

Governance of Local Government of West Kalimantan Against Illegal Logging

M. Angela Merici Siba

Universitas Muhammadiyah Yogyakarta

Email: angelmerici8@gmail.com

Abstract

Illegal logging is unauthorized logging and timber theft performed by the perpetrators wanting to manage forests for their individual needs. It has a negative impact on the habitat of forests and communities in West Kalimantan. The felled trees are used for the needs of the perpetrators and exported to timber buyer countries. High timber demands have triggered the actors to perform such a crime. It occurs because some actors carry out document forgery in managing forests. This research utilized the political system theory from David Easton and discovered that the local government of West Kalimantan has made illegal logging rules. However, illegal logging remains to exist because the governance from the local government has not been maximized in issuing not binding policies and lack socialization from the government to the community regarding illegal logging.

Keywords: illegal logging, socialization, policies, the local government of West Kalimantan

Abstrak

Illegal logging merupakan tindakan penebangan dan pencurian kayu yang tidak sah. Tindakan ini dilakukan oleh para pelaku yang ingin mengelola hutan untuk kebutuhan individunya. Penebangan pohon yang dilakukan telah memberikan dampak negatif bagi habitat yang ada di hutan serta masyarakat di Kalimantan Barat. Pohon yang di tebang akan digunakan untuk kebutuhan para pelaku yaitu diekspor ke daerah bahkan negara yang membeli kayu tersebut. Banyaknya permintaan kayu maka, para aktor memilih untuk melakukan penebangan pohon secara liar demi memenuhi permintaan pembeli. *Illegal logging* dilakukan karena sebagian aktor masih

melakukan pemalsuan dokumen dalam mengelola hutan. Penelitian ini menggunakan teori sistem politik dari David Easton dan ditemukan bahwa pemerintah daerah telah membuat aturan-aturan mengenai *illegal logging*. Namun, kegiatan *illegal logging* masih terjadi karena tata kelola dari Pemerintah Daerah Kalimantan Barat masih belum maksimal dalam mengeluarkan kebijakan-kebijakan yang tidak terlalu mengikat serta kurangnya sosialisasi dari pemerintah kepada masyarakat terkait *illegal logging*.

Kata Kunci : *illegal logging*, sosialisasi, kebijakan, pemerintah daerah Kalimantan Barat

INTRODUCTION

Illegal logging is a widespread issue of environmental damage occurring in some countries with vast forests, including Indonesia. Illegal logging contains many meanings, such as logging or sawmills, timber theft and unauthorized carriage of timber. According to Forest Watch Indonesia (FWI) and Global Forest Watch (GFW), illegal logging is divided into two: legitimate operators who violate the provisions of their permits and timber thieves or people who fell trees without legal right to do so (Supriadi, Hukum Hutan dan Hukum Perkebunan di Indonesia, 2010). Illegal logging activities will cause environmental damage. Environmental damage, especially illegal logging, significantly impacts forests, flora, and fauna, including

communities in the surrounding area.

Illegal logging refers to the activities of logging, transporting, and selling timber violating local area permits. However, as the forests progress, it diminishes due to the actors who manage the forests for their interests. The damage or loss of large-scale natural forests began to occur in Indonesia in the early 1970s when forest enterprises started to operate (Purba, 2014). The companies presence underscores changes in forest management, including in West Kalimantan.

Based on the Decree of Forestry Minister No. 936/Menhut-II/2013 dated 31 December 2013, West Kalimantan has a forest area of 8,389,601 ha divided into a protected area and cultivation area. The protected forest area is 2,310,874

ha, while nature is 1,621,046 ha. The total production forest is limited to 2,132,398 ha, the usual production forest is 2,127,365 ha, and the conversion production forest only reaches 197,918 ha (Cornelis, 2015).

The community manages the forest area divided by each function for agricultural needs or oil palm land. Forests are used to meet the economic needs of some people by cutting down trees of which the timber is sold to surrounding regions and even other countries. Logging trees are declared illegal by looking at the quality of trees suitable for sale. This crime continues from year to year, thereby causing forest damage such as deforestation and the loss of animals in the forest area.

