
Mechanism for Settlement of Land Tenure in the Context of Forest Area Planning (PPTPKH) in Karimun Regency

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Abstract

This study examines the mechanism for resolving land tenure issues within the framework of Forest Area Structuring (PPTPKH) in Karimun Regency. The central problem lies in the mismatch between community land tenure and the designation of forest areas, which often generates legal as well as social conflicts. This research employs a normative juridical method with statutory and conceptual approaches, complemented by empirical data through interviews and document analysis at the regional level. The findings indicate that the implementation of PPTPKH in Karimun Regency faces several challenges, including regulatory disharmony between central and local governments, limited spatial data, and weak institutional coordination. The resolution mechanism applied involves administrative and technical verification of land claims, assessment based on principles of social justice and legal certainty, and granting legal access through forest area release, land-swap schemes, or the allocation of land rights under agrarian law. However, the implementation remains suboptimal due to overlapping authorities and limited institutional capacity. This study recommends regulatory harmonization, strengthening land and forestry databases, and enhancing the role of local governments in the PPTPKH process to achieve a fairer, more transparent, and sustainable resolution of land tenure issues.

INTRODUCTION

Land holds a central position in human life, functioning both as a vital resource for livelihood and as a *conditio sine qua non* for the sustainability of society. However, the scarcity of land, unequal distribution of tenure, and inconsistencies in regulatory frameworks often give rise to conflicts. In Indonesia, land disputes are further complicated by overlapping authority

between central and regional governments, as well as the uncertain recognition of customary rights (*hak ulayat*) within the national agrarian system.¹

The Basic Agrarian Law of 1960 (UUPA), mandated by Article 33(3) of the 1945 Constitution, establishes the state's authority to control land, water, and natural resources. Its purpose is to create a unified agrarian law, provide legal certainty of land rights, and realize social justice.² Nevertheless, implementation has been challenging due to competing interests and the persistence of both vertical and horizontal conflicts, particularly concerning ownership rights, which frequently result in complex disputes.

Land issues are closely interlinked with forest areas. Pursuant to Law No. 41 of 1999, forest areas include both protected and production forests, serving ecological as well as economic functions.³ Regulatory changes introduced by Law No. 23 of 2014 on Regional Government shifted forestry authority to provincial governments, with the exception of *taman hutan raya*. At the local level, forestry policies are often misaligned with spatial planning (RTRW), thereby intensifying land tenure conflicts.

In the Riau Islands Province, forest designation was initially established under Ministerial Decree No. 173/KPTS-II/1986, later revised by Decree No. 463/Menhut-II/2013 and Decree No. 76/MenLHK-II/2015. Karimun Regency possesses forest areas totaling approximately 30,655 hectares, equivalent to 32.91% of its land area. De facto, however, significant portions of these lands have long been occupied by communities for settlement, agriculture, and plantation purposes. This discrepancy between legal designation and community tenure has generated legal uncertainty and social tension.

To address these issues, the government introduced the Resolution of Land Tenure in the Framework of Forest Area Structuring (PPTPKH), as regulated under Government Regulation No. 23 of 2021 on Forestry Administration and Minister of Environment and Forestry Regulation No. 7 of 2021. PPTPKH involves spatial data verification, field surveys, and validation of community claims, which are then reflected in the Indicative Map of

¹ Effendi Perangin. *Hukum Agraria Di Indonesia, Suatu Telaah dari Sudut Pandang Praktisi Hukum*. Cet.4. Jakarta: RajaGrafindo, 1994. Hal 3

² Elita Rahmi, *Hukum Pertanahan Dalam Sistem Hukum Indonesia*, Unpad Press, Bandung, 2011, hal. 2.

³ Boedi Harsono. *Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria Isi dan Pelaksanaannya*. Ed. Revisi. Cet.8. Jakarta: Djambatan, 2003. Hal .54

PPTPKH.⁴ The program is further aligned with the national Agrarian Reform Object Land (TORA) policy.

