Reconstruction of Indigenous Forests Planning Policy in Way Kanan Regency Following the Ruling of the Constitutional Court on Traditional Forest

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Abstract

Constitutional Court Decision No.35/ PUU-X/2012 restored the function of indigenous forests to be managed by the indigenous peoples. The ruling establishes that indigenous forest is no longer a part of the state forest but part of the forest rights. Forest rights no longer only include forests on lands of the natural/legal entity but also are located in the area of indigenous peoples. The problem in this research is how the reconstruction of indigenous forest planning policy in Way Kanan regency after the issuance of the Constitutional Court Decision No. 35 / PUU-X / 2012 on Traditional Forest. The research used here is normative juridical-empirical. The data used is secondary data and primary data, and then is performed by juridical qualitative data analysis. Based on the research results, the arrangement of indigenous forests done by Way Kanan District Government is started with the assistance and mediator, data collection, research conduct and the confirmation of the existence of customary law communities along with indigenous areas, cooperating with the partnership between indigenous peoples and the concessionaires of Forest Management Rights (HPH), and accelerate the formation Regional Regulation on the Recognition of Indigenous Peoples. Indigenous forest planning policy was blocked because Way Kanan Regional Regulation that specifically related to customary law communities has not been established, there is something confusing associated with the administration of indigenous forests and the intervention of interests of the party holding Forest Management Rights (HPH).

Keyword: Reconstruction, Regulation, Indigenous Forest
A. Introduction

Forest is a natural resource that is a highly important function for water regulation, flood protection, and erosion, maintenance of soil fertility and conservation of the environment. As a natural resource belonging to the nation and state, the rights of the nation and the state of forests and the results need to be protected and preserved so that the forest can fulfill its function for the sake of the nation and the country itself. Forest as a natural resource belonging to the nation of Indonesia is one of the authorized capital of national development that is used to increase the prosperity of the people as defined in Article 33 paragraph (3) of the Constitution of 1945 that the earth's water and natural resources that exist in it used for the people's welfare.

Forest function is essential as an ecosystem which contains three basic functions, namely the function of production (economy), the function of the environment (ecology) as well as social function. Social and cultural functions of forests can be seen with the linkages between forests and the people who live in and around forests, in relation as a source of livelihood, religiosity, the indigenous, and so on. The cultural aspects of such dependence on the forest and respect for the forest are still considered to have magical value influenced by the attitude of the local indigenous community on forests.

The constitutional provisions as the basis of setting to allocate resources for the welfare of the nation, including natural resources, such as forests, is an important and fundamental thing. First, the state's control of the production branches which are important for the country and dominate the life of many. Second, the state's control of the land and water and natural resources contained therein. Third, the state control of the resources, including natural resources, is meant that the state can be set in the context of the management of the living resources for the maximum benefit of the people, either people individually or people as members of indigenous peoples.

Law No. 41 of 1999 as amended by Act No. 19 of 2004 on Forestry (hereinafter called as the Forestry Law) treats indigenous people as constitutionally as legal subjects related to forests with different legal subject to another, in this case related to categorization of forest in which there is a legal relationship between the subject of law and the forest. There are three legal subjects outlined in the Forestry Law, states, indigenous people, and the owner of the land on which there are forests. The state controls both the land and the forest. Holders of the land in question also holds the rights to the forest, but indigenous people do not set about their rights to land and forest.
As different treatment exists, then the customary law communities potentially, or even in certain cases factually, lose their rights to the forest as a natural resource for their livelihoods, including traditional rights, so that customary law communities experience difficulties in meeting their needs from the forest as the source. Often the loss of the rights of indigenous people is arbitrary so that it does not infrequently lead to conflicts between communities and rights-holders. Circumstances, as described above are as a result of the enactment of norms which do not guarantee legal certainty and cause injustice to customary society law about forests as sources of their lives because the subject of other laws in the statute of quo obtains clarity about their rights on Forest. Customary law communities are in a weak position due to the non-recognition of their rights clearly and firmly when dealing with countries with very strong rights of control. Supposedly the state control over forests is used to allocate resources equitably for the sake of prosperity of the people.

Forestry Law symbolically masters the indigenous forests as state forests, so the use and management of forests tend to be controlled by the state. Forestry Law explained that the country's forests could be indigenous forests, forests managed by the community’s customary law (Article 5, paragraph 1). The acknowledgment of indigenous forest in the sphere of state forests is recognized as long as the customary law still exists and the government recognizes its existence. The government still plays an important role in determining the status of indigenous forests while the customary law community has competed freely with concessionaires and various status of forest set by the state.

