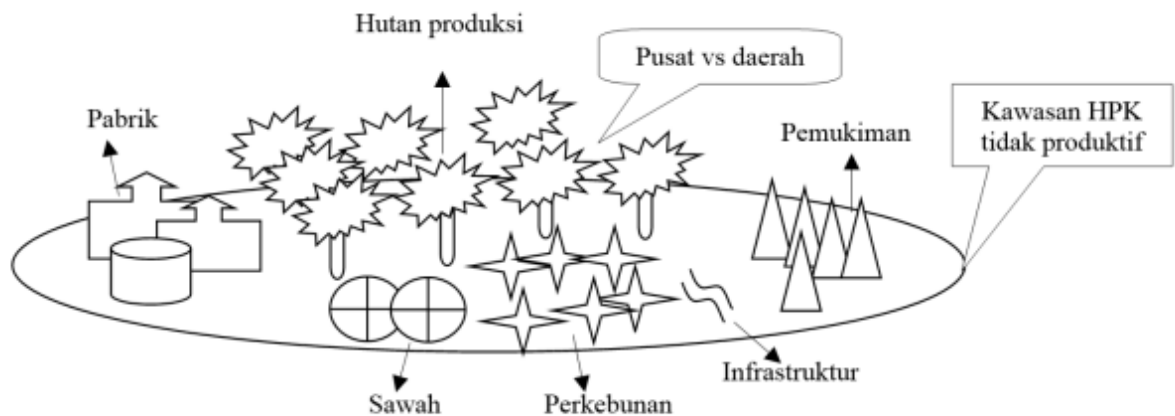
## INTRODUCTION

The problem faced in this research is the overlapping use of HPK areas in Riau Province for various purposes such as plantations, dry land farming, settlements, as well as changes in the function of HPK areas which should be conserved. This is because in the HPK forest area there are still forests that have high conservation value so they are not suitable for release or

conversion. If this overlap is not resolved immediately, in the future it could lead to prolonged conflict in the use of forest areas (Wibowo et al., 2019; Eyes on the Forest, 2018). The causes of conflict generally consist of several factors, namely: a) differences in needs, values and goals; b) scarcity of resources such as power, influence, space, time, money, popularity, and position; c) competition (Handoyo, 2015). It goes on to say, when a number of values and goals conflict with each other, when a number of resources become limited, and when competition for rewards and privileges arises, conflict will occur. Interactions between humans are always colored by two things, namely conflict and cooperation. Thus, conflict is part of human life (Handoyo, 2015; Soeharto, 2010).

This conflict situation does not take into account the overlapping use of forest areas for mining activities in Riau Province which is currently being monitored by the Corruption Eradication Commission (KPK). The research aims to calculate the area of unproductive HPK areas that will be used as TORA sources and policy strategies that can be used to release these HPK areas in Riau Province. This is because rationalization of the use of forest areas in Riau Province needs to be carried out to avoid conflicts of interest between the central and regional governments. Apart from that, it is also to bridge the obstacles to socio-economic and infrastructure development in the region so as to reduce the occurrence of overlapping uses of forest areas (Nanggara et al., 2018; Sumargo, Nanggara, Nainggolan, & Apriani, 2011).

A clearer picture of the situation on the ground regarding the overlapping use of forest areas in Riau Province is presented in Figure 1.



Gambar 1 Situasi lapangan tumpang-tindih pemanfaatan HPK  
 Figure 1 Field situation on overlapping of forest conversion utilization.

Based on the Decree of the Minister of Environment and Forestry No. SK5692/MENLHK-PKTL/KUH/OTL.0/2018 stipulates that the area of unproductive HPK that will be used for TORA is 221,321 ha in Riau Province. The government needs to release unproductive HPK areas of this size to support development plans as stated in the 2015-2019 RPJM. In accordance with Law (UU) no. 41 of 1999, forest area release activities require recommendations from an integrated team through scientific studies so that these recommendations can be justified. The activity of releasing unproductive HPK areas is intended for non-forestry development such as educational facilities, residential areas, government offices, terminals, markets, agriculture, plantations, etc. (Decree of the Minister of Environment and Forestry No. 51/2016).

In accordance with the scientific vision of the government science study program, this study is included in the space of assessing a policy that has a direct impact on society and is related to land issues. Good governance and clean government are the hopes of government administration. By properly organizing the government, especially in the land sector, the bureaucratic reform agenda will be implemented as it should and the public will get their rights to the services provided by the government.

