

Pengukuhan Kawasan Hutan: Pencegahan Konflik Status Hutan di Indonesia = Forest Area Gazettement: Prevention of Forest Status Conflicts in Indonesia

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Abstrak

Begitu besarnya potensi kehutanan di Indonesia dibarengi dengan pengelolaan sumber daya hutan yang juga tidak mudah. Konflik-konflik yang melibatkan pemerintah, masyarakat, dan pihak swasta, tidak jarang terjadi saat melakukan pengelolaan sumber daya kehutanan. Pemerintah kemudian secara terkhusus mencanangkan program pengukuhan kawasan hutan untuk dapat memberikan kepastian hukum bagi wilayah hutan di Indonesia melalui Peraturan Menteri Kehutanan Republik Indonesia Nomor P.44/Menhut-II/2012 tentang Pengukuhan Kawasan Hutan. Melalui pengukuhan kawasan hutan diharapkan dapat mengurangi konflik-konflik kehutanan yang sering terjadi dan dapat memberikan sebuah kepastian hukum. Saat konflik kehutanan terjadi, pihak yang bersengketa memiliki dua pilihan, yaitu menyelesaikannya melalui pengadilan atau diluar pengadilan. Jalur diluar pengadilan biasa ditempuh dengan langkah-langkah seperti mediasi atau dialog antar pihak yang bersengketa. Sementara jika diselesaikan melalui pengadilan, maka para pihak harus menyampaikan argumen dan pembuktian masing-masing di hadapan hakim sebagai pengambil keputusan. Namun melalui mekanisme pengadilan sekalipun tetap dapat ditemui kekurangan-kekurangan yang bisa berasal dari regulasi tata kelola hutan yang memang kurang jelas ataupun karena pengetahuan hakim yang kurang mumpuni atas situasi tata kelola hutan di lapangan. Untuk mengatasi konflik-konflik kehutanan dan memberikan kepastian hukum, pengukuhan kawasan hutan perlu segera diselesaikan, serta perangkat hukum yang ada seperti hakim perlu diberikan pengetahuan lebih terkait tata kelola hutan di Indonesia.

.....The huge potential for forestry in Indonesia is accompanied by the management of forest resources which is also not easy. Conflicts involving the government, communities and the private sector often occur when managing forestry resources. The government then specifically launched a forest area gazettement program to be able to provide legal certainty for forest areas in Indonesia through the Regulation of the Minister of Forestry of the Republic of Indonesia Number P.44/Menhut-II/2012 concerning Forest Area Confirmation. Through the establishment of forest areas, it is hoped that it can reduce forestry conflicts that often occur and can provide legal certainty. When a forestry conflict occurs, the disputing parties have two choices, namely resolving it through the courts or outside the courts. Paths outside the court are usually taken by steps such as mediation or dialogue between disputing parties. Meanwhile, if it is resolved through the court, then the parties must present their respective arguments and evidence before the judge as the decision maker. However, even through the court mechanism, deficiencies can still be found which could stem from unclear regulations on forest governance or due to the judge's inadequate knowledge of the forest governance situation in the field. In order to resolve forestry conflicts and provide legal certainty, the gazettement of forest areas needs to be resolved immediately, as well as existing legal instruments such as judges need to be given more knowledge regarding forest governance in Indonesia.