Institutional Conflict in Forest Governance in the Land of Papua: in Review

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ABSTRACT: Policy formulation processes cannot take place to find solutions to problems in the field which can differ from one region to another so that the policy substance can be different; Weakness in identifying common values for disputing parties in the use of forest resources so that problem solving tends to be generalized; Implementation of forest management policies cannot be carried out by considering the carrying capacity of forests with various inherent rights, such as those of indigenous communities within them; Forest management arrangements have become centralized, where in many cases there is debate regarding the lack of government officials, even though the problem is weak management in regulating the role of the bureaucracy, including the distribution of risks due to failure to implement policies; Data and information related to forest management are very weak because decision making targets administrative solutions; Weak accumulation of knowledge on various matters relating to forest management which is very specific according to region, and is the basis for improving forest management policies in Papua.

KEYWORDS: Forest governance, Institutional conflict, Tanah Papua

INTRODUCTION

Forests are one of the renewable natural resources that have an important and strategic role in supporting human life. Indonesia is one of the countries in the world that has a wealth of natural resources with quite high biodiversity, including the biological wealth stored in tropical rainforests. In fact, our government once said that the largest source of foreign exchange from the non-oil and gas sector came from forests and was called "green mas" during the New Order era. The concept of management and utilization of forest resources as public resources has been regulated in such a way that their potential and functions can be utilized fairly and evenly to fulfill the interests of the management parties and the community itself as the owner. As a public resource, forests not only have economic potential but management and utilization arrangements are made so that the ecological function and socio-cultural role of each member of the forest owner community can be maintained in a sustainable manner. Suharjito (2014) stated that the symptoms of forest degradation and conflicts over control of forest areas are related to the accumulation of fundamental problems in the politics of forestry development. In particular, political aspects can marginalize forest village communities when developing forestry. Therefore, efforts to reverse the condition of degradation must be carried out immediately to realize sustainable forest management.

The real thing that can be seen in the relationship between society and forests is that it is reflected in the livelihood system, namely: the economic system, social organizational structure as a portrait of the socio-cultural system, even adhered to in the religious or belief system, it can reflect the process of spiritual development of the local community; starting from the simplest societies in the hunting and gathering era to complex societies such as today's industrial urban communities. This unsustainable natural resource management pattern has the potential to cause significant economic losses that can reduce the benefits of development itself (Fauzi, A. 2015).

The state here has a direct obligation to encourage society towards improving the welfare of life contained in the preamble to the 1945 Constitution. State authority is faced with the local cultural perspective of society which is quite complicated to enforce for justice in society itself. However, it is implicitly contained in article 33 paragraph 3 of the 1945 Constitution. Actually, the problem of forest resource management covering an area of around 70% of Indonesia's land area is definitely a complex type of problem. The failure to learn from various nations is a result of the weakness of decision makers in understanding the existence of complex social conditions (complex societies), which are characterized by; centralized decisions, high flow of information, high

coordination, instructions by formal authority and centralization of resources (Kartodihardjo, 2008). Furthermore, it is also said that complex societies are accompanied by institutional capabilities which always almost end in failure and this condition is also alleged to occur in Indonesia.

On the other hand, the echo of regional autonomy that has resounded in our country gives a sign that there is a change in our government's policy strategy from top down to bottom up. This autonomy is implemented to provide broad authority to regions to further empower the potential of their natural resources to improve the welfare of people in the region through increasing regional original income in the management of their natural resources. This authority granted covers all aspects, including management of natural resources and forests. However, along the way, several problems occurred, including the weak function of governors and the central government in supervising districts/cities, the emergence of petty kings with arrogance in their power because they felt they had a strong political base (elected directly by the people). With weak supervision and the arrogance of power, various policies have emerged that tend to violate the law and violate the general principles of good governance. This condition can be seen from the existing facts, namely that quite a few regional heads are caught in various cases of criminal acts of corruption and other legal violations.

