

# Government Governance in the Utilization of Traditional Forests in Kampar District, Riau, Indonesia

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This article wants to discuss about government governance in the use of the Rumbio customary forest in Kampar Regency, Riau, Indonesia. The current forest area is 64% of the 7.4 million hectares of customary areas mapped by the Alliance for Indigenous Peoples of the Archipelago (Aman). According to The Minister of Environment and Forestry (LHK) (in 2020 granting access to forest area management through Social Forestry covers an area of 4.062 million hectares, with the number of SK Permits or rights totaling 6,464 SK units for the community totaling 821,371 families. Recognition and designation of customary forests covering 35,150 hectares scattered in 65 indigenous peoples with 36,438 families and indicative of customary forests covering an area of 915,004 hectares in 22 provinces and 48 districts. Social forests in Riau are 108 thousand hectares of a potential 1.05 million hectares, for all of Indonesia covering 4 million hectares. The results of the investigation by the Kampar Indigenous Forest Acceleration Recognition Team (TP2HAK) that there are two customary forests that have been recognized, namely the imbo putui kenegerian petapahan customary forest covering 251 hectares and the kenegerian kampa customary forest covering an area of 156.8 hectares. Kampar District has at least eight areas that are included in the customary forest area. However, so far only seven customary forest areas have been submitted for issuance of SK to the Ministry of Environment and Forestry, two of which have been issued decrees. Meanwhile, the other five proposals have not been issued yet because they are still in process.

**Key words:** *government, governance, traditional forest.*

## Introduction

Customary law communities are a group that is structured in an interaction of the social life of the community in a certain area which is passed down from generation to generation. This is in accordance with the 1945 Constitution of the Republic of Indonesia in Article (8) Paragraph (2) which states that “The State recognizes and respects indigenous peoples and their traditional rights as long as they are still alive and in accordance with community development and principles. The Unitary State of the Republic of Indonesia as regulated by law. Furthermore, Law of the Republic of Indonesia Number 5 of 1960 concerning Basic Agrarian Principles in Article 3. The substance of the article is to determine the implementation of customary rights and similar rights of customary law communities, as long as it still exists, it must be in such a way that it is in accordance with the national and state interests.

As well as in Law Number 41 of 1999 concerning forestry in Article (4) it is stated that control of forests by the State still takes into account the rights of indigenous peoples, as long as in fact they still exist and are recognized for their existence, and do not conflict with national interests. In Law Number 6 of 2014 concerning Villages in article (1) paragraph 1 states "a village is a village and customary village which is referred to by another name, hereinafter referred to as Desa, is a legal community unit which has territorial boundaries which is authorized to regulate and manage affairs. governance, the interests of the local community based on community initiatives, rights of origin,

In Law No. 41 of 1999 Article 1, customary forest is "state forest within the territory of customary law communities". However, based on the Decision of the Constitutional Court (MK) Number 35 / PUUX / 2012 the meaning has changed to "forest that is within the territory of customary law communities". Furthermore, the Constitutional Court decision states that the position of customary forests is part of the ulayat land of the customary law community. It is interesting to discuss that adat has the right to manage forests according to community initiatives and is useful for the welfare of local people. Government governance is of course in the spotlight because it is needed for more meaningful use of resources. There are 108 thousand hectares of social forests in Riau from a potential of 1.05 million hectares, for all of Indonesia covering 4 million hectares. The results of the investigation by the Working Team for the Acceleration of the Recognition of Kampar Customary Forests (TP2HAK) that there are two customary forests that have been recognized, namely the imbo putui kenegerian petapahan customary forest covering 251 hectares and the kenegerian kampa customary forest covering an area of 156.8 hectares.,Kampar Regency has at least eight areas that are included in the customary forest area. One of them is the customary forest that is prohibited from rumbio. According to Masriadi (2014) The area of the Rumbio prohibited customary forest registered with the Forest Service is around 530 hectares.

Kenagarian Rumbio consists of several tribes who live side by side, they live according to customary rules, both written and unwritten. The discussion of this article focuses on how the governance of the village government and the custom of rumbio in compressing customary forests which have been controlled for generations. This article looks at government governance from various dimensions, namely: accountability dimension, transparency dimension, participation dimension, law enforcement dimension, agreement orientation dimension, and future outlook. Based on the results of the discussion, it was found that the governance of village and customary government was running very well as seen from accountability, participation, law enforcement, agreement orientation.