In Karimun Regency, PPTPKH implementation was marked by Ministerial Decree No. 359/MENLHK/PLA.2/9/2020, which released approximately 235.10 hectares of forest area for community settlements. Nevertheless, field findings revealed many areas excluded from recommendation due to overlaps with forestry concessions, certified settlements not included in indicative maps, and conflicting land uses. Such inconsistencies perpetuate legal uncertainty, affecting both long-established communities and potential investors.

This study thus identifies two core problems: (1) the legal framework governing PPTPKH in Karimun Regency, and (2) the practical implementation of PPTPKH. The research is expected to contribute theoretically to the development of agrarian and forestry law, and practically to inform policymakers and relevant agencies, including the Forest Area Consolidation Agency, the Provincial Forestry and Environment Office, and the Karimun Regency Government.⁵

Accordingly, this introduction underscores the urgency of clarifying legal mechanisms for land tenure resolution in forest areas through PPTPKH.⁶ The focus is on ensuring legal certainty, achieving social justice, and harmonizing regulations in order to resolve conflicts between community land claims and formal forest area designations in Karimun Regency.

DISCUSSION

Legal Norm of the Land Tenure Settlement Mechanism in the Context of Forest Area Arrangement in Indonesia

The implementation mechanism for the settlement of land tenure in forest areas is a process to provide legality or legal certainty to the status of land controlled and utilized by communities in forest areas. This process aims to resolve disputes, provide legal protection, and provide access to fair and sustainable forest management.

In forestry science in Indonesia, the definition of forest is distinguished from forest area. This is clearly seen in the provisions contained in the Forestry Law, namely Law Number 5 of

⁴ Pasal 130, Peraturan Menteri Lingkungan Hidup dan Kehutanan Republik Indonesia Nomor 7 Tahun 2021 tentang Perencanaan Kehutanan, Perubahan Peruntukan Kawasan Hutan dan Perubahan Fungsi Kawasan Hutan, Serta Penggunaan Kawasan Hutan

⁵ Abdul Manab, *Penelitian Pendidikan Pendekatan Kualitatif*, Kalimedia, Yogyakarta, 2015, halaman 1.

⁶ Elisabeth Nurhaini Butar-butur, *Metode Penelitian Hukum*, Refika Aditama, Bandung, 2018, hlm 124

1967 concerning the Basic Provisions of Forestry (the first Forestry Law after independence as a replacement for the Bosch Ordonantie and Law Number 41 of 1999 concerning Forestry (as a replacement for Law Number 5 of 1967). The definition of forest according to Law Number 5 of 1967 is "a field with trees that as a whole is a living communion of nature and its environment and which is designated by the government as a forest". Meanwhile, forest areas are defined as "certain areas that are designated by the Minister to be maintained as permanent forests".

In Article 1 number (2)⁷ of Law Number 41 of 1999 concerning forest forestry, it is defined as "an ecosystem unit in the form of a stretch of land containing biological natural resources dominated by trees in the natural communion of their environment, which cannot be separated from each other". Furthermore, in Article 1 number (3), the definition of forest area is "a certain area designated and/or determined by the government to maintain its existence as a permanent forest". The definition of forest in the second formulation of the Law emphasizes more on the physical and ecological meaning of forests, namely in the form of "fields with growing trees" or "unity of ecosystems dominated by trees".

However, in the formulation of the Forestry Law, there is an emphasis that the expanse of land dominated by trees cannot be separated from the natural alliance of its environment. Land or soil is the natural environment where the trees grow, so the formulation of the definition of forest in the Forestry Law implicitly does not separate the aspect of the forest (dominance of trees) and the land where it grows. From the perspective of land law, the unification of forest aspects with their land contains a problematic potential. The definition of "forest area" in both Laws refers to the same thing, namely an area designated by the government to be maintained as a permanent forest. The definition of forest area refers more to juridical aspects or legal status, while the definition of forest refers to physical and ecological aspects.⁸

If the provisions in Article 1 number (3) of Law Number 41 of 1999 concerning Forestry are used as a benchmark to define a forest area, then every area designated by the government as a forest, whether or not there are trees in it, then the area is a forest area. In fact, the application of this article in the regulation of forest areas in Indonesia has so far caused disputes or conflicts between various parties interested in the resources in the forest area, especially regarding the situation of legal uncertainty of land rights holders in forest areas according to

⁷ Article 1 number (2) of Law Number 41 of 1999 concerning Forestry.

