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## **Forest tenure in Indonesia : the socio-legal challenges of securing communities' rights**

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## GLOSSARY

|   |   |
|---|---|
| <i>Adat</i>                             | Custom  |
| <i>Adat communities</i>                 | Customary-based communities   |
| <i>Adat Forest</i>                      | State forest managed by <i>adat</i> communities (according to Law 41/1999); forest found on land belonged to <i>adat</i> communities (according to the communities) |
| <i>Adat law, hukum adat</i>             | Customary law   |
| <i>Adatrechtsgemeenschap</i>            | Legally autonomous <i>adat</i> communities, see <i>masyarakat hukum adat</i>  |
| <i>Afdeling</i>                         | Department, a local unit of colonial administration   |
| <i>Agraria</i>                          | A term used in Indonesian legislation to mention land, water and all natural resources as found in rural and urban areas  |
| <i>Aman</i>                             | A term used by Langkawana villagers to indicate secure property rights held by community members  |
| <i>Anti pembangunan</i>                 | A discourse of New Order government to mention all people's activities perceived by the government as against development program                                   |
| <i>Areal kerja Hutan Kemasyarakatan</i> | Area of Social Forest management  |
| <i>Assistant resident</i>               | The head of department ( <i>afdeling</i> ) in colonial administration   |
| <i>Azas perusahaan</i>                  | Principle of business management  |
| <i>Badan Penguasa</i>                   | State authorities' body   |
| <i>Bagi hasil</i>                       | Profit sharing or share cropping  |
| <i>Bandar</i>                           | Non-Lampungese people acting as the representative of Sultans of Banten to oversee pepper trading in pre-colonial Lampung   |

|                                       |   |
|---------------------------------------|---|
| <i>Bapakism</i>                       | Fatherism, a leader-follower relation in the New Order bureaucracy  |
| <i>Bawon</i>                          | A Javanese tradition of share cropping  |
| <i>Beschikkingrecht</i>               | Right of avail (of <i>adat</i> communities)   |
| <i>Bosch Ordonantie</i>               | Colonial Forestry Law (for Java and Madura)   |
| <i>Bupati</i>                         | Head of district  |
| <i>Cabang-cabang produksi penting</i> | Vital production sectors  |
| <i>Cagar alam</i>                     | Nature reserve  |
| <i>Camat</i>                          | Head of sub-district in present regional administration Indonesia.  |
| <i>Controleur</i>                     | A head of sub-district ( <i>onder afdeling</i> ) in colonial administration   |
| <i>Cultuurstelsel</i>                 | Cultivation system, a colonial policy of transforming traditional agricultural practices into state and later private companies-led commercial agro-industries in Java. |
| <i>Daerah</i>                         | Region (administrative units consist of province, district and town)  |
| <i>Daftar tanah</i>                   | Land register   |
| <i>Damar</i>                          | A kind of natural resin, <i>Shore javanica</i>  |
| <i>Demang</i>                         | Indonesian who head a sub-division of <i>onder afdelling</i> in colonial Lampung  |
| <i>Desa</i>                           | Village   |
| <i>Desa induk</i>                     | Mother village  |
| <i>Direct bestuur</i>                 | An area directly governed by colonial government  |
| <i>Dusun</i>                          | Hamlet  |
| <i>Ekonomi kerakyatan</i>             | People-based economy  |
| <i>Gadai</i>                          | Pledging agreement  |
| <i>Ganti rugi</i>                     | Payment of compensation   |

