

RESEARCH ARTICLE

Obligations of Forest Borrow-Use Permit Holders for the Construction of the Batang-Semarang Toll Road: The Upstreaming Environmental Sustainability Policy

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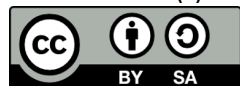
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Eko Agustinus¹✉, Siti Malikhatun Badriyah², Michael Osborne³

¹ Master of Notary Program, Faculty of Law, Universitas Diponegoro, Semarang, INDONESIA

² Faculty of Law, Universitas Diponegoro, Semarang, INDONESIA

³ Diamond Flight Academy Scandinavia

✉ corresponding email: ekoagustinus69@gmail.com

Abstract

The resolution of problems arising from the failure to carry out the obligations of the Borrowing and Use of Forest Area (IPPKH) Permit for the Construction of the Batang-Semarang Toll Road is fully supervised and managed by Perum Perhutani under the direct leadership of the ministry. This type of research is sociological juridical using a qualitative approach method. The primary data sources of this study were obtained from the first source with the interview method and the secondary data sources were obtained through literature studies which were then analyzed by collecting data, data reduction, data presentation, and drawing conclusions. The results of this study indicate that, (1) the implementation of the fulfillment of obligations by the license holder has not been fully fulfilled, of the 14 new obligations are fulfilled 6, while in the agreement and Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number P.50 / Menlhk / Setjen / Kum.1 / 6/2016 Regarding

the Borrowing and Use of Forest Area Guidelines, the obligations that must be fulfilled by the permit holder are explained. (2) the resolution of problems arising from the non-compliance of the permit holder's obligations is that Perum Perhutani as the forest manager has given 2 (two) warnings regarding the non-fulfillment of the permit holder's obligations through approval from the ministry.

Keywords: *Obligations, IPPKH Holders, Toll Roads*

1. INTRODUCTION

Forests are one of the natural resources created by God to support all human needs and their existence must be grateful for and protected because they are a gift from God Almighty. Natural resources are one of the basic capitals in national development, therefore they must be utilized as much as possible for the benefit of the people by paying attention to the preservation of the surrounding environment (Ragandhi, 2021).

Since the early 1970s, the forestry sector in Indonesia has played an important role in national development as the largest source of non-oil and gas foreign exchange earnings, a pioneer in industrial development, a provider of employment, and a driving force for development (Putra, Pelaksanaan Peraturan Menteri Lingkungan Hidup dan Kehutanan Nomor P 83 Tahun 2016 tentang Perhutanan Sosial sebagai upaya Revitalisasi Taman Nasional Tesso Nilo, 2020).

Forests in Indonesia have an important role both in terms of economic, socio-cultural and ecological aspects. However, in line with population growth and national growth, pressure on forest resources is increasing (Rizqi Yoga Febrian, 2022).

So far, forest resources have made a significant contribution to increasing foreign exchange and national economic development. However, the management and utilization of forest resources have not made a real

contribution to the overall improvement of the environmental system. This is due to policies on the management and utilization of forest resources which place more emphasis on economic aspects and are less in favor of the interests of the community and the environment. The principles of justice, partiality to the community, environmental sustainability and sustainable development have not been given proportional attention in the application of forest management systems so far. the use of forests and forest areas has progressed, and even tends to be destructive due to the high intensity of utilization coupled with a lack of understanding and concern for the existence of forests. It is undeniable that currently forests and forest areas are sometimes contested by various parties who want to use them to meet their needs (Rizqi Yoga Febrian, 2022).

The problem that occurs is that PUPR as the holder of the borrow-to-use forest area permit for the construction of the Btang-Semarang toll road section does not fulfill all of its obligations that have been stated in the ministerial regulation and in the borrow-to-use permit. Then another problem is the problem that arises from the non-fulfillment of obligations by the permit holder.