⁸ Pasal 1 angka (3) Undang-Undang Nomor 41 Tahun 1999 tentang Kehutanan.

the views of the disputing parties. The designation or designation of a certain area as a forest area by the Government raises complaints from community members who feel that their rights are being harmed, because in many cases the determination is made to cover an area or area that in reality in the field is no longer a forest, or because the designated area includes an area where there are other rights of control over their land.

Juridical issues do not only occur in relation to the determination of a forest area by the Government which raises public objections as mentioned above. The union between the forest (the dominance of trees) and the land (where the trees grow) as an "inseparable" alliance as stated in Article 1 number (2) of the Forestry Law contains juridical problems, namely regarding whether the land in the forest area is not included as an object of land law, so that land disputes that occur in an area designated as a forest area must be placed outside the authority of the Government institution that deals with land.⁹

In other words, whether all land dispute problems within a forest area must be handled according to the Forestry Law and the Ministry of Forestry which monopolizes all matters concerning forest areas. Regarding these juridical issues, legal experts seem to have different views. Boedi Harsono.¹⁰ said that "viewed from the point of view of the Law of the Land, the land above which there are vegetation, even if it fulfils the elements of the "forest", its dominion is regulated by the Law of the Land. The management is assigned to the Minister/Department of Forestry on the basis of the Management Rights obtained by him due to the law according to the Forestry Law" holders of Forest Exploitation Rights (HPH) are not required to submit an application to obtain land rights in their HPH area if the land is used for business in accordance with the provision of the HPH concerned, because with the granting of HPH, then to use the necessary land is considered to have been given to the the entrepreneur concerned. But on the other hand, regarding the use of land in the HPH area that is not in accordance with the grant, the entrepreneur is obliged to ask for land rights to the Minister of Agrarian Affairs/Head of BPN by following the procedures stipulated in the applicable agrarian legislation. Thus, the granting of land rights is carried out by the Minister of Agrarian Affairs/Head of BPN according to the provisions of the Land Law, while those granted under the Forestry Law are the Forest

⁹ Effendi, Bactiar, *Kumpulan Tulisan Tentang Hukum Tanah*, Bandung: Alumni. 193. hal. 53.

¹⁰ Effendie, Bachtiar, *Land Registration in Indonesia and Its Implementing Regulations*, Bandung: Alumni, 1993. p. Sec. 57.

Exploitation Rights and the Forest Products Collection Rights.¹¹

On the other hand, there are legal experts who are of the view that land in forest areas is a legal object that is at the same time integrated within the scope of forestry law, not something that can be separated from each other. Bambang Eko Supriyadi, for example, disagrees with legal experts who say that the control of forests by the Ministry of Forestry is only limited to the control of the trees/stands and not the land, so that if the land in the forest area has been cut down and the land changes its function to vacant land, rice fields/tagalan, or settlements, then the land is no longer a forest and its status returns to state land. According to Bambang, the land control of forest areas by forestry agencies has been going on for a long time, which can be proven if you follow the history of forest management since the colonial era. In fact, the authority of forestry agencies to control and manage state lands designated as forest areas, according to Bambang, was further strengthened after Indonesia's independence, including through Government Regulation Number 8 of 1953 concerning the Control of State lands. In addition, the provisions of Article 1¹² number (2) of the Forestry Law clearly imply this, because the definition of ecosystem unity in the form of "land expanse" has the same meaning as "land". Thus, the Forestry Law is considered by some experts to clearly imply land rights in forest areas including forestry jurisdictions, not land law.