The government as a policy maker needs to wisely carry out adequate control functions so that implementation does not give rise to increasingly worse perceptions. Meanwhile, the view of the community at the lower level or local community says that regional autonomy would be better given directly to the village (village), because the district/city would concentrate more on what happens at the local level, where the government would be able to be held accountable for its actions and programs because now there is a possibility for local people to monitor it. Conditions like this can build negative perceptions between local governments and local communities as forest owners. For example, the results of research by Innah et all (2012) in Biak Numfor Regency stated that in the space of civil or customary society power, levels of actor cooperation were also mapped, namely: supplementary, complementary, substitute, conflict, and free or independent or pioneer. In the context of a forest management unit (KPH), it can function as a space with a partnership nuance in encouraging reforestation.

Therefore, regional autonomy in the regional context is not the right solution in the administration of regional government, but needs to be followed by the implementation of practical policies in the form of regional regulations. Regional regulations in the forestry sector and followed by strategic policies need to be implemented for local communities. Issues of poverty and ignorance always take refuge under the control of traditional institutions. There is even an impression that the government has issued regional regulations that are less than accommodating. Maximum community involvement in drafting regional regulations is still lacking. This condition encourages people to continue to ask when they can be given the freedom to manage their resources independently and responsibly. However, on the other hand, the position and role of the government in responding to the demands and wishes of the community needs to be followed up immediately. This problem will be interesting, if in sustainable forest management the government is able to hand over a reasonable and controlled percentage of authority to the community as owners of forest resources. Will people still be able to see forests as natural resources that should be protected and preserved? Or is it even damaged by selling it to a third party "in quotation marks".

Changes in the governance system in forest management are seen from the aspect of institutional conflict in the management of forest resources. Destruction of forest resources has not only brought a decline in economic activities, but has even eliminated the lives of certain communities, tribes and nations (Kartodihardjo, 2006). Peters (2000) in Kartodihardjo (2006) states that "institutions must become institutions" often efforts to change institutions, in this case the rules of the game and the instruments are not followed by renewal of the philosophical basis and framework of thought used. Institutions are not defined as organizations or bodies or buildings or organizational structures, but institutions provide guidance and resources to carry out certain actions, on the other hand, they limit and prohibit certain activities from being carried out by a person or organization (Kartodihardjo, 2015).

Furthermore, Kartodihardjo (2006) said that institutional capacity needs to be developed to support forest resource management in Indonesia. Apart from that, the institutional reason is important because the vast state forest area is characterized by easy access that is open to all parties. Institutional strengthening can overcome this problem. However, institutions that can guarantee certainty of rights to forests are often insufficient to ensure long-term forest management because rights can be undermined by accesses that can be realized as a result of certain socio-political relationships (Kartodihardjo, 2015).

The Concept of Forest and Its Understanding According to Papuans

The definition of forest according to law number 41 of 1999 concerning Forestry Principles defines forest as a field for the growth of trees which as a whole constitutes a living community of biological nature and its natural environment and is designated by the government as a forest. In fact, the definition of forest in the Law above also has a perception and view in terms of regional development interests in Papua which is emphasized again in Special Autonomy Law Number 21/2001 article 43,

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namely: "open access for indigenous peoples to manage and utilize their forests can give excessive meaning to both the government, indigenous communities and investors (Tokede.M. et al. 2014).

Based on the definition of forest above, forests in the management system can be viewed from two sides, namely the economic side and the ecological side. The effectiveness of Permenhut 60/2012 concerning Amendments to Government Regulation Number 10 of 2010 concerning procedures for changing the Function of Forest Areas is doubtful because the Permenhut cannot provide a different interpretation of regulations that are hierarchically above it (Nurrochmat. et all. 2014). These two views are implicit and explicit in a more specific definition of forests for all community interests in managing forest resources. Forests in the perspective and views of indigenous peoples have a different meaning, namely that the forest is mother. Forests play a very important role in people's lives, especially in applying cultural values in social life. (Salosa. et all. 2014). Next is Salosa. et all (2014) concluded in their research results that the appropriate strategy for preserving forests and the need to accommodate community interests is expected to be based on community wisdom in utilizing forests.

