




## Protection And Utilization Of Protected Forests In Ambon City Environmental Law Prespective

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### Info Article

#### Keywords:

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### Abstract

**Introduction:** Protected Forest is a forest area that has a variety of vital ecosystem services for the welfare and resilience of society and the economy in the future. Excessive use of forests by humans without regard to the ecological balance can cause havoc for humans themselves, and require economic and social costs that are far greater than the economic results that have been obtained. Often people who live and make a living around the forest are accused of being one of the causes of forest destruction, but also the people who live around the forest are also expected to be the main actors for efforts to protect the forest itself.

**Purposes of the Research:** To understand the protection and utilization of protected forests in Ambon City and to determine the form of policy by the Ambon City Government in protecting and utilizing protected forests in Ambon City from the perspective of Environmental Law.

**Methods of the Research:** The research method uses the Social Legal Research method with a legal, conceptual, and case approach.

**Results of the Research:** The protection and utilization of protected forests in Ambon city has not explicitly been regulated in the form of regional regulations on protected forests. The use of protected forests is still carried out by indigenous peoples and forest rights holders. This shows that the policy regarding the protection and utilization of protected forest areas has not been maximized in the city of Ambon, which will greatly impact all aspects of human life and other habitats.

## A. INTRODUCTION

Forest have very important position and role in development nation and state. Law No. 18 of 2013 concerning Prevention and Eradication destruction Forest define forest as something unity ecosystem that contains source power natural dominated life trees in community natural environment that is not could separated between one and the other. That thing show forest could give the greatest benefit for prosperity and well- being people.<sup>1</sup> Forest must managed by sustainable for generation now nor will come, as stated in Constitution , that is Article 33 paragraph 3 of the Constitution of the Republic of Indonesia, for big prosperity people. Forests are also riches owned by nations and countries that do not invaluable, so state rights to forest and its products need protected and maintained so that the forest could maximized function.

Indonesia is one of the countries that have forest tropical largest in the world,

<sup>1</sup> Aminuddin Salle et al ., *Agrarian Law Teaching Materials* . (Makassar:As Publishing,2010) p . 34.

with a little more from 1% area the world 's land is house for 10% of species the world 's plants, 12% of mammals , 16% of reptiles and amphibians , and 17% of species bird . Besides it also works as natural capital savings that provide variety service vital ecosystem that supports water, energy , food and health security at scale local to global, and fundamental to well- being and resilience society and the economy of the future .<sup>2</sup>

The existence of the forest, in this case the carrying capacity of the forest for all aspects of human, animal and plant life is largely determined by the level of human awareness of the importance of forests in forest utilization and management. Forests are a medium of reciprocal relationships between humans and other living things with natural factors consisting of ecological processes and are a cyclical unity that can support life<sup>3</sup>.

Protected Forest according to Forestry Law No. 41 of 1999 is a forest area that has the main function of protecting life support systems to regulate water systems, prevent flooding, control erosion, prevent sea water intrusion, and maintain soil fertility. However, at present there are still many parties who do not understand the value of the various benefits of forest resources, causing overexploitation of forest resources. Urban development tends to minimize green open space. Green open land is converted into residential areas, trade, industrial areas, transportation networks, as well as other urban infrastructure and facilities. In the end, the urban environment only develops economically, but ecologically it declines, this results in damage to the ecosystem and decreases the quality of the environment.

Forest protection is now not only a regional (national) problem but has become a global (global) problem. This is related to the function of forests in maintaining ecological balance which also affects the global climate, such as the effect of 'global heat' which can threaten the safety of human life. However, the reality shows that the function of the forest, namely as a source of livelihood for a group of people, as a means of accumulating capital (capital) for entrepreneurs (capitalists), and as a source of foreign exchange for the State, often defeats the function of forests in maintaining ecological balance. Excessive use of forests by humans without considering the ecological balance can cause havoc for humans themselves, and require economic and social costs that are far greater than the economic results that have been obtained. Communities who live and make a living around the forest, on the one hand are often accused of being one of the causes of forest destruction, but on the other hand are often expected to be the main actors for forest protection efforts themselves<sup>4</sup>.

