Volume 4, No. 11 November 2026,
pp. 1968-1979
e-ISSN 3031-5786
DOI: https://doi.org/ 10.46799/adv.v4i11.779

ADVANCES IN SOCIAL HUMANITIES RESEARCH

Legal Protection of Forest Areas that Have Changed Their Function to A Social Function According to Presidential Regulation Number 88 of 2017

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Keywords:
Land Tenure; Land Rights; Forest Areas; Social Functions; Presidential Regulation Number 88 of 2017.

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Abstract

Forests constitute essential natural resources under state control, managed to promote environmental sustainability and the welfare of society. Their existence is also regarded as a blessing bestowed by God Almighty to support human life and meet the needs of present and future generations. Under Indonesian forestry law, a forest area refers to a specific territory designated or stipulated by the government to be maintained as permanent forest. Although forest areas are frequently perceived as territories designated exclusively for conservation and forestry-related activities, many communities have historically inhabited, cultivated, or undertaken socioeconomic activities within these areas. Such circumstances frequently give rise to disputes concerning land tenure, access rights, and the legal status of community settlements, particularly when government-issued forestry permits overlap with existing community land claims. Agrarian conflicts may consequently emerge from competing interests and differing interpretations of land rights among individuals, communities, legal entities, and government institutions. This study employed a normative juridical research method using statutory, conceptual, and case approaches to examine the legal protection of communities occupying forest areas and the mechanisms available for resolving land tenure disputes. The findings indicated that the recognition and settlement of community land tenure claims within forest areas could be pursued through the Penyelesaian Penguasaan Tanah dalam Kawasan Hutan (PPTKH), or Settlement of Land Tenure in Forest Areas, framework and the Tanah Objek Reforma Agraria (TORA), or Agrarian Reform Land Objects, program, as regulated under Presidential Regulation Number 88 of 2017 concerning the Settlement of Land Tenure in Forest Areas, in conjunction with Minister of Environment and Forestry Regulation Number 7 of 2021 concerning Forestry Planning, Changes in Forest Area Designation and Function, and the Use of Forest Areas. The applicable settlement mechanisms included adjustments to forest area boundaries, access arrangements through social forestry schemes, and resettlement, depending on the legal status and characteristics of the land concerned. These mechanisms provided a regulatory framework for addressing community land tenure conflicts while seeking to balance legal certainty, social welfare, and forest conservation objectives.

INTRODUCTION

Forests constitute fundamental natural resources under state control and must be managed sustainably to promote public welfare, social justice, and equitable access to environmental benefits (Cahya et al., 2025; Gupta et al., 2026; Isca, 2026; Pulhin et al., 2024;

Wibowo et al., 2025). Their existence is also regarded as a blessing bestowed by God Almighty to support human life and maintain ecological balance. As stipulated in Article 1, paragraphs (1) and (2), of Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, a forest is defined as an integrated ecosystem comprising an expanse of land containing biological natural resources, predominantly trees, whose natural components and surrounding environment form an inseparable ecological unit. Meanwhile, a forest area refers to a specific territory designated and/or stipulated by the government to be maintained as permanent forest. These legal definitions establish the fundamental distinction between forests as ecological systems and forest areas as territories subject to specific legal designations and regulatory controls (Djafar et al., 2023; Feng et al., 2025; Kullolli, 2024; Suparto et al., 2025).

In Indonesia, forest areas are classified into three principal functional categories: conservation forests, protection forests, and production forests (Akhbar et al., 2024; Arianingsih & Akhbar, 2022; Suparto et al., 2025). These classifications reflect differences in ecological characteristics, environmental functions, biodiversity, and forest management objectives. Article 3 of Law Number 41 of 1999 concerning Forestry emphasizes that forestry administration aims to achieve equitable and sustainable public prosperity by ensuring the continued existence of forests through adequate territorial coverage and proportional distribution. The provision also emphasizes optimizing conservation, protection, and production functions to generate balanced environmental, social, cultural, and economic benefits (Batra, 2023; Hariram et al., 2023; Mezentseva et al., 2024; Safarli, 2024). Accordingly, forest governance must reconcile ecological sustainability with the constitutional obligation to promote public welfare, particularly for communities whose livelihoods depend on forest resources.