In this literature review, this paper will try to explore in depth what phenomena or research problems are related to land. This research will evaluate a regulatory product from the Ministry of Forestry and Environment that has a direct impact on society. Several studies on land that are references by the author focus on strategies for releasing conversion production forest areas with TORA. The next research focuses on forestry governance analysis. With different concepts and problems, the author uses an analytical knife from the policy evaluation theory put forward by William N Dunn. Theories, concepts and indicators will be used as analytical tools in this research. The theories and concepts used in this research are:

#### **A. Policy Evaluation**

The definition of evaluation in the Big Indonesian Dictionary means assessment; results. According to PP no. 39 of 2006 concerning Procedures for Controlling and Evaluation of the Implementation of Development Plans, Evaluation is a series of activities comparing the realization of inputs, outputs and outcomes against plans and standards. Policy evaluation is an activity that involves estimating or assessing policies that include substance, implementation and impact. Policy evaluation is seen as a functional activity. This means that policy evaluation is not only carried out at the final stage but throughout the policy process.

According to William N. Dunn (2003:608-610) the term evaluation has related meanings, each referring to the application of several value scales to the results of policies and programs. The term evaluation can be equated with appraisal, rating and assessment. Evaluation is concerned with the production of information regarding the value or benefits of policy results. Evaluation provides valid and reliable information about policy performance, namely how far needs, values and opportunities have been achieved through public action. Evaluation contributes to the application of other policy analysis methods including problem formulation and recommendations. Even though it is concerned with the entire policy process, policy evaluation is more concerned with the entire policy process, policy evaluation is more concerned with the performance of the policy, especially the implementation of public policy. According to Dunn (2003), policy evaluation criteria include 6 (six) types as follows:

1. Effectiveness is concerned with whether an alternative achieves the expected results (consequences) or achieves the objectives of the action. Effectiveness is closely related to technical rationality, always measured in terms of product or service units or their monetary value;
2. Efficiency refers to the amount of effort required to increase a certain level of effectiveness. Efficiency, which is synonymous with economic rationality, is a relationship between effectiveness and effort, the latter of which is generally measured in terms of monetary costs;
3. Adequacy relates to how far a level of effectiveness satisfies the needs, values or opportunities that give rise to problems. Adequacy criteria emphasize the strength of the relationship between policy alternatives and the expected results;
4. Equity is closely related to legal and social rationality and refers to the distribution of consequences and efforts between different groups in society;
5. Responsiveness concerns the extent to which a policy can satisfy the needs, preferences or values of certain groups of society. The responsiveness criterion is important because an analysis that can satisfy all other criteria such as effectiveness, efficiency, adequacy, equality still fails if it does not respond to the actual needs of the groups that should benefit from the policy;
6. Appropriateness is a criterion of accuracy that is closely related to substantive rationality, because statements about policy appropriateness do not relate to one individual criterion but to two or more criteria together. Appropriateness refers to the value or worth of program objectives and to the strength of the assumptions underlying those objectives.

## B. Public Policy

Public policy has various definitions. Thomas R. Dye (in Nugroho, 2004: 3) defines public policy as everything the government does, why they do it, and the results that make a life together look different. Meanwhile, Easton defines public policy as quoted by Anderson (1984: 13-15) as "the authoritative allocation of values for the whole society". Based on this definition, Easton emphasized that only the government can legally make a choice whether to carry out an action or not on society. This is because the government, including the rulers in the political system, are involved in everyday problems in society for which they are responsible. In a glossary in the field of state administration, public policy is given the following meaning:

- a. Arrangement of draft objectives and basic considerations for government programs related to certain problems faced by society.
- b. Whatever the government chooses to do or not to do.
- c. Complex problems stated and implemented by the government.

Public policy essentially exists in a system. According to Dunn (1994: 70-71) a policy system is the entire institutional pattern within which policies are made, including reciprocal relationships between the three elements, namely public policy, policy actors and the policy environment. Public policy is a series of more or less interconnected choices (including decisions not to act) made by government officials and informed by issue areas (problems). Meanwhile, policy stakeholders are individuals or groups of individuals who have a stake in policy because they influence and are influenced by government decisions. The policy environment (policy environment) is a special context in which events surrounding policy problems occur, influence and are influenced by policy makers and public policy. Therefore, the policy system contains a dialectical process, meaning that in the practice of policy making the objective and subjective dimensions cannot be separated. Policy systems are subjective human products created consciously by policy actors through choices. The policy system is an objective reality that is manifested in observed actions and their consequences. Policy actors are products of the policy system, likewise policy analysts are creators and results of the creation of the policy system.

## RESEARCH METHOD

This research uses qualitative analysis methods, qualitative analysis is defined as research that can understand phenomena about what is experienced by research subjects such as behavior, perceptions, motivations, actions, etc. holistically and by means of descriptions in the form of words and discussion. in a special natural context and by utilizing various natural methods.