Forest resources have had a wide impact on water systems, various watersheds such as increased soil erosion resulting in unproductive/critical lands, increased erosion and sedimentation, decreased biodiversity, damaged various flora and fauna habitats, and threatened ecosystems. Forest as a whole. This condition also causes

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<sup>2</sup> Rautner, M . . *The Little Book of Big Defor restation Drivers Global Canopy Programme*, (2013)

<sup>3</sup> Reksohadiprojo, *Kajian Identifikasi Potensi dan Permasalahan hutan Kemasyarakatan Di Desa Soakonora Kabupaten Halmahera Barat Propinsi Maluku Utara*, (2000). Dalam Skripsi Ridwan Din, Universitas Nuku. Dalam Jurnal Ilmiah agribisnis dan Perikanan "Sabaria Niapele" (2014)

<sup>4</sup>Sabaria Niapele, "Kebijakan Perlindungan Hutan Pada Kawasan Hutan Lindung Kie Matubu Kota Tidore Kepulauan, Jurnal Ilmiah agribisnis dan Perikanan" (Agrikan UMMU-Ternate, Volume7 Edisi 1 Mei (2014)

disruption of the balance of the urban ecosystem which is characterized by increasing air temperature, air pollution (increasing levels of CO, ozone, carbon dioxide, dust, arid, monotonous, noisy and dirty atmosphere), flooding, sea intrusion, increased soil heavy metal content, and lowering of ground water level.

## B. METHOD

Research carried out is study law normative.<sup>5</sup> Method study use method *Social Legal Research*. According to Peter Mahmud Marzuki that is study about law however make law only as symptom social, where behavior individual or community, more focused in relationship with law.<sup>6</sup> Approach Study using 3 approaches that is *first*, approach legislation, approach conceptual, and approach case. Source the law is ingredient primary, secondary and tertiary laws. Procedure collection and analysis ingredient law conducted follow abbreviated steps with "IRAC" i.e. choose *issues*, after that determine rule *of law*, then to do *analyzing the facts*, ends with set conclusion.<sup>7</sup> This article was done by conducting a normative juridical approach. Literature studies and secondary data related to the research objects were examined, such as books, journals, publications, regulations, and another material to be further analyzed.

## C. RESULT AND DISCUSSION

### 1. Protection and utilization forest shelter in Ambon City

Protection law is something description from function law that itself, that is draft where law could give something justice, order, certainty, benefit and peace. According to Satjito Rahardjo protection law is existence effort protect interest somebody with method allocate something Right basic Man power to him for Act in skeleton the importance that.<sup>8</sup> Whereas according to Setiono protection law is action or effort for protect Public from deed arbitrarily by rulers who do not in accordance with rule law, for realize order and peace so that allow man for enjoy his dignity as human.<sup>9</sup>

In Regulation Government No. 45 of 2004 concerning protection forest in Article 1 states that Protection forest is effort for prevent and limit damage forest, area forest and produce forest, caused by actions people, livestock, fire, forces nature, pests and diseases, and maintain and keep the rights of the state, society and individuals on forest, area forest, yield forest, investment as well as related devices with management forest.

Article 2 Paragraph (1), states that Protection forest is part from activity management forest. While in paragraph (2) it states that Activity protection forest as referred to in paragraph (1) shall be implemented in forest areas in Unit form or Unity Management Forest Conservation (KPHK), Unit or Unity Management Forest

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<sup>5</sup> Syahrudin Nawi, *Normative Legal Research Versus Empirical Legal Research* (Makassar: Umitoha Brotherhood Graphics, 2018 ), p. 7.

