

# **Strengthening The Coordination Function of The Forestry Ministry: Legal Reform in The “Merah Putih” Cabinet For Modern Bureaucracy**

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## **Abstract**

This study aims to evaluate how the coordination function of the Ministry of Forestry has been strengthened following its separation from the Ministry of Environment. This separation seeks to ensure that the Ministry of Forestry does not cultivate sectoral egos that hinder forest conservation efforts in Indonesia, thereby promoting a modern bureaucracy, mutual oversight, and balanced management of forestry as a crucial and strategic government priority, especially in light of the ongoing transition of forests to non-forestry uses since the reform era. Weak coordination can significantly affect forest protection, which is inherently tied to legal and justice issues. The “Merah Putih” Cabinet is the most significant cabinet since the New Order Era through the reform era, likely resulting in numerous vertical and horizontal coordination challenges that could obstruct the effective management of various tasks, functions, and ministerial roles. This research employs a normative juridical method with

legislative, conceptual, and historical perspectives. In conclusion, there is a need to evaluate internal and external strengthening among ministries. The structure of an independent forestry ministry is not adequately aligned with its responsibilities and functions in managing Indonesia's forest resources and potential natural wealth as a prosperous nation. It is vital to assess the role of the coordinating minister overseeing the Ministry of Forestry, as placing forestry issues under the Coordinating Ministers for Food, Maritime Affairs, and Economic Affairs does not sufficiently address forestry challenges, which are more related to the laws governing the conservation of living organisms and their intact, integrated ecosystems.

### Keywords

*Coordination of the Ministry of Forestry, Merah Putih Cabinet, Modern Organization.*

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## Introduction

The Ministry of Forestry is the driving force behind government affairs related to forestry<sup>1</sup>, assisting the president in organizing the state government.<sup>2</sup> This role cannot be separated from environmental issues<sup>3</sup>, namely the preservation of nature and its preservation, as expressed by Lyn White in *The Historical Roots of our Ecologic Crisis* regarding the state's view of human government towards forests as a manifestation of nature.<sup>4</sup>

After the Reform, the president's authority regarding prerogatives in forming, changing, and dissolving State Ministries is broad. Therefore, through his jurisdiction, the president divided the Ministry of Environment and Forestry into two separate entities: The Ministry of Environment and the Ministry of Forestry. This division, of course, has legal implications for institutional issues in the modern state, particularly concerning the formation of the Red and White Cabinet, which comprises a total of 112 Ministers (including 59 deputy ministers, 48 ministers, and five officials who are not under the coordinating minister).<sup>5</sup>

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<sup>1</sup> Lora Stone, *Religion and Environmentalism: Exploring the Issues*, First Edit (California: ABC-CLIO, 2020), p. 76. also read Nasr, Seyyed Hossein. "The Relationship between Religions in the Shadow of the Environmental Crisis," n.d.

<sup>2</sup> MD. ABU SAYEM, "The Eco-Philosophy of Seyyed Hossein Nasr: Spiritual Crisis and Environmental Degradation," *Islamic Studies* 58, no. 02 (2019): 271–89, <https://doi.org/https://doi.org/10.52541/isiri.v58i2.651>.

<sup>3</sup> Waspiah Waspiah et al., "Law Reform in Corporate Criminalization in Environmental Damage Cases in Indonesia," *Journal of Law and Legal Reform* 04, no. 04 (2023): 619–47, <https://doi.org/https://doi.org/10.15294/jllr.v4i4.74133>.

<sup>4</sup> Lynn White Jr., "The Historical Roots of Our Ecologic Crisis," *Science* 155, no. 3767 (1967): 1203–7, [http://www.earth.illinois.edu/students/courses/readings/Readings\\_session\\_8.pdf](http://www.earth.illinois.edu/students/courses/readings/Readings_session_8.pdf). also read Bron Raymond Taylor, *Encyclopedia of Religion and Nature* (New York: Bloomsbury Academic, 2008), [http://encyclopedia.storm.webs.com/documents/Encyclopedia of Religion and Nature.pdf](http://encyclopedia.storm.webs.com/documents/Encyclopedia%20of%20Religion%20and%20Nature.pdf).

<sup>5</sup> Article 1 number 34 and Article 17 of Presidential Regulation (PP) Number 139 of 2024 on the Arrangement of Duties and Functions of the Merah Putih Cabinet Ministries for the 2024-2029 Period states that the Minister of Forestry leads and coordinates the implementation of government affairs in the forestry sector carried out by the Ministry of Environment and Forestry as referred to in Presidential

The above conditions also affect the Ministry of Forestry, making it vulnerable to a weak presidential government system regarding checks and balances. Therefore, there are many pros and cons related to inefficiency in government implementation and even political instability, which poses costly risks for the people. For this reason, strength is needed to ensure adequate power limitations and promote democratization so that the Merah Putih cabinet's excess is not abused. Isn't the modern bureaucracy, based on the principles of good governance—such as transparency, public participation, accountability, and the rule of law through information technology (ICT-information, communication, technology)—developed in a way that should have countered Corruption, Collusion, and Nepotism, as well as institutional inefficiency?

It requires the strength of a good governance system in the forestry sector to ensure effective power limitation and democratization.<sup>6</sup> So that the obesity of the Red and White cabinets is not to blame. Hasn't the modern bureaucracy adopted the principle of good governance<sup>7</sup>, transparency,<sup>8</sup> public participation, accountability<sup>9</sup>, the rule of law using

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Regulation Number 92 of 2020 on the Ministry of Environment and Forestry. Presidential Decree Number 133/P of 2024 on establishing state ministries and red and white cabinets for the 2024-2029 period, which was stipulated on October 20, 2024. There are 48 Ministries, consisting of 41 Ministries of Government Affairs and 7 Coordinating Ministries. Read Kompas Opinion (Jakarta), Thursday, December 19, 2024, Is the State Still Necessary for Indonesia, p. 6.

<sup>6</sup> Khrystyna Zabavs'ka and Yaryna Zavada, "The Checks and Balances System - the Evolution of Public Governance in a Historical and Theoretical Context," *Echa Przeszlosci* 24, no. 1 (2023): 107–19, <https://doi.org/10.31648/ep.9299>.

<sup>7</sup> Khrystyna Zabavska, "System of Checks and Balances as an Attribute of Democracy: Political Analysis," *Humanitarian Vision* 4, no. 1 (2018), <https://doi.org/10.23939/shv2018.01.027>.

<sup>8</sup> Mohammad Arif Burhannudin, "Public Dialogue and the Good Governance: How Can the Community Be Actively Involved in Legal Reform and Good Governance?," *Journal of Law and Legal Reform* 3, no. 2 (2022): 133–50, <https://doi.org/10.15294/jllr.v3i2.54228>.

<sup>9</sup> Jeremy Waldron, "Separation of Powers or Division of Power?," *NYU School of Law, Public Law Research Paper* 12, no. 20 (2012): 1–33, <https://doi.org/Waldron>, Jeremy, Separation of Powers or Division of Power? (April 24, 2012). NYU School of Law, Public Law Research Paper No. 12-20, Available at SSRN: <https://ssrn.com/abstract=2045638> or <http://dx.doi.org/10.2139/ssrn.2045638>.

information technology (ICT-information, Communication, Technology) developed in such a way that it should be able to erode Corruption, Collusion, Nepotism, and institutional inefficiency?<sup>10</sup>

The rapid development of modern organizations after reform has led to the establishment of independent institutions. Still, often their functions are mixed, semi-legislative, regulative, semi-administrative, and even semi-judicial, with independent and self-regulatory bodies.<sup>11</sup> It is necessary to sit in a modern constitutional system that guarantees justice and democracy. Nature needs justice, sustainable forests, which are in demand in the era of climate change that affects the environment, and a good and healthy life.<sup>12</sup>

Other research related to the issue of Strengthening the Coordination Function of the Ministry of Forestry in the Merah Putih Obesity Cabinet towards a modern bureaucracy can be seen from several previous studies, including:

First, Hertasning Yatim's dissertation research (2021) demonstrates that the issue of overlapping policies regarding the division of authority between the central and regional governments has led to a weakening of the Minister of Forestry's power.<sup>13</sup> The results of this study indicate that questions about the harmonization and synchronization of regulations impact the weakened authority of state ministries in Indonesia in general and in the Ministry of Forestry in particular, so the coordination of the performance of the Ministry of Forestry institutions needs to be evaluated.