Differences in views and interpretations of legal provisions related to the authority to manage land rights in the forest area have implications for the occurrence of land dispute cases. It is an undeniable fact that land disputes in forest areas are increasing with the development of the times which are increasingly dominated by the interests of exploitation of natural resources, including forests. Coupled with the rapid increase in population growth, the need for land is increasing. The expansion of residential areas has forced land that used to be a forest area and overgrown with trees into residential and office areas. Supported by various factors such as the expansion of provincial or district areas, all of which must require a lot of land expansion to build the various facilities needed. Then the development of plantation areas by business entities is expanding and even tends to go beyond the limit to the stage of destruction of forests and their ecosystems which has a very dangerous impact on the survival of living things, especially humans. Such conditions trigger mutual claims for land in forest areas between the government and/or entrepreneurs as partners with people who have lived for a long time and settled in the

¹¹ Hermanses, *Pendaftaran Tanah di Indonesia*, Jakarta: Direktorat Jenderal Agraria, 1982. hal. 65.

¹² Article 1 number (2) of Law Number 41 of 1999 concerning Forestry.

forest area. Conflicts like this have been going on for a long time and occur in almost every region in Indonesia.¹³

Land conflicts in forest areas occur because on the one hand local communities as owners of land tenure rights in forest areas hold and base their rights on customary law and customary rights as historical and cultural aspects, while businessmen base their rights on the control rights of forest areas they manage on formal rules with valid permits from the Government, so that each party has a strong basis to maintain their land rights. The importance of land tenure for a person or group of people living in forest areas will in itself encourage the emergence of efforts to defend land rights from any intervention from outsiders, which in turn leads to conflicts, both open and covert.¹⁴

In many cases of agrarian disputes in forest areas between local residents and business entities, the role of State institutions is very decisive because so far, for the reasons put forward are in order to advance national economic interests through the forestry sector, the State tends to favor entrepreneurs who have forest business licenses on the one hand, and set aside the rights of local communities on the other. Such a situation applies to the rights of individuals and the customary rights of indigenous peoples.¹⁵

In resolving prolonged agrarian conflicts, it is necessary to understand the extent to which we know that land is a very vital natural resource, which underlies all aspects of life. It is not just an asset but also a basis for achieving economic, social and political powers. The rights of a person or group to an area of land will be guaranteed if it is fully recognized both by the community and the power holders..

The inauguration of Forest Areas is one of the sources of conflict that has occurred so far, especially between the Government and the private sector and the community because of the unclear boundaries of authority that are used as a benchmark by certain parties in forest management and forest inauguration. The authority for the inauguration of forest areas is then regulated in the Forestry Law, which is regarding the inauguration and management of forest areas. The inauguration of forest areas aims to provide legal certainty for forest areas in

¹³ Abdurrahman, *Masalah Pencabutan Hak-Hak Atas Tanah, Pembebasan Tanah dan Pengadaan Tanah Bagi Pelaksanaan Pembangunan Untuk Kepentingan Umum Di Indonesia*, Bandung: PT. Citra Aditya Bakti, 1996. hal. 67.

¹⁴ Chomzah, Ali Achmad, *Seri Hukum Pertanahan III Penyelesaian Sengketa Hak Atas Tanah Dan Seri Hukum Pertanahan IV Pengadaan Tanah Instansi Pemerintah*, Jakarta Prestasi Pustaka, 2003. hal. 134.

¹⁵ Supriadi, *Hukum Kehutanan, Hukum Perkebunan di Indonesia*, Sinar Grafika, Jakarta, 2010. hal. 50.

accordance with the provisions of the Forestry Law which states that to obtain legal certainty for a forest area, it must go through an inauguration process.¹⁶

In Article 1 number (3) of Law Number 41 of 1999 concerning Forestry, it is stated that the definition of forest area is "a certain area designated and/or determined by the government to maintain its existence as a permanent forest". Based on this definition, it can be interpreted that an area can become a forest area only based on designation, or through designation and determination, considering that there is a phrase "and/or" in it. In Article 14 of the Forestry Law, it is stated that the Government organizes the inauguration of forest areas which aims to provide legal certainty for forest areas. Furthermore, in Article 15, it is stated that the inauguration of forest areas must be carried out through the following process: (a) designation of forest areas; (b) arrangement of forest area boundaries; (c) mapping of forest areas; and (d) the determination of forest areas. It is also stated in Article 15 paragraph (2) that the inauguration of forest areas is carried out by paying attention to spatial planning. Law Number 41 of 1999 distinguishes forests based on their status, which consists of two types, namely state forests and rights forests. State forests can be in the form of customary forests, namely state forests that are handed over to the management of customary law communities (*rechtsgemeenschap*). Meanwhile, forest rights are forests that are located on land that is burdened with land rights. In addition, when viewed from its function, forest management is one of the important points regulated in the Forestry Law, where in Article 10 of the Forestry Law it is stated that the management includes several activities ranging from forestry planning, management.¹⁷