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| <i>Gemeinschaft</i>                                    | A social group with intimate, private and exclusive social relations, see <i>paguyuban</i>      |
| <i>Hak membuka tanah</i>                               | Right to clear land   |
| <i>Hak memungut hasil hutan</i>                        | Right to collect forest products  |
| <i>Hak menguasai negara</i>                            | State's right of controlling land, water and natural resources                                  |
| <i>Hak menumpang</i>                                   | A right to use another's land   |
| <i>Hak milik</i>                                       | Land ownership right  |
| <i>Hak pakai</i>                                       | Right to use land   |
| <i>Hak pengelolaan</i>                                 | Right to manage state land  |
| <i>Hak pengelolaan desa</i>                            | A (land) management right of a village  |
| <i>Hak pengusahaan</i>                                 | Right to commercially utilize   |
| <i>Hak pengusahaan Hutan Kemasyarakatan</i>            | Right to Social Forest Utilization (used in Forestry and Plantation Minister's Decree 677/1998) |
| <i>Hak sewa</i>  | Right to lease  |
| <i>Hak ulayat</i>                                      | A communal land right of an <i>adat</i> community, see <i>beschikkingsrecht</i>                 |
| <i>Hak yasan, andarbeni, ganggam bauntuik, bengkok</i> | The names of communal land of <i>adat</i> communities as found in Basic Agrarian Law            |
| <i>HPH Bina Desa Hutan</i>                             | Village development program of Forest Concession  |
| <i>HPH Kultur</i>                                      | Forest estate license granted in 1970s in Lampung   |
| <i>Hutan Adat</i>                                      | <i>Adat</i> Forest  |
| <i>Hutan Desa</i>                                      | Village Forest  |
| <i>Huta Hak/Hutan Rakyat</i>                           | Private Forest/People's Forest  |
| <i>Hutan Kemasyarakatan</i>                            | Social forest (state forest management aimed to empower communities)                            |
| <i>Hutan Konservasi</i>                                | Conservation Forest   |
| <i>Hutan Lindung</i>                                   | Protection Forest   |

|  |  |
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| <i>Hutan Produksi</i>                        | Production Forest  |
| <i>Izin</i>                                  | License  |
| <i>Izin Kegiatan Hutan Kemasyarakatan</i>    | License for Social Forest Utilization (used in Forestry Minister's Decree 31/2001)       |
| <i>Izin Pengusahaan Hutan Kemasyarakatan</i> | License for Social Forest Utilization (used in Forestry Minister's Regulation P.37/2007) |
| <i>Jagawana</i>                              | Forest ranger, see <i>mantri</i>   |
| <i>Jati</i>                                  | Teak   |
| <i>Kabupaten</i>                             | District   |
| <i>Kampung atas</i>                          | Upper settlement   |
| <i>Kampung bawah</i>                         | Lower settlement   |
| <i>Kampung tua</i>                           | Old kampong  |
| <i>Kanwil</i>                                | <i>Kantor wilayah</i> (regional office of central government institutions)               |
| <i>Kawasan hutan</i>                         | Forest Area  |
| <i>Kebun</i>                                 | Garden   |
| <i>Kebun berisi</i>                          | A fully-planted garden   |
| <i>Kebun terlantar</i>                       | An abandoned garden  |
| <i>Kecamatan</i>                             | Sub-district   |
| <i>Kelola kawasan</i>                        | Forest area management (in 2004 Forestry Minister's Regulation on Social Forestry)       |
| <i>Kelola kelembagaan</i>                    | Institutional management (in 2004 Forestry Minister's Regulation on Social Forestry)     |
| <i>Kelola usaha</i>                          | Business management (in 2004 Forestry Minister's Regulation on Social Forestry)          |
| <i>Kelompok tani hutan</i>                   | Forest farmer group  |
| <i>Kelurahan</i>                             | Urban quarter  |
| <i>Kemitraan</i>                             | Company-community partnership of state forest management                                 |