<sup>6</sup> Marzuki , PM, *Legal Research . Edition Revision* (Jakarta: Kencana 2017), p. 87-93

<sup>7</sup>Hutchinson, T. *Researching and writing in law*. (Pymont-NSW-Sydney: Thomas Lawbook Co 2006)., p.32 153

<sup>8</sup> Satjipro Rahardjo , *The Other Sides of Law in Indonesia* (Kompas, Jakarta, 2003), p . 121

<sup>9</sup> Setiono , *Dissertation : "Rule of Law"*, Faculty of Law, Eleven University March , Surakarta (2004)p . 3.

Protection (KPHL), and Unit or Unity Management Forest Production (KPHP).

Article 3 Paragraph (1) states that Protection forest as referred to in Article 2 becomes authority Government and or Local Government. By clear it is said in article 2 that protection forest is authority government and or government area (government city / district) authority government this can also bestowed to State-Owned Enterprises engaged in the field of forestry.

Besides that, Protection forest on area managed forest handed over to Public law custom, implemented and become not quite enough answer Public law custom. Protection forest held based on wisdom prevailing traditional in Public law the custom concerned with accompaniment from Government, government province and or government district / city.

Protection forest on forest rights, implemented and become not quite enough answer holder rights , that is with do : a. prevention a. prevention disturbance from the other party who doesn't entitled ; b. prevention , suppression and handling impact fire ; c. provision personnel and facilities infrastructure protection forest ; d. maintain and maintain water source; e. To do cooperation with fellow owner forest rights , manager area forest , holder permission utilization forest, holder permission collection , and society . Protection both by SOEs, the community law, as well as holder right, fixed conducted supervision, coaching and guidance in activity protection forest.

Protection neither does the forest miss from Utilization forest that , in Regulation Government Number 6 of 2007 concerning Tata forest and Composition Plan Management Forest as well as Utilization forest . Mention that what is meant with utilization forest is activity for utilise area forest, take advantage of service environment , take advantage of results forest wood and not wood as well as pick up results forest wood and not wood optimally and fairly for well-being Public with permanent guard sustainability, so that obtained benefit environment, benefits social and benefits economy optimally with no reduce function main. Besides that utilization service environment like ecotourism and activities other could conducted with no damage environment and reduce function main .

## **2. Problem Related Management Forest Protect in Ambon City**

Based on results Interview with figure community in Siwang Village, Urimessing Country which is a location from forest protection in Ambon City, the use of forest protected in Ambon City by the people who live around it forest enough high . Activity utilization forests carried out by the people who live around forest protect that is take results forest and also hunting the animal inside forest that. However, what should Becomes attention Ambon City government, namely: existence opening land for settlements in forest areas protect.

Protection and utilization forest take refuge in Ambon city itself by explicit not yet set in form regulation area about forest protect. Thus, the use of forest protect still done by the community customs and holders right on forest. Like the statement submitted Head of the Regional Development Planning Agency ( Bappeda ) of Ambon City Dominggus Matulapelwa in 2017 which was quoted from <https://info-ambon.com> that it is very regrettable forest protection in Ambon City is n't it ? owned by Government but belong to the customary land . Forests protect no mastered

government that controlled by traditional lands. So sometimes they say if that soil them, and they can love for who course. Whereas function must protected. Until moment this , forest protected in Ambon City still Becomes part from Public custom , but on the other hand forest must protect too owned by the government because function from forest the must always protected and guarded with should .

Statements made by ex Ambon Mayor, Richard Louhanapessy, in 2011, as quoted from antarnews.com, that development housing in the area forest protect have an impact on reducing water discharge and change function forest. Previously area forest protect this not yet there is development settlement, but moment this at least ten house is around \_ area forest. When no supervised, then could trigger decrease in water flow. Forest protection that has been switch function Becomes area settlement among others in the area Galunggung, district Sirimau, after broken year social conflict 1999. "Transition function forest in Galunggung occur consequence establishment settlement new post conflict 1999 social impact forest no working again. Therefore, we are now trying to forest protect in the area Miss Mountain no experience Thing similar. Mayor also stated that If no careful area forest protect will Becomes area settlement at 10 years upcoming.<sup>10</sup>

Since statement Mayor in 2011 ago , now already more of 10 years in 2021 , p this proven in accordance with what was said by the head of the Ambon City BAPEDA, in 2017 in the Air Besar Area and the reality that happened that the more a lot land forest protect changed function Becomes area settlement . Besides more a lot increase population appearance issue tsunami disaster , which in the end make Public more choose for build area settlements in the area mountains which are also area forest protect , this is also a problems in society .