From this background, the formulation of the problem can be drawn, namely: 1) What are the Obligations of Permit Holders in Borrow-to-Use "Forest Areas" used for the construction of the Batang - Semarang Toll Road based on the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number P.50/Menlhk/Setjen/Kum .1/6/2016 concerning Guidelines for Borrowing and Using Forest Areas? 2) How to solve problems that arise from not carrying out the obligations of the Borrow-to-Use Forest Area Permit Holder (IPPKH) for the construction of the Batang – Semarang Toll Road? The objectives of this research are: 1) Knowing and analyzing the Implementation of Licensing Licensing Obligations for Forest Areas used for the construction of the Batang – Semarang Toll Road based on the Regulation of the Minister

of Environment and Forestry of the Republic of Indonesia Number P.50/Menlhk/Setjen/Kum. 1/6/2016 concerning Guidelines for Borrowing and Using Forest Areas. 2) Knowing and analyzing the resolution of problems that arise from not carrying out the obligations of the Borrow-to-Use Forest Area Permit Holder (IPPKH) for the construction of the Batang – Semarang Toll Road.

2. METHOD

This study uses qualitative research methods by going directly to the field to obtain data by building theories from the data found. This type of research is juridical-sociological, which means that legal research is studied and then researched as a law in action study or studying, researching, and analyzing the reciprocal relationship between law and related social institutions (Arpin, 2018).

The author uses the type of juridical-sociological research because the data needed is in the form of information distribution that does not need to be quantified. The distribution of information obtained by the researchers from the results of observations and interviews with informants, so that the authors will know the results obtained for further study and analysis based on the laws and regulations that govern it. The focus in this study is translated into two focus problems, namely: 1) the obligations of the Permit Holder in borrowing and using forest areas that are converted into toll roads. 2) Efforts by Perum Perhutani to ensure that the IPPKH holders (Lending and Use Forest Area Permits) carry out their obligations. The place of research (locus) of the author in conducting the research is Perum Perhutani Divre Central Java and the Department of Planning and Business Development of Salatiga and to support information related to this research, the author also observed KPH Kendal. Sources of data in this study consist of: 1) Primary data sources through activities to see and hear directly what is stated by respondents, 2) Secondary data sources through library analysis of primary

legal materials that are binding in the form of legislation, secondary legal materials that can explain primary legal materials in the form of books, articles, journals, and theses. The data collection technique was done by literature study, interview, observation and documentation. The validity of the data used by researchers to test the validity of the research is by triangulation of sources which is done by comparing the truth of information obtained through other different sources. For example, comparing the results of observations in the field with the results of interviews; compare what is said in public with what is said in private, and compare the results of interviews with documents obtained (Mekarisce, 2020).

The process of analysis is carried out by researchers by means of descriptive analysis by giving an accurate description of the characteristics of an individual, circumstances, symptoms with other symptoms in society. The steps taken by the author to analyze include data collection, data reduction, data presentation, and drawing conclusions or data verification (Miles, 2000).

3. RESULT AND DISCUSSION

A. Obligations of Permit Holders in Borrow-to-Use Forest Areas used for the Construction of the Batang – Semarang Toll Road

The regulation on the use of forest areas began with Government Regulation No. 24 of 2010 concerning the use of forest areas, which stated that prior to this regulation all business licenses were carried out by regions, so the government responded that all activities of using forest areas for development outside the forestry sector had to go through a central permit. This Government Regulation explains development outside the forestry sector in the form of the use of forest areas, which is different from the exchange of forest areas. Forest areas that can be used for development outside the forestry sector are Protection Forests and Production Forests. In this Government Regulation anything that includes development outside the

forestry sector or activity, this Government Regulation also mentions the legal form of the Use of Forest Areas, namely the Principle Approval of the Use of Forest Areas, Borrow-to-Use Forest Area Permits. This Government Regulation explains that before an applicant makes an application to borrow or use a forest area, a Principle Approval must be issued before a Borrow-to-Use Forest Area Permit (Tutut Ferdiana Mahita Paksi, 2017).