Government is defined as the most perfect organization, this is as stated by Labolo (2011), Next is Van Poelje (1953) reveal about the direct target of government is human. The discussion on government governance uses several concepts that have been expressed by several experts who have the same views on the use of good governance, Bhatta (1996), Tjokroamodjojo (2000) and Smit (2007). According to Bhatta (1996) states that good governance contains the main elements consisting of: accountability, transparency, openness, and the rule of law. Likewise, Smit also shows that governance contains principles consisting of: accountability, participation, law enforcement, agreement orientation. In this discussion the writer only uses four indicators which are used as the analysis knife. There are several studies related to customary forest management. As research conducted by Jayadi (2014) focuses on Awig-awig customary governance in forest management which examines the deprivation of customary rights with the existence of policies during the New Order era. Mustika sari (2014) focus on participatory planning of utilization of the Chinese Reed Nature Park. Furthermore, Taufik Asman (2014) researching the role of customary law in preserving the Rumbio customary prohibited forest.

This study uses role theory in the application of customary law to customary forest management and limits this research to only the role aspect. next Anas Ritongan(2014) focusing on identifying local wisdom of forest communities, the customary prohibition of rumbio. The research that has been described above discusses the identification of local wisdom, while the focus of this research is only to describe or identify various legal values that exist in customary government. Melyanti (2014) researching the partnership pattern of the government, civil society, and the private sector in the waste bank program in Pasar Baru, Kota Probolinggo.

Meanwhile, this article discusses governance between the village government of Rumbio and the customary institution of rumbio in the utilization of the customary forest, which has different perspectives and theories so that it has novelty values. The governance of the village government in the utilization of customary forests is First, customary prohibited forests have quite good potential and economic value. Second, customary forests are a source of clean water for local communities. Third, the Rumbio Village Government and the Rumbio customary institution have an important role in the management of customary forests.



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## Methods

The research was carried out in Kampar Regency, Riau Province as the first regency given the right and authority of Regional autonomy in Riau. Certainly in the government governance toward traditional forest in Kampar Regency Indonesia. The research approach is using a qualitative approach Musianto, LS (2004) Stake, RE (2005). By conducting observations, surveys and direct observation of the village planning process when the Village Development Conference takes place in the sample area, conducting in-depth interviews, document collection, and information data which is relevant to be analyzed and decrypted from the findings obtained during the study in progress.

## Results and Discussion

### Accountability

Accountability is defined as accountability, in the context of this discussion the focus discusses accountability in the use of the forbidden customary rumbio forest which is used by the village government and local communities as a source of clean water, drinking water and economically starting businesses. In this dimension, it means that the prerequisite for an accountability system is mutual benefit between parties and can be accounted for. This is used to see whether the Rumbio village government has a system of mutual accountability in the use of prohibited customary forests. Village regulations in Law No. 6/2014 on Villages in Article 4 paragraph (3) state that village arrangements aim to preserve and advance the customs, traditions and culture of village communities. In essence, there is the authority of the village government in managing customary forests without destroying the forest ecosystem. Empirically, village government governance in the form of making clean water irrigation channels sourced from customary forests which are then distributed to people living in customary forest areas, does not destroy the forest at all. The village government has made the channel at the edge of the forest so that it does not damage the forest structure.

In the regulations, the village government has an important role in preserving adat. This can be seen from the village government of Rumbio supporting various activities carried out by customary leaders, including enforcement of customary law in the area of Rumbio village. With the preservation of the forest, the customary prohibition of rumbio, of course, will greatly benefit the village government and the people living in the village area. The use of water used by the community also has economic value because it can be sold outside the region as drinking water. On the other hand, the village government also receives income from the fees given by the community for the management of water sources made by the village government. Institutionally, customary institutions do not get income from water products managed by the Rumbio village government,

The results in the field show that first, the village government of Rumbio utilizes customary forests without destroying the forest and providing benefits to the community. Second, the rumbio village community is part of the customary law itself so that traditionally they still have the value of togetherness in preserving the customary forest. Third, forest preservation is prohibited from customary rumbio, customary institutions benefit from the management of the edge of the forest as a source of water that can be utilized by all people living around the forest area and has an economic source for the community by selling water in the form of packaging to areas outside the village of rumbio.