Second, Roziqin's research, Ibnu Sofyan, entitled The Institutional Position of State Ministries in the Indonesian

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<sup>10</sup> Pamela Pansardi, "Democracy, Domination and the Distribution of Power: Substantive Political Equality as a Procedural Requirement," *Revue Internationale de Philosophie* 275, no. 1 (2016): 91–108, <https://doi.org/10.3917/rip.275.0091>.

<sup>11</sup> Suryajiyoso Suryajiyoso, "Power and Authority in the State Administration System: Comparing the Netherlands and Indonesia," *Journal of Law and Legal Reform* 2, no. 3 (2021): 411–20, <https://doi.org/10.15294/jllr.v2i2.46615>.

<sup>12</sup> Ni'matul Huda, *Hukum Tata Negara Indonesia*, Edisi Revi (Depok: PT Raja Grafindo Persada, 2018) Pg. 239-240. also read, Achmad Santosa, *Alam pun Butuh Hukum & Keadilan*. (Jakarta: Prima Pustaka, 2016), p. 3-10.

<sup>13</sup> Hertasning Yatim, "Interaksi Kelembagaan Kesatuan Pengelolaan Hutan Dan Hutan Kemasyarakatan Untuk Pengelolaan Hutan Lestari" (Universitas Hasanuddin, 2021), p.1-2.

Constitutional System (2023), shows that since the reform and amendment of the 1945 Constitution, the president's authority has expanded to the formation, alteration, and dissolution of State Ministries and the design of state ministry institutions narrowed to the dominant political force, due to the vast power of the president.<sup>14</sup> The results of this study show that the dominant political force re-emerged after the fundamental reform in the popular historical record as the executive heavy.<sup>15</sup> The highlight of this study shows that the fear of the president's power in forming a vast cabinet will cause the cabinet not to work correctly, and the case with an independent forestry ministry will not be of much use in sustainable forest management.

Third, Sulistya Ekawati, Forestry Management Institutions in the Era of Decentralization (Case Study in Ogan Komering Ilir Regency, South Sumatra Province), argues that forestry decentralization is faced with the problems of ambiguity of laws and regulations, unclear authority, lack of harmonization of central and regional work procedures, and regional unpreparedness to take care of forestry affairs that are considered a regional burden.<sup>16</sup> This study also proves that strengthening the coordination function is essential and decisive for forestry management in Indonesia.

Fourth, Mahyudin Biga's (2009) research on policies in modern bureaucratic organizations states that even though the era has been a reform era, the influence of the legacy of the new order is still strong. The work culture of the bureaucratic apparatus is deliberately created by loyalists who are obedient and begging for guidance. At the same time, rigidity is still firmly attached to the attitude and behavior of the apparatus. All of this is a serious challenge for bureaucratic improvement

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<sup>14</sup> Sofyhan Ibnu Roziqin, "Kedudukan Kelembagaan Kementerian Negara Dalam Sistem Ketatanegaraan Indonesia," *Jurnal De Jure* 15, no. April (2023): 33–45, <https://doi.org/10.36277/jurnaldejure.v15i1.794>.

<sup>15</sup> Hamdani Khulaifi & Ulvi Wulan, "Rezim Executive Heavy Dalam Penyelenggaraan Pemerintahan Daerah Ibu Kota Nusantara," *Jurnal Legislatif* Vol. 5, no. 2 (2022): 91–100, <https://doi.org/https://doi.org/10.20956/jl.v5i2.21349>.

<sup>16</sup> Andika Bangun Sanjaya, "Socio-Economic and Legal Analysis on Forest Protection," *Journal of Law and Legal Reform* 2, no. 4 (2021): 493–504, <https://doi.org/10.15294/jllr.v2i4.48759>.

in Indonesia.<sup>17</sup> This study also shows that the influence of the new order on the bureaucratic order in Indonesia is still problematic both internally and externally, so there is a need for a more practical arrangement<sup>18</sup> to strengthen modern bureaucratic institutions and change to more straightforward and more effective organizational governance.<sup>19</sup>

The institutional function of the ministry, led by a minister in each cabinet, reflects the direction of state and government policies to maximize the authority given by the applicable legislation.<sup>20</sup> No matter how good a regulation is, if it is weak in building its organization, it is inevitable that the institutional function of the ministry cannot develop properly.<sup>21</sup>

Indonesia is called the world's lungs, with forest expanses in 2024 reaching 63 (sixty-three) percent of the total land area, with a fluctuating proportion of forest area due to legal and illegal deforestation, the reclassification of forest areas into non-forests, and natural disasters that

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<sup>17</sup> Mahyudin Biga, "Dalam Adalah Para Pejabat Dari Kritikan Bennis Dengan Dianut Dalam," *Jurnal Legalitas* 02, no. 01 (2009): 121–34, <https://doi.org/https://doi.org/10.33756/jelta.v2i01.641>.

<sup>18</sup> H P Ritzema and J H M Wösten, "Water Management: The Key for the Agricultural Development of the Lowland Peat Swamps of Borneo," *Proceedings International Workshop on Sustainable Development of Tidal Areas*, no. July 2002 (2002): 101–13.

<sup>19</sup> Siao Wei See et al., "Characterization and Source Apportionment of Particulate Matter < or = 2.5 Micrometer in Sumatra, Indonesia, during a Recent Peat Fire Episode," *Environmental Science and Technology* 41, no. 10 (2007): 3488–94, <https://doi.org/10.1021/es061943k>.

<sup>20</sup> Winda Indah Wardani, "How Can the Law Protect the Forest?," *Journal of Law and Legal Reform* 2, no. 4 (2021): 527–38, <https://doi.org/10.15294/jllr.v2i4.48757>.

<sup>21</sup> Guntur Hamzah & Ria Mardiana, *Birokrasi Modern, Hakikat, Teori Dan Praktik* (Depok: PT. Raja Grafindo Persada, 2021), p.1-22. Also read Wicipito Setiadi, *Arti Penting lembaga-lembaga Hukum di Indonesia Dalam Merespon Perubahan sosial*, on Dinal fedrian & Elza Faiz *Dialektika Pembaharuan Sistem Hukum Indonesia* (Jakarta: Komisi Yudisial RI ,2012), p. 45-59, aslo see Henry Campbell Black, *Black's Law Dictionary* ST Pul,Minm, Organization. As term is used in commercial law, includes a corporation, government or governmental subdivision or agency, business trust, estate, trust,partnership or association, two or more persons having a joint or common interest,or any other legal or commercial entity.

occur everywhere.<sup>22</sup> This illustrates that the state has not thoughtfully managed forests properly and wisely to realize justice and community welfare;<sup>23</sup> people around the forest experience structural poverty, and forest products are still enjoyed by a group of wealthy people, and all that remains are vertical and horizontal conflicts that sacrifice a lot of the Indonesian people.<sup>24</sup>

Maintaining and caring for the forest area, with an achievement of 63 percent, certainly requires energy for regulating the forestry sector through regulations and policies.<sup>25</sup> In addition, various efficient institutions in the forestry sector are also needed.<sup>26</sup> However, until the end of 2024, lawsuits over the regulation of the forestry sector in the Constitutional Court are increasing, indicating that the forestry sector has become an economic, social, and cultural field between the community, the business world, and the government.

The Indonesian government targets managing 105.86 million hectares of forest areas from its forest area of 125.77 million hectares by 2023. This shows that the government's hard work is needed to complete the homework in determining Indonesia's forest area of 19.9 million hectares in 2024.

Indonesia's transformation from an agrarian country into an industrial and technological country has caused forests to become a business sector with great potential to increase state revenue through various taxes and other non-taxes.<sup>27</sup> However, this change has a negative impact because it implements forest management without considering

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<sup>22</sup> Otong Rosadi, *Pertambangan Dan Kebutuhan Dalam Perspektif Cita Hukum Pancasila (Dialektika Hukum Dan Keadilan Sosial)* (Yogyakarta: Thafa Media, 2012), p. 27-38.

<sup>23</sup> White Jr., "The Historical Roots of Our Ecologic Crisis."

<sup>24</sup> Elita Rahmi, *Persaingan Usaha Sehat Di Indonesia Antara Optimis Dan Pesimis* (Yogyakarta: Total Media, 2012), p. 223-225.