In the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number P.50/Menlhk/Setjen/Kum.1/6/2016 concerning guidelines for borrowing and using forest areas, various obligations that must be fulfilled by permit holders have been regulated, namely:

- a. plan and carry out reclamation and revegetation in forest areas that are no longer used, using local pioneer and superior plant seeds without waiting for the completion of the lease-to-use forest area permit period, and employing Technical Personnel for Sustainable Production Forest Management for Rehabilitation and Reclamation (GANISPHPL-REHAREK) ;
- b. carry out an inventory of stands in accordance with the annual forest area use plan;
- c. pay PSDH and other financial obligations in accordance with statutory provisions by employing Technical Personnel for Sustainable Production Forest Management (GANISPHPL-PKB-R);
- d. carry out the maintenance of the boundaries of the borrow-to-use area of the forest;
- e. carry out forest protection in accordance with the provisions of laws and regulations;
- f. empowering local communities through the Community Forest Management (PHBM) program and employing Technical Personnel for Sustainable Production Forest Management for Social Management (GANISPHPL-KESOS);

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- g. build an information system to the public related to environmental damage and community empowerment;
 - h. bear all costs as a result of the borrow-to-use forest area;
 - i. coordinate with the Central Java Provincial Forestry Service, Kendal District Forestry and Plantation Service, Semarang City Agriculture Service, and Central Java Regional Division of Perum Perhutani, no later than 1 (one) month from the date the lease-to-use forest area permit is stipulated;
 - j. provide facilities for officials from the Ministry of Environment and Forestry, both Central and Regional, when conducting monitoring and evaluation in the field;
 - k. submit a work plan to fulfill the obligations as referred to in letter a to letter h no later than 100 (one hundred) working days after the decision on the lease-to-use forest area permit is stipulated; and
 - l. make periodic reports every 6 (six) months to the Minister of Environment and Forestry regarding the use of borrowed forest areas, with copies to:
 - 1) Director General of Forestry Planning and Environmental Management;
 - 2) Director General of Watershed Management and Protected Forests;
 - 3) Director General of Sustainable Production Forest Management;
 - 4) President Director of Perum Perhutani;
 - 5) Head of the Center for Consolidation of Forest Areas for Region XI Yogyakarta; and
 - 6) Head of Semarang Watershed and Protected Forest Management Center;

The report contains:

- 1) plan and realization of forest area use;
- 2) plan and realization of reclamation and revegetation;
- 3) plan and realization of compensation land fulfillment;
- 4) plan and realization of compensation land reforestation;

- 5) fulfillment of other obligations in accordance with the lease-to-use forest area permit.

Forest area as an object of management is an important asset of national development, which in its management has two strategic roles, namely: first, the role of forests in economic development, especially in providing goods or services directly or indirectly that contribute to national economic development. Second, the role of forests in environmental conservation by maintaining the balance of water, soil and air systems as the main elements of environmental carrying capacity in life support systems (Epi Syahadat, 2018).

In Government Regulation No. 24 of 2010 concerning Use of Forest Areas, Toll Road Development is included in the type of Use of Forest Areas, this is explained because the status and function of Forests for Toll Road Development remain the same and the Forest Areas are only on loan. Forest Functions that can be used as Forest Area Use are Protection Forest and Production Forest. In this case, the status of Kaliwungu Forest is Permanent Production Forest.

The issuance of a Borrow-to-Use Forest Area Permit on behalf of the Minister of Public Works and Public Housing for the construction of the Batang-Semarang Toll Road has been issued by the Minister of Environment and Forestry of the Republic of Indonesia, Head of the Investment Coordinating Board Number: 2/1/IPPKH/K/2016 which refers to the Regulation of the Minister of Environment and Forestry Number P.50/Setjen/Kum.1/6/2016 concerning Guidelines for Borrow-to-Use Forest Areas, which include the rights and obligations imposed on the Minister of Public Works and Public Housing (Ahmad Redi, 2019).

Based on the results of the research that has been described in the sub-chapter of the results of the study, it is proven that the Minister of Public Works and Public Housing has not fulfilled all of its obligations. In order to achieve the objectives of these activities, it is necessary to

enforce the law as an effort for the real functioning of legal norms to realize ideas.

In the Regulation of the Minister of Environment and Forestry Number P.50/Setjen/Kum.1/6/2016 concerning Guidelines for Borrow-to-Use Forest Areas, it is explained that after the permit holder obtains a permit to borrow-to-use forest area, he is obliged to carry out his obligations as stated in the legislation. However, after the permit was issued, until now the permit holder has not fully carried out his obligations to the Kaliwungu Forest area of 62, 639 hectares, of the 14 obligations of the new permit holder to carry out 6 obligations.