## Forest Tenure in Indonesia

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|--|---|
| <i>Kepala lingkungan</i>                         | Head of sub-village unit  |
| <i>Kepala negeri</i>                             | Head of <i>negeri</i>   |
| <i>Kolaborasi pengelolaan kawasan konservasi</i> | Collaborative management of forest conservation   |
| <i>Kolonisatie</i>                               | A policy of Dutch colonial government of migrating Javanese to other less dense population regions, mainly Lampung.                   |
| <i>Konsitusi RIS</i>                             | <i>Konstitusi Republik Indonesia Serikat</i> (The Consitution of Indonesian Federal Republic in 1949).                                |
| <i>Koperasi</i>                                  | Cooperative   |
| <i>Kota</i>                                      | Town  |
| <i>Krismon</i>                                   | <i>Krisis moneter</i> , economic crisis took place in Indonesia in the late New Order.  |
| <i>Ladang permit</i>                             | License for forest clearing and cultivation in the 1950s in Lampung   |
| <i>Leles</i>                                     | A tradition of collecting fruits lying on the land or those which are still on the trees after the land owners harvesting the fruits. |
| <i>Lembaga desa</i>                              | Village institution   |
| <i>Lingkungan</i>                                | Sub-village unit in a town-quarter  |
| <i>Lurah</i>                                     | Civil servant appointed as head of urban-quarter  |
| <i>Maklumat Residen</i>                          | A public announcement of Resident   |
| <i>Mandor</i>                                    | A villager acting as the representative of Forestry Service to overseeing Forest Area   |
| <i>Mantri hutan see jagawana</i>                 | Forest ranger   |
| <i>Mantri–lurah project</i>                      | Cooperation between forest ranges and village head in keeping the areas of Perhutani.   |
| <i>Marga</i>                                     | A traditional socio-political unit of the Lampungese  |
| <i>Maro/paroh lahan</i>                          | A sharecropping system with an equal crop sharing between land owner and cultivator   |

|   |  |
|---|--|
| <i>Masyarakat adat</i>                  | <i>Adat</i> communities (customary-based communities)  |
| <i>Masyarakat hukum adat</i>            | Customary law-based communities, see <i>rechtsgemeenschap</i>  |
| <i>Masyarakat setempat</i>              | Local communities  |
| <i>Mendukung pembangunan</i>            | A discourse of New Order's officials to mention any activities that support the government's policy                  |
| <i>Musyawarah</i>                       | Consensus  |
| <i>Numpang tanam</i>                    | Free cultivation   |
| <i>Negeri</i>                           | An upper-village administration set up in 1952 in Lampung to replace <i>marga</i> administration                     |
| <i>Onder afdeling</i>                   | Sub-department, in regional administration during Dutch colonial times   |
| <i>Operasi pengamanan hutan terpadu</i> | Integrated Operation of Forest Safekeeping   |
| <i>Orde Baru</i>                        | New Order (a period of President Suharto's administration, 1966–1998)  |
| <i>Orde Lama</i>                        | Old Order (a period of politically strong administration of President Soekarno, 1950–1966)                           |
| <i>Paduserasi</i>                       | Integrated harmonization of Forest Land Use Agreement and Provincial Spatial Plan                                    |
| <i>Paguyuban</i>                        | A social group with intimate, private and exclusive social relations, see <i>gemeinschaft</i>                        |
| <i>Pangkat</i>                          | Lampungese acting as the representative of the Sultans of Banten to oversee pepper trading in pre-colonial Lampung   |
| <i>Pasirah Stelsel</i>                  | A policy of Dutch colonial government to recognize <i>marga</i> as a self-governing administration of the Lampungese |
| <i>Pedagang pengumpul</i>               | Middleman  |
| <i>Pelepasan kawasan hutan</i>          | The release of Forest Areas from the authority of the Ministry of Forestry   |
| <i>Pekon, tiuh, anek, kampung</i>       | Names of Lampungese traditional villages   |