This view of forests can then become the basis for developing forest management concepts based on indigenous knowledge. Aspects of traditional wisdom by indigenous Papuan people vary from one another, therefore to find the best format it is necessary to identify and find it in the practice of community life to date, for example hunting techniques, hunting locations, hunting seasons and hunting targets in the forest (Pattiselano.et all. 2014). Pattiselano. et all (2014) added that traditional wisdom is a social, political, cultural, economic and environmental system in the life of a local community that is dynamic, sustainable and acceptable.

Forest Management System

Current forest management places the community as the subject in implementing a participatory management model. Participatory management is a process of preparing joint planning which will be a feature of a compromise management model (Tyrvainen.et all. 2015). One of the causes of low community access to forest use is policy construction that is closely tied to the grip of sectoral egoism (Nurrochmat et all. 2014). Next is Nurrochmat. et all. 2014 said that strong sectoral egoism not only causes biased interests in spatial planning policies, but often also holds the interests of the wider community hostage. Therefore, to ensure the realization of sustainable forest management, fundamental policy reconstruction of the forestry tenure system is required (Nurrochmat et all. 2014).

On the other hand, another opinion is that part of natural resource management needs to prioritize the functions and roles of the parties, including those who are directly involved in forest management or those who do not have unclear access to management or the emergence of externalities and unclear markets. perfect (Grimble & Wellard. 2015). However, the forest management system requires guidance and direction towards a good management model. For example, community-based empowerment is needed through counseling activities, skills training and assistance to the community in using mangrove plants as alternative food which can improve family welfare and empowerment to maintain, maintain and preserve mangrove plants (Fitriah. 2015).

Another forest management idea to lead to success is by establishing relationships with entrepreneurs through academics who are part of the network so that they can encourage entrepreneurs' awareness of the importance of the function and benefits of mangroves for environmental sustainability and the sustainability of shrimp cultivation and community livelihoods (Febryano.et all. 2014). Next is Febryano. et all (2014) said that the success of local institutions really helps district governments in developing rural communities in coastal areas.

Meanwhile, other research also states that the forest resource categorization system in the Nagari Simanau community (processed, reserved and prohibited forests) helps control community behavior in managing their forest resources and has good implications for the performance of forest resources, as indicated by the high density, number types, species diversity, and tree volume in reserve and restricted forests (Hamzah. et all. 2015).

Community Relations with Forests

Indonesian people and people in Papua in general have a high level of dependence on forest resources. Forests provide many broad benefits for human life needs. For example: to obtain food sources, the needs for food sources, energy, air and water are provided by forests. The performance of processed forests is lower, but their economic function as an additional source of livelihood for the community is still maintained. Local institutions that are still trusted and obeyed by the community are effective in supporting good forest resource management. This is demonstrated by the existence of management boundaries between processed, reserve and prohibited forests that have been mutually agreed upon; the existence of rules regarding utilization authority; and clear sanctions in enforcing nagari regulations (Hamzah.et all.2015). Another study stated that tenure problems in the South Lampung KPH area occurred due to the occupation of forest areas by settlements, public or social facilities and shopping centers in the form of definitive villages (Sylvani. et all. 2014). Next is Sylvani. et all (2014) added that the role of the parties in

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land control in the KPH area is very decisive, where the central government which issues policies does not carry out evaluations, especially regarding area boundaries and inactive permits.

Indigenous peoples are able to protect forests very well within the context of their customs and understanding of forests (Salosa.et all. 2014). In the state's view, it is very much in contrast to the view of indigenous communities, because there are certain variables and measures that are understood by the state to develop their society. For example, in a country with a forest management model with a Timber Legality Verification System (SVLK) which is related to the synchronization of regulations, coordination, outreach, financial support and guidance for small industries as well as assessment criteria for industries that have diverse sources of raw materials (Gultom.et all. 2014). Communities who live far from information and communication are considered marginal communities (untouched by development). So that clearing forests for development, whether in the form of road construction, oil palm plantations or residential development, is considered an alternative and solution to advance society. The government's demands and wishes are often not in line with the real conditions faced by society. In particular, people's mental readiness to accept change for the sake of change. The government's motivation to open isolation by converting forests can have a psychological impact on the long-standing intimate relationship between communities and forests.