Document counterfeiting is one way to facilitate illegal logging. If not conducted in detail, it will make the perpetrators continue doing illegal logging. The government must carry out a detailed check to ensure the authenticity of the document. Moreover, the government should monitor each forest area to see the activities undertaken by each forest manager (Irawan, 2018).

In the KUHP, illegal logging has been grouped into deployment, smuggling, theft, and counterfeiting activities. In 2017, there were about 6,000 illegal logging consisting of

Medang, Kenanga and Bintangor timber (R, 2017). The timber of illegal logging was processed in round woods and boards and exported on request from the buyers through the Kapuas River. This wood export has resulted in the widespread destruction of forest PDAs in West Kalimantan.

The forest area of a region also influences forest damage. The size of the forest will increase the action of perpetrators in damaging the forest. It is also the case in West Kalimantan, one of the largest forest areas in Indonesia. However, it occupies the fourth position, but it does not mean there is no forest damage. Illegal logging in West Kalimantan forests continues to occur for various needs such as domestic and foreign sales and industrial and development needs. Unlike other regions, it is easy to do illegal logging in West Kalimantan, bordered by Malaysia. The timber is sent through a borderless surveillance area. Lack of oversight and easy fabrication of documents cause the perpetrators free to do illegal logging. In short, the leading cause of forest damage in West Kalimantan is illegal logging.

Table 1 Five regions in Indonesia with the largest forest area

No.	Region	Forest Area
1.	Papua	29,368,482 ha
2.	Central Kalimantan	13,855,833 ha
3.	East Kalimantan	12,697,165 ha
4.	West Kalimantan	8,198,656 ha
5.	Riau	5,499,630 ha

Source: <https://www.bps.go.id/statictable/2013/12/31/1716/luas-kawasan-hutan-dan-kawasan-konservasi-perairan-indonesia-menurut-provinsi-berdasarkan-sk-menteri-kehutanan.html>

The five forest areas led the government to establish regional regulations capable of reducing forest damage. Nevertheless, forest and land management by the local government of West Kalimantan is still far from good governance, evidenced by the absence of firmness from the local government. The determination of the local government in providing the law for perpetrators of illegal activity is very low, making it easier for perpetrators to continue damaging the forest. The autonomous regional policy is one reason for the local government to regulate its regional

affairs, including the forestry sector. By handling over forestry affairs to the autonomous region, the Governor and Regent/Mayor authorize entrepreneurs to manage the forest in the region to pursue local revenue (Supriad, 2010). The lack of supervision of forest land use permits allows the licensees to carry out illegal logging to achieve their goals or interests. Some governments involve entrepreneurs to realize good governance in dealing with illegal logging.

How is the governance of the West Kalimantan government against illegal logging? This article describes government governance in making rules and policies regarding illegal logging in West Kalimantan.

Framework

In this journal, the author employed the theory of the political system from David Easton. According to David Easton, it is a valuable system to view political life as a behavior (Easton, 1984). It is a system of interdependence; a change in one section will affect the other part. Some people become essential parts of the system and the environment that embodies the system.

Input comes from the community's demands and support

from the environment that enter the political system. It consists of a community's demands on the various issues in the environment. Various demands entering the political system then produce output, a decision or action that will later be applied in the environment. Once the decision becomes an action that must be applied, there is feedback or reciprocity. This reciprocity becomes a reference for evaluating the input, and then it becomes the new demand in the political system. Decisions or actions in the political system may be policies. The process of policy-making is not detached from the support of the community.

The policy formation process is inseparable from the efforts of specific individuals or groups attempting to influence decision-makers to make the policy more profitable. A series of components, processes, allocations, resources, actors and powers play a role in setting the policy as a system. Political life as a system consists of interconnected activities that find relationships affecting authoritative decisions (Senjaya, 2017).