## Forest Tenure in Indonesia

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|---|--|
| <i>Pemberdayaan masyarakat</i>          | Community empowerment  |
| <i>Pembinaan</i>                        | Supervision  |
| <i>Pemerintah Daerah</i>                | Regional government, consists of provincial, district and town governments   |
| <i>Pemuda</i>                           | Young leaders  |
| <i>Pendataan</i>                        | Data gathering   |
| <i>Pendatang</i>                        | Migrant  |
| <i>Pendatang sah</i>                    | Legal migrants   |
| <i>Penetapan kawasan hutan</i>          | The enactment of Forest Areas  |
| <i>Penggarap</i>                        | Cultivator   |
| <i>Penggarap tanah</i>                  | Land cultivator  |
| <i>Penghijauan</i>                      | Regreening   |
| <i>Pengojek</i>                         | A hired motorcyclist   |
| <i>Pengukuhan kawasan hutan</i>         | The establishment of Forest Areas  |
| <i>Penyetahan sebagian kekuasaan</i>    | Partial delegation   |
| <i>Penunjukan kawasan hutan</i>         | The designation of Forest Areas  |
| <i>Pepadon</i>                          | A traditional ceremony of the Lampungese to publicly declare someone as part of <i>marga</i> clan  |
| <i>Perambah hutan</i>                   | Forest encroacher  |
| <i>Perda</i>                            | <i>Peraturan Daerah</i> (Regional regulation; consists of Provincial Regulation (Provincial <i>Perda</i> ) and District Regulation (District <i>Perda</i> )) |
| <i>Peraturan Desa</i>                   | Village Regulation   |
| <i>Perhutani</i>                        | State-owned forestry corporation, mainly operate in Java, Bali and Nusa Tenggara.  |
| <i>Perhutanan sosial</i>                | Social Forestry  |
| <i>Peserta Hutan Kemasyarakatan</i>     | Participants of Social Forest project  |
| <i>Pinjam pakai tanah kawasan hutan</i> | An agreement to lend-and-use land in Forest Area   |

|                                |  |
|--------------------------------|--|
| <i>Pribumi</i>                 | Native   |
| <i>Proyek Pengamanan Hutan</i> | The project of forest safe-keeping   |
| <i>Provinsi</i>                | Province   |
| <i>Peraturan Pemerintah</i>    | Government Regulation  |
| <i>Peraturan Presiden</i>      | Presidential Regulation  |
| <i>Reboisasi</i>               | Reforestation  |
| <i>Rechtsgemeenschap</i>       | Community bound by its law   |
| <i>Reformasi</i>               | A period of political change after the resign of Suharto in May 1998                   |
| <i>Regenschap</i>              | Regency  |
| <i>Ruwatan</i>                 | A Javanese ceremony aimed at driving away evil spirit or misfortune from people's life |
| <i>Sekapur sirih</i>           | A Lampungese tradition held to allow outsiders using <i>marga</i> land.                |
| <i>Sewa</i>                    | Rent   |
| <i>Sonokeling</i>              | Indian rosewood ( <i>Dalbergia latifolia</i> )   |
| <i>Suaka margasatwa</i>        | Wildlife sanctuaries   |
| <i>Surat edaran</i>            | Circular letter, a policy rule of Indonesian bureaucrats to lower-level authorities.   |
| <i>Surat pernyataan</i>        | Declaratory letter   |
| <i>Swapraja</i>                | Self-governing area in Dutch colonial times, see <i>zelfbesturend</i>                  |
| <i>Taman Hutan Raya</i>        | Grand Forest Park (under the authority of provincial or district government)           |
| <i>Taman Nasional</i>          | National Park (under the authority of central government)                              |
| <i>Taman Wisata Alam</i>       | Nature Recreation park (under the authority of central government)                     |
| <i>Tanah bongkar/belukar</i>   | Fallow land  |