The test result of material (judicial review) submitted to the Constitutional Court against the Law of Forestry has granted the applicant’s particulars to the recognition of indigenous forests by the Constitutional Court Decision No. 35/PUU-X/2012. In its decision, the Constitutional Court approved the amendment of Article 1, item 6 of the Forestry Law, which states that "indigenous forests are forests within the territory of indigenous communities." The juridical consequences of this decision, then there are three nomenclature statuses of forests in Indonesia namely national forest, forest rights, and forests.

Indigenous forest in Way Kanan regency consists of 2 areas of forest, registers 44 and 46. During the enactment of the Forestry Law, indigenous peoples in Way Kanan regency could not take the advantage of indigenous forest and are marginalized because the state has taken over the rights of customary law community on unit of customary forest areas for being recognized as the country's forests, which in turn is precisely the name given country and/or handed over to the owners of capital through a variety of
licensing schemes to be exploited regardless for indigenous rights and the unity of indigenous people in the region.

Communities in Way Kanan Regency comprise the majority of various groups/ethnic of indigenous communities so that the management of indigenous forests that was previously declared as state forests and be fully refunded? To the Government of Way Kanan to be managed and used for the benefit of indigenous peoples. In fact, up to now customary forest in Way Kanan Regency, especially in Negara Batin district, which is previously managed by PT. Inhutani V as holders of Forest Management Rights (HPH) which now has been delegated of its management to PT. Budi Lampung Sejahtera and PT. Etanol has not fully returned to the indigenous people; even the companies prohibit indigenous peoples in the utilization of forest products. PT directly controls the management and utilization of indigenous forests. Budi Lampung Sejahtera and PT. Etanol.

Based on the above description, the problem is formulated as follows: How is the reconstruction of indigenous forest planning policy in Way Kanan regency after the issuance of the Constitutional Court Decision No.35/PUU-X/2012?

The approach used in the research is the normative-empirical approach. This approach is done by referring to the written regulations or other legal materials, and by collecting primary data obtained directly in the study, through interviews with sources defined and related to the issues to be addressed in this study.

B. Framework: Understanding the Bank Secrecy

Land policy in Indonesia, about the legality of the use of forest land, is through permission from the Ministry of Forestry while outside the forest area called Area or Appropriation (APL), the administration and control of land are under the authority of the National Land Agency (BPN). This policy raises various rules and regulations in agriculture within and outside the forest, including the emergence of problems of legal certainty of land tenure recognition by the community (e.g., indigenous peoples were well-established in the region). Outside the area, it is possible to grant land titles (private/individual owner) while in the region, it is not possible because of the assumption that the state controls forest land.

Article 5, paragraph (3) of the Forestry Law, states that the determination of the forest status is by the government (central government as mentioned in Article 1 point 14 of the Forestry Law). Article 15 of Government Regulation No. 44/2004 on Forestry Planning states that the Ministry of Forestry organizes the inauguration of the forest area. Forestry Ministry is in charge of land in forest areas and limits his authority to take
care of forest management on lands outside the forest area. Local government does forest management over other uses.

Forestry Law states that there are two statuses of the forest, the state forest, and private forest. The state forest is defined as forest lies on the land which is not encumbered on land rights (Article 1 Point 4). By contrast, the private forest is a forest that is on land subject to land rights. The state forest is a forest above the soil that is no longer has the right to land, which means there is no conflict in the community. In the state forests, the Ministry has the authority to manage, utilize, including by providing licenses to third parties. The main problem is that a state forest area can be recognized by the state in advance, without involving others, especially local communities (customary law communities) who have been dwelt there first in the forest area. It makes the position of forest areas that have been set can cause conflicts on the status of indigenous forests.

Post a Constitutional Court decision No.35/PUU-X/2012 several regulations to regulate the existence of indigenous forests are promulgated, namely:

1. Minister of Forestry Circular Letter No.SE1/2013 states that the release of indigenous forests of the state forest area can only be done by the Ministry of Forestry if there is an approval from the local government, which means that new indigenous forests would only be issued if the indigenous peoples have been recognized through the local legislation (hereinafter referred to as Region Rule).

