



## Implementation of Regional Regulation Policy on The Sustainability of The Ammatoa Kajang Customary Forest

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### **Abstract**

*The policy that preserves the Kajang customary forest through regional regulation (PERDA No. 9 of 2015) concerning the strengthening and the protection of the rights towards the Ammatoa customary forest community in orders and authorities of the Ammatoa Kajang customary law community, namely to fulfill, maintain, and perpetuate "Pasang" as a guideline for the order of community life. Thus, through this qualitative descriptive study, it attempts to describe how policy implementation is related to the George C. Edward III implementation model and then analyzes it to an absolute conclusion. The results showed that the implementation of the regional regulation in preserving the Ammatoa customary law in the Kajang indigenous people based on four indicators, namely: communication, resources, disposition and bureaucratic structure had been well. However, it cannot be denied that in the implementation of PERDA No. 9 of 2015 there are still many shortcomings in it.*

**Keywords:** *Implementation; Regional Regulation; Customary Forest; Ammatoa.*

### **A. Introduction**

Indonesia has more than 90 million hectares of forest in the tropics and is the third largest in the world after Brazil and Democratic Republic of the Congo (Alisjahbana 2017). Based on observation of the Environment and Forestry Ministry of Indonesia (2021), Indonesia has 95.6 million hectares of forest area or 50.9% of the total land area of Indonesia, of which 92.5% of the forest or 88,4 million hectares (218.4 million hectares) are in forest areas. The problem of deforestation is a threat. Deforestation is a condition of forest areas experiencing a decline due to land conventions for infrastructure, settlements, agriculture, mining, and plantations. Indonesia's 2019-2020 net logging information both inside and outside forest areas in Indonesia was 115.5 thousand hectares. The highest logging area occurred in the secondary forest class, namely 104.4 thousand hectares, of which 58.1% or 60.64 thousand hectares were inside the forest area and the remaining 43.7 thousand hectares or 41.9% were outside the forest area. The rate of deforestation in Indonesia is still quite significant. According to the Director of the Indonesian Forum for the Environment (Wahana Lingkungan Hidup, WALHI) in South Sulawesi, the condition of deforestation is unsettling. In the last decade, forest area has steadily decreased from 2.1 million hectares to only 1 million hectares left. According to Jeffries (2005), the conservation strategy is divided into three elements, namely protection,

sustainable use, and benefit sharing. Various attempts have been done, namely the preservation of sustainable forest resources and local community-based conservation.

The United Nations environment program stated that it is necessary to unify different approaches to define the broad possibilities of biodiversity conservation, to admit that conservation is strongly influenced by social, cultural, economic and political factors and to encourage cooperation and coordination of policy and institutions (Jeffries 2005). Local wisdom and the paradigm of sustainable development that form the basis for the formulation of forestry policies will create effective and equitable regulations. The Indonesian government released a policy as stated in the Law of the Republic of Indonesia (UUD RI NO. 41 of 1999) concerning Forestry which affirms the recognition of customary forests which are no longer state forests. The concept of this rule is that the property of customary law communities (also called clan forests, lordship forests, or others) is within the scope of customary rights because they are in a unitary area of customary law communities, whose the demonstrations are based on traditions that live in a community atmosphere and have a central management institution that authority throughout its territory. (Megawati, 2021).

In Bulukumba Regency, the Ammatoa Kajang indigenous people are one of the remaining indigenous communities and their existence and all aspects of customs are still visible today (Faisal, 2012). Tradition that is still strongly carried out by people with a life that is far from modernity makes forest resources still survive to this day, It is all inseparable from the customary rules that are still firmly held by the Ammatoa Kajang indigenous people. The rules in the Ammatoa Kajang indigenous people are called "*Pasang*" (Embass, 2017). *Pasang* is the life guidelines of the Ammatoa community which consist of a collection of ancestral mandates, have been respected and upheld by the Ammatoa Kajang indigenous people (Sukmawati, 2015). The values adopted in *Pasang* are sacred by the local community, which if not implemented in daily activities will have a negative impact on the collective life of the ecological and social system chaos. From this, indigenous peoples are able to preserve customary forests properly (Imran, 2020).

The Kajang indigenous people believe the earth as their mother. So, when the wood is cut down, the rain will decrease, and the well-springs will dry up. When humans take care of nature, nature will also take care of humans (Badewi, 2018). Communities living in the Ammatoa Customary Area strongly follow the *Pasang* principles. Especially regarding forest conservation, these principles are (a) forests provide a source of life; (b) forests maintain the availability of well-springs; (c) forests bring rain; and (d) forests cool the environment (Sukmawati, 2015). In *Pasang*, all forms of forest utilization and management are clearly regulated as a means of monitoring and controlling all activities related to forestry. Forest

preservation in the Ammatoa Kajang indigenous community cannot be separated from the obedience and respect for customary law as outlined in *Pasang*. The ability of the Kajang indigenous people to maintain and preserve cultural heritage cannot be separated from togetherness in supporting and practicing *Pasang* as well (Surtikanti, 2017).

The regional government of Bulukumba Regency is also aware that the current development brings necessity in terms of increasingly changing and developing human civilization which can have a positive or negative impact whereas this can be experienced by every person or community, including the Ammatoa Kajang indigenous people. It is certainly unwanted that the noble values in *Pasang* which have been carried out by indigenous peoples to be eroded due to the negative impact of the progress and interest of modern humans who tend to be exploitative and increasingly distant from their nature. (Nurkhalis, 2018).