Law enforcement is the process of making efforts to enforce or actually function legal norms as guidelines for behavior in traffic or legal relations in social and state life. Conceptually, the essence and meaning of law enforcement lies in the activity of harmonizing the relationship of values that are outlined in solid rules and attitudes of action as a series of final value translations to create, maintain, and maintain peaceful social life. The conception that has a philosophical basis requires further explanation so that it will appear more concrete (Soekanto, 1977).

Humans in social life basically have certain views about what is good and what is bad. These views are always manifested in certain pairs, for example, there are pairs of values of order and values of tranquility, pairs of values of public interest and values of personal interests, pairs of values of sustainability and values of innovation, and so on. need to be harmonized. The pair of values that have been harmonized require a more concrete elaboration because values are usually abstract. More concrete elaboration occurs in the form of rules, in this case legal rules, which may contain orders, prohibitions, or permissibility. These rules then become guidelines or benchmarks for behavior or attitudes that are considered appropriate or should be. The behavior or attitude of the act aims to create, maintain, and

maintain peace. Such is the concretization of law enforcement conceptually (Johan, 2018).

In this case, the author has conducted research on the implementation of obligations by the holder of the lease-to-use forest area permit which is now being used as the Batang-Semarang toll road. From the results of the study, it was found that in the process of implementing the lease-to-use forest area permit used for the Batang-Semarang toll road project, there are rights and obligations that must be fulfilled between the two parties who have made an agreement (Manifas Zubayr, 2017). The implementation of course does not go smoothly, there are several problems that must be faced and resolved by both parties, in the agreement it is the permit holder who does not carry out and fulfill the obligations that have been agreed properly. In the agreement and the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number P.50/Menlhk/Setjen/Kum.1/6/201 it has been explained in writing the obligations that must be carried out by PUPR as the holder of the permit to borrow-to-use forest area, but the permit holder has not carried out the obligations fully. If it is related to the law enforcement theory above, it is not only the license holder who lacks awareness but also the ministry is less firm in giving sanctions to anyone who violates the laws and regulations.

The definition of legal awareness according to Soerjono Soekanto is that legal awareness is a matter of values contained in humans about existing laws or about laws that are expected to exist. What is actually emphasized is the values regarding the function of law and not a legal assessment of concrete events in the society concerned (Ramadan, 2022).

The above opinion was also expressed by Achmad Ali with his own language formulation to make it easier for students to understand the concept of H.C Kelman, as follows:

- 1) Obedience that is compliance, ie if someone obeys a rule, just because he is afraid of being punished. The weakness of this type of obedience, because it requires constant supervision. The Ministry of PUPR's legal compliance is not compliance because they are not afraid of being sanctioned, although they continue to be monitored and reprimanded by Perum Perhutani, their response is not there (Benita Setya Putri, 2022).
- 2) Obedience that is identification, ie if someone obeys a rule, only because he is afraid that his good relationship with other parties will be damaged. Legal compliance here is not very clear because PUPR as the license holder continues to carry out the toll road construction project without fulfilling all of its obligations. In this case, the Ministry of LHK can also be said to be negligent in using its role as the requested Party.
- 3) Obedience that is internalization, ie if someone obeys a rule, really because he feels that the rule is in accordance with the intrinsic values he adheres to. This legal compliance does not appear in the Ministry of PUPR as the permit holder, although there are several obligations that have been fulfilled, the Ministry of PUPR can be said to have bad intentions to fulfill all of its obligations, if the Ministry of PUPR is aware and feels that the rules are in accordance with intrinsic values, it should not be there is this problem.

B. Resolution of problems arising from non-compliance with the obligations of the Borrow-to-Use Forest Area Permit Holder

Cooperation between the Ministry of PUPR and Perum Perhutani does not always run smoothly, there are several agreements and agreements between the two parties that must be fulfilled. In its direct application in the field whether these obligations must be fulfilled, according to Heri Sumaryono as an Associate Expert of Law & Compliance, namely:

"Obviously you have to fulfill your obligations because every agreement will have rights and obligations that follow. The right of the permit holder is to build a toll road that takes up the Kaliwungu forest area, while the applicant's obligation is to fulfill all the obligations stated in the agreement and the laws and regulations that have been issued and become the basis for them to carry out the development".