## Forest Tenure in Indonesia

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| <i>Tanah garapan</i>                            | Cultivated land   |
| <i>Tanah hak pengelolaan</i>                    | Land with management rights   |
| <i>Tanah kawasan/tanah kehutanan</i>            | Area land/Forestry Service land (land in Forest Area)   |
| <i>Tanah marga</i>                              | <i>Marga</i> land (land belongs to <i>marga</i> , or land located in non-non-Forest Area)                                   |
| <i>Tanah negara</i>                             | State land  |
| <i>Tanah pemerintah</i>                         | Government's land   |
| <i>Tanah ulayat</i>                             | <i>Ulayat land</i> (communal land of <i>adat</i> communities)   |
| <i>Tanah pengganti</i>                          | Compensated land  |
| <i>Tanah untuk rakyat</i>                       | Land for the people   |
| <i>Tanah wakaf</i>                              | Islamic endowment land  |
| <i>Tanah yang dikuasai langsung oleh negara</i> | Land directly controlled by the state   |
| <i>Taungya</i>                                  | A Burmese word of intercropping practices of timber and agricultural crops planting on forest land, see <i>tumpang sari</i> |
| <i>Tenang</i>                                   | Free from fear (a situation of lack of disturbance or threats against people's access to forest)                            |
| <i>Tim Pengamanan Hutan Terpadu</i>             | Integrated Forest Security Team   |
| <i>Tolong-menolong</i>                          | Mutual help   |
| <i>Translok</i>                                 | <i>Transmigrasi lokal</i> (intra-migration program)   |
| <i>Transmigrasi</i>                             | Resettlement  |
| <i>Tukar lahan</i>                              | Land exchange   |
| <i>Tukar-menukar tanah kawasan hutan</i>        | The exchange of forest land   |
| <i>Tumpang sari</i>                             | Intercropping timber with agricultural crops, see <i>taungya</i>  |
| <i>Umbulan</i>                                  | Small hamlet  |
| <i>Undang-undang</i>                            | Law   |

|                            |  |
|----------------------------|--|
| <i>Undang-undang Dasar</i> | Constitution                             |
| <i>Undang-undang Pokok</i> | Basic Law                                |
| <i>Urusan agraria</i>      | Agrarian affairs                         |
| <i>Usaha bersama</i>       | Collective actions                       |
| <i>Ustad</i>               | Islamic religious teacher                |
| <i>Walikota</i>            | Mayor                                    |
| <i>Warung</i>              | Stall                                    |
| <i>Wedana</i>              | District head in colonial administration |
| <i>Yasa/yoso</i>           | Ownership                                |
| <i>Zelfbesturend</i>       | Self-governing area, see <i>swapraja</i> |

# APPENDIX 1. LIST OF LEGISLATION

## Colonial legislation

|  |  |
|--|--|
| Staatsblad van Nederlandsch-Indië 1865, no. 97     | Teak exploitation  |
| Staatsblad van Nederlandsch-Indië 1874, nos. 78-79 | Clearings ordinance  |
| Staatsblad van Nederlandsch-Indië 1874, no. 94f    | Domain Declaration for Sumatra                                 |
| Staatsblad van Nederlandsch-Indië 1875, no. 216    | Police and penal regulation on forest                          |
| Staatsblad van Nederlandsch-Indië 1918, no. 74     | The preliminary provisions for the protection of state forests |
| Staatsblad van Nederlandsch-Indië 1927, no. 221    | Colonial forestry ordinance                                    |

## National legislation

1949 Federal Constitution

1945 Constitution

1950 Provisional Constitution

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|---|--|
| Decree of the Provisional People's Consultative Assembly ( <i>Ketetapan Majelis Permusyawaratan Rakyat Sementara-MPRS</i> ) number II/MPRS/1960 | The general and planned national development planning model ( <i>Pola pembangunan nasional semesta berencana</i> ) |
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| Decree of People's Consultative Assembly ( <i>Ketetapan Majelis Permusyawaratan Rakyat -MPR</i> ) number III/MPR/2000 | Legal sources and the hierarchy of laws and regulations |
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|--|---|
| Decree of People's Consultative Assembly ( <i>Ketetapan Majelis Permusyawaratan Rakyat -MPR</i> ) number IX/MPR/2001 | Agrarian reform and natural resource management |
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|---|--|
| Decree of People's Consultative Assembly ( <i>Ketetapan Majelis Permusyawaratan Rakyat -MPR</i> ) number I/MPR/2003 | The review of the substance and legal status of <i>MPR</i> Decrees from 1960 to 2002 |
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|            |   |
|------------|---|
| Law 5/1960 | Basic provisions on <i>agraria</i> (Basic Agrarian Law) |
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|---|--|
| Law 56/Prp/1960   | Maximum size of agricultural land  |
| Law 1/1967  | Foreign investment   |
| Law 5/1967, replaced by Law 41/1999   | Basic provisions on forestry   |
| Law 11/1967 replaced by Law 4/2009  | Basic provisions on mining   |
| Law 6/1968  | Domestic investment  |
| Law 5/1990  | Conservation of living natural resources and their eco-systems   |
| Law 24/1992, replaced by Law 26/2007  | Spatial planning   |
| Law 4/1996  | Mortgage   |
| Law 40/1997   | Limited company  |
| Law 22/1999, replaced by Law 32/2004  | Regional government  |
| Law 41/1999   | Forestry   |
| Law 20/2002 (annulled by Constitutional Court Decision Case number 001-021-022/PUU-I/2003 ) | Electrical power   |
| Law 22/2002   | Oil and natural gas  |
| Law 27/2003   | Geo-thermal energy   |
| Law 7/2004  | Water resources  |
| Law 10/2004   | The making of legislative regulation   |
| Law 18/2004   | Plantation   |
| Law 19/2004   | The enactment of Government Regulation in Lieu number 1/2004 concerning the revision on of Law 41/1999 |
| Law 31/2004   | Fishery  |
| Law 32/2004   | Regional government  |
| Law 25/2007   | Investment   |
| Law 27/2007   | Coastal management and small islands   |
| Law 4/2009  | Mineral and coal mining  |