2. The Regulation of Minister of Forestry No.62/2013 on the Amendment to the Regulation of Minister of Forestry No.44/2012 on inauguration of Forest Area, which essentially states that, for the third party claiming rights must show proof of the existence in the form of housing, public facilities and social facilities that existed before the designation of forest areas and after the designation of forest areas. Recognition of the existence of indigenous forests should be based on the strengthening of Perda. Given the indigenous regulation, the forest is released from state forests in the forest area.

3. Regulation of Minister of Home Affairs No.52/2014 on Guidelines for the Recognition and Protection of Indigenous People. The regulation provides that governors and regents/mayors perform recognition and protection of customary law community through the establishment of a committee who does the identification, verification, and validation of customary law communities.

4. Law No. 06/2014 concerning Villages. Through this law, it allows the formation of the traditional village on the approval of district/city governments and changes that can also be the opposite. The indigenous village is formed by customary law community unit along with traditional
rights which are still alive, whether they are territorial, genealogical, and that is functional with feelings together in groups, institutions customs administration, property and objects customary, and the customary legal norms.

In some of the above regulations, local governments play a role in the return of indigenous forest after the Constitutional Court Decision No.35/PUU-X/2012. It is represents the rule of law and its influence on society. Order and regularity in the construction and renewal are desirable, even indispensable, and the law is expected to direct the activities of humans in the desired direction by the development and renewal. It required a means in the form of written laws (both legislation and jurisprudence), and the life of laws in society should shape the written law. In that view, Ehrlich argues that the law will have a positive effect which is effective when contains, or in harmony with the laws that live in that community\(^1\). It is in line with the theory of sociological jurisprudence of Roscoe Pound. The law became an instrument to steer society towards the desired goal, even the need to eliminate the habits of the people which viewed negatively. Laws can act as a means to renew (manipulate) people (law as a tool of social engineering).

C. Discussion

Way Kanan Regency with Blambangan Umpu as its capital is one of the autonomous regions of North Lampung. Way Kanan regency was formed by Law No.12 of 1999 dated 20 April 1999 on the Establishment of Dati II Regency Way Kanan, East Lampung Dati II District and Metro municipality. Indigenous peoples in Way Kanan district are called indigenous people of Buay Pemuka Pangeran Ilir Negara Batin.

Pahman Ramli Jamal, as the community leader of Indigenous people of Buay Pemuka Pangeran Ilir Negara Batin, explains that by Bisluit Resident of Lampung No.41/AA dated on July 14, 1928, region of Marga Buay Pemuka Pangeran Ilir Negara Batin in Way Kanan is restricted by region as follows:
1. The Northside is bordered with the province of South Sumatra (East OKU).
2. The Southside is bordered with Marga Bunga Mayang.
3. The Eastside is bordered with Raja Marga Nations.
4. The Westside is bordered with Marga Bara Sakti.

Muara Dua River and Way Hanakau are located in the region of indigenous people of Buay Pemuka Pangeran Ilir Negara Batin. As of February 8, 1940, after hearing the explanation from PT Controleur van Kotabumi about the importance of forest conservation, then Decree of Raad Marga was issued namely:
1. No.52/1940 which states that some of the customary lands of Marga Buay Pemuka Pangeran Ilir in around Muara Dua river area of 17,400 hectares are reserved for the Prohibition Forest.

2. No.53/1940 which states that some of the customary lands of Marga Buay Pemuka Pangeran Ilir in around Way Hanakau are provided for Forest Prohibition of 20,000 hectares.

Based on Raad Marga Decision No.52/1940 and No.53/1940 On February 8, 1940, Resident of Lampung issued Decree (Bisluit) No.249 dated 12 April 1940 and on the Register with the No.44 for Muara Dua River and No.46 for Way Hanakau. The purpose of the ban is for the creation of forest preservation and natural resources that exist in the region and free from disruption/destruction by people who are trying to farm with moving farm systems.

A period of 15 years after the release of Lampung Resident Bisluit and still found groups of people who were trying to do moving to farm within Muara Dua River Register 44, then from 14 to 22 November 1955 the enactment of a boundary-made dune (stakes) to the extent that there were no natural limits was held. From the results of pioneering, erection and peg boundary between forests that open/community-managed forest that would be preserved, then on March 21, 1956 the news agreement was made which was known as Verbal Process Boundary Forest Reserves Piling Muara Dua River No.44 signed by Assistant Widana Pakuan Ratu, Pesirah Marga Barasakti, Karta Jaya village head and village head of Negara Batin seen (known) by the Head of the Regional of Forest Lampung, North Lampung Regent and Wedana Way Kanan. The position of the boundary marker in 1956 was partly still unknown till presence.