RESULTS AND EXPLANATION

In recent decades, forests have been over-exploited, despite the

establishment of various international and national regulations. Unfortunately, the regulations do not influence the forest exploitation actors. Forest damage in various forms continues to happen. The greatest damage to forests is illegal logging, followed by forest fires. According to Kompas, Indonesia annually experiences 684,000 ha of forest loss due to illegal logging, forest fires, forest encroaching and forest control (Cipto, 2016). Illegal logging is carried out for various purposes, such as for sale, the transfer of land to industrial and plantation areas, and the needs of people living around the forest area.

Forest damage and forest degradation due to illegal logging have occurred in production forest areas and entered into protected forest areas, national parks, and other conservation areas (Narindrani, 2018). This damage has caused flooding and will damage the environment, and there are other impacts on the community and habitat in the forest. Even though some people have felt the impact, they do not stop damaging the forest. If there is no effort or socialization to the community, the damaged forest area will widen and cause raids in the coming years.

Illegal logging in West Kalimantan is not a new problem and must be handled immediately to avoid damaging the forest continuously. There are three types of illegal logging. First, it is carried out by people or groups, whether living in a forest or even being away from a forest, without a legal right to fell trees. Second, it is done by forestry companies that violate the provisions of their permits. Third, it is performed by certain people on behalf of forest society. If there is no effort or socialization to the community, the damaged forest area will widen and cause a roughing (Malik, *Problematika Penanganan Illegal Logging di Indonesia*, 2011). These three types of illegal logging will keep existing if there is no awareness of each of the actors involved. Apart from everyone's awareness, the contributing factor is how the governance of the local government can overcome the forest damage problems. Good governance is based on transparency, participation, accountability and coordination, indicating that the public utilizes forest management. Therefore, the government should apply good forest governance principles to the community with all aspects. This governance is seen from the establishment and

application of rules on all actors in West Kalimantan.

1. The Establishment of National Rules on Forestry

Forest resources are natural resources that everyone must manage to avoid causing damage. Hence, the government established a regulation stating that the forest belongs to the state and is given to the community. The government has become the institution controlling the forest. However, forest mastery aims to authorize the government to organize it properly and be given to the public and managed according to the rules.

Forest control by the state as mandated in article 33 paragraph (3) of the 1945 Constitution authorizes the government to regulate and manage everything related to forests, forest areas and forest outcomes; Forest areas and or change of forest area status; Regulate and establish legal relationships between communities and forests or forest areas and forest outcomes, and regulate legal actions in the forestry sector. In addition, governments have the authority to grant permits and rights to other parties to conduct activities in the field of forestry (Nurlinda, 2015).

The country's authority to regulate forest resources is a preliminary step taken to reduce the destruction of forests. However, various actions such as illegal logging, forest fires, and the transfer of forests to industrial and plantation areas harm the forest.

The Indonesian Government then created several forestry rules with the purpose of each related element ranging from the community, the company, and the government itself can carry out their duties in managing forests. These rules are the defining aspect of how everyone can safeguard or damage the forest. These rules govern how to preserve forests and sanctions for everyone who destroys them. The rules consist of Law No. 41 of 1999 on forestry; Government Regulation of the Republic of Indonesia No. 34 of 2002 on forest governance and the preparation of forest management plan, forest utilization and use of forest areas; Government Regulation of Republic of Indonesia No. 44 of 2004 on forestry planning; Government Regulation of the Republic of Indonesia No. 6 of 2007 on forest governance, drafting forest management plan, and forest utilization; Forestry *Ministerial Regulation* of the Republic of Indonesia No. P.02/Menhut-

II/2010 on the forestry information system, Law No. 18 of 2013 on the prevention and eradication of forest destruction; and Trade *Ministerial Regulation* of the Republic of Indonesia No. 84/M-DAG/PER/12/2016 concerning the export provision of the forestry industry.