Sustainable forest management cannot be separated from increasing the capacity and standard of living of the community. Cultural and linguistic diversity is also another thing that needs to be considered in accommodating the concept of sustainable forest management. Community relations with forests should also be maintained, by providing wise guarantees to ensure that the relationship between humans and nature remains balanced. Communities and forests are still seen as a unit in management. Managing forests means that we also manage the communities around the forests. The conflict resolution offered is to build efforts to "transform conflict into an equal partnership", with the following steps: 1) Building trust, 2) Developing an Inter-Village Forestry Forum, 3) Preparing a team of experts, 4) Effective communication and 5) Mutually agreed regulations (Harun and Dwiprabowo. 2014).

The condition of Papua with so many cultures and languages is unique in itself and can also be a challenge for every stakeholder to join together in paying attention to the forest and its ecosystem. Looking at the natural events that occurred in Wasior, West Papua, the larval spill and bursts of hot dust in Yogyakarta and the tsunami disaster in Mentawai can provide very valuable lessons for us to look further at our relationship with our nature. Never act after a natural disaster strikes, but it is necessary to think as early as possible about wise steps in managing our natural resources, especially forests.

Conflict of Interest in Managing Forests

Our country's position as a developing country is the main reason for the government to manage natural resources optimally to help improve people's welfare. On the other hand, as a result, forest degradation occurs related to occupation and forest control conflicts that occur in various areas. Due to conflicts over control and occupation of forest land by other parties, HPH companies are not active. This condition has invited attention, recognition and concern from various parties. (Suharjito. 2014). This condition can encourage the government to maximize the potential of its natural resources for exploitation, including forest resources. Forests can make a significant contribution to increasing state foreign exchange and increasing regional income.

A country that is moving to develop itself is running in a vehicle of democracy that is going too far. Politically, forests can also be used as the main energy to finance political parties. Forest exploitation is mostly based on individual interests and not forest management for state purposes. Power is inherent and exercised through various mechanisms, processes and social relations where control of technology, capital, markets, labor and labor opportunities, knowledge, authority, social identity and social relations (bundle of power) will influence the level of access to resources. The greater power an actor has, the greater their access to these resources (Febryano et all. 2015). People living in Papua also feel the atmosphere of conflict over forest resource management. Regional leaders, including the Governor, the Papuan People's Representative Council (DPRP) and the Papuan People's Assembly (MRP), should be more observant in looking at this conflict issue. The Governor's policy to limit exports of logs has greatly suppressed the practice of illegal logging on a large scale.

However, on the other hand, is accurate supervision by regional authorities well established or are there still hidden illegal logging practices? Therefore, good supervision and coordination between competent institutions and authorities need to be built to synergize common interests. The application of a restorative justice approach in conflict resolution is actually the use of traditional patterns with conflict resolution values that exist in local cultural wisdom with a focus on fulfilling justice for victims, through the concepts of equality, partnership, reconciliation and participation (Sukardi, 2016).

We need to think about this fact and carry out an in-depth analysis of the need for wood in relation to the exploitation activities carried out. Communities as forest owners need to be invited together in managing forests. Therefore, the paradigm shift from government to government, which underlies the government's role being reduced and the community's role being increased, cannot yet be applied to the process of establishing Forest Management Units (KPH) in Tanah Papua (Yeny. 2014). The

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dynamic development of cities in Papua can force communities to hand over management rights to irresponsible third parties. Is the government ready to recommend a forest management system to the community directly? Capital and expertise are two sides of a coin that cannot be separated. These two factors can trigger prolonged conflicts of interest in managing our forests.