## Participation

Participation can be defined as the involvement of a certain person, group of people or institution in an activity in an effort to achieve common goals. In this case, it will capture the involvement of the village government, customary institutions and communities in the management and utilization of the Rumbio customary forest. Administratively, the Kenegerian government of Rumbio is located in two districts, namely: Kampar District and Rumbio Jaya District, with a total of 12 villages. The names of the villages can be seen in Table 1.

**Table 1. Names of Villages in the State of Rumbio**

Number	Village Name	Districts
1.	Rumbio	Kampar
2.	Padang Mutung	Kampar
3.	Pulau Sarak	Kampar
4.	Pulau Tinggi	Kampar
5.	Koto Tibun	Kampar
6.	Teratak	Rumbio Jaya
7.	Pulau Payung	Rumbio Jaya
8.	Alam Panjang	Rumbio Jaya
9.	Simpang Petai	Rumbio Jaya
10.	Bukit Teratai	Rumbio Jaya
11.	Batang Bertindik	Rumbio Jaya
12.	Tambusai	Rumbio Jaya

Source: NGO Pelopor Foundation, 2012

There are four villages located around the rumbio prohibition customary forest, namely Rumbio Village, Padang Mutung Village, Sarak Island and Koto Tibun Village. The focus of the discussion was Rumbio Village for various scientific reasons such as the use of clean water

in the Rumbio village. The Rumbio village government has carried out various programs related to clean water management that are included in central government programs such as PAMSIMAS. This management is community-based so that the community can use clean water for their daily needs and every house that is provided with a water meter will provide a monthly fee to the rumbio village government. The number of family heads in the rumbio village is 807 families.

The customary prohibited forest in the territory of the village government of Rumbio can be utilized by making irrigation channels connected to residents' housing. There are several stages related to the participation of various parties carried out by the village government. First, in connection with the national Pamsimas program, the Kampar Regency government in the 2017 fiscal year has budgeted a fund of Rp. 1,650,000,000 for OBA (out put Base Approach) or rural drinking water grant sharing APBD so that the physical construction of water irrigation can be bolted easily. Second, the rumbio village government makes a water meter system for each resident's house so that it can be enjoyed and each resident provides a fee related to the scale of water use. This has started from 2011 until now, community participation is very good, This is evidenced by the fact that there are 165 houses that have been flowed and equipped with meters to measure water use by the community. Each community that is given a channel and meter operated by the pamsimas will be charged per month according to the cubication of water use. Third, the creation of regulations on clean water management so that clean water can be created and maintained from customary prohibited forest springs.

### **Law enforcement**

This conceptually means upholding the various values that are mutually agreed upon then followed by various efforts to uphold these values. The enforcement of these values will of course look at the existing legal basis and the various efforts that have been made by various parties. In this case, it will be discussed regarding law enforcement in customary prohibited forests so that forest utilization management is maintained. Customary forests have been legally recognized. This can be seen from the decision of the Constitutional Court (MK) Number 35 / PUU-X / 2012 which affirms that customary forests are forests that are in customary territory and are no longer State forests. This is the result of a judicial review of Law Number 41 of 1999 concerning forestry. The country of rumbio consists of various tribes who have lived side by side from time to time. The tribes in the rumbio village are (1) domo tribe (2) pitopang tribe (3) piliong tribe (4) Kampai tribe (5) Caniago tribe. Each tribe is headed by two tribesmen and each headman has 3 officials called dubalang, employee and malin. The highest leader of adat is datuok godang. This is illustrated in table 2.