2. *The Establishment of the Local Government Regulation of West Kalimantan*

To raise the awareness of each person related to the forest, the government of West Kalimantan established a regional rule called the Governor Regulation. This regulation discusses the position, function, task, and governance of areas such as forestry service, explained as follows:

- Governor Regulation No. 75 of 2018 on an amendment to Governor Regulation No. 117 of 2016 regarding the position, organizational structure, duties and functions and the work of the Forestry Department of West Kalimantan Province
- Governor Regulation of West Kalimantan No. 72 of 2018 concerning the position, organization structure, duties and functions, and the work of the Department of Industry

and Trade of West Kalimantan Province

- Provincial Regulation of West Kalimantan Province No. 8 of 2006 concerning the utilization and circulation of Belian timber in the West Kalimantan region

3. Rule Implementation

Illegal logging in West Kalimantan is not new; it has been the case since the acceptance of timber management efforts. The business license to manage timber gives each person the space to manage the forest. The forest benefits everyone, such as in trade or development. The same space is also given to timber management companies. These companies saw the excellent opportunity to manage forest management production, then took the opportunity to enter the West Kalimantan region and began to fell the trees for their needs.

The companies exist because the government has established the rules on forest utilization. Another rule in West Kalimantan is the Government Regulation No. 6 of 1999 on forest administration and forest results collection in the production forest. This rule authorizes the company to manage and market forest outcomes. The government gives the company the

right to manage the forest without damaging it. However, the provision of large forest conventions from the central government to forest-based companies (HPH) has led to massive exploitation of forest resources and the marginalization of local communities (Setiono, 2005). Accordingly, the forest suffers damage. Forest-based rights have allowed several companies to continue managing the forest by cutting and manufacturing based on their needs. However, these companies are willing to cut trees illegally, meaning that the boundaries determined to fulfill the buyers' wishes continue to increase.

Companies managing forests in West Kalimantan have acquired permission from the central and local governments. However, the companies committed more illegal logging actions. Conservatively, the factories associated with forests (pulp, plywood, sawn timber) required more than 60 million/m³ of timber, while natural forests, planting forests, and public forests could only legally and sustainably produce around 20 million/m³ of timber (Setiono, 2005). There is a discrepancy in which forest administration manages the forest more, resulting in forest destruction. The greater need for timber owned

by the company will cause conflicts in local communities.

The community also has the right to manage the forest inherited forest. This conflict occurs because the surrounding community still considers the forest as their own and has full rights to manage it. There have been laws regulating and dividing the forest-based on its status, namely indigenous forests, forest countries, and forest rights. Everyone can use the three forests if the government has approved them. The social knowledge and understanding of the community are still lacking, thus having the potential to cause conflict.

Moreover, the socialization from the government on the status of forests is still minimal. The community believes that they can freely manage the forest for their needs (anonim, 2019). The government that has granted forest management permission without conducting routine supervision resulted in forest damage, especially illegal logging and illegal timber shipments.

Seeing forest management without being based on replanting and the increasing forest crimes, especially illegal logging, the local government of West Kalimantan must have the authority to enforce

regulations to reduce illegal logging. The authority of the local government to enlist illegal logging in the area is as follows: (1) granting permits, (2) establishing local regulations, (3) supervision, (4) cooperating with related agencies, (5) being firm and critical in granting and revoking forest governance permits (Woy, 2013).

The establishment of regional rules is one form of authority of the local government of West Kalimantan in reducing illegal logging. It is an environmental law that requires everyone to obey it. Environmental law is essentially a set of legal rules aimed at organizing a living environment. Environmental arrangement implies that what is arranged is the relationship between humans and their environment, both with other living creatures (flora, fauna and other organisms) and with the natural or physical environment (Abdul Halim Barkatullah, 2016). Following the rules of the Governor of West Kalimantan, the whole duty in forestry is forestry service. The duty is to help the governor take care of all matters relating to forests, including forest management and conservation. The Forestry Department is fully responsible for

inviting people and corporations to safeguard and preserve the forests.

Moreover, the government also asks people not to trade other timber types not based on governor rules. Timber that must be managed must meet the rules of the governor. Besides, the government should supervise all actors who manage the forest to know how the forest is managed by everyone who has obtained the management permit from both the central and local governments. However, the demand for wood from various regions is getting higher, thereby carrying out timber management.