<sup>25</sup> Salim H.S, *Dasar-Dasar Hukum Kebutuhan* (Jakarta: Sinar Grafika, 2006), p.1-09.

<sup>26</sup> Mas Achmad Santosa, *Alam Pun Butuh Hukum & Keadilan* (Jakarta: Prima Pustaka, 2016), Also read KANOWSKI, PETER J. "Reflections on Forestry and the Forest Products Industries at the Millennium." *The Commonwealth Forestry Review* 77, no. 2 (1998): 130–35. <http://www.jstor.org/stable/42608108>.

<sup>27</sup> Nadia Astriani, et.al, *Sistem Hukum Lingkungan & Pengelolaan Sumber Daya Alam Yang Berkelanjutan (50 Tahun Dedikasi Prof.Dr.M. Daud Silalabi,S.H. Untuk Universitas Padjajaran)* (Bangung: Unpad Press, 2018), p. 17-35.



state accountability.<sup>28</sup> This is why the government, the business world, and the community should move to control forests through laws that can be the savior of humanity.<sup>29</sup>

According to the 1945 Constitution, Indonesia is a country of law and the earth. The state controls its natural resources and uses them to the greatest possible prosperity of the people.<sup>30</sup> The dogma of the constitution has also been followed up and elaborated through a *sohik* norm, namely Law Number 41 of 1999 on Forestry and Law Number 18 of 2013 on the Prevention and Eradication of Forest Destruction.<sup>31</sup> Indonesia's seriousness in protecting its forest expanse continues to be demonstrated through the development of the concept of sustainable forests, which prioritizes various regulations that regulate forestry issues, rights and obligations, and permissible and prohibited activities related to how the government provides forest protection.<sup>32</sup>

The research method used is normative juridical, which is research conceptualized through laws and regulations, in this case, related to state institutions, especially the Ministry of Forestry, after its solution with the Ministry of Environment.<sup>33</sup> Furthermore, 3 (three) approaches are used: First, the legislative approach related to the legal basis for establishing the Ministry of Forestry institution.<sup>34</sup> This approach has been adopted as the legal foundation for establishing the Ministry of Forestry.

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<sup>28</sup> Elita Rahmi, Rustian Mushawirya, and Eko Nuriyatman, "Prospektif Omnibus Law Bidang Sumber Daya Alam Omnibus Law Prospective on Natural Resources," *Bina Hukum Lingkungan* 5, no. 2 (2021): 304–18, <https://doi.org/http://dx.doi.org/10.24970/bhl.v5i2.170> PROSPEKTIF.

<sup>29</sup> Elita Rahmi, *Hukum Pertanahan Dalam Sistem Hukum Indonesia* (Bandung: Unpad Press, 2011), p.1-11.

<sup>30</sup> Elita Rahmi, *Pembuktian Sertipikat Tanah (Kapita Selektia Hukum Agraria)* (Jakarta: Pentas Grafika, 2023), p.2-20.

<sup>31</sup> Elita Rahmi, "Legal Certainly of Land Registration towards Sustainable National Development," *International Journal of Recent Technology and Engineering* 8, no. 2 Special Issue 9 (2019): 240–44, <https://doi.org/10.35940/ijrte.B1053.0982S919>.

<sup>32</sup> Elita Rahmi. et.al, "POLICY TO ESTABLISH A LAND BANK CHALLENGES TO THE ACCELERATION OF DEVELOPMENT" XI, no. 4 (2023): 240–41, <https://www.russianlawjournal.org/index.php/journal/article/view/2362>.

<sup>33</sup> Irwansyah, *Penelitian Hukum: Pilihan Metode Dan Praktik Penulisan Artikel*, ed. Ahsan Yunis (Makassar: Mirra Buana Media, 2020), p. 30-40.

<sup>34</sup> Bahder Johan Nasution, *Metode Peneltian Hukum*, ed. Team Maju Mandar (Bandung: CV. Mandar Maju, 2016), p.45-49.

Second: The conceptual approach, which assesses several concepts, views, or opinions put forward by legal experts regarding regulations related to state institutions and modern bureaucracy developed to maximize the functions of state ministries in forestry affairs in Indonesia.<sup>35</sup> This conceptual approach serves as the philosophical foundation for an in-depth examination of the Ministry of Forestry's existence as a state and governmental entity responsible for protecting and managing forests for past, present, and future generations.

Third: Historical Approach, which examines the background of the Ministry of Forestry, which has been integrated with the Ministry of Environment in Indonesia for the last ten (10) years. This institution is always up and down between independent institutions and collaboration with other institutions.<sup>36</sup> The historical approach is essential in examining the sociological aspects, as it helps raise awareness of the social responsibilities that have been shaped and embedded within the structure of national and state life.

## **A. Dynamics of the Development of the Ministry of Forestry in Indonesia on Philosophical Studies**

Since the Working Cabinet and the Indonesia Maju Cabinet, or at least 10 years, namely 2014-2024, the Ministry of Environment and Forestry has been united during the administration of President Joko Widodo, which in 2024 will be separated from its respective ministries. Philosophically, this implies that forests are not vacant lands, but a grand home for human existence, which the government should centrally manage as a moral investment that upholds the dignity of non-human beings.

The pros and cons of this separation develop in such a way that the pros are divided by their views, which will be more optimal and focus on the duties of each con, with the view that there will be a lot of overlapping authority and hindering the government bureaucracy.

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<sup>35</sup> Peter Mahmud Marzuki, *Penelitian Hukum*, ed. Suwito, Edisi Revi (Surabaya: Prenadamedia Group (Divisi Kencana), 2015), p. 12-19.

<sup>36</sup> Irwansyah, *Penelitian Hukum: Pilihan Metode Dan Praktik Penulisan Artikel*, p.19-25.

Since the position of the Dutch East Indies Government, it can be seen that there has been a long dynamic in the formation of regulations in the field of forestry. Forests store potential natural resources, so forestry problems cannot be separated from the problems of flora, fauna, and other living things found in a forest area, which are mutually symbiotic.<sup>37</sup>

The institutional development of the Ministry of Forestry in Indonesia, which has been 41 (forty-one) until now (1983-2024), can be seen as follows: (1) Ministry of Forestry (1983-1998), (2). Department of Forestry and Plantations (1998–2000), (3). Department of Forestry (2001–2009), (4). Ministry of Forestry (2009–2014), (5). Ministry of Environment and Forestry (2014–2024), (6). Ministry of Forestry (2024 – present). According to Ahlu, there are several functions of the Ministry of Forestry, namely:

1. Formulation, determination, and implementation of policies in the field of consolidation of forest areas and conservation management of natural resources and their ecosystems, increasing the carrying capacity of watersheds and forest rehabilitation, sustainable forest management, increasing the competitiveness of the forest product processing industry, social forestry, as well as protection and law enforcement in the forestry sector;
2. Implementation of technical guidance and supervision on the implementation of policies in the field of consolidation of forest areas and conservation management of natural resources and their ecosystems, improvement of watershed carrying capacity and forest rehabilitation, sustainable forest management, improvement of the competitiveness of the forest product processing industry, social forestry, as well as protection and law enforcement in the forestry sector;
3. Coordination of the implementation of duties, coaching, and providing administrative support to all elements of the organization within the Ministry;

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<sup>37</sup> see Reglement 1865 yang mengatur tentang pemangkuhan hutan dan eksploitasi hutan, reglement 1874, Reglement 1897, reglement 1913, Ordonansi Hutan 1927, UU nomor 5 tahun 1967 tentang ketentua-ketentuan Pokok Kehutanan.

4. Management of property/state assets, which is the responsibility of the Ministry;
5. Supervision of the implementation of duties within the Ministry;
6. Implementation of Extension and Development of Forestry Human Resources;
7. Implementation of substantive support to all elements within the Ministry; and
8. Execution of other functions given by the President.<sup>38</sup>

Based on its functions above, the Ministry of Forestry has joined the Ministry of Plantations and the Ministry of Environment of the Republic of Indonesia.<sup>39</sup> However, over the past 10 years, the ministry was formed with the Ministry of Environment and eventually became a separate ministry through the Merah Putih Cabinet of 2024-2029. This reveals that the long journey of the Ministry of Forestry provides much new experience in organizing a ministry-level organization towards a modern organization that can minimize forestry problems in Indonesia, a fundamental issue that occurs a lot in the organizational bureaucracy, namely the institutional organization develops, but the public or the community does not feel the development, but only creates a new bureaucracy in the organizational environment where the organization It grows and is located.