The birth of the Minister of Forestry Regulation No. 7 of 2021 concerning Forestry Planning, Changes in the Designation of Forest Areas and the Function of Forest Areas, and the Use of Forest Areas indicates the spirit to rearrange forest areas in Indonesia, in line with the Agrarian Reform Acceleration Program. The settlement of Land Tenure in the context of Forest Area Arrangement (PPTPKH) is one of the policies in the regulation. The process of submitting a Land Tenure Settlement in the context of Forest Area Planning (PPTPKH) requires collecting data on objects and subjects of residential land plots, public facilities and social facilities in forest areas. In order to solve land tenure in the country's forest area, forest area arrangement is

¹⁶ Gunawan Wiradi, *Reforma Agraria: Perjalanan Yang Belum Berakhir*, Penerbit:Insist Press, KPA dan Pustaka Pelajar, Yogyakarta, 2000, hal 5-8.

¹⁷ Chomzah Ali *Hukum Pertanahan Seri Hukum Pertanahan I-Pemberian Hak Atas Tanah Negara dan Seri Hukum Pertanahan II-Sertifikat Dan Permasalahannya*, Jakarta, Prestasi Pustaka, 2002. hal. 21.

carried out in the framework of Strengthening Forest Areas including:

- a. Forest Area Arrangement is more than the adequacy of forest area and forest cover;
- b. Forest area management is less than adequate forest area and forest closure;
- c. The procedure for releasing the HPK area is not productive;
- d. Settlement settlement settlement in forest areas;
- e. Funding; and
- f. Monitoring and evaluation.

The Central Government, in this case the Minister of Forestry, completes land tenure in Forest Areas controlled and utilized by the party. The completion was carried out by Forest Area Arrangement in the context of Inaugurating Forest Areas through activities:

- a. Land Procurement for Agrarian Reform Objects (TORA);
- b. Social Forestry Management;
- c. Changes in the Allocation of Forest Areas and Changes in the Function of Forest Areas; and/or
- d. Use of Forest Areas.

Land tenure settlement in the context of national forest area arrangement The settlement of land tenure in the framework of national forest area arrangement is carried out by initial inventory and verification, among others:

1. Periodic and up-to-date land closure data and information;
2. Results of inventory and field verification;
3. Input from the parties; and
4. The control of land plots in the State Forest Area by the community was carried out before the enactment of Law Number 11 of 2020 concerning Job Creation.

This is further considered for the determination of an indicative map for the completion of land tenure in the context of Forest Area Arrangement (PPTPKH Indicative Map). The PPTPKH Indicative Map consists of the following:

- a. TORA allocation of 20 % (twenty hundredths) of Forest Area Release for plantations
- b. Convertible Production Forest Areas are unproductive;
- c. government programs for the reserve of new rice fields;
- d. Transmigration settlements along with social facilities and public facilities that have obtained approval of the principle of Forest Area Release for transmigration;
- e. Settlements, social facilities and public facilities; or

f. Farmland, plantations and ponds.

Settlements, public facilities and social facilities by paying attention to basic geospatial data and information and thematic geospatial information as well as social conditions of the community. The location of forest areas to be resolved through PTPKH must be in accordance with the Indicative Map set by the Minister. National forest area is a forest area at the level of Forest Area Designation and/or Forest Area Designation. The country's forest area has the main function:

- a. Conservation Forests;
- b. Protected Forests; and
- c. Production Forests.