Study of forest governance system analysis

According to (Kartodiharjo, 2008) there are three important institutional and important issues in forestry law number 41 of 1999, namely first: forestry planning is carried out in a transparent, accountable, participatory, integrated manner and takes into account regional characteristics and aspirations. (article 11, paragraph 2). This can be implemented if an independent third party plays a role in implementing the planning determination. Second: Forest product collection permits are limited by time, area and volume (explanation of article 28, paragraph 1) where the law does not state who gives this permit and who regulates the sustainability of forest products. It should be noted that the holder of this permit is only required to pay PSDH (Article 35, paragraph 3) where the issue of forest products which could threaten forest security from incorrect permit allocation at the regional level is currently crucial. Strengthening the organization can be possible if the PP is regulated for that purpose. Third: forest conservation investment funds which consist of costs for conservation, forest protection and handling forest fires are managed by institutions formed by the business world formed by the forestry business world and the Minister (explanation of Article 35, paragraph 2). Arrangements like this tend not to raise the concerns of local communities and local governments. Therefore, forest conservation investment funds are more public funds that must be utilized to strengthen regional capabilities in carrying out conservation, protection and handling forest fires.

In the Papuan context, the role of traditional institutions is something that is important and binding at the basic level and has a strategic and absolute influence. Salosa. et all (2014) concluded in their research results that the appropriate strategy for preserving forests and the need to accommodate community interests is expected to be based on community wisdom in utilizing forests.

 Customs existed before countries, provinces, districts/cities were formed. Traditional institutions themselves already have mechanisms and procedures for traditional organizational and governance systems. These customary rules are often considered inconsistent with state regulations. These differences in views need to be clarified very wisely to pay close attention to technical and contextual matters for the implementation of a policy in implementing the basic rules for managing natural resources including forests. Whatever the country's perception and views, it is necessary to look at the situation and conditions in the region. For example, what happened on customary lands and forests in the transmigration program resulted in the occupation of customary lands by the state. This certainly causes losses to customs as an institution. This is as stated by Suharjito (2014) where due to conflicts over control and occupation of forest land by other parties, HPH companies are not active. This condition has invited attention, recognition and concern from various parties. Accommodation of customary demands should not be seen in a narrow sense, but needs to be considered within the framework of state relations. Therefore, the role of traditional institutions in a region needs to be seen as an important government partner in managing natural resources, especially forests. It will be easier for the government to coordinate and develop positive relationships to encourage and implement sustainable forest management concepts. The application of a restorative justice approach in conflict resolution is actually the use of traditional patterns with conflict resolution values that exist in local cultural wisdom with a focus on fulfilling justice for victims, through the concepts of equality, partnership, reconciliation and participation (Sukardi, 2016). According to Coser, conflict can be an instrumental process in the formation, unification and maintenance of social structures. Conflict with other groups can re-strengthen group identity and protect it from spreading into the surrounding social world. Conflict theory is part of the theory of naturalist sociology, the originators of the naturalist school emphasize more on the idea that views sociology as a science that is like natural science where previous experts have pioneered conflict theory but their efforts are still subject to the laws of nature. (Tyrväinen.et al. 2015).

Papua, with its large number of tribes and languages, needs to think about the benefits of having traditional institutions as government partners. The involvement of traditional institutions needs to be carried out from the start, such as: drafting regional regulations, establishing and socializing rules. Do not involve traditional institutions in socialization activities, but it is also necessary to fully involve them in the planning and preparation process. This is of course related to togetherness in implementing the rules which will become a unified and complete force.

The government is the highest institution in the country which is fully responsible for supporting a sustainable and sustainable forest management system. Forests as a renewable natural resource must be preserved. Maintaining forest sustainability also requires involving communities in the forest and communities around the forest. Seeing another side of society with integrated customs and culture in a traditional institution is important social capital to see forest relationships in an economic and ecological framework. Within an economic framework, of course there is the factor of exploiting natural resources to increase living standards. However, within an ecological framework, preserving forests is to enjoy other benefits from forests such as water and fresh air as well as the function of utilizing environmental services. Innah et all. (2012) in their research results stated that

within the power space of civil or customary society, levels of actor cooperation are also mapped, namely: supplementary, complementary, substitute, conflict, and free or independent or pioneer.