Based on the eight functions of the Ministry of Forestry above for the coordination function only in function 3 (three), namely the implementation of duties, coaching, and providing administrative support to all elements of the organization within the Ministry, this shows that there needs to be clarity so that the coordination issue is sharpened so that the role of the Ministry of Forestry is not trapped in the technical problems of forestry affairs alone.

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<sup>38</sup> Nadia Astriani & Siti Sarah Afifah, *Sistem Hukum Lingkungan & Pengelolaan Sumber Daya Alam Yang Berkelanjutan (50 Tahun Dedikasi Prof.Dr.M. Daud Silalabi,S.H. Untuk Universitas Padjajaran)*, p. 17-19.

<sup>39</sup> Irfan Jamallullail, "Politics of Law in the Establishment of a National Regulatory Body: A New Direction for Legal Reform," *Journal of Law and Legal Reform* 1, no. 4 (2020): 681–90, <https://doi.org/10.15294/jllr.v1i4.39781>.

The function of the Ministry of Environment and Forestry is to carry out government affairs in the field of environment and forestry to assist the President in organizing the state government. In carrying out its duties, the Ministry of Environment and Forestry carries out the following functions: Formulation and determination of policies in the field of sustainable consolidation of forest areas and the environment, conservation management of natural resources and their ecosystems, increasing the carrying capacity of watersheds and protected forests, sustainable production forest management, increasing the competitiveness of the primary industry of forest products, improving the quality of environmental functions, control of pollution and ecological damage, control of climate change impacts, control of forest and land fires, social forestry and environmental partnerships, and reduction of disturbances, threats, and violations of laws in the field of environment and forestry;

1. Implementation of policies in the field of sustainable consolidation of forest areas and the environment, conservation management of natural resources and their ecosystems, increasing the carrying capacity of watersheds and protected forests, sustainable production forest management, increasing the competitiveness of the primary industry of forest products, improving the quality of environmental functions, controlling pollution and ecological damage, controlling climate change, controlling forest and land fires, social forestry and environmental partnerships, as well as the reduction of disturbances, threats, and violations of the law in the field of environment and forestry;
2. Coordination and synchronization of policy implementation in the field of environmental management, biodiversity management, increasing the carrying capacity of watersheds and protected forests, improving the quality of ecological functions, controlling pollution and ecological damage, controlling climate change, controlling forest and land fires, environmental partnerships, as well as reducing disturbances, threats and violations of laws in the field of environment and forestry;

3. Implementation of technical guidance and supervision on the implementation of forest area consolidation and sustainable environmental management, conservation management of natural resources and their ecosystems, increasing the carrying capacity of watersheds and protected forests, sustainable production forest management, increasing the competitiveness of the primary industry of forest products, improving the quality of environmental functions, controlling pollution and ecological damage, managing the impact of climate change, forest, and land fire control, social forestry and environmental partnerships, as well as the reduction of disturbances, threats and violations of the law in the field of environment and forestry;
4. Implementation of research, development, and innovation in the field of environment and forestry;
5. Implementation of counseling and human resource development in the field of environment and forestry;
6. Implementation of substantive support to all organizational elements within the Ministry of Environment and Forestry;
7. Coaching and providing administrative support within the Ministry of Environment and Forestry;
8. Management of state property/assets, which is the responsibility of the Ministry of Environment and Forestry, and
9. Supervise the implementation of duties within the Ministry of Environment and Forestry.<sup>40</sup>

Based on the above functions, the coordination function is only at point 2, namely coordination and synchronization of policy implementation in the field of environmental management, biodiversity management, increasing the carrying capacity of watersheds and protected forests, improving the quality of ecological functions, controlling pollution and environmental damage, controlling climate change, controlling forest and land fires, environmental partnerships,

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<sup>40</sup> Maret Priyanta, *Pengelolaan Hutan Berkelanjutan (Dalam Kerangka Pembaharuan Sistem Hukum Lingkungan Dan Tata Ruang Berbasis Perubahan Iklim)* (Bandung: Logoz Publishing, 2018), p.1-07.

and reducing disturbances, threats and violations of laws in the field of environment and forestry.

It is feared that the Ministry of Environment's function is also trapped in technical problems, only in environmental affairs. Thus, it will suffer the same fate as other ministries that have almost the same work program, and there will be a lot of overlap in existing authority.

The 46-year-old Ministry of Environment in Indonesia is also not very significant in its development. Damage and pollution continue to occur, including uncontrollable climate change.<sup>41</sup> In addition, the problem also lies in the local wisdom that is pawned, in the form of structural poverty.<sup>42</sup> The above environmental and institutional history also indicates that a practical coordination function is necessary to maximize the ecological sector's role in achieving a modern bureaucracy that is widely recognized and felt by many people.

Criticism of the ministry above: There needs to be an evaluation to reduce the bureaucracy of the two institutions and combine them again in the context of the efficiency and effectiveness of the budget and bureaucracy. This is now greatly helped by the existence of modern communication and information that can be accessed by the wider community, based on theories including the analogy of organization in the legal system.<sup>43</sup> Thus, the two ministries can be reunited because their vision, mission, and responsibilities are similar.

## **B. The Organizational Structure of the Ministry of Forestry Across 3 (Three) Indonesian Cabinets: a Juridical-Institutional Perspective**

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<sup>41</sup> Maret Priyanta, *Pengelolaan Hutan Berkelanjutan (Dalam Kerangka Pembaharuan Sistem Hukum Lingkungan Dan Tata Ruang Bebas Perubahan Iklim)* (Bandung: Logoz Publishing, 2018), p.1-07.

<sup>42</sup> Sudirman, Dede Wiliam, and Siân McGrath, "Public Participation in Local Forestry Policy-Making after Decentralization: Uncertainties, Challenges and Expectations in Tanjung Jabung Barat District, Jambi Province," *Decentralisation Brief*, no. 3 (2004): 1–7, <https://doi.org/https://doi.org/10.17528/cifor/001675>.

<sup>43</sup> Lili Rasjidi & IB Wayasa Putra, *Hukum Sebagai Suatu Sistem* (Bandung: Mandar Maju, 2003), p.17-25.

Based on Presidential Regulation Number 175 of 2024 on the Ministry of Forestry of Merah Putih Cabinets of 2024-2029, Presidential Regulation Number 92 of 2020 on the Ministry of Environment and Forestry for the 2019-2024 Advanced Indonesia Cabinet Period, and Presidential Regulation Number 16 of 2015 on the Ministry of Environment and Forestry for the Working Cabinet Period (2014-2019), the structure of the organization nation structure of the Ministry of Forestry is as follows:

| No | Ministry of Forestry<br>Merah Putih<br>Cabinet 2024 - 2029                      | Ministry of Forestry,<br>Advanced Indonesia<br>Cabinet 2019 - 2024                 | Ministry of Forestry<br>Working Cabinet<br>2014 - 2019                          |
|----|---|--|---|
| 1. | Minister,<br>Deputy Minister  | Minister,<br>Deputy Minister   | Minister,<br>Deputy Minister  |
| 2. | Secretary-general   | Secretary-general  | Secretary-general   |
| 3. | There are 6 Directors<br>General:   | There are 9 Directors<br>General:  | There are 9 Directors<br>General:   |
| a. | Director General of<br>Forestry<br>Planatology;                                 | a. Director General of<br>Forestry Planning<br>and Environmental<br>Management     | a. Director General of<br>Forestry Planning and<br>Environmental<br>Management; |
| b. | Director General of<br>Watershed<br>Management and<br>Forest<br>Rehabilitation; | b. Director General of<br>Natural Resources<br>and Ecosystem<br>Conservation;      | b. Director General of<br>Natural Resources and<br>Ecosystem<br>Conservation;   |
| c. | Director General of<br>Natural Resources<br>and Ecosystem<br>Conservation;      | c. Director General of<br>Watershed<br>Management and<br>Forest<br>Rehabilitation; | c. Director General of<br>Watershed and<br>Protected Forest<br>Management;      |
| d. | Director General of<br>Sustainable Forest<br>Management;                        | d. Director General of<br>Sustainable Forest<br>Management;                        | d. Director General of<br>Sustainable<br>Production Forest<br>Management;       |
| e. | Director General of<br>Social Forestry; and                                     | e. Director General of<br>Environmental<br>Pollution and<br>Damage<br>Management;  | e. Director General of<br>Pollution Control and<br>Environmental<br>Damage;     |
| f. | Director General of<br>Forestry Law<br>Enforcement;                             | f. Director General of<br>Waste Management,<br>Waste and B-3;                      | f. Director General of<br>Waste Management,<br>Waste and B-3;                   |