In its implementation, are there any problems between the two parties, and how to handle them, according to Dimas Adisyahputra as the Staff for Measurement of Boundaries and Area Use (December 1, 2020), namely:

"Every agreement, not everything that happens in the field can be as planned at the office, the problems that arise are actually not too complicated, it's just that there is a lack of quick response from the permit holder. For example, regarding obligations that have not been fulfilled by the permit holder, Perhutani can only issue a warning letter. It is the ministry that has the authority to impose sanctions, etc."

Fulfillment of obligations by the Minister of Public Works and Public Housing (PUPR), as stated in the lease-to-use forest area permit according to Dimas Adisyahputra as the staff for measuring Boundaries and Area Use (1 December 2020), namely:

- 1) Obligations of Holders of Borrow-to-Use Forest Area Permits That Have Been Fulfilled
 - a. using local pioneer and superior plant seeds without waiting for the completion of the lease-to-use forest area permit period and employing Technical Personnel for Sustainable Production Forest Management for Rehabilitation and Reclamation. Rehabilitation and reclamation are carried out in the area of the Borrow-to-Use Forest Area Permit that has been used and has expired. The

- planting of a safety Anyoman tree has been carried out in the Safety Area.
- b. Carry out an inventory of stands in accordance with the annual forest area use plan. The stand inventory was carried out in early 2016. The forest inventory can be carried out by means of a survey through:
 - a. Remote sensing, remote sensing is carried out through processing and analyzing satellite and non-satellite image data accompanied by field checks
 - b. Terrestrial, the terrestrial method is carried out through data collection in the field. Implementation of a forest inventory in an area, the settlement of which is prioritized in a forest management unit, sub-watershed or watershed in the area concerned.
 - c. Paying PSDH and other financial obligations in accordance with the provisions of laws and regulations by employing Technical Personnel for Sustainable Production Forest Management, Jungle Log Examiners. PSDH has been paid Rp. 212,291,651,00 + Rp. 163,646.067.00 = Rp. 375,937,718.00
 - d. Bear all costs as a result of the borrow-to-use forest area. All fees charged to permit holders have been paid. The costs charged include the Field Inspection Fee for Perhutani Pertek and the Governor's Recommendation.
 - e. Coordinate with the Central Java Provincial Forestry Service, Kendal Regency Plantation and Forestry Service, Semarang City Agriculture Service, and Central Java Regional Division Perum Perhutani, no later than 1 (one) month from the date the lease-to-use forest area permit is stipulated. Coordination has been carried out after the issuance of the borrow-to-use forest area permit. Coordination was carried out on 13-15 December 2016.

- f. Provide facilities for the Ministry of Environment and Forestry officials, both Central and Regional when conducting monitoring and evaluation in the field. The convenience here means the ease of monitoring and evaluation in the context of the implementation of the designation in accordance with the Borrow-to-Use Forest Area Permit as well as evaluating the fulfillment of obligations.
- 2) Obligations of Borrow-to-Use Forest Area Permit Holders that have not been fulfilled
 - a. Completing the boundary demarcation of the area of the borrow-to-use forest area permit with the supervision of the Yogyakarta Wilayan Forest Area Consolidation Center IX and submitted to the Director General of Forestry Planning and Environmental Management to obtain a boundary determination of the working area of the borrow-to-use forest area permit and can be extended for a maximum period of 1 (one) year. Haven't set boundaries yet.
 - b. Provide and hand over land compensation for the use of forest areas to the Minister of Environment and Forestry with a ratio of 1:2, and can be extended for a maximum period of 2 (two) years. Have not provided compensation land.
 - c. Carry out maintenance of the limits on borrow-to-use forest areas. So far, no forest area demarcation has been carried out. The maintenance of the borrow-to-use limit here includes maintaining the limit of the Borrow-Use Permit so that it does not shift.
 - d. Implement forest protection in accordance with the provisions of laws and regulations. The purpose of forest protection is to preserve the forest in order to fulfill its function. If this has not been implemented, of course, the function of the forest will not be carried out. The form of forest protection that