## Forest Tenure in Indonesia

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| Law 32/2009   | Environmental protection and management  |
| Government Regulation 20/1952   | Organizational structure and executive management of state ministries  |
| Government Regulation 8/1953  | The control over state lands   |
| Government Regulation 64/1957   | The partial delegation of central government authority over fisheries, forestry and small holder rubber plantations to provincial government |
| Government Regulation 224/1961  | The implementation of land redistribution and payment of land compensation   |
| Government Regulation 21/1970   | Rights on forest utilization and forest product harvesting   |
| Government Regulation 28/1985 replaced by Regulation 45/2004            | Forest protection  |
| Government Regulation 24/1997   | Land registration  |
| Government Regulation 68/1998   | The area of nature reserves and preservation   |
| Government Regulation 6/1999  | Forest exploitation and forest produce collection in production forest   |
| Government Regulation 25/2000 replaced by Government Regulation 38/2007 | The division of government authority   |
| Government Regulation 34/2002 replaced by Government Regulation 6/2007  | Forest structure, and the making of a plan for management and utilization of forest and forest areas   |
| Government Regulation 35/2002   | Afforestation fund   |
| Government Regulation 44/2004   | Forestry planning  |
| Government Regulation 45/2004   | Forest protection  |
| Government Regulation 72/2005   | Village government   |
| Government Regulation 10/2010   | The mechanism to change the allocation and the function of forest areas  |

|   |   |
|---|---|
| Presidential Regulation number 46/2008  | The national council on climate change  |
| Minister of Agriculture's Decree<br>291/Kpts/Um/5/1970                              | The enactment of forest concession areas as production forest areas   |
| Director General of Forestry's Decree<br>54/Kpts/DJ/I/1975                          | The procedure of releasing forest areas for the purposes of plantation, husbandry, fishery and food cropping  |
| Minister of Agriculture's Decree<br>680/Kpts/Um/8/1981                              | The guidelines of forest land use agreement   |
| Minister of Agriculture's Decree<br>682/Kpts/Um/8/1981                              | The definition and procedure of determining maximum size of forest, convertible production forest and permanent production forest   |
| Minister of Agriculture's Decree<br>683/Kpts/Um/1981                                | The criteria and procedure of enacting production forest  |
| Forestry Minister's Decree 67/1991, revised by Decree 416/1999, Decree 256/2000     | The designation of Forest Areas in Lampung  |
| Forestry Minister's Decree 691/1991, replaced by Decree 69/1995 and Decree 537/1997 | Village development programs of forest concessions ( <i>HPH Bina Desa Hutan</i> )   |
| Forestry Minister's Decree 622/1995   | The guidelines of social forest ( <i>hutan kemasyarakatan</i> )   |
| Forestry Ministers' Decree 537/1997   | Forest villagers' empowerment   |
| Forestry Minister's Decree 47/1998  | The designation of protection and limited production forests of 29,000 hectares in the cluster of <i>Pesisir</i> Forest in West Lampung District, Lampung Province, in the form of <i>damar</i> gardens ( <i>repong damar</i> ) managed by adat law communities as Area with Exceptional Purpose ( <i>Kawasan dengan Tujuan Istimewa, KdTI</i> ). |
| Forestry and Plantation Minister's Decree 677/1998                                  | Right to utilization of social forest   |
| Forestry and Plantation Minister's Decree 865/1999                                  | The improvement of Forestry and Plantation Minister's Decree 677/1998.  |
| Minister of Agrarian affairs Regulation 5/1999                                      | The guidelines for resolving the problems of <i>ulayat</i> rights of customary law-based  |