The control of land plots within the National Forest Area shall meet the following criteria:

- a. The control of land plots in the State Forest Area by the community was carried out before the enactment of Law Number 11 of 2020 concerning Job Creation;
- b. Have been mastered for a minimum of 5 (five) years continuously;
- c. Controlled by Individuals with a maximum area of 5 Ha (five hectares);
- d. The land parcel has been physically controlled by the party in good faith and openly; and
- e. Non-disputed land parcels.

Mekanisme Penyelesaian bidang tanah yang telah dikuasai dan dimanfaatkan dan/atau telah diberikan hak di atasnya sebelum bidang tanah tersebut ditunjuk sebagai Kawasan Hutan dilakukan dengan mengeluarkan bidang tanah dari dalam Kawasan Hutan Negara melalui Perubahan Batas Kawasan Hutan. Pola Penyelesaian penguasaan bidang tanah yang dikuasai dan dimanfaatkan setelah bidang tanah ditunjuk sebagai Kawasan Hutan Negara dilakukan dengan inventarisasi dan verifikasi.

Implementation of Land Tenure Settlement Mechanism in the Context of Forest Area Arrangement (PTPKH)

The birth of the Minister of Forestry Regulation No. 7 of 2021 concerning Forestry Planning, Changes in the Designation of Forest Areas and the Function of Forest Areas, and the Use of Forest Areas indicates the spirit to rearrange forest areas in Indonesia, in line with the Agrarian Reform Acceleration Program. The settlement of Land Tenure in the context of Forest

Area Arrangement (PPTPKH) is one of the policies in the regulation. The process of submitting a Land Tenure Settlement in the context of Forest Area Planning (PPTPKH) requires collecting data on objects and subjects of residential land plots, public facilities and social facilities in forest areas.

Forest areas in the Archipelago Province originally referred to the Decree of the Minister of Forestry number: 173/KPTS-II/1986 dated June 6, 1986 concerning the Designation of Forest Areas in the Territory of Dati I Riau Province as Forest Areas. With the process of urbanization of forest areas in the spatial planning of the Riau Islands province in 2013, the Decree of the Minister of Forestry of the Republic of Indonesia Number SK. 463/Menhut-II/2013 dated June 27, 2013 concerning Changes in the Designation of Forest Areas to Non-Forest Areas Covering an Area of $\pm 124,775$ (One Hundred and Twenty-Four Thousand Seven Hundred and Seventy-Five) Hectares, Changes in the Function of Forest Areas Covering an Area of $\pm 86,663$ (Eighty-six thousand six hundred and sixty-three) hectares and Changes in Non-Forest Areas to Forest Areas Covering an Area of $\pm 1,834$ (One Thousand Eight Hundred and Thirty-Four) Hectares in Riau Islands Province. These results are also considered not to represent the interests of people who have lived in forest areas for a long time. Furthermore, the Determination of Forest Areas for the Province of the Riau Islands refers to the Decree of the Minister of Environment and Forestry of the Republic of Indonesia Number: SK.76/MenLHK-II/2015 concerning the Change of the Designation of Forest Areas to Non-Forest Areas of $\pm 207,569$ (Two Hundred Seven Thousand Five Hundred and Sixty-Nine) Hectares, Changes in the Function of Forest Areas of $\pm 60,299$ (Sixty Thousand Two Hundred Ninety-Nine) Hectares and Changes in Non-Forest Areas to Forest area of ± 536 (Five Hundred and Thirty-Six) hectares in Riau Islands Province, where the results have referred to the results of an integrated team study formed by the Minister of Forestry. Then the government carried out the arrangement of boundaries for forest areas that have not been defined, which was subsequently issued by the decree of the Minister of Environment and Forestry for forest areas Number SK. 6617/MenLHK-PKTL/PLA.2/10/2021 dated October 27, 2021 concerning the Map of the Development of the Inauguration of Forest Areas in the Province of Riau Islands Until 2020.

Based on data from the Region XII Forest Area Stabilization Center, the area of forest area in Karimun Regency, Riau Islands Province is $\pm 30,676,954$ hectares. From the data on the area of the forest area, not all land cover is forested. There is a closure of the land Settlements,

cultivated land or bushes which based on the facts of the field of the area have been controlled by the community around the forest area. With the number of settlements and cultivated land in forest areas, the PPTPKH program is very appropriate to remove them from forest areas.