- should be carried out by the permit holder is to make an information sign containing the permit, area, validity period etc., and to make a sign prohibiting hunting in and around the forest area.
- e. Empowering local communities through the Community Forest Management (PHBM) program and employing Technical Personnel for Sustainable Production Forest Management for Social Management (GANISPHPL-KESOS). Have not implemented the Community Forest Management (PHBM) program and have not employed Technical Personnel for Sustainable Production Forest Management for Social Management (GANISPHPL-KESOS).
 - f. Building an information system for the public related to environmental damage and community empowerment. The information system is still confidential and cannot be accessed by the public. This public information system aims to support the activities of the management, planning, organizing, staffing, directing, evaluating, coordinating, and budgeting functions in order to support the achievement of the goals and objectives of operational functions in public organizations.
 - g. Submit a work plan to fulfill obligations as referred to in letter a to letter h no later than 100 (one hundred) working days after the decision on the lease-to-use forest area permit is stipulated. The work plan to fulfill obligations has not been implemented. Even by the time the construction project was completed, it had already ended.
 - h. Make periodic reports every 6 (six) months to the Minister of Environment and Forestry regarding the use of borrowed forest areas. It has not been done either manually (by letter) or by input into the online 6 (six) monthly monitoring application.

Based on this data, according to Dimas Adisyahputra as Staff for Measurement of Boundaries and Area Use at the Planning Department of Perum Perhutani Salatiga, the permit holder does not appear to have good intentions in fulfilling his obligations, because from the beginning of the agreement until now the process of fulfilling obligations is still stuck in the Compensation Land which is always revised. and there is no clear point.

Implementation of the Fulfillment of the Obligations of the Batang-Semarang Toll Road requires supervision to support, monitor and evaluate the smooth process of fulfilling the obligations imposed on the license holder for the Batang-Semarang Toll Road Construction, namely (Abdurrahman, 2019):

- 1) Department of Environment and Forestry of Central Java Province on behalf of the Ministry of Environment and Forestry;
- 2) Perum Perhutani;
- 3) Perum Perhutani Central Java Regional Division as the representative of Perum Perhutani Center;
- 4) Planning Department of Perum Perhutani Salatiga as a sub unit of Perum Perhutani Regional Division I Central Java

Perum Perhutani Divre Central Java as the forest area manager who has a role for monitoring and evaluation, the Environment and Forestry Service also has the main task and function for monitoring and evaluation which then the results will be sent to the Ministry of Environment and Forestry which is useful for making considerations. consideration of whether the lease-to-use forest area permit can be extended or must be terminated.

In this case, Perum Perhutani has carried out its obligations properly, namely as a supervisor for the construction process of the Batang-Semarang toll road section by PUPR. In this case, the PUPR or the permit holder who does not have good faith in completing all the obligations imposed on the permit holder.

The problem of legal certainty in relation to the implementation of the law cannot be completely separated from human behavior. Legal certainty does not follow the principle of automatic subsumption, but rather something quite complicated, which has a lot to do with factors outside the law itself. Speaking of certainty, as Radbruch said, what is more appropriate is the certainty of the existence of the regulation itself or the certainty of the regulation (*sicherheit des Rechts*).

On the other hand, DLHK and the Ministry of LHK, which are in charge of the agreement, have the authority to reprimand the permit holder, namely PUPR, for not properly carrying out their duties and in this case according to the results of the interview, Dimas Adisyahputra as the Staff for Measurement of Boundaries and Area Use, stated that:

"The Ministry of Environment and Forestry is not firm in giving warnings to the holders of the lease-to-use forest area (PUPR) permit, even though the Perum Perhutani often gives warnings to PUPR for permission from the ministry, however, until the completion of the construction of the toll road, not all obligations of the permit holder have been fulfilled."

From the problems that arise as a result of the non-fulfillment of obligations by PUPR as the holder of the lease-to-use forest area permit for the construction of the Batang-Semarang Toll Road, it actually does not affect the work plan of Perum Perhutani, which is basically the nature of its business to provide services for public use while accumulating profits, as well as organizing business in the forestry sector to support the implementation of government programs in the field of economy and development.