## Forest Tenure in Indonesia

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|  | communities   |
| Forestry Minister's Decree 31/2001   | The implementation of social forest   |
| Forestry Minister's Decree 70/ 2001 replaced by Decree 48/2004   | Forest areas enactment and the change of status and the functions of forest areas   |
| Forestry Minister's Regulation P.01/2004   | The empowerment of local communities living in and/or around forest in the framework of social forestry                   |
| Forestry Minister's Regulation P.19/2004   | Collaborative management of conservation forest between conservation offices and communities or private companies.        |
| Forestry Minister's Regulation P. 26/2005  | The guidelines for private forest   |
| Forestry Minister's Regulation P.23/2007, amended by Ministerial Regulation P.5/2008                                 | The application procedure for Licenses of Commercial Utilization of Timber Products in People's Plantation Forest         |
| Forestry Minister's Regulation P.37/2007 amended by Forestry Minister Regulation P.18/2009 and Regulation P.13/2010. | Social forest   |
| Forestry Minister's Regulation P.6/2008  | The implementation of REDD's demonstration activities   |
| Forestry Minister's Regulation P.43/2008   | The Guidelines on lend-and-use agreement concerning Forest Areas ( <i>Pedoman Pinjam Pakai Kawasan Hutan</i> )            |
| Forestry Minister's Regulation P.49/2008   | Village forest  |
| Forestry Minister's Regulation P.22/2009   | The revision of Forestry Minister's Regulation P.31/2005 concerning the release of forest areas for developing plantation |
| Forestry Minister's Regulation P.30/2009   | The procedure of reducing emission from deforestation and forest degradation (REDD)                                       |
| Forestry Minister's Regulation P.50/2009   | The confirmation of the status and functions of forest areas  |

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| Director General of Reforestation and Land Rehabilitation's Decree 95/1997 | The procedure of applying licenses for non-timber forest products collection in social forest areas  |
| Director General of Reforestation and Land Rehabilitation's Decree 97/1997 | The procedure of appointing participants, granting licenses, and making agreements of social forest utilization  |
| <b>Lampung Provincial legislation</b>                                      |  |
| Provincial Regulation 1/1982   | The formation, unification, fragmentation and abolishment of villages  |
| Provincial Regulation 7/2000   | Levy on license for collecting non-timber forest products in forest areas  |
| Provincial Regulation 6/2001   | The change of function of ex-convertible production forest land of ± 145,125 hectares to non-convertible forest area to be granted private land rights |
| Lampung Resident's Decree 153/D/1952                                       | The abolishment of <i>marga</i>  |
| Lampung Governor's Decree G/171/B.III/HK/1973                              | The granting of license for collecting forest products   |
| Lampung Governor's Decree G/133/DPD/HK/1979                                | The model of implementation and program of village resettlement in Lampung Province  |
| Lampung Governor's Decree G/074/DPD/HK/1980                                | The re-enactment of an implementation model concerning people resettlement in Lampung Province   |
| Lampung Governor's Decree G/254/Bappeda/HK/1982                            | The relocation of an intra-migration ( <i>translok</i> ) area from North Lampung District to Central Lampung District                                  |
| Lampung Governor's Decree G/235/B.VII/HK/1985                              | License to collect forest products and timber utilization in transmigration areas  |
| Lampung Governor's Decree G/011/Bappeda/HK/1989                            | The establishment of a technical team for allocating forest land in the areas designated by forest land use agreement in Lampung                       |