As of December 10, 1999 Indigenous Marga Buay Pemuka Pangeran Ilir made the claim letter addressed to the Minister of Forestry and got a recommendation from the Chairman of the District Council of Way Kanan in its letter No.189/DPRD-II/WK/2000 on March 6, 2000 about the return of Communal Land Highways Community of Buay Pemuka Pangeran Ilir Negara Batin village which is located in Muara Dua River Register 44 and Register 46 Way Hanakau. As the follow up of lawsuits of Indigenous people of Marga Buay Pemuka Pangeran Ilir, a letter of response the Minister of Forestry of the Republic of Indonesia Number: 427/Menhut-VIII/2001 Date May 15, 2001, addressed to the Governor of Lampung was released with following contents:

1. The region of register 44 River Muara Dua by the decree of Minister of Forestry and Agriculture No.144/KPTS-II/1999 dated May 19, 1999, covering an area of 17,800 hectares is a working area of PT. Inhutani V (Dictum 2 letter a).
2. Register Region of 46 Way Hanakau by the Decree of Minister of Forestry and Agriculture No.144/KPTS-II/1999 dated May 19, 1999, states the Permanent Production Forest area of 10,500 hectares that is a working area of PT. Inhutani V and partly according to the Decree of Minister of Forestry and Agriculture No.53/KPTS-II/1997 of ± 9.600 hectares as a work area of HPHTI PT. BLS. (Dictum 2 letter b)

3. The two companies objected to the demands of the society of Buay Pemuka Pangeran Ilir, given the investment that has been embedded is already quite large in the region (Dictum 3)

4. Areas that are required are forest areas that are legitimate and must be protected (Dictum 4 letter a)

5. For the approach taken with the partnership between the community concerned with PT. Inhutani V and PT. BLS in exploiting the use of the forest area through mutually beneficial cooperation without having to disconnect the status of the State Forest area (Dictum 5 letter c).

Based on conditions that occur at this time, it appears that the physical areas controlled by PT. Inhutani V measuring 32 375 hectares in around 44 Register Muara Dua River have been occupied by ± 7,000 heads of household, in the estimation of ± 30% of the area was opened for settlement and ± 70% for farming. While in the Register 46, it is seen that ± 30% is held by the public both for residential and business area of agriculture.

District Government of Way Kanan through Way Kanan Regional Regulation No.11 of 2011 on Spatial Planning of Way Kanan Regency Year 2011-2031, is focusing on the arrangement of indigenous forests on community forestry program (HKm) although their utilization and management for production forests and industry are still found. The transfer function of forests into production forests through Forest Management Rights (HPH) as shown in Non-register Giham Tahmi, Register 42 Rebang, Muara Dua River Register 44 and Register 46 of Way Hanakau which in total amounted to 66.996 hectares.

Soerjono Soekanto ¹ stated that the role is a dynamic aspect of the position (status) if a person has been exercising its rights and obligations by his position, then he runs a role, no role without a position or a position without a role. The role of more points states to the function, adaptation and as a process. A person occupying a position in the community is as well as running a role.

In connection with the policy of the District Government of Way Kanan to the return of indigenous forests after the issuance of the Constitutional Court Decision No.35/PUU-X/2012, the role to be done is the role of consideration between the will of the law and the facts written, the

law will have to determine its ability based on reality. Way Kanan Regency Government should make efforts to approach the return of indigenous forests to indigenous communities in the district of Way Kanan. The Efforts approach is taken in the form of mediation between indigenous peoples with the company which holds the Forest Management Rights (HPH), particularly in Muara Dua River Register 44 and Register 46 Way Hanakau namely PT. Inhutani V and PT. BLS. Also, Way Kanan District Government through the Department of Forestry and Land Office of Way Kanan Regency along with indigenous people review and check the back boundary of the working area of the respective companies.

Way Kanan Regency Government should collect the data, conduct the research and confirm the existence of indigenous communities and their traditional territory located in Way Kanan Regency. It is intended to be able to accommodate groups of indigenous people who still work in Way Kanan regency. District Government of Way Kanan continues to empower the return of indigenous forests in the region of the Forest Service of District Way Kanan before the establishment of local regulation which specifically gives regulation to indigenous peoples in Way Kanan regency, then Forestry Office of Way Kanan District set a strategic step on the returns of indigenous forests in the form of management of Community Forest (HKm).