The forest management system in the two frameworks mentioned above needs to be created in a forest management policy based on accommodation of customary interests. Indigenous involvement from the start in preparing forest management plans and forest governance system regulations must maximize customary institutions. For example: the government can form a forest customary council as a working partner for the government in formulating the rules of the game. In the customary structure, it is actually also divided into KAUR (Head of Affairs) for fields deemed necessary. The formation of customary forest councils by the government can be supported by adequate incentives (salaries) to provide institutional ties for individuals to be able to play an effective role in protecting and managing forests. The customary forest council will provide recommendations to communities who have the right to obtain them in managing the forest based on mutually agreed considerations and approval. Apart from that, strengthening the people who sit in the organizational system needs to increase their abilities and capacities so that they are able to play their roles and functions well in the context of understanding forest and customary issues. Community capacity in traditional institutions needs to be supported by the participation of other institutions, both from universities and from other non-government institutions that have the ability to increase their capacity (Capacity building).

Synthesis

Owners of natural resources in practice and reality in the field are often not properly involved in the welfare distribution system when the orientation of the timber business is only with the final goal being profit oriented. This condition can lead to practices of non-transparency in managing the timber business. The regional government, in this case the Papua Province Forestry and Conservation Service, representing state institutions, has a significant role in providing permit recommendations, monitoring and evaluating operational activities and controlling timber business activities. There are several weaknesses that indigenous peoples have, such as: capital, mastery of technology, business networks (marketing).

Meanwhile, on the one hand: the community is strengthened with customary rights, labor and adequate forest resources. There is always no synergy between these strengths and weaknesses, so forestry service policies need to give proper weight to bringing these two points together. Strategic policies such as: the formation of customary institutions, assistance and supervision of timber management permits to technical training for the use of equipment and also training for financial management for indigenous communities need to be implemented with assistance for them and involving banking parties to guarantee mechanisms or procedures for obtaining capital to run their wood management business unit.

The use of wood for indigenous communities is important for welfare reasons. However, the granting of permits needs to be carried out carefully with supervision and control by the forestry service in relation to the concept of sustainable and sustainable forestry development.

This principle becomes important if the community has strong traditional organizations or institutions and can partner with forestry and conservation services. Traditional institutional models in Papua vary greatly depending on the cultural character and traditional institutional system. Of course, this has consequences for the management model for forest products, namely wood.

Capital and technology are something that indigenous community's lack. Meanwhile, the role of capital and technology is important for increasing adequate production results. For this reason, partnerships with other institutions are important to accommodate in the department's strategic policies by collaborating with certain business partners. Example: for capital participation, you can partner with Bank Papua as part of efforts to increase investment in other fields. This collaboration can be created if the forestry service is serious about building intense cooperation between the service, banking and indigenous communities. Therefore, the quality of traditional institutions needs to be improved and built professionally to increase the capacity of people so that they can be more responsible.

CONCLUSION

Looking at the conditions and description of the article above, there are several conclusions and recommendations that can be considered as follows: First, involve Traditional Institutions as active government partners in planning, preparing, determining, socializing, implementing and monitoring and evaluating the forest governance system. Second, synergize all existing stakeholders in thinking about the process of planning and structuring a sustainable and sustainable forest management system. Third, encourage a forest management system that opens up space for economic activities with an ecological perspective. Fourth, it is necessary to increase the capacity of forest owner communities by providing regular education and training to increase their insight and knowledge. Fifth, there is a need to establish a Customary Forest Council as a part of the forest management implementing unit that can collaborate with implementing technical institutions. Sixth, it is necessary to immediately prepare a forest management map based on customary customary rights that is adapted to the applicable legal and regulatory system in order to minimize forest and land conflicts.

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