Although forest areas are legally designated for specific forestry purposes and should be protected against unauthorized occupation and environmentally destructive activities, socioeconomic realities demonstrate that many forest areas have long been inhabited and utilized by local communities. Numerous households and community groups have occupied settlements, cultivated agricultural land, established public infrastructure, and constructed religious facilities within designated forest areas, sometimes across several generations. These longstanding patterns of occupation and land utilization have created complex legal and administrative challenges, particularly where community land claims overlap with government forest designations or forestry business licenses. Consequently, agrarian disputes may arise vertically between communities, government institutions, and forestry concession holders, as well as horizontally among individuals or community groups asserting competing claims over the same parcels of land. Such conflicts illustrate the tension between formal forest governance arrangements and existing socioeconomic relationships involving land tenure and resource utilization (Lord, 2025; Rochmayanto et al., 2023; Tias et al., 2026).

Article 5 of Government Regulation Number 45 of 2004 concerning Forest Protection establishes that forest protection is intended to safeguard forests, forest products, forest areas, and their surrounding environments to ensure the sustainable fulfillment of conservation, protection, and production functions. Nevertheless, unequal access to land and natural resources remains a significant structural challenge in Indonesian agrarian governance. Historical forest management policies have frequently prioritized large-scale commercial

concessions, contributing to disparities between corporate access to forest resources and community-based land tenure. The reported distribution of forest tenure, estimated at 88% for large-scale private enterprises and 12% for communities, illustrates the extent of this perceived imbalance, although these figures require verification against the relevant period and official data sources. Such inequalities may contribute to socioeconomic vulnerability among forest-dependent communities, particularly where households cultivate or occupy land without formally recognized tenure rights. The resulting legal uncertainty can restrict access to productive resources, institutional assistance, and opportunities for sustainable livelihood development.

The constitutional foundation of Indonesian agrarian governance is established in Article 33, paragraph (3), of the 1945 Constitution of the Republic of Indonesia, which mandates that land, water, and the natural resources contained therein shall be controlled by the state and utilized for the greatest prosperity of the people. This constitutional principle was subsequently elaborated through Law Number 5 of 1960 concerning Basic Agrarian Principles, commonly referred to as the Undang-Undang Pokok Agraria (UUPA). The UUPA reflects a communalistic-religious conception of agrarian law, recognizing the collective relationship between the Indonesian nation and its land while affirming the state's authority to regulate land allocation, utilization, availability, and preservation in the public interest. Article 6 of the UUPA expressly establishes that all land rights have a social function. This principle requires land rights to be exercised with due regard for public welfare, social justice, and the legitimate interests of other members of society. Accordingly, individual and collective land rights cannot be exercised exclusively for private benefit when doing so would undermine broader social interests. Nevertheless, the social function of land rights does not automatically alter the legal designation of forest areas or confer ownership rights over land situated within them.

To address longstanding agrarian inequalities and land tenure disputes, the Indonesian government under President Joko Widodo prioritized agrarian reform through the Nawa Cita development agenda and the 2015–2019 National Medium-Term Development Plan (Rencana Pembangunan Jangka Menengah Nasional, RPJMN). The program targeted the legalization and redistribution of approximately nine million hectares of land, including 4.1 million hectares identified for potential allocation through the Tanah Objek Reforma Agraria (TORA), or Agrarian Reform Land Objects, initiative originating from forest areas. To establish a legal framework for resolving community land tenure claims within designated forest areas, the government enacted Presidential Regulation Number 88 of 2017 concerning the Settlement of Land Tenure in Forest Areas (Penyelesaian Penguasaan Tanah dalam Kawasan Hutan, PPTKH). This regulatory framework was subsequently complemented by Presidential Regulation Number 86 of 2018 concerning Agrarian Reform, Minister of Environment and Forestry Regulation Number 7 of 2021 concerning Forestry Planning, Changes in Forest Area Designation and Function, and the Use of Forest Areas, and Presidential Regulation Number 62 of 2023 concerning the Acceleration of Agrarian Reform Implementation. These regulations provide a framework for addressing overlapping land claims, improving tenure certainty, and facilitating agrarian reform while maintaining applicable forestry protection requirements. Their application must also account for subsequent regulatory developments and the legal status of each provision.