|    |   |  |  |
|----|---|--|--|
|    |   | g. Director General of Climate Change Control;   | g. Director General of Climate Change Control;   |
|    |   | h. Director General of Social Forestry and Environmental Partnerships; and   | h. Director General of Social Forestry and Environmental Partnerships; and   |
|    |   | i. Director General of Environmental and Forestry Law Enforcement.   | i. Director General of Environmental and Forestry Law Enforcement.   |
| 4. | Inspectorate General  | Inspectorate General   | Inspectorate General   |
| 5  | It is in the form of a Body, and there is one body, namely, the Human Resources Extension and Development Agency.   | In the form of a body, there are two bodies, namely:<br>a. Extension and Human Resources Development Agency; and<br>b. Environmental and Forestry Instrument Standardization Agency.   | Body-shaped, and there are 2 bodies, namely:<br>a. Extension and Human Resources Development Agency; and<br>b. Research, Development and Innovation Agency.  |
| 6. | Expert Staff 3 people<br>a. Expert Staff in the Field of International Economics and Trade;<br>b. Expert Staff in the Field of Climate Change; and<br>c. Expert Staff in the Field of Inter-agency Relations; | Expert Staff 5 people<br>a. Expert Staff in the field of relations between central and regional institutions;<br>b. Expert Staff in the Field of Industry and International Trade;<br>c. Expert Staff in the field of energy;<br>d. Expert Staff in the field of Natural Resources Economics; and<br>e. Expert Staff in the Food Sector. | Expert Staff 5 people<br>a. Expert Staff in the field of relations between central and regional institutions;<br>b. Expert Staff in the Field of Industry and International Trade;<br>c. Expert Staff in the field of energy;<br>d. Expert Staff in the field of Natural Resources Economics; and<br>e. Expert Staff in the Food Sector. |
|    | Total:<br>9 Directors General, 1 Agency, and 3 Expert Staff   | Total:<br>6 Directors General, 2 Agencies, and 5 Expert Staff  | Total:<br>9 Directors General, 2 Agencies, and 5 Expert Staff  |

Based on the above comparison, the Ministry of Forestry during the working cabinet and the Indonesia Maju cabinet were more effective and efficient, and bureaucracy was simplified compared to the period of the Merah Putih cabinet in 2024-2029.

The composition of the positions formed was during the Red and White Cabinet period there were Ministers, Deputy Ministers, Secretary General, Inspectorate General and nine directors general plus 1 agency and 3 expert staff, while previously by attaching two ministries only needed ministers, deputy ministers, secretary general, inspectorate General and 6 Directors General in the form of agencies and five expert staff more efficiently than the previous year with the composition of ministers, Deputy Ministers, Secretary General, Inspectorate General and 9 Directors General plus 2 Agencies and five expert staff. This means that during the Advanced Indonesia Cabinet period, the efficiency of positions was more significant than before, namely the work cabinet and now the red and white cabinet.

Based on the positions mentioned above, there is a need for an evaluation of the Ministry of Forestry to be able to be reunited with the Ministry of Living Forests, which, judging from its establishment, is also more mature than the Ministry of Forestry in Indonesia, because the Ministry of Environment was formed long before the Ministry of Forestry and more principled is how forests become a magnet for the environment, not as a place to drain natural resources by groups While the social factor is that the community around the forest remains poor, so it only gives birth to structural poverty.

### **C. Priority Programs of the Ministry of Forestry Towards Good Governance in Development in Indonesia**

The Merah Putih Cabinet for 2024-2029, through Minister Raja Juli Antoni and Deputy Minister of Forestry Hanif Faisol Nurofiq has faced quite severe challenges in the Forestry sector in particular and the environment in general, including climate change issues, related to local, national and global forestry, namely biodiversity and deforestation

policies, public legal awareness and local wisdom as well as national development demands, in ecological crises.

Indonesia's population continues to increase. Data from the Central Statistics Agency reveals that by 2025, the population will reach 284.44 million, the highest number of 4 (four) globally after India, China, the United States, and Indonesia. The above conditions result in an uncontrolled shift in forest functions, so a good governance system is needed as an eco-trilogy Development Policy in Indonesia.

The influence of policies and actions of legal subjects that are not in line with nature results from modern humans experiencing sectoral egos in their minds. Therefore, it is necessary to have a pressure point for government policies that uphold spiritual values through religious teachings and formal and non-formal education, as well as the Policy at the Ministry of Religion through 8 programs, one of which is Strengthening Ecotheology (related to environmental preservation and the importance of caring for the earth. Religion is very rich in environmental conservation values. In Islam, the concept of the caliphate must be understood, and nature must be preserved. Tri Hita Karana's teachings are in Hinduism and Laudato in Catholicism).

The Ecotheology policy above, for example, in the ministry of religion, can take the form of an obligation for each bride-to-be couple who will hold a wedding by being required to plant 2 trees. So that if in a day there are around 500 (five hundred) people who get married through the state (in this case, the Office of Religious Affairs) in every sub-district throughout Indonesia, then every day there will be a minimum of 1000 (thousand) tree trunks. Within one year, there are around 12,000 trees, which is a form of reviving a good and healthy environment and saving future generations.

Ministerial programs outside the Ministry of Forestry that focus on ecotheology issues can be challenging for the forestry ministry to synergize with other ministries. The design of Ecotheology Policy is the highlight of the Ministry's tasks, which are quite modern, such as forestry governance related to public participation, transparency, and so on.

Forestry Ecotheology Policy with good governance design in Indonesia as a challenge for the Red and White Cabinet in translating green policies, or popularly known as the Green Constitution, because

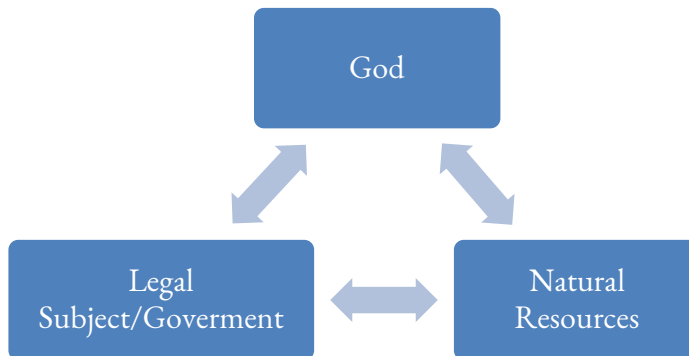
Ecotheology has been widely translated in various kinds of government regulations and policies through cabinets and departments formed in the government system. These green regulations and policies have not shown a good and healthy living environment, and are marked by large environmental problems that continue to be damaged and polluted, so the quality of life of Indonesian people has not been maximized. A weak government in implementing environmental policies, especially in caring for forests, will always be low in civilization, because the materialistic mindset has developed far in the thinking and actions of state administrators. On the other hand, development is positively correlated with a decline in the quality of the living environment in the form of ecological deficits, this is characterized by uncontrolled natural disasters, such as floods in Jambi, landslide, broken roads in West Sumatra, earthquakes, water crises all caused by humans and policies that do not favor environmental ecology including forests with all natural resources owned.

The government's policy in providing awareness of the importance of caring for forests, so that Environmentalists think through a religious approach and various indigenous tribal traditions, such as Lubuk Larangan, customary forests and traditions of offering to nature, as a form of the basis of environmental conservation ethics is well embedded in the daily life of the community. The value of local wisdom has not been able to color the change in the mindset of state policies, so that legal awareness of protecting and caring for existing nature and forests is an obligation.

The ecological crisis requires the government also to involve religious people, be it kyais, ustad, pastors, priests, nuns, community leaders, and other political infrastructure to coordinate with each other to organize a movement to change the mindset towards forests and various good and healthy environmental issues to save an integrated ecological system. Local wisdom that has grown for a long time in the community has given birth to indigenous tribes who are comfortable living in the forest, including the Suku Anak Dalam Tribe (SAD) in Jambi, the Talang Mamak Tribe, an indigenous community that settles and lives in Tebo Jambi district whose livelihood depends on forest resources.