**Table 2. Title of Ninik Mamak, Tribe and Customary Position of the State of Rumbio**

Number	Adat title name	Tribe	Customary Position
1.	<i>Datuok</i> Godang	Domo	Top Adat Leaders
2.	<i>Datuok</i> malintang Kampau	Domo	Dubalang
3.	<i>Datuok</i> Gindojalelo	Domo	Employees
4.	<i>Datuok</i> Podocotics	Domo	Malin
5.	<i>Datuok</i> Gindo Marajo	Domo	Penghulu
6.	<i>Datuok</i> Gindo Sipado	Domo	Dubalang
7.	<i>Datuok</i> Paduko sir	Domo	Employees
8.	<i>Datuok</i> Majo Kotik	Domo	Malin
9.	<i>Datuok</i> Ulak Simano	Putopang	Top Adat
10.	<i>Datuok</i> Panglimo Jolelo	Putopang	Dubalang
11.	<i>Datuok</i> M Transo Simarajo	Putopang	Employees
12.	<i>Datuok</i> Kotik Jolelo	Putopang	Malin
13.	<i>Datuok</i> Rajo Mangkuto	Putopang	Penghulu
14.	<i>Datuok</i> Rajo Panglimo	Putopang	Dubalang
15.	<i>Datuok</i> Gindo Kayo	Putopang	Employees
16.	<i>Datuok</i> Kotik Specter	Putopang	Malin
17.	<i>Datuok</i> Putio	Piliang	Penghulu
18.	<i>Datuok</i> Mangkuto Sipado	Piliang	Dubalang
19.	<i>Datuok</i> Tamarajo	Piliang	Employees
20.	<i>Datuok</i> Kotik Pado	Piliang	Malin
21.	<i>Datuok</i> Majo Bosau	Piliang	Penghulu
22.	<i>Datuok</i> Pado Sati	Piliang	Dubalang
23.	<i>Datuok</i> Paduko Dirajo	Piliang	Employees
24.	<i>Datuok</i> Malin Palito	Piliang	Malin
25.	<i>Datuok</i> Sinaro	Kampai	Penghulu
26.	<i>Datuok</i> Panglimo Malin	Kampai	Dubalang
27.	<i>Datuok</i> Gindo Simarajo	Kampai	Employees
28.	<i>Datuok</i> Majo Kotik	Kampai	Malin
29.	<i>Datuok</i> Paduko	Kampai	Penghulu
30.	<i>Datuok</i> Manti dashing	Kampai	Dubalang
31.	<i>Datuok</i> Tansi Marajo	Kampai	Employees
32.	<i>Datuok</i> Malin Bonsu	Kampai	Malin
33.	<i>Datuok</i> Gindo Malano	Caniago	Penghulu

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34.	<i>Datuok</i> Malin Putio	Caniago	Dubalang
35.	<i>Datuok</i> Kajang Kayo	Caniago	Employees
36.	<i>Datuok</i> Malin Marajo	Caniago	Malin
37.	<i>Datuok</i> Pito Malano	Caniago	Penghulu
38.	<i>Datuok</i> Malin Dubalang	Caniago	Dubalang
39.	<i>Datuok</i> Mangkuto Marajo	Caniago	Employees
40.	<i>Datuok</i> Kotik Karimun	Caniago	Malin

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Source: Pelopor Foundation, 2012

Based on the state structure, the customary rumbio in the management of customary prohibited forest is managed by two ninio mamak, namely first. Datuk ulak sumano (pitopang tribe). Second, Datuk godang (domo tribe). These two mamak ninik are the ulayat rulers of the customary prohibited forest. They are entrusted with taking care of various forms of forest conservation and the application of various laws that were made jointly. The various customary law rules contained in the Rumbio State Adat Law Number 1 of 2017 are:

1. Cutting down trees without permission from ninik mamak. In forest areas where customary prohibitions are prohibited, logging and other activities that can damage the existence of everything contained in them are prohibited and activities that can change the function of the forest This is stated in the Rumbio State Adat Law Number 1 of 2007 article 2 paragraph 2.
2. Burn down the forest. This activity can damage the existence of everything contained in the prohibited forest, in accordance with the National Rumbio Customary Law Number 1 of 2007 article 2 paragraph 2.
3. Changing the function of forest land. In accordance with the State Rumbio Customary Law Number 1 of 2007 article 2 paragraph 2, the activity of converting forest land is an activity that is strictly prohibited.
4. Hunting for animals. Similar to cutting down trees, hunting animals is also a prohibited activity. This activity can threaten the existence of animals in the forest.
5. Takabur when entering the forest.
6. Do immoral and say dirty words in the forest.