Presidential Regulation Number 88 of 2017 constituted an important legal instrument for addressing community land tenure within forest areas, particularly where land had been used for settlements, public facilities, social infrastructure, and agricultural cultivation. Through the PPTKH framework, the government established mechanisms for assessing existing land tenure claims and determining appropriate settlement arrangements according to forest classifications, land utilization patterns, and applicable legal requirements. However, resolving community land tenure within forest areas presents significant challenges involving environmental protection, legal certainty, and social justice. On the one hand, the state is responsible for maintaining forest ecosystems, protecting hydrological functions, preserving biodiversity, and ensuring environmental sustainability. On the other hand, it must safeguard community welfare, recognize legitimate land tenure interests, and provide fair legal mechanisms for addressing longstanding occupation and utilization. Importantly, the recognition of social uses within forest areas must be distinguished from formal changes in forest area designation or function, as community occupation does not automatically result in the conversion of forest land into nonforest land. Against this background, the present study addresses two principal research questions: first, what legal mechanisms govern the recognition and acquisition of land rights over areas within designated forests that have been utilized for social purposes; and second, what legal consequences arise from community land tenure and social utilization within forest areas under Presidential Regulation Number 88 of 2017? By examining these questions, the study seeks to clarify the relationship between forest protection, agrarian reform, community land tenure, and the social function of land rights within Indonesia's legal framework.

METHOD

This study employed a normative juridical research method to examine the legal principles, statutory provisions, and regulatory frameworks governing forest area protection, community land tenure, and agrarian reform in Indonesia. The analysis focused on the consistency and harmonization of relevant laws and regulations, the doctrinal foundations of land rights, and the normative implications of regulatory provisions concerning the settlement of land tenure disputes within designated forest areas. The research adopted a doctrinal approach to identify potential regulatory inconsistencies and evaluate the legal mechanisms available for reconciling forest conservation obligations with community land tenure rights.

Three complementary approaches were employed: statutory, conceptual, and case approaches. The statutory approach involved examining the 1945 Constitution of the Republic of Indonesia; Law Number 5 of 1960 concerning Basic Agrarian Principles; Law Number 41 of 1999 concerning Forestry; Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction; Presidential Regulation Number 88 of 2017 concerning the Settlement of Land Tenure in Forest Areas; Presidential Regulation Number 86 of 2018 concerning Agrarian Reform; Presidential Regulation Number 62 of 2023 concerning the Acceleration of Agrarian Reform Implementation; and Minister of Environment and Forestry Regulation Number 7 of 2021. The conceptual approach examined legal doctrines concerning juridical and physical possession, the state's right of control (hak menguasai dari negara), the social function of land rights, legal certainty, and agrarian justice. The case approach analyzed

documented land tenure disputes involving communities occupying designated forest areas, particularly those in Cisadon Hamlet, West Java, and Sendangbiru Hamlet, Sumbermanjing Wetan District, Malang Regency, to assess the application and legal implications of the relevant regulatory framework.

The study utilized primary, secondary, and tertiary legal materials. Primary legal materials consisted of binding constitutional provisions, statutes, presidential regulations, and ministerial regulations relevant to forestry governance and agrarian reform. Secondary legal materials included legal textbooks, scholarly publications, and national and international journal articles addressing agrarian law, forestry regulation, legal protection, and social justice, including relevant doctrinal perspectives developed by Boedi Harsono (2003), Satjipto Rahardjo (2006) John Rawls, Jan Michiel Otto (2003), and Barda Nawawi Arief (2015). Tertiary legal materials included legal dictionaries and the Kamus Besar Bahasa Indonesia (KBBI), which were consulted to clarify legal terminology and support the interpretation of statutory provisions.