The Karimun Regency Government has proposed to the Central Government the location of the proposed area for the Settlement of Land Control in Forest Areas in the Context of Forest Area Arrangement (PPTPKH) activities in Karimun Regency. The proposal is a follow-up to the results of socialization carried out by the Riau Islands Provincial Government through the Riau Islands Provincial Environment and Forestry Service with the Region XII Forest Area Stabilization Center in Tanjungpinang which is the Technical Service Unit of the Ministry of Forestry of the Republic of Indonesia.¹⁸ As a result of the follow-up to the socialization, the Riau Islands Provincial Government issued a letter number: 522/527.DLHK-SET/2022 dated March 4, 2022 regarding the Completion of Land Tenure in the Context of Forest Area Planning (PPTPKH) addressed to all Regents and Mayors throughout the Riau Islands Province. The proposal of Karimun Regency is a reference for the Ministry of Forestry to be the material for the proposed indicative map of PPTPKH.

Initially, Karimun Regency's proposal of ± 658.29 hectares was submitted to the Region XII Forest Area Stabilization Center, but the file was returned because it was incomplete based on the Letter of the Head of the Region XII Forest Area Stabilization Center number 5412/BPLH XII-2/6/2022 dated June 9, 2022 regarding the Return of the Proposal for the Settlement of Land Tenure in the Context of Forest Area Arrangement (PPTPKH). Then on November 2, 2022, the Karimun Regency Government through the Karimun Regency Public Works and Spatial Planning Office submitted a letter number 522/DISPU-PR/1860/XI/2022 regarding the Completeness of the Karimun Regency PPTPKH File. The proposal request has been followed up with an inventory by the Riau Islands Province PPTPKH Inver Team. The Ministry of Forestry from 2022 to 2024 has issued the PPTPK Indicative Map three times starting from the Revised Indicative Map I based on the Decree of the Minister of Environment and Forestry of the Republic of Indonesia Number: SK.5564/MENLHK-PKTL/PPKH/PLA.2/6/2022 dated June 21, 2022 concerning the Indicative Map for the Completion of Land Tenure in the Context of Forest Area Planning (PPTPKH) Revision I. Furthermore, in 2023, the Minister of Environment and Forestry of the Republic of Indonesia

¹⁸ Results of an interview with Julhaidir, S.T. M.Eng, Acting Daily Task of the Head of Forestry Governance of the Environment and Forestry Service of Riau Islands Province on June 11, 2025 at 10.00 WIB

Number: SK.903/MENLHK-PKTL/PPKH/PLA.2/2/2023 dated February 27, 2023 concerning the Indicative Map for the Settlement of Land Tenure in the Context of Forest Area Planning (PPTPKH) Revision II. The Minister of Environment and Forestry in 2024 has issued the Decree of the Minister of Environment and Forestry of the Republic of Indonesia Number 6132 of 2024 dated March 20, 2024 concerning the Indicative Map for the Completion of Land Tenure in the Context of Forest Area Planning (PPTPKH) and Land Resources for Agrarian Reform Objects (TORA) and the Realization Map of PPTPKH and Tora Revision III. This Indicative Map is revised every 6 (six) months even though in reality the whole is out more than 6 (six) months. This Indicative Map should be outside the legal forestry sector permit, be it the Forest Utilization Business License (PBPH), Forest Area Use Approval (PPKH) or Social Forestry Approval that has been issued by the provincial and central governments, in this case the Ministry of Forestry, but the revised indicative map III.