The local government has conducted its duty to prevent illegal logging in West Kalimantan. The effort is the application of central and regional regulations to forest destruction perpetrators and communities. Another action is to expand and monitor, although it is still significantly less, especially in border areas (anonim, 2019). It indicates that the government has demonstrated a strict stance on illegal logging perpetrators in West Kalimantan. Despite being a destructive forest action, illegal logging is still being carried out.

The government has carried out its duty by applying various rules, but illegal logging in West

Kalimantan still exists. It occurs not only by everyone cutting the forest arbitrarily but also because various government authorities regarding laws and regulations in the forestry are not well-organized. Furthermore, government regulations not in sync will cause conflicts in local communities, especially communities living around the forest area. Behind the community conflicts regarding forest management, the government has made various handling efforts to illegal logging in West Kalimantan from 2014-2018.

Table 2 Case handling of illegal logging by West Kalimantan Government

No	Year	Description
1.	2014	Timber seizure of illegal logging in Mount Dait Protected Forest, Skendal Village, Serimbu District, Landak Regency, West Kalimantan by the Border Safety Task Force (SATGAS)
2.	2015	-

No	Year	Description
3.	2016	The arrest of two perpetrators who did illegal logging in Gunung Melintan Nature Park, Sambas Regency, West Kalimantan by the SPORC team and handling seven illegal logging cases
4.	2017	Handling ten cases of illegal logging occurring in 2017 by capturing perpetrators and confiscating illegal logging timber
5.	2018	The arrest of the perpetrators and foreclosures of 390 cubic meters of timber belonging to illegal companies by Bareskrim Mabes Polri in three places: Sandai in Ketapang Regency, wooden warehouse in Ono Ambawang Jl. Trans Kalimantan KM 21 and Pontianak Dwikora Port and handling 13 cases of wild weeds

Source: edited by author

The author faced difficulty interviewing the Forestry Depart-

ment and the Government of West Kalimantan. The author sent an email and a contact, but the government said it was susceptible, so it was not allowed to conduct interviews. Finally, the author carried out a show to the community to obtain various information on the socialization and the government's role in overcoming illegal logging in West Kalimantan.

The information obtained reveals that the socialization of illegal logging and its impacts, as well as existing laws and governor regulations, are still not optimal. Many people do not understand the rules and keep doing illegal logging to meet their needs. Therefore, the government should socialize evenly in all circles. That way, the community will understand the rules and actions that must be taken to conserve the forest in West Kalimantan.

As stipulated in the West Kalimantan Governor Regulation, one of the duties of the Forestry Department is to provide counseling on forestry areas. In fact, there has been no socialization about illegal logging at all. There is still much illegal logging in areas with vast forest lands. The lack of socialization has led to illegal logging. Although there have been forest policies on

duty to supervise, every action performed in the forest can potentially be illegal logging. Illegal logging keeps happening because local villagers still cooperate with the government and the company, resulting in no claim or sanctions for those who violate it (anonim, 2019).

Moreover, the legal sanctions given are not heavy, causing people to have the potential to continue to conduct illegal logging in the West Kalimantan area. Thus, preventing illegal logging will be very difficult. The local government must be strict and able to carry out the agreed rules, regardless of specific groups. The government must also impose the same penalty if involved in illegal logging.

CONCLUSIONS

The central government has made various policies that the Kalimantan local government made to prevent and overcome illegal logging. Environmental and forest regulations are binding and must be obeyed by everyone. The West Kalimantan regional regulations specifically govern timber management in forests. Timber suitable for cutting must meet the government standards. In addition, the rules are also explicitly

given to the Forestry Department to monitor, conserve and provide counseling to communities, companies and all actors involved in forest management. It aims to provide an understanding of sustainable forest management and care. Forestry Department has the authority to supervise every activity of actors that damage the forest, especially illegal logging. Since 2014-2018, the local government had made various efforts to reduce illegal logging. These measures include placing forest police officers in the forest area, providing sanctions for perpetrators of illegal logging, and applying timber legality documents. Thus, the government has implemented governance to reduce illegal logging in West Kalimantan. This effort is expected to increase the awareness of each actor involved to preserve the forest in West Kalimantan.