Legal materials were collected through library research involving the identification, compilation, classification, and systematic examination of relevant legislation, legal literature, and documented cases. The collected materials were analyzed using descriptive and normative legal analysis supported by grammatical, systematic, and teleological methods of statutory interpretation. These interpretive methods were applied to clarify the meaning and scope of relevant legal provisions, identify potential conflicts or inconsistencies among regulations, and evaluate the legal consequences of community land tenure within forest areas. The findings were subsequently synthesized to formulate legal conclusions concerning mechanisms for recognizing land rights, resolving tenure disputes, and balancing community welfare with forest protection obligations under Indonesia's agrarian and forestry legal frameworks.

RESULTS AND DISCUSSION

Procedures and Mechanisms for Obtaining Land Rights in Forest Areas According to Presidential Regulation Number 88 of 2017

Forest areas based on the provisions of Article 1 number 3 of Law Number 41 of 1999 juncto the Constitutional Court Decision are certain areas that have been designated and/or determined by the government to maintain their existence as permanent forests. Juridically, the determination of forest areas through the Minutes of Boundary Planning (BATB) provides certainty of the physical boundaries and legal status of state areas. However, demographic dynamics, the need for living space, and the history of land tenure often trigger the physical control of land in forest areas by communities, both for settlements, social/public facilities (places of worship, schools, meeting halls, cemeteries), as well as agricultural and plantation business land.

The pattern of land tenure in forest areas in Indonesia has historically been rooted in the Dutch colonial period through the principle of domein verklaring which is centralistic and production-oriented, while ignoring the traditional rights of indigenous peoples. After independence, the state constructed the Right of State Control (HMN) over forests as stipulated in Article 2 of the UUPA and Article 4 of the Forestry Law. Although HMN is intended for the greatest prosperity of the people, the allocation of forest use permits in the past was more

enjoyed by large corporations, thus triggering structural inequality and forcing rural communities to clear forest land to maintain their survival.

As in the empirical case in Sendangbiru Hamlet, Sumbermanjing Wetan District, Malang Regency, the local community has controlled and cultivated the land of protected forest areas for decades without obtaining official permits from the forestry authorities. The physical control is manifested in the form of residential villages, worship facilities, educational facilities, village roads, and agricultural/plantation cultivated land. Given that the area has the status of a protected forest with a vital function of maintaining water systems and preventing soil erosion, community activities without formal legality are normatively a violation of the law. A similar case occurred in Cisadon Hamlet, Bogor Regency, West Java, where residents have lived for decades but the reconstruction of forest boundaries in 2023 found incompatibility between the boundaries of the managed area and the determination of state forest areas.

In order to solve these problems without denying the community's sense of justice, the government launched the Agrarian Reform policy which is operationalized through the Settlement of Land Tenure in Forest Areas (PPTKH) scheme as stipulated in Presidential Regulation Number 88 of 2017. In the context of the asset arrangement of Agrarian Reform Object Land (TORA) based on Article 8 paragraph (2) of Presidential Regulation Number 86 of 2018 concerning Agrarian Reform, the target of land redistribution covering an area of 4.5 million hectares includes resources from forest areas, including: (1) the release of state forest areas from the TORA allocation of 20% of plantation release; (2) Convertible Production Forests (HPK) are unproductive; (3) transmigration settlements along with social facilities and public facilities that have obtained principle approval; (4) community settlements and social/public facility buildings in forest areas; and (5) cultivated land, plantations, and ponds which are the main source of livelihood for the local community.

Based on Article 20 of Presidential Regulation Number 88 of 2017, the settlement of land tenure in forest areas is carried out in stages through systematic administrative and technical stages, consisting of:

a) Inventory and verification of land ownership and ownership in forest areas by the PPTKH Inver Team formed at the regional level;
b) Formulation of recommendations on the most appropriate settlement pattern based on the function of the forest area and the duration of physical control;
c) Determination of the pattern of settlement of land tenure as an administrative decision with binding legal force;
d) Issuance of a decision on the release and/or change of forest area boundaries by the Minister of Environment and Forestry; and
e) Issuance of ownership certificates or legalization of land ownership status by the Ministry of ATR/BPN through the land redistribution program.