The solution to problems arising from non-fulfillment of obligations by the permit holder is that Perum Perhutani as a supervisor for the fulfillment of the permit holder's

obligations as well as being the object of a borrow-to-use permit between Perum Perhutani and PUPR has often given warnings to PUPR on the authority of the Ministry of Environment and Forestry and the Ministry of LHK so that the obligations imposed by the permit holder are not fulfilled. has not been fulfilled, but until the completion of the borrow-to-use permit there is no goodwill from PUPR to complete the obligation. In this case, Perum Perhutani on the authority of the Ministry of LHK has given two warnings to PUPR and there has been no response or response regarding the warning letter (Ari Ekoprianto, 2021).

Legal awareness is self-awareness without pressure, coercion, or orders from outside to comply with applicable laws. With legal awareness in society, the law does not need to impose sanctions. Sanctions are only imposed on residents who are actually proven to have violated the law. The law contains commands and prohibitions. The law tells us which actions are contrary to the law which, if done, will be threatened in the form of legal sanctions. The definition of legal awareness according to Soerjono Soekanto is: Legal awareness is actually awareness or values contained in humans about existing laws or about laws that are expected to exist. Actually, what is emphasized is the values regarding the function of law and not a legal assessment of concrete events in the society concerned. In this case the permit holder, namely PUPR, does not have good faith in fulfilling its obligations due to the lack of legal awareness in carrying out the rules and agreements that have been agreed upon.

Legal awareness is related to legal compliance, the thing that distinguishes it is that in legal compliance there is a fear of sanctions. Legal awareness there is no sanction, in this discussion the researcher describes why the community is less aware of compliance and law enforcement because again why the Public Works and Public Housing Service as a permit intern lacks good faith and the author associates the Public Works and Public Housing Service with the theory of

obedience and legal compliance, is a formulation from the legal community regarding the assessment that has been carried out scientifically, the values contained in humans about the existing law or about the law that is expected to exist. According to the author, the permit holder does not fulfill the obligations because there is no awareness from the PUPR even though Perum Perhutani has often put pressure on the permit holder to fulfill the applicable obligations in accordance with the agreements and regulations.

4. CONCLUSION

Based on the results of the research conducted, the authors can conclude that the Obligations of Permit Holders in Borrow-Use Forest Areas used for the construction of the Batang – Semarang Toll Road are based on the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number P.50/Menlhk/Setjen/Kum.1 /6/2016 concerning Guidelines for Borrow-to-Use Forest Areas, their obligations have not been fulfilled, of the 14 obligations of the permit holder only to carry out 6 obligations due to a lack of good faith on the part of the permit holder, namely PUPR and the Ministry which is authorized to oversee the course of this agreement and which is also obliged to cancel or continuing this agreement is less firm in following up on problems regarding the non-fulfillment of obligations by PUPR. The solution to problems arising from the non-performance of the obligations of the holder of the Borrow-to-Use Forest Area Permit (IPPKH) for the construction of the Batang - Semarang Toll Road is that Perum Perhutani as a forest management institution under the direct leadership of the Ministry of Forestry has given a warning to PUPR for the authorization from the ministry.

5. DECLARATION OF CONFLICTING INTERESTS

The authors state that there is no potential conflict of interest in the research, authorship, and/or publication of this article.

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ABOUT AUTHORS

Eko Agustinus, is currently studying at the Master of Notary Diponegoro University.

 <https://orcid.org/0000-0001-6615-9434>

Dr. Siti Malikhatun Badriyah, S.H., M. Hum is a lecturer at the Master of Notary Diponegoro University. The author also serving as Notary and land deed official in the city of Semarang.

 <https://orcid.org/0000-0002-3969-8835>

Michael Osborne is currently studying CPL/IR/ME at Diamond Flight Academy Scandinavia.

 <https://orcid.org/0000-0002-8298-3252>

Sustainable development is the development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

Gro Harlem Brundtland

A Norwegian politician, Brundtland is perhaps most widely known for her role as Chair of the World Commission on Environment and Development (WCED). *Our Common Future*, also known as the Brundtland Report, was the first publication to define sustainable development, a definition that is synonymous with sustainability to this day.