## Forest Tenure in Indonesia

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| Lampung Governor's Decree 26/2000                 | The guidelines for the implementation of Provincial Regulation number 7 year 2000 concerning levy on license for collecting non-timber forest products in forest areas  |
| Lampung Governor's Decree G/283.A/B.IX/HK/2000    | The enactment of the land status [as state land] of ex-convertible production forest of ± 145,125 hectares  |
| Lampung Governor's Decree 70/2001                 | The guidelines for the impementation of Provincial Regulation number 6 year 2001 concerning the change of function of ex-convertible production forest land of ± 145,125 hectares to non-convertibe forest area to be granted private land rights |
| <b>District legislation</b>                       |   |
| District Regulation of East Lampung 16/2002       | Levy on license for collecting minor forest products ( <i>hasil hutan ikutan</i> )  |
| District Regulation of Way Kanan 29/2002          | Levy on license for collecting non-timber forest products in forest areas   |
| District Regulation of West Lampung 18/2004       | Community-based natural resources and environmental management  |
| District Regulation of Central Lampung 4/2004     | Social Forest   |
| West Lampung Head of Districts's Decree 11 /2004  | The indicators and criteria for monitoring and evaluating social forest programs  |
| West Lampung Head of Districts's Decree 225 /2005 | The technical guidelines for scoring the indicators and criteria of social forest management  |



## APPENDIX 2. LIST OF COURT DECISIONS

Constitutional Court Decision Case number 001-021-022/PUU-I/2003      Judicial review of Law number 20 year 2002 concerning Electrical Power

Constitutional Court Decisions Case number 002/PUU-I/2003      Judicial review of Law number 22 year 2001 concerning Oil and Natural Gas

Constitutional Court Decisions Case numbers 058-059-060-063/PUU-II/2004 and 008/PUU-III/2005      Judicial review of Law number 7 year 2004 concerning Water Resources

Decision of Tanjung Karang District Court number 458/PID.B/2002/PN.TK.      The criminal case of Wrn.

Decision of Tanjung Karang District Court number 459/PID/B/2002/PN.TK.      The criminal case of Sn.



## CURRICULUM VITAE

Myrna Asnawati Safitri was born in Samarinda, East Kalimantan, Indonesia on October 8, 1969. She graduated in law *cum laude* at Brawijaya University, Malang, Indonesia in 1992. She worked as a part time lecturer at Gajayana University and Muhammadiyah University in Malang in 1992. She continued her master in anthropology at the University of Indonesia, Jakarta where she graduated in 1997. From 1993 to 2004, she worked as a researcher, then became program manager at the Program for Research and Development of Ecological Anthropology, University of Indonesia (*Program Penelitian dan Pengembangan Antropologi Ekologi-Universitas Indonesia P3AE*). In 2003–2004, she taught in the master program of Anthropology, University of Indonesia. She worked with some international organizations – Asian Development Bank, United Nations Development Programme, Asia Pacific Forum on Women, Law and Development – on issues of indigenous people, land tenure, environmental management, poverty reduction and women empowerment. During 2003–2009 she joined the INDIRA project of the Van Vollenhoven Institute, Faculty of Law, Leiden University. She has been active in the Indonesian civil society movement on reforming land and natural resources policy since 1994. She is the founder, then became the secretary of the board of HuMa, an Indonesian legal NGO, for community and ecology-based law reform. She chaired a learning centre of HuMa in 2009–2010. Since September 2010 she has served as executive director of a newly established organization, Epistema Institute – an Indonesian research centre on law and society. She has also worked closely with Indonesian government institutions in promoting policy and law reform in the area of land and natural resources. This includes working with the Ministry of Environment in the making of the Bill on Natural Resources Management and with the National Development Planning Agency in preparing Indonesian's National Strategy on Access to Justice.