The requirements for applying for land rights in forest areas are rigidly regulated in Article 151 paragraph (1) of the Regulation of the Minister of Environment and Forestry Number 7 of 2021. Communities that submit applications are required to meet the following cumulative criteria: (a) land ownership is carried out in good faith and openly; (b) the land has been physically controlled continuously for a minimum of 5 (five) years; (c) the area of land controlled by an individual is a maximum of 5 (five) hectares; (d) is not currently in a dispute

or legal case; and (e) is recognized and justified by the customary law community or the local village/sub-district head through a credible certificate.

Presidential Regulation Number 88 of 2017 stipulates the classification of land tenure settlement patterns based on the main function of forest areas and the period of physical tenure, as summarized comprehensively in Table 1 below:

Table 1. Pattern of Settlement of Land Tenure in Forest Areas According to Presidential Decree Number 88 of 2017

Tree Function of Forest Area	Physical Dominance	Duration of Physical Mastery	Established Juridical Settlement Patterns
Conservation Forests (Nature Reserves, Wildlife Sanctuaries, National Parks)	Settlements, social/public facilities, and/or land cultivated by the community.	Physical mastery of any length (less or more than 20 years).	Resettlement (resettlement outside the forest area) to maintain the integrity of the conservation ecosystem.
Protected Forests (Water Systems, Flood Prevention, Life Supports)	Settlements and social facilities/public facilities.	It has been mastered continuously for more than 20 (twenty) years.	Removing land parcels from forest areas through Forest Area Boundary Changes.
Protected Forest	Land cultivated for agriculture, plantations, or people's ponds.	It has been mastered continuously for more than 20 (twenty) years.	Providing legal access to forest management through the Social Forestry (Forestry Partnership) program.
Protected Forest	Settlements, fasos/fasum, or cultivated land.	Controlled for less than 20 (twenty) years.	Granting permits for social forestry or resettlement if it endangers water systems.
Production Forest (HPT, Fixed HP, HPK)	Settlements, social/public facilities, and cultivated land.	Has been mastered continuously for more than 5 (five) years in good faith.	Release of Forest Areas or Change of Forest Area Boundaries to be redistributed into Property Rights.
Forests Managed by Customary Law Communities	Customary areas, customary settlements, and customary forests.	It is controlled from generation to generation based on local customary law.	The determination of Customary Forests (removing them from the status of state forests) is in accordance with the Constitutional Court's decision and the recognition of the local government.

The settlement pattern is carried out while still considering the principle of environmental sustainability, which is to maintain the adequacy of forest area at least 30% of the area of watersheds (watersheds), islands, and/or provinces. If the 30% threshold is threatened to be reduced, the settlement of land tenure in protected forests cannot be carried out through changes in forest area boundaries, but is directed through the granting of Social Forestry permits (Community Forests, Village Forests, or Forestry Partnerships) as stipulated in the Minister of Environment and Forestry Regulation Number 4 of 2023. Through Social Forestry, communities obtain management rights guaranteed by the state to utilize non-timber

forest products and environmental services without changing the status of forest areas as state property.

Meanwhile, for land plots that are approved to exit the forest area through boundary changes, the Minister of Environment and Forestry issues a Decree on the Release of Forest Areas. Furthermore, the Regency/City Land Office (BPN) carries out cadastral measurements, determination of land rights, and bookkeeping in the land book to issue certificates of proof of land rights (Property Rights, Building Rights, or Right of Use) as stipulated in Government Regulation Number 18 of 2021 jo. Minister of ATR/BPN Number 28 of 2021. With the issuance of the certificate, the legal relationship between the right holder and the land obtains absolute legal certainty protected by law.