In the initial stage, the chairman and research team carried out observation activities, as an effort to identify problems and explore information and data that became a reference to determine the urgency of this research to be researched. The sources of data obtained are through reputable online media and government policy documents on official government pages. Next, the team leader directly observed the phenomenon of land problems. Then the next step, after obtaining data and information about land, is that the team leader continues to prepare a draft proposal as an initial stage with the content describing the problems to be researched. The personnel directly involved in observation activities and preparing proposals are member 1 and member 2. Meanwhile, the person who will carry out pre-research observations is the team leader.

In the second stage, what the research team will carry out is to hold a joint meeting to determine the informants who will be asked for interviews, as well as determining a number of reputable local online media to be used as reference sources for coding data. The informants who will be interviewed are (1 person) Head of the Riau province forestry and environment service, (1 person) head of the regional office of the Riau province national land agency, people with land problems. After mapping who the informants were, the research team prepared an interview draft in the form of a structured collection of questions referring to the concept of

evaluation and land issues.

In the third stage, the research team will carry out in-depth interviews with each informant. The results of the interviews obtained can then be analyzed together. It is likely that there will be additional informants in the interview which will then be adjusted to the recommendations of the initial informant because in principle the determination uses the snowball sampling technique. Snowball sampling is an initial identification process starting from a person or case that falls within the research criteria. Furthermore, this research uses the N-Vivo 12 plus software with the aim of processing interview data into statistical data which can then be visualized as supporting data in this research.

In the fourth stage, the research team will go directly into the field as a direct observation process with the aim of finding additional information related to the research object. This observation activity is the most important part of the research series. The research location chosen by the team leader is Riau province. Data obtained from observations include photographs, documentation and interviews with stakeholders involved in the land sector. Additional documents will be found, such as archives obtained from agencies involved in the land sector.

## **RESULT AND DISCUSSION**

If the HPK area is unproductive on the land cover map, the disaster-prone category contained on the disaster-prone map is excluded, namely areas that are categorized as having a high to very high level of vulnerability so that an area of 207,616.23 ha is obtained which can be categorized as an unproductive HPK area. Based on the land cover map that has been processed, the area of non-productive HPK that is recommended to be released is 205,847.86 ha, 663.94 ha is to be retained, and 1,104.42 ha is to be inventoried and verified. The land cover that is maintained and not released is natural forest and oil palm, while what is inventoried and verified is settlements.

The traditional knowledge possessed by the community is used to manage and convert state forest areas into other forms, namely plantation and agricultural areas. This is proven by the discovery of traces of forest encroachment by burning and cutting down state forest areas for oil palm plantations. There were no clear boundaries between state forest areas and the community's conception of forests.

The increasing population and shrinking productive land used to provide food in Indonesia make the position of the TORA program very important. One of the negative impacts of the loss of productive land is food shortages so that the country's need to provide food becomes very crucial. Indonesia is preparing new food warehouses to face the negative impacts of the food crisis that is occurring in various parts of the world. Based on the President's direction, the unproductive HPK area can be used to answer these needs in Riau Province. There are 666.55 ha of bushes that can be converted into direct use for the community so as not to eliminate the legal ownership of the community or business actors over their land and the government can fulfill the percentage of forest area. Therefore, the Riau Provincial Government needs to emphasize the status of control over unproductive HPK land in administrative planning and area use plans to overcome the possibility of a food and economic crisis. Based on data on changes in forest area in Riau Province up to 2016, the Province has reserved a forest area that can be converted of 1,185,433 ha based on Minister of Environment and Forestry Decree No. 903 of 2016.

## **CONCLUSION**

Considering that the role of land in people's lives is very strategic, the formulation and implementation of a land reform program requires a multi-disciplinary and cross-sector approach, as well as very thorough and thorough preparation taking into account the very broad implications. A number of important agendas must be addressed first, including: the land administration system, developing concepts for delineating land reform program areas, formulating concepts and determining benchmarks for identifying potential land reform land recipients and whose land will be distributed, as well as the basis for calculations in determining compensation and financing. land reform that must be borne by the government and

prospective land recipients. Based on the results of analysis using area maps used for TORA activities in Riau Province, it was found that the indicative area of unproductive HPK areas that could be released was 205,847.86 ha (93.01%). The area of forest that is maintained is 663.94 ha and the area of forest that is inventoried and verified is 1,104.52 ha. The area of non-productive HPK released was 17.36% compared to the 2016 HPK area and still left a forest area compared to the area of Riau Province of around 59.76%, so it did not violate the provisions stated in the law.

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