God Almighty created human community creatures that live in the forest, so the author often refers to them as the forest police, presented by Allah SWT to protect and care for the forest with all its advantages. They have a spell and are associated with various activities and signs of life in the forest, so local and state governments need protection in national development.

Policies that favor nature through the general principles of good governance need to be designed in a new way to determine development programs in each existing department. So that the green movement is together through the ecotheology paradigm, namely God, Man, and Nature, as follows:



The ecotheology above gives an idea that the rotation of the three axes above exerts an influence through a perspective in favor of forest/natural resources that are large enough to determine the direction of development. This means that the subject of law, namely humans and legal entities such as the government, provides action and guidance through community participation, always prioritizing nature and its salvation from various ecological crises that continue to increase. The above ecotheology can also be found in the considerations of the Law in the field of forestry and the Law in the field of the environment, as in Law Number 41 of 1999 aspect of considering "that forests, as a gift and grace of God Almighty bestowed upon the Indonesian nation, are wealth controlled by the state, providing versatile benefits for mankind.

Based on the above ecotheology, the role of Legal Subjects, namely Humans and Legal entities and the government that controls them, is led

and driven by the government through various regulations and policies as well as the legal awareness of the Community in realizing Sustainable forests, sustainable forests and civilized forests in the movement of the general principles of good governance, as regulated in various regulations and habits of the community to be simultaneous with the government's real actions in carry out Development. The general principles of good governance can be seen including the principle of legal certainty, the principle of balance, the principle of acting carefully, the principle of motivation for every decision of a government body, the principle of not to abuse authority, the principle of equality in decision-making, the principle of fair play, the principle of justice or fairness, the principle of responding to reasonable rewards, the principle of negating the consequences of a null decision and the principle of protection of personal views. Some add the principle of wisdom and the principle of implementing the public interest. Contrast Law Number 9 of 2004 with Law Number 51 of 2009 on PTUN Article 53 paragraph 2 letter b, that one of the reasons that can be used as a basis for a lawsuit is that the administrative integrity that is being sued is contrary to the general principles of good governance, namely the principle of legal certainty, the principle of order in the administration of the state, the principle of openness, the principle of proportionality and the principle of professionalism and accountability.

Based on the above expert opinions and legislation about ecology, the priority policy of the forestry sector in the Red and White Cabinets is challenging for the independent Ministry of Forestry in developing the forestry sector in Indonesia. As a very strategic Ministry, because it has the authority to control forests as one of the vast expanses of nature, the Ministry of Forestry sets priority policies to follow up on the desired development achievement programs, where Indonesia can become the world's lungs.

In the Merah Putih Cabinet, 5 programs are programmed, namely

1. Digitization of Services, Transparency, accountability, effectiveness, and efficiency of governance;
2. Equitable forest management;
3. Forests as a source of food self-sufficiency;
4. protecting Indonesia's forests as the lungs of the world; and

### 5. Indonesia: One map (one map Policy).

Based on the program priorities above, it can be said that the priorities of the work program of the Ministry of Forestry of the Republic of Indonesia are quite strategic, namely regarding transparency, accountability, effectiveness, and efficiency of governance. This is because it will be related to the proper use of forests and equitable forest control, requiring the right policies. So, the mastery of good governance, both the central government, the provincial government, and the city district government, really needs the right vision, mission, and strategy. In the strategy of equitable forest management, preventive and repressive actions are needed with legal certainty, justice, and the right legal benefits, so that the use of forests must be in the philosophy of ecotheology, that forests are the gift of God Almighty, so their use must be right on target.

As a source of food self-sufficiency, the forest program requires the right policies and good supervision, especially since the government has also opened a social forestry program. Where the government program sustainably manages forests because it realizes the welfare of the community under the auspices of the state forest area or rights/customary forest with 5 schemes, namely:

1. Rural Forest;
2. Community Forest;
3. Folk Plantation Forest;
4. Customary Forests; and
5. Partnership.

The program to protect Indonesia's forests as the lungs of the world is a government program that will have a wide impact on global problems.<sup>44</sup> The Red and White Cabinet in the forestry sector must learn from other countries that have successfully built synergy across sectors, especially in environmental and forestry. With strong coordination between the Red and White Cabinet ministries, it is hoped that the sustainable development program in Indonesia will be stronger and have a wider impact. The forestry ministry must realize that the damaged and

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<sup>44</sup> Arief Ryadi and Ali Masyhar, "Forest Fires and Law Enforcement: The Capture of Indonesian Contemporary Condition," *Journal of Law and Legal Reform* 2, no. 1 (2021): 39–50, <https://doi.org/10.15294/jllr.v2i1.42723>.

polluted environmental conditions that have caused this climate crisis are not only limited to environmental aspects, but also concern various other aspects of life, including economic, political, and social. Hence, coordination is indispensable.

Indonesia's One Map Policy is also a priority program that requires advanced technology and information, which must be described as short-term, medium-term, and long-term programs. The design of good governance in the forestry sector, seen in Law Number 41 of 1999 on Forestry, is regulated on the principles, forestry principles, and objectives mentioned in the principles of forestry based on benefits, sustainable principles, principles of people, justice, togetherness, openness, and integration.

The Ministry of Forestry needs to accelerate the Multi-Sector Collaboration for Sustainable Development. One of the biggest challenges in running this program is to keep collaboration between sectors unfragmented. The sectors involved in sustainable development often work separately, so they do not achieve optimal synergy. The Merah Putih Cabinet for 2024-2029 must also ensure that all parties work together to achieve the 17 SDGs. Collaboration in all Ministries, especially at the Ministry of Environment, must be well established, not only at the central level, but also at the local and community levels. In this case, the role of local governments is very important in implementing policies that align with national programs. The Public Participation Space in the forestry sector is important and even very decisive, at least in the short-term program of the first year, it must provide a very wide space for the community to be involved in decision-making related to forestry policy. Among them is opening direct communication channels between the community, community leaders, and the government.

The Ministry of Forestry should launch a special complaint center or call center that the public can access to convey ideas, criticisms, and suggestions. What is needed for the community is that forests are related to the economic, social, and cultural sectors. This call center must be able to handle the aspirations of the community quickly and efficiently, so that the policies taken by the government truly reflect the needs of the community. These communication channels can also be used to monitor policy implementation on the ground and serve as a medium for



communities to report on issues related to the forestry sector, such as illegal logging, pollution, and forest destruction.

**D. Reinforcing the Sociological Dimension of Coordination as a Feature of Modern Bureaucracy in the Merah Putih Cabinet**

Reinforcing the Sociological Dimension of Coordination as a Feature of Modern Bureaucracy in the Merah Putih Cabinet.

The position of the Minister of Forestry within the Scope of the Coordinating Minister can be explained in the following table:

| No | Ministry of Forestry<br>“Merah Putih”<br>Cabinet 2024 - 2029  | Ministry of Forestry,<br>Advanced Indonesia<br>Cabinet 2019 - 2024  | Ministry of Forestry<br>Working Cabinet<br>2014 - 2019  |
|----|---|---|---|
| 1. | The Coordinating Minister for Food coordinates <sup>45</sup>  | The Coordinating Minister for Maritime Affairs and Investment coordinates <sup>46</sup>   | Coordinating Minister for Economic Affairs <sup>47</sup>  |
| 2. | Ministry of Agriculture, Forestry, Marine Affairs, and Fisheries, Ministry of Environment/Environmental Control Agency, National Food Agency, National Nutrition Agency | Ministry of Energy and Mineral Resources, Ministry of Public Works and Public Housing, Ministry of Transportation, Ministry of Environment and Forestry, Ministry of Marine Affairs and | Ministry of Finance, Ministry of Manpower, Ministry of Industry, Ministry of Trade, Ministry of Public Works and Public Housing, Ministry of Agriculture, Ministry of Life and Forestry, Ministry of Agrarian and |

<sup>45</sup> Article 30 of Presidential Regulation Number 139 of 2024 on the arrangement of the Duties and Functions of State ministries of the Red and White Cabinet for the 2024-2029 Period states that the coordinating minister for food coordinates one of the ministries of forestry.