BIBLIOGRAPHY

- Abdul Halim Barkatullah, D. A. (2016). Tanggung Jawab Pemerintah dalam Menjaga Kualitas Lingkungan di Wilayah Penambangan Intan Tradisional Cempaka. *Al'Adl*, 1-22.
- Anonim. (2019, Juli 20). Konflik Kepemilikan Hutan. (M. A. Siba, Interviewer)

- Cipto, H. (2016, Agustus 30). *Setiap Tahun Hutan Indonesia Hilang 684.000 Hektar*. Retrieved Agustus 13, 2019, from Kompas.com: <https://regional.kompas.com/read/2016/08/30/15362721/setiap.tahun.hutan.indonesia.hilang.684.000.hektar>
- Cornelis. (2015, Mei 25). *Peraturan Gubernur Kalimantan Barat Nomor Tahun 2015 Tentang Rencana Kerja Pemerintah Daerah provinsi Kalimantan Barat Tahun 2016*. Retrieved Maret 24, 2019, from kalbarprov.go.id: http://kalbarprov.go.id/file/dokumen/renja_renstra/rkpd_kalbar_2016.pdf
- Easton, D. (1984). *Kerangka Kerja Analisa Sistem Politik*. Jakarta: Bina Aksara.
- Irawan, Y. K. (2018, Januari 01). *Bareskrim Polri Bekuk Bos Illegal Logging di Kalimantan Barat*. Retrieved Januari 18, 2019, from kompas.com: <https://regional.kompas.com/read/2018/01/19/23490111/bareskrim-polri-bekuk-bos-illegal-logging-di-kalimantan-barat>
- Malik, H. (2011, April 22). *Problematika Penanganan Illegal Logging di Indonesia*. Retrieved Agustus 12, 2019, from Kompasiana.com: <https://www.kompasiana.com/unik/5500b567a333115b7451181e/problematika-penanganan-illegal-logging-di-indonesia>
- Narindrani, F. (2018). Upaya Masyarakat dalam Pencegahan dan Pemberantasan Pembalakan Liar di Indonesia. *Jurnal Penelitian Hukum DE JURE*, 18(02), 241-256.
- Nurlinda, I. (2015, Desember). *Analisis dan Evaluasi Kehutanan*. Retrieved Agustus 23, 2019, from bphn.go.id: https://www.bphn.go.id/data/documents/ae_ttg_kehutanan.pdf
- Purba, C. P. (2014). *Potret Keadaan Hutan Indonesia Periode 2009-2013*. Bogor: Forest Watch Indonesia.
- R, M. A. (2017, November 20). *Baharkam Polri Gagalkan Illegal Logging di Sungai Landak Kalbar*. Retrieved Maret 24, 2019, from Detiknews: <https://news.detik.com/berita/3736336/baharkam-polri-gagalkan-ilegal-logging-di-sungai-landak-kalbar>
- Senjaya, I. W. (2017). Kebijakan Publik Perlindungan Pertanian di Kabupaten Batang: Analisis Teori David Easton. *Jurnal*

- Hukum Khaira Ummah*, 12(4), 825-832.
- Setiono, B. (2005). *Memerangi Kejahatan Kehutanan dan Medorong Prinsip Kehati-hatian Perbankan untuk Mewujudkan Pengelolaan Hutan yang Berkelanjutan*. Jakarta: Cifor.
- Supriad. (2010). *Hukum Hutan dan Hukum Perkebunan di Indonesia*. Jakarta: Sinar Grafika.
- Woy, R. N. (2013). Kewenangan Pemerintah Daerah dalam Upaya Pemberantasan Pembalakan Liar (Illegal Logging). *Jurnal Hukum Unsrat*, 34-43.