Based on this thought, the Government of Bulukumba Regency together with various elements of society and organizations that have concerns in maintaining the existence of the Ammatoa Kajang indigenous people always strive to provide development and information for indigenous peoples to remain faithful in carrying out the positive values contained in *Pasang*. One of the concrete steps taken by the regional government is to establish a regional regulation on the inauguration, recognition, and protection of the rights of Ammatoa Kajang customary law community which accommodates the interests of indigenous peoples to continue to preserve customs, especially the customary forest of Ammatoa Kajang.

## **B. Methods**

This study used qualitative methods. Thus, through this qualitative descriptive study, it attempts to describe the problems that are related to the innovation of implementing the Ammatoa customary law regulation, and then analyze it to arrive at an absolute conclusion. The types of data collected are primary data and secondary data. Primary data in this study are the words or oral speech and human behavior (Creswell, 2015).

## **C. Result and Discussion**

Through the local regulation (PERDA No. 9 of 2015), It is able to accommodate the Ammatoa Kajang indigenous people in maintaining, protecting and conserving the customary forest. Therefore, to examine the implementation of PERDA No. 9 of 2015 in protecting the Traditional Rights of the Kajang Customary Law Community, the theory of George C. Edward III was used. The implementation model of this policy is influenced by four variables, namely: (1) Communication; (2) Resources; (3) Disposition; and (4) Bureaucratic Structure (Subarsono, 2010).

1. The communication stated above is the success of policy implementation, which implies that the implementer knows what to do, where the goals and objectives of the policy must be transmitted to the target group. So that it will reduce the distortion of implementation (Edward III in Winarno, 2008). The communication

carried out by the regional government to implement PERDA No. 9 of 2015 in protecting the Traditional Rights of the Kajang Customary Law Community is not aimed at disturbing or eliminating the habits of the Kajang community, instead of protecting and recognizing the rights of the Kajang community as well. This is important to emphasize in order to avoid misunderstanding the Kajang people who think that this regional regulation will be a tool for commanding the control of customary forests or regulating the customs of the Ammatoa Kajang customary community. It is also explained in the regional regulation of the Ammatoa Kajang customary community in chapter VIII part 20 clause (1) The Ammatoa Kajang customary law community has the right to recovery and protection of the damaged environment in the customary area. (2) The restoration of the damaged environment in the customary area is carried out by taking into consideration the proposed environmental restoration activities proposed by the affected people of Ammatoa Kajang customary law community, including considering the procedures for environmental restoration based on their local wisdom. (PERDA No. 9 of 2015).

2. The second factor is resources according to Edwards in Winarno (2008). Important resources include adequate staff and good skills to carry out their duties, authority and facilities needed to comprehend and to express proposals on paper to implement public services. The Government's effort in implementing this regional regulation is to establish members of Dispute Handling Team as referred to in part 25 clause (1) consisting of the following elements: a. Regional Government Representatives; b. Representatives of the Ammatoa Kajang customary law community; c. Academics; d. Religion institution; e. Non-governmental organizations; and f. Representatives of third parties involved in the dispute. (PERDA No. 9 of 2015). So that this regional regulation can run effectively.
3. Disposition is the characteristics possessed by the implementer, such as commitment, honesty, democratic nature. If the implementer has a good disposition, then the implementer can carry out the policy as well as desired by the policy maker. When the implementer has a different attitude or perspective from the policy maker, the policy implementation process will also be ineffective. In this case, the involvement of the Indigenous Peoples Alliance of the Archipelago (Aliansi Masyarakat Adat Nusantara, AMAN) as the applicant for the formation of this regional regulation, the government claims that the cooperation with partners is in accordance with the legal basis. "There is no tender process or appointment from the government for AMAN to be a partner". So that the commitment and openness of the Government is clearly visible in the formation of regional regulations until the time of its implementation.

According to Edwards III in Winarno (2008), bureaucratic structure has two main characteristics, namely Standard Operating Procedures (SOP) and Fragmentation. SOPs or basic working procedures developed as an internal response to the limited time and resources of implementers and the desire for uniformity in the work of complex and widespread organizations. As for the standard operating procedures of the Implementer is in formulating policies and controlling this regional regulation. Generally, the duty of representatives of the regional government is to harmonize the

findings and information that has been collected by other team members in order to make adjustments to the existing laws system or legal products regarding points that will be included in the Draft of Regional Regulation so as not to conflict with each other. And also they are in charge to provide considerations to the forum and formulator team members regarding the specific conditions of Bulukumba Regency that need to be considered in the process of making this policy

#### **D. Conclusion**

This regional regulation (PERDA No. 9 of 2015) is very helpful for the community in managing natural resources, especially the preservation of the existing Ammatoa Kajang customary forest, which is due to the communication made by the government to the Ammatoa Kajang indigenous community so that the community can accept it well. The resources they have are also adequate. So the implementation of it goes well. The disposition carried out by the government to involve non-governmental organizations is also very helpful in the implementation. The bureaucratic structure that each of which is neat, so that there is no monopoly of power in the implementation of this regional regulation. But undeniably that in its implementation there are still shortcomings in solving it, especially in helping the Ammatoa Kajang indigenous community in managing the resources of the customary forest area.

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