<sup>46</sup> Article 9 of Presidential Regulation Number 67 of 2019 on the Arrangement of the Duties and Functions of the State Ministries of the Advanced Indonesia Cabinet for the 2019-2024 Period, signed by President Joko Widodo on October 23, 2019, states that the coordinating minister for Maritime Affairs and investment coordinates one of the ministries: the Environment of Life and Forestry.

<sup>47</sup> Article 13 of Presidential Regulation Number 165 of 2014 on the Arrangement of Duties and Functions of the Work Cabinet.

|    |   |  |
|----|---|--|
|    | Fisheries, Ministry of Tourism and Creative Economy/Tourism and Creative Economy Agency | Spatial Planning/National Land Agency, Ministry of State-Owned Enterprises, Ministry of Cooperatives and Small and Medium Enterprises and other agencies deemed necessary. |
| 3. | Inspectorate General  | Inspectorate General   |

Based on the 3 (three) cabinets above, it can be seen that the position of the Ministry of Forestry is in different coordinating ministers during the working cabinet period: the coordinating minister for economic affairs and in the Indonesia Maju cabinet, the coordinating minister for investment and the Red Putih cabinet is in the Minister of Food Coordination, this indicates 4 (four) important things:

- a. The placement of the coordinating minister of the Forestry Ministry is always changing
- b. There has been no systematic and structured arrangement of cabinet duties and functions with in-depth studies
- c. The relationship between the coordinating minister and the coordination function between existing ministries does not yet reflect innovative, productive, and mutually coordinated performance
- d. As a modern organization, it strengthens the relationship between the coordinating minister and the ministers performing coordination duties by providing sufficient and coordinated data support.

The existence of Law 41 of 1999 contains 17 Chapters and 84 articles, with the structure of the content material as follows:

| Basic Structure                            |  | Core structure   | Law Enforcement Structure  |
|--|--|--|----------------------------|
| General Provisions (Article 1 – Article 4) |  | Research and Development, Education and Training, and Forestry Extension (Article 52 – Article 65) | Investigation (Article 77) |

|  |   |  |
|--|---|--|
| Status and Function of Forests (Article 5 – Article 9) | Supervision   | Criminal Provisions (Articles 78 – 79)                 |
| Forest Management (Article 10)                         | Assignment of Authority (Article 66 – Article 41)     | Compensation and Administrative Sanctions (Article 80) |
| Forestry Planning (Article 11 – Article 20)            | Customary Law Communities (Article 67)                | Transitional Provisions (Article 81 – Article 82)      |
| Forest Management (Article 21 – Article 51)            | Community Participation (Article 68 – Article 69)     | Closing Provisions (Article 83 – Article 84)           |
|  | Representative Lawsuit (Article 71 – Article 73)      |  |
|  | Forestry Dispute Settlement (Article 74 – Article 76) |  |

The structure of the content material above is more integrative because it contains new things that have not previously been regulated through Law No. 5 of 1976 on Forestry, including the issue of representative lawsuits.

Fourteen years later, Law Number 18 of 2013 was also stipulated on the Prevention and Eradication of Forest Destruction. The two laws are the heartbeat for the state, government, business world, and government in utilizing forests in various sectors, be it economic, social, and cultural, as well as defense and security.

Utilizing forests is certainly also inseparable from laws in other fields, be it the law in the field of the environment as regulated in Law Number 32 of 2009 on Environmental Protection and Management, which was previously regulated by Law 23 of 1997 on Environmental Protection and Management and previously began with Law 4 of 1982. What also determines the problem in the forestry sector is the existence of Law Number 32 of 2024, Amendments to Law Number 5 of 1990 on the Conservation of Biological Natural Resources and Their Ecosystems.

It is understood that forest resources that are not only in a land position but also water must also refer to Law Number 1 of 2014 Amendments to Law Number 27 of 2007 on the Management of Coastal Areas and Small Islands and various other laws that are attached to the

issues of Forestry, Waters, Mining, and various types of solid, liquid, and gas objects attached to forests with all their potential.

The development of forestry law towards the legal use of other natural resources is uncontrolled, so it impacts environmental risks that continue to utilize forests in all their dimensions, be it natural resources found on the earth's surface, the earth's body, or various natural resources found on the planet.

The above law has also given birth to other sources of law, be it in the form of MPR Decrees, Laws/Perpu, Government Regulations, Presidential Regulations, Provincial Regional Regulations, and Regency/City Regional Regulations. The hierarchy still refers to the principle of clarity of purpose, the principle of the right institution or organ, the principle of suitability between the type and material of the content, the principle of practicability, the principle of usefulness and effectiveness, the principle of clarity of formulation, and the principle of openness.

The introductory provisions in making sound, harmonious, and coordinated regulations turn out to be in the level of implementation that cause many legal problems, including norm conflicts, ambiguity of norms, and even not infrequently, some agencies feel that there is still a void in norms, so that every organ formed by the state, government, and even non-government forms rules and regulations related to forestry issues that are so complex. As is happening, there is a lawsuit against Government Regulation No. 23 of 2021 on the Forestry Administration. The problem of regulating the forestry sector in Indonesia is multi-sectoral, so overlaps and conflicts between regulations are issues that cause the forestry sector to be challenging to coordinate appropriately. This impacts the institutional sector, which continues to grow and develop in line with Indonesia's political and economic problems, which continue to evolve in line with global developments.

In an Indonesian state system, 2 (two) forms of government greatly influence the forestry sector's institutions, namely the central government and local governments (Provincial Government and Regency/City Government). The two government positions have the authority to regulate and manage their government by the principles contained in Article 33 of the 1945 Constitution and the Local Government Law with autonomy owned by the regions, both provincial

governments and city/district governments, which also issue many permits for all kinds of purposes but are often poorly supervised.

The newly formed cabinet in 2024, popularly known as the Merah Putih cabinet under President Prabowo, has been divided into several ministries. So the number of ministers is 48 (forty-eight), plus 5 (five) heads of agencies and deputy ministers, with as many as 56 (fifty-six) people. If totaled, the total is 109 (One hundred and nine) people. It can be predicted that the ministry's regulations and policies will grow in the government administration in the future.<sup>48</sup>

For the forestry department, the institutional development in the Merah Putih cabinet is divided into 2, namely the Ministry of Environment/Environmental Control Agency and the Ministry of Forestry, as regulated in Presidential Regulation Number 140 of 2014 on the organization of State Ministries.

Between the Ministry of Environment and Forestry, there are different Coordinating Ministers. The Ministry of Environment is included in Group III, which is related to government affairs in the context of sharpening, coordinating, and synchronizing programs. In contrast, the Ministry of Forestry is included in Category II, which handles government affairs within the scope regulated by the 1945 Constitution. Thus, the Minister of Environment and the Ministry of Forestry are different coordinating ministers, so this will impact the authority and actions of the government that are not coordinated between forestry and the environment, as forests in Indonesia have experienced issues with sustainability.

Forestry institutional phenomena in Indonesia include the Ministry of Forestry from 1983 to 1998, which changed to the Department of Forestry and Plantations for about one year, and then was renamed the Department of Forestry from 2005 to 2014. Then it changed back to the Ministry of Forestry, and since 2014, it has also changed to the Ministry of Environment and Forestry, and now, since 2024, it has been the Ministry of Forestry.

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<sup>48</sup> Presidential Regulation Number 139 of 2024 on the Arrangement of the Duties and Functions of State Ministries of the Red and White Cabinet for the Year 2024-2029 and Presidential Decree of the Republic of Indonesia Number 133/P of 2024 on the Establishment of State Ministries and the Appointment of Ministers of Negara in the Merah Putih Cabinet for the Period of 2024-2029.

The ebb and flow of the change in the name of the Ministry of Forestry above indicates that the state is still looking for a form that will bring the forestry sector closer to other problems. Whether as an independent agency or joining other ministries, as has been experienced, the forestry ministry is closer to the scope of the Ministry of Plantations and Environment.

According to the author, the Ministry of Forestry is not independent. Still, it is part of other ministries, called the Ministry of Forestry and Natural Resources and Environment. This arrangement maximizes coordination between related departments and monitors coordination more intensively, especially regarding natural resource licensing policies.

The Ministry of Forestry exists and has the main functions of Formulating, determining, and implementing policies for forest area consolidation and conservation management of natural resources and their ecosystems, increasing regional carrying capacity.