### **3. Form policies by the Ambon City Government in To do Protection as Well as Utilization Forest Shelter in Ambon City in Perspective Law Environment.**

Principles Protection Forest how loaded in Article 5 Regulations Government Number 45 of 2004 that maintenance protection forest aim for guard forest , yield forest , area forests and their environment , so that they function protect, function conservation , and function production , achieved optimally and sustainably. Principles protection forest the include:

- a) prevent and limit damage forest, area forest and produce forest, caused by actions people , livestock , fire , forces nature, pests , and disease .
- b) maintain and keep the rights of the state, society , and individuals on forest , area forest, yield forest , investment as well as related devices with management forest.

Policy could conducted City Government for limit, prevent, guard even maintain forest from damage caused by actions \_ human , then Government , local government and community among others:<sup>11</sup>

- a) To do socialization and counseling regulation legislation in the field of forestry;
- b) To do inventory problem;

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<sup>10</sup> antarnews.com

<sup>11</sup> Dhika Laksono, *World Lungs* , ( CV Media Education, 2022)

- c) Push enhancement productivity community;
- d) Facilitate formation institutional community ;
- e) Increase role as well as Public in activity management forest ;
- f) To do cooperation with holder right or permission ;
- g) Increase effectiveness coordination activity protection forest ;
- h) Push creation alternative eye livelihood community ;
- i) Increase effectiveness reporting happening disturbance security forest ;
- j) Take action first required to disturbance security forest ; and or
- k) wearing penalty to violation law.

Regarding housing and settlement areas, the Ambon City Government has issued Regional Regulation Number 12 of 2018 concerning the Implementation of Housing and Settlements, but in considering and considering it does not refer to the provisions of Law Number 19 of 2004 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2004 concerning Amendments to Law Number 41 of 1999 concerning Forestry into Law, Law Number 32 of 2009 concerning the Environment, and Law Number 18 of 2013 concerning Protection and Eradication of Forest Destruction, as well as Government Regulation Number 6 of 2007 concerning Forest Management and Preparation of Forest Management Plans, as well as Forest Utilization and Government Regulation Number 104 of 2015 concerning Procedures for Changes in the Designation and Function of Forest Areas.

City government should tighten condition gift Permission Build Houses (IMB) in the area forest. When forest used as area settlement so will influence sustainability nature and sustainability life generation upcoming. In regulation area good local government or municipal government no by explicit give explanation substantive to protection and use forest switch cover function Becomes area housing and settlements. The one that became probematics to Protection and utilization forest shelter in the city of Ambon, namely because forest protect is one forest the custom that became right guidance or right ulayat from State Government.

Impact from weak policy to protection and use forest take refuge in the city of Ambon, then will impact directly on the reduction of water discharge, so that right Public for get clean water Becomes difficult . The scarcity of clean water in the city of Ambon will occur as consequence from rampant activities on land and development settlements in the area Ambon City forest like encroachment , including in the forest protect, through activity opening land plantations and settlements citizens, as is happening around forest take refuge in the Soya Country's guidance in the vicinity of STAIN, Ambon City.<sup>12</sup>

#### **D. CONCLUSION**

Protection and utilization forest protect in Ambon city, need commitment are you serious from government Ambon city, so that ecosystem forest protect permanent awake in accordance with allotment. This thing caused weak commitment government area seen from not yet there is regulation governing area about area protect, and setting area settlement .

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<sup>12</sup><https://ombudsman.go.id/>

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