

Study on Land Control Settlement in the Framework of Forest Area Arrangement (PPTPKH) in Banyuwangi Regency

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ARTICLE INFO	ABSTRACT
<p>Keywords: Banyuwangi, PPTPKH, forest area, agrarian reform</p> <p>Date logs: Received: August 20, 2024 Reviewed: August 20, 2024 Accepted: August 22, 2024 Published: August 24, 2024</p> <p>How To Cite: Sirajuddin, M.M. (2024). Study on Land Control Settlement in the Framework of Forest Area Arrangement (PPTPKH) in Banyuwangi Regency. <i>Marcapada: Jurnal Kebijakan Pertanahan</i>, 3(2), 152-166. https://doi.org/10.31292/mj.v3i2.56</p>	<p>Legally, land ownership rests on a solid foundation. Land ownership gives the rightholder the authority to control, use, and benefit from the land. In Indonesia, land ownership predates the area's designation as a forest area. Regulations and patterns of land ownership settlement have undergone numerous changes over time. Law No. 11 of 2020, which pertains to job creation and its related regulations, represents a significant advancement in agrarian reform, particularly in Java, with a particular focus on items originating from forest regions. This paper employs a qualitative research method, combining a descriptive and normative legal approach with a comparative analysis of the regulations. This method employs techniques such as observation, interviews, and document studies, along with a comparison of regulations. This paper aims to investigate the implementation of agrarian reform, combined with a comparison before and after the enactment of the Job Creation Law. An important finding is that Java, especially Banyuwangi Regency, East Java Province, can carry out this activity. The settlement pattern uses a forest area release scheme and social forestry. In conclusion, after the UUCK (Job Creation Law) is issued, Java, Bali, and Lampung can implement PPTPKH. The state protected agricultural plots with legal permits under the Social Forestry scheme, and redistributed 10,323 plots of land in forest areas to the community.</p>

A. Introduction

Based on data from the Ministry of Environment and Forestry through the Directorate General of Forestry Planning and Environmental Management until December 2021, the area of forest areas in Indonesia is 125,795,306.19 hectares, consisting of 5,321,321 hectares of marine conservation areas, 22,086,347.40 hectares of land conservation areas, 29