Community Forest (HKm) is a state forest as a backup or designated by the Minister to cultivate the local community, with the goal of sustainable use of forests by its function and highlights the interest of the public welfare.

The policy of Way Kanan District Government can be realized in a step of the process of improvement of governance and the program of returning indigenous forests, among others:

1. Way Kanan District Government should conduct an inventory of indigenous peoples and forests that exist with the involvement of indigenous communities actively either already mapped (recognized) or not.

2. The establishment and improvement of regulation. The District Government of Way Kanan and The Representatives of Way Kanan District need to hasten the establishment of Regional Regulation on the Recognition and Protection of the Rights of Indigenous People as mandated by Article 18B paragraph (2) 1945. According to Minister Regulation LHK 32/2015, the acceleration process of ordinance making can be facilitated by the Ministry of Environment and Forestry.

3. Way Kanan District Government immediately makes a related policy on the program of inventory and the returns of indigenous forest on the forests that have been used as a state forest. This activity is used as a guideline to implement the inventory and the return of indigenous forests. As in the existing regional public recognition of customary law and
customary forest so that it can be used as guidelines for the implementation and manufacture of indigenous forest management rules in the future.

Way Kanan District Government policy in the return of indigenous forest in Way Kanan district is as a companion for indigenous peoples of Marga Buay Pemuka Pangeran Ilir. It is as what has been attempted by Marga Buay Pemuka Pangeran Ilir in 2010, in the framework of the completion of the return of the status and changes the function of communal land which has been controlled by PT. Inhutani V in around Muara Dua River and the return of communal land status of Marga Buay Pemuka Pangeran Ilir that is being controlled by PT. BLS, the details of the natural boundary between Way Hanakau Lunik with Similar Way, and seeking the establishment of cooperation between PT. BLS with the customary communities.

On the other hand, Way Kanan District Government also has to guide communities that have settled well in the area Register 44 and Register 46, so that the security of both forests fires and looting of the disorder can be assured. This is certainly due to the cooperation of various parties with the pattern of results that will naturally arise ownership of the forest. However, the Government of Way Kanan Regency is not fully doing placements at some point of settlement, so that they cause problems or hosting the region.

The return of indigenous forests to indigenous people in Way Kanan regency is not as easy as turning the palm of the hand, where the District Government of Way Kanan must align its return and recognition explicitly about the existence of indigenous peoples through the local legislation, as well as provide confirmation of the indigenous forests in the state forest. The return of indigenous forest which is currently dominated by companies holding Forest Management Rights (HPH) is the authority of the District Government of Way Kanan so that in the process of the refund it goes through and can take fairness for both parties, especially for the benefit of indigenous peoples. In this case, the author cites responsive legal theory advanced by Nonet-Selznick in Bernart L. Tanya, that the law demanded to become an open system within the existing development by relying on the primacy of purpose (the sovereignty of purpose), the namely social objective to accomplish and consequences arising from the operation of the law.

Such a law is needed in transition. That is when a legal rule that has been existed is no longer be able to answer problems that arise as a result of the development which is not covered by these laws; then the law must be
sensitive to accommodate the existing development to achieve fairness in society.2

On that basis, then the doctrine of Nonet-Selznick argues, first, that the law must be the functional, pragmatic, and rational purpose. Second, the competence is to be the benchmark evaluation of the implementation of the law. Competence as the objective functioning of the norm of criticism, then the responsive legal system emphasizes on:3

1. Justice substantive as the basis of legal legitimacy.
2. Regulation is the subordination of principle and policy.
3. Legal considerations should be goal-oriented and affect the benefit of society.
4. The use of discretion in law decision-making is highly recommended and remains goal oriented.
5. Cultivate a liability system instead of the system of coercion.
6. Morality in cooperation with moral principles in carrying out the law.
7. Power is utilized to support the vitality of the law to serve the public.
8. Rejection of the law must be seen as a lawsuit against the legitimacy of the law.

A legal decision is oriented on the intent to seek justice or benefits to society, such as the return of indigenous forests to indigenous peoples, for the benefit of the legal community in demanding justice. Under a legal theory of responsive, it is proper that law may respond to the developments that are going on by giving legal considerations oriented on the benefits to society.