The above is a law made by customary stakeholders which is applied in everyday life. As for the rules in the form of customary sanctions, they also have a mechanism and various stages, namely:

1. Reports from forest guards / children who see the theft of wood to customary leaders.
2. Reporters and ninik mamak to the scene.
3. A group was formed to look for the perpetrator who committed the theft.
4. After the perpetrator is found, Ninik Mamak will meet the perpetrator's mamak (uncle).

5. Mamak (uncle) is given a maximum period of several weeks to bring the nephew to Ninik Mamak at the Balai Adat.
6. The perpetrator was asked for information and confession in front of the Ninik Mamak regarding the timber theft incident.
7. The Ninik Mamak will conduct deliberations to decide the case.
8. After deliberation, ninik mamak will impose sanctions on the perpetrators.

The above steps will be carried out until there is a penalty given to the perpetrator in the form of a fine (money) in accordance with the agreement of the Ninik Mamak during the trial, usually 3 times the price of the stolen wood. Apart from that, the Ninik Mamak also considered the economy and the attitude of the perpetrators during the trial. If he does not admit to his actions even though the collected data and facts show him to be the culprit, then the punishment can be heavier. In enforcing customary law, it is known as "Tali Bapilin Tigo" which means that every problem solving in the community will involve traditional leaders, village government and religious leaders so that all problems that occur in the community can be resolved properly.

Based on the results of the study, it was found that the village government of Rumbio supports every activity carried out by customary leaders such as traditional ceremonial activities and enforcement of customary law related to its preservation and protection. As for the person, the village head and his apparatus are children of children in a customary position so that the application of customary law has no obstacles in its application.

### **Agreement Orientation**

The orientation of the agreement is a concept which in its application requires commitment from all parties involved, in this case related to customary institutions, the village government of Rumbio and the people who live in the village of Rumbio. Utilization of clean water by the community requires the cooperation of all stakeholders so that its management runs as expected. The involvement of all parties is a result that occurs with positive cooperation or agreements. This becomes a measure to see the extent to which the benefits of ongoing management carried out by the village government for indigenous peoples and the community in general in Rumbio village.

The things that are allowed in the Kenegerian Rumbio customary forest which are interpreted as an agreement orientation are that the community or villagers are allowed to take ripe fruits, take dead wood for cooking and carry out scientific research. This activity can be done by the community asking for the approval of ninik mamak, which later on ninik mamak appoints a trusted person to accompany the activity. This is done to avoid something that is not desirable, such as forest destruction or disturbance from animals in the forest. With the preservation of the customary forest, the ban on kenegerian rumbio will certainly have a good impact on all parties, including customary institutions, village government and the community in general



who live on the edge of the customary prohibited forest. The results of the study found that First, the preservation of customary prohibited forest is an unwritten agreement that is beneficial for the life of the community because the economic chain of livelihood has been created. Second, the water sources used by the local community are related to the preservation of forests. Third, the fruit from the forest can be sold by the local community so that it can help the economy of the Rumbio village community.

## **Conclusion**

This discussion found that government governance in the use of the Rumbio customary forest in Kampar District which covers an area of about 530 hectares. This can be seen from the first, the accountability that has been built between the rumbio customary institutions, the village government and the community, Second, the formation of community participation related to the use of clean water sources, Third, cooperation with each other in upholding customary law, Fourth, the existence of an agreement orientation whether deaf or not written. This management plan is mutually beneficial for all parties, including the village government, who gets income from clean water management that is distributed to the houses of community members without destroying the customary prohibited forest ecosystem, customary institutions easily apply customary laws related to forest preservation. people who can utilize clean water sources for their daily needs and can become an economic source in the form of clean bottled water. Governance carried out by the village government is a very good thing for all related institutions including the Rumbio village community.

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## **Regulation:**

1. Undang – Undang Dasar Negara Republik Indonesia 1945
2. Undang-undang Nomor 6 Tahun 2014 tentang Desa
3. Undang-Undang Nomor 41 Tahun 1999 tentang kehutanan