Since Law Number 41 of 1999 on Forestry accommodates representative lawsuits (class actions) as stipulated in Chapter XI, articles 71-73, the article provides space for the formation of various institutions that focus on forestry and environmental issues that supervise government actions in planning, management, and management of the forestry sector, as well as research, development, education, and training to counseling, supervision, delegation of authority, customary law communities, community participation, has given birth to many informal institutions formed by parties concerned with the problem of corruption forestry and environment.

### **E. Prospective Sustainable Forests in Indonesia in Modern Bureaucracy**

Various regulations and policies in forestry and formal and non-formal institutions formed by the state, government, and community have not been significant, with forest destruction continuing to increase.<sup>49</sup> This indicates that Indonesia's forests are not doing well. Climate change, environmental damage, and pollution continue to grow,

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<sup>49</sup> Waspiah et al., "Law Reform in Corporate Criminalization in Environmental Damage Cases in Indonesia."

showing that our forestry sector is experiencing uncontrollable legal degradation. On the other hand, efforts to create sustainable forests continue to be carried out by improving and perfecting the central institution. This ministry exercises the primary authority in forest management in Indonesia.

The responsibility of realizing sustainable forests through various legal instruments is a progressive step. However, due to the many regulations and institutions that manage forestry issues, forest problems face weak law enforcement. So, the forestry sector's certainty, justice, and legal benefits are still very uncontrollable. Sustainable forests will be able to support national development because they will significantly influence the prosperity and welfare of the community, both directly and indirectly.<sup>50</sup>

The instruments in realizing forest conservation with all their functions in the form of a flow chart are described as follows:



The protection function refers to many things, including ecosystems that maintain the stability of the natural environment, water circulation, rainfall, air circulation, temperature, global and microclimates, and soil erosion.<sup>51</sup> In terms of productive function, the forest function can produce many products to generate income for the country, such as raw wood materials, forest fruits, mushrooms, and various other types of plants.<sup>52</sup>

<sup>50</sup> Atty Genald Malvas Valones and Ulil Albab Junaedi, "Urban Green Space Policy Reform in Indonesia: Breathing in the Middle of Development," *Journal of Law and Legal Reform* 04, no. 02 (2023): 183–210, <https://doi.org/https://doi.org/10.15294/jllr.v4i2.66228>.

<sup>51</sup> Hans Joosten, Marja-Liisa Tapio-Biström, and Susanna Tol, *Peatlands – Guidance for Climate Changes Mitigation through Conservation, Rehabilitation and Sustainable Use* (Rome: the Food and Agriculture Organization of the United Nations and Wetlands International, 2012).

<sup>52</sup> K. F. Wiersum, *SOCIAL FORESTRY: CHANGING PERSPECTIVES IN FORESTRY SCIENCE OR PRACTICE?* (Wageningen: Landbouwniversiteit Wageningen, 1999).

In Social Functions, forests create an environment that supports community health and recreation, increases the labor market, and increases environmental and cultural awareness.<sup>53</sup> Measuring the economic value of forests' non-productive functions is very difficult. However, it is generally agreed that the aggregate value far exceeds the value of their productive function. Forests also contain various forms of life, so it is essential for living things to always maintain the forest's preservation.<sup>54</sup>

As living beings who directly experience the benefits of forests, they should be more sensitive to maintaining forest sustainability. The function of forests is certainly not only as an oxygen provider. The manifestations of the three forest functions above in sustainable forest efforts include the following:

1. Reforestation is the activity of reforestation or the reforestation of deforested forests. It is one of the efforts to preserve forests. Damaged forests can return to their former glory and benefit the Earth.;
2. Prohibition of Indiscriminate Deforestation: Illegal deforestation can damage forests. The government can make preventive efforts by making government regulations to protect forest areas. In addition, the government can also create a campaign that encourages and educates the community not to cut down forests indiscriminately.
3. Implementing a Selective Cutting System: Selective cutting is a method of removal that only selects old enough trees with a sufficiently high diameter. Trees that are dying, about to collapse, or already dead can also be cut down so that young trees can still grow and develop and keep the forest sustainable.
4. Implementing a Cropping System: The selective felling system should be continued with a cropping system. Every tree cut down is replaced with a new shoot, which will grow into a new tree later. This will preserve the forest and

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<sup>53</sup> Winda Indah Wardani, "How Can the Law Protect the Forest?," *Journal of Law and Legal Reform* 2, no. 4 (2021): 527–538, <https://doi.org/10.15294/jllr.v2i4.48757>.

<sup>54</sup> Ryadi and Masyhar, "Forest Fires and Law Enforcement: The Capture of Indonesian Contemporary Condition."



5. Providing heavy sanctions for forest destroyers. Illegal tree felling is still one of the major problems that has not been resolved. The number of people who cut down trees carelessly can damage forests. By providing heavy sanctions, illegal loggers will be deterred.

Based on the functions and efforts of forest conservation above, the state and government regulate issue policies and manage and supervise forest problems in Indonesia. These functions cannot be separated from the environmental function as regulated based on Law Number 32 of 2009 on Environmental Protection and Management, which was previously through Law 23 of 1997 on Environmental Protection and Management and began with Law 4 of 1982), and Law Number 32 of 2024 Amendments to Law Number 5 of 1990 on the Conservation of Biological Natural Resources and Their Ecosystems.

The government's latest policy is also through social forestry, which is based on the Omnibus Law, followed by the Regulation of the Minister of Environment and Forestry Number 9 of 2021 on the Management of Social Forests. It is intended to improve the people's economic sector to become prosperous and, on the other hand, to realize sustainable forests for future generations. This means that the implementation of social forestry is determined through the relationship between the central and regional governments (provinces and districts) in dividing authority related to forest resources as stipulated in Article 18A of the 1945 Constitution.

Modern organizations in the Indonesian state order certainly cannot be separated from the values that have lived for a long time amid society, in fact it has become part of the habits of the Indonesian people through the values of Pancasila<sup>55</sup>, especially the values of local wisdom<sup>56</sup>, and even tribes that live in the forest have been formed in a settled manner, including isolated tribes or popularly known as the Suku Anak

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<sup>55</sup> Ridwan Arifin et al., "Pancasila Values in the New Indonesian Criminal Code: Does the Code More Humanist?," *Journal of Law and Legal Reform* 04, no. 04 (2023): 597–618, <https://doi.org/https://doi.org/10.15294/jllr.v4i4.74120>.

<sup>56</sup> Basrawi Basrawi, M. Said Karim, and Aminuddin Ilmar, "The Politics of Criminal Law Behind the Mining Industry 's Image: Uncovering CSR Scandals in Indonesia," *Journal of Law and Legal Reform* 6, no. 1 (2025): 179–208, <https://doi.org/https://doi.org/10.15294/jllr.v6i1.14464>.

Dalam Tribe (SAD) spread across the province of Jambi or other tribes that are They are comfortable living in the natural forest.

In modern organizations characterized by information openness, even Artificial Intelligence (AI) or artificial intelligence aka imitation intellect has also brought great changes to the development of the forestry sector, so that technological changes have given birth to new policies that must be followed by changes in human thinking towards God, nature and humans or as it is called ecotheology.

Good Governance as the basis of government program policies must provide the right solutions to the development of the forestry sector in Indonesia, including social forestry programs that address the challenges and opportunities in forest utilization in Indonesia. Proper supervision is important to determine

## Conclusion

Based on the introduction, problems, objectives, and discussions that have been described above, it can be concluded that the format of the Ministry of Forestry in the form of structuring the duties and functions of the Ministry of Forestry after the breakdown with the Ministry of the Living Environment in the Merah putih Cabinet of 2024-2029 indicates referring to a modern organization with the use of information technology both in the internal and external strengthening of the cabinet formed and the position The Ministry of Forestry needs to be evaluated to continue to be juxtaposed with other ministries as is the case in the Indonesia Maju Cabinet and the Kerja Cabinet.

Strengthening coordination in the Merah Putih Cabinet towards a modern bureaucracy that is collaborative is still essential in driving government affairs in the forestry sector to assist the president in organizing the country's government and saving the people who live dependent on forests; it is necessary to evaluate so that the coordinating minister who coordinates is more stable and places in a more appropriate coordinating minister, because the forestry affairs are under The Coordinating Minister for Food, the Coordinating Minister for Maritime Affairs and the Coordinating Minister for the Economy are not appropriate to answer forestry issues that are more about the law of saving living things with their intact and integrated ecosystems.

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