Based on the PPTPKH proposal that has been submitted by Karimun Regency as material for the proposal for the revision of the indicative map to the Region XII Forest Area Stabilization Center in 2022, the Karimun Regency Government has also submitted a proposal based on the letter of the Karimun Regent number B/500.3/3647/2024 dated September 5, 2024 regarding the proposed release of residential areas, social facilities, and Uum facilities is ± 18.72 hectares.¹⁹ The condition of land cover is mostly residential land and cultivated land that has been controlled by the community. The proposed settlements, public facilities and social facilities are as follows:

- a. Tebing District with an area of $\pm 89,642.5 \text{ M}^2$
- b. West Kundur District as wide as possible $\pm 97.676 \text{ M}^2$

The most appropriate recommendation for PPTPKH (Settlement of Land Tenure in Forest Areas) is to refer to the applicable laws and regulations, and involves good coordination between various related parties, including local governments, the Ministry of Forestry and the community. That the recommendations of PPTPKH in Karimun Regency that have been submitted by the Region XII Forest Area Stabilization Center to the Ministry of Forestry are only very few that are recommended to be removed from the Forest Area. There are some obstacles or obstacles why it is not recommended are as follows:

- a. There is still a lack of socialization carried out by the Karimun Regency Government.

¹⁹ The results of an interview with Rio Alprilino, staff of the Spatial Planning Division of the Public Works and Spatial Planning Office of Karimun Regency on June 19, 2025 at 10.00 WIB

- b. There is still a lack of public interest in participating in PPTPKH activities which causes the proposed documents to not be collected by the affected communities.
- c. Community settlement land overlaps with the Social Forestry Agreement on behalf of the Wana Jaya Karimun Cooperative such as in Sugie, Nyiur Permai and Rawa Jaya Villages.

The PPTPKH (Settlement of Land Tenure in Forest Areas) program has a positive impact such as providing legal certainty on land status, facilitating land release for settlements and public facilities, and encouraging sustainable forest management. However, there are also challenges related to community relocation and potential impacts on the environment. Overall, PPTPKH is an important effort to provide legal certainty for people who control land in forest areas, as well as a foundation for sustainable forest management and improvement of community welfare.

CONCLUSION

Based on the descriptions of the legal writing that the author has put forward in advance and based on theories and research sources, it can be concluded that the following Legal Arrangements for the Implementation of Settlement of Land Tenure in Forest Areas through the Mechanism for Settlement of Land Tenure in the Framework of Forest Area Arrangement (PPTPKH) (Karimun Regency Research Study), have been well implemented. This is clearly seen in the provisions contained in the forestry law, namely Law Number 41 of 1999 concerning Forestry and Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law. Forest areas are defined as "certain areas designated by the Minister to be maintained as permanent forests". In Article 1 number (2) of Law Number 41 of 1999 concerning forest forestry, it is defined as "an ecosystem unit in the form of a stretch of land containing biological natural resources dominated by trees in the natural communion of their environment, which cannot be separated from each other". Furthermore, in Article 1 number (3), the definition of forest area is "a certain area designated and/or determined by the government to maintain its existence as a permanent forest". The definition of forest in the second formulation of the Law emphasizes more on the physical and ecological meaning of forests, namely in the form of "fields with growing trees" or "unity of ecosystems dominated by trees". However, in the formulation of the Forestry Law, there is an emphasis that the expanse of land dominated by trees cannot be separated from the natural alliance of its environment. Land or soil is the natural environment where the trees grow, so the

formulation of the definition of forest in the Forestry Law implicitly does not separate the aspect of the forest (dominance of trees) and the land where it grows. Likewise, the arrangement for the settlement of land tenure in forest areas through the forest area arrangement mechanism is regulated in Government Regulation Number 23 of 2021 concerning the implementation of forestry as per the Regulation of the Minister of Environment and Forestry Number 7 of 2021.

Legal Regulation Mechanism for the Implementation of Land Tenure Settlement in Forest Areas Through the Land Tenure Settlement Mechanism in the Framework of Forest Area Arrangement (PPTPKH), the local government and the central government further improve the performance of their duties in accordance with applicable laws and regulations, so that there are no more obstacles in the implementation of land tenure settlement in forest areas through the PPTPKH mechanism. The Central Government and Provincial Governments should be more selective in granting Permits and Recommendations that create uncertainty for community rights in order to resolve land tenure in forest areas. The Central Government and local governments should further socialize the Settlement of Land Tenure in Forest Areas through the Land Tenure Settlement Mechanism in the Context of Forest Area Arrangement (PPTPKH) so that the implementation process can run smoothly.

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