Lawrence M. Friedman viewed the law as a system. The legal system consists of the structure, substance, and culture4. By viewing the law as a system, as submitted by Lawrence M. Friedman, the inhibiting factors encountered in the return of indigenous forest post Way Kanan regency is more prone to legal structure and substance of the law. Judging from the structure of the law that the District Government of Way Kanan is deemed not serious and enclosed in implementing the mandate of the Court Decision of Constitution No.35/PUU-XX/2012 on the return of indigenous forests. The decision of the Constitutional Court is to initiate the issuance of local regulations that can accommodate a wide range of legal issues related to the indigenous forests include the procedures for identifying indigenous forests,

3 Ibid., p. 240.
the mechanism of recognition and protection, protection of the rights/permissions that have been granted based on state laws, mechanisms and institutions of conflict resolution, the rule to prevent and limit abuse of recognition of indigenous forests to private interests, as well as a mandate to map the indigenous territories.

Regarding substantive law, Way Kanan District Government has not issued local regulations related to the recognition of indigenous people in Way Kanan district. It indicates that the returns of indigenous forests automatically cannot be done because the regional government itself seems not to acknowledge the existence of indigenous peoples in the region.

The Constitutional Court Decision No.35/PUU-XX/2012 is a rule of law where its existence must be enforced and implemented. In the framework of the rule of law, Soerjono Soekanto states that several factors influence it. Reconstruction planning policy of indigenous forest in Way Kanan Regency, starting from the formulation of legal norms created by mechanisms that have been set, beginning with the inauguration of the existence of a customary community (recognition of the subject rights). As already mentioned, the legislation has set the criteria to establish the existence of indigenous peoples. Those criteria include indigenous territories, traditional institutions, and customary laws. This charge was confirmed on its presence by local regulations. With the tangible local regulations, sociologically, legal norms can be effective as imposed by the District Government of Way Kanan though not accepted by certain parties. Philosophically, the recognition of indigenous forests is a form of legal justice as an ideal will of the highest law.

Local regulations enacted remain guarded to work effectively. Moreover, about the settlement of indigenous forests, there will be a lot of conflicting interests. There is still the buzz associated with the administration of indigenous forest. The existence of indigenous forests in all forest functions (conservation, protection, production) has not been administered and in the field the existence of indigenous forest is not certain in boundaries with other state forest allocations. These conditions are the cause of the conflict where the indigenous forests are weaker in position than the permit holders (in production forests) and forest management (protection and conservation).

The policy of Way Kanan Local Government in preparing structuring indigenous forests should be accompanied by facilitating indigenous peoples with technical assistance to manage forests sustainably. Indigenous peoples should be given ability in the form of technical and management capacity.

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Although quite a lot of community groups have shown evidence of their ability regarding sustainable forest management, yet another reality also shows fading processes of that ability. The process takes place in line with the market and political interventions that cannot be dammed by the public. Therefore, efforts to strengthen the capabilities of communities (human capital, social capital, cultural capital and economic capital) are necessary. That means that the support for the role of government (central and local), non-governmental organizations, educational and research institutions, financial institutions are very important.

D. Conclusion

1. Conclusion

Based on the research results and discussion, Local Government Policy Way Kanan after the Constitutional Court decision No.35/PUU-XX/2012 concerning on Indigenous Forest has not yet done maximally in organizing indigenous forest in Kampung Negara Batin Subdistrict Negara Batin Way Kanan Regency. Reconstruction of indigenous forest planning policy can be initiated where the District Government of Way Kanan provides assistance and mediator, data collection, and confirms the existence of indigenous communities and their traditional territory, establishes cooperation by a partnership between indigenous peoples and the concessionaires.

2. Recommendation

Advice to be given here is that local regulations should be drafted to the charge of the local regulations that regulate two things: recognizing and strengthening the presence and the determination of rights (customary forest). To that purpose Way Kanan District Government should immediately record, do some research and confirmed the existence of indigenous communities and their customary territory; and lastly, if it is proved that there is a customary community which according to local regulations are in forest areas, it will be removed from the forest area. Data collection is done by one team. The team will conduct field data collection including checking whether indigenous forest petitioned located or not located in the country's forest areas. Data findings are then analyzed by the team which then be submitted to the Head Office of the Land Office Areas or the Regency/City Head Office of Land Issues.
Bibliography

A. Book