Legal Consequences of Land Tenure in Forest Areas That Turn into Social Functions

The conversion of forest areas into social functions is empirically manifested in the clearing of land for worship facilities, educational facilities, public burial facilities, village roads, and residential areas. Viewed from the perspective of agrarian civil law (Article 6 of the UUPA), land does carry out a community mission where individual interests must be subordinated to the public interest. However, forestry law positions itself as a special legal regime (lex specialis derogat legi generali) that strictly regulates the protection of natural resources for the survival of the national ecosystem.

Philosophically, permits (vergunning) are administrative control instruments owned by the government to limit the actions of citizens that have the potential to cause ecological damage. Permits are not born by themselves, but come from the attribution authority of public officials. Based on Article 4 paragraph (2) of Law Number 41 of 1999 concerning Forestry, the control of forests by the state gives the government full authority to regulate and determine the status of forest areas and regulate the legal relationship between legal subjects and forests. Therefore, any form of occupation, cultivation, or transfer of forest area functions without a valid permit from the relevant minister is absolutely qualified as an Unlawful Act (onrechtmatige daad) as stipulated in Article 1365 of the Civil Code (KUHPerdata).

According to the theory of legal consequences put forward by Jazim Hamidi and R. Soeroso, legal consequences arise as a desired or undesirable consequence by law for an event or legal act. Unilateral land control of forest areas gives birth to three dimensions of legal consequences, as mapped structurally in Table 2 below:

Table 2. Dimension Matrix of Legal Consequences of Forest Area Control Without a Valid Permit

Legal Dimension	Form of Action/Violation	Juridical Basis of Norms	Real Legal Consequences and Consequences
Criminal Liability Dimension	Illegally occupying, encroaching on trees, or burning forest areas without ministerial permission.	Law No. 18 of 2013 concerning the Prevention and Eradication of Forest Destruction; Law No. 41 of 1999.	The threat of a maximum prison sentence of 15 (fifteen) years and a maximum fine of Rp100,000,000,000,- (one hundred billion rupiah).
Civil Liability Dimension	It causes material environmental losses, damages the balance of	Article 1365 of the Civil Code jo. Principle of Strict	The obligation to pay material compensation for environmental restoration

	the water system ecosystem, and triggers landslides.	Liability of environmental law.	(land rehabilitation) and the cancellation of all civil engagements thereon.
Administrative Sanction Dimension	Transferring the designation without consent, violating the limit of the borrowing permit, or abandoning cultivated land.	Presidential Regulation No. 88 of 2017; Minister of Environment and Forestry Regulation No. 7 of 2021; Minister of Environment and Forestry Regulation No. 50 of 2018 (IPPKH).	Unilateral revocation of management permits, forced demolition of buildings, eviction/resettlement, and return of land to state control.

As emphasized by Moeljatno, a criminal act is an act that is prohibited by a rule of law accompanied by a criminal threat to anyone who violates the prohibition. In forestry crimes, the principle of specificity (lex specialis) applies absolutely as stipulated in Article 63 paragraph (2) of the Criminal Code. Even if the occupation of forests for social purposes—if carried out anarchically and without going through the corridor of area release permits or forest area borrowing permits (IPPKH)—still meets the elements of the criminal act of forest destruction that can be acted upon by law enforcement officials.

As described by Niniek Suparmi (2012), environmental and forestry law enforcement is an integrated effort to achieve legal compliance through administrative, civil, and criminal supervision instruments. In forestry law, Article 50 jo. Article 78 of the Forestry Law and Article 12 of Law No. 18 of 2013 prohibit everyone from illegally working, using, and/or occupying forest areas. Violations of these prohibition norms activate severe criminal sanctions. In addition to criminal sanctions, individuals or organized groups that fund the encroachment of forest areas are subject to criminal penalties.

In addition, from the aspect of land law, land rights certificates issued on forest areas that have not been officially released by the Ministry of Environment and Forestry are declared administratively defective and null and void. In accordance with Article 19 paragraph (2) letter c of the UUPA, a certificate is indeed a strong proof of rights, but its strength is not absolute if it is obtained from an unlawful act or is on state land that cannot be burdened with property rights. Article 1865 and Article 1866 of the Civil Code affirm that whoever postulates has the right to prove the existence of this right; if the land certificate is contrary to the determination of the boundaries of the state forest area, the proof of ownership is lost in court. The National Land Agency (BPN) has the juridical authority to cancel the certificate in order to restore the status of land to state forest area.

Therefore, Presidential Regulation Number 88 of 2017 is present as a conciliatory middle ground that integrates legal certainty and distributive justice. By following the official PPTKH procedure, factual control by the community that has been going on for many years can be transformed from an illegal act to a legal right, either through the acquisition of land redistribution certificates in areas that have been demarcated, or through the granting of community forest management permits in areas that have maintained their functions.

CONCLUSION

The findings indicated that the legal recognition and acquisition of land rights over areas historically occupied or utilized by communities within designated forest areas were governed by the Settlement of Land Tenure in Forest Areas (Penyelesaian Penguasaan Tanah dalam Kawasan Hutan, PPTKH) framework and the Agrarian Reform Land Objects (Tanah Objek Reforma Agraria, TORA) program, as regulated under Presidential Regulation Number 88 of 2017, in conjunction with Minister of Environment and Forestry Regulation Number 7 of 2021 and other applicable agrarian and forestry regulations. The settlement process involved the inventory and verification of physical and juridical land data by the designated Inventory and Verification Team (Tim Inventarisasi dan Verifikasi, Inver Team), followed by the formulation of recommendations concerning appropriate settlement mechanisms. These mechanisms included adjustments to forest area boundaries to facilitate land redistribution where legally permissible, the provision of community access through social forestry schemes, and resettlement where required by forest conservation restrictions. Where applicable, the process proceeded through the relevant ministerial decisions concerning forest area boundaries or release, followed by land registration and the issuance of land rights certificates by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN). However, community occupation or utilization of forest land did not automatically confer ownership rights or alter its legal designation. Unauthorized activities within forest areas could result in criminal liability under Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, including imprisonment and substantial fines where the statutory elements of specific offenses were established. Depending on the nature of the violation and applicable legal provisions, additional consequences could include civil liability for environmental damage, administrative cancellation of legally defective land rights certificates, and orders to vacate or restore unlawfully occupied forest land. Nevertheless, criminal sanctions, including imprisonment of up to 15 years and fines of up to IDR 100 billion under certain provisions, could not be applied automatically to all forms of unauthorized community land occupation without establishing the relevant offense and applicable statutory requirements. Accordingly, the study recommended strengthening public awareness, regulatory transparency, and interagency coordination among the Ministry of Environment and Forestry, ATR/BPN, and regional governments to accelerate the inventory, verification, and resolution of community land tenure claims. Communities should also be encouraged to pursue legally recognized settlement procedures while maintaining forest conservation and ecological sustainability. Future research should empirically evaluate the implementation and effectiveness of Presidential Regulation Number 88 of 2017 at the regional level, particularly regarding legal certainty, community access to land rights, institutional coordination, and the balance between agrarian justice and environmental protection.

FUNDING

The author states that no financial support has been received for the implementation of this research and/or the publication of this article.

CONFLICT OF INTEREST

The author states that this research was conducted without any commercial or financial relationship that can be interpreted as a potential conflict of interest.

AUTHOR CONTRIBUTION

All authors contribute to the preparation of research concepts, methodology development, data collection and analysis, manuscript preparation, and manuscript revision. All authors have read and approved the final version of the manuscript.

GENERATIVE ARTIFICIAL INTELLIGENCE USAGE STATEMENT

The authors state that generative artificial intelligence (AI) was used in the preparation of this manuscript. The authors acknowledge the use of generative AI to help improve language clarity and improve the grammatical structure of manuscripts. The use is carried out in compliance with applicable ethical guidelines regarding the use and disclosure of generative AI in scientific research. Each author has made substantial intellectual contributions to this work. The entire content of the manuscript has been carefully reviewed to ensure its accuracy, and the author is solely responsible for the integrity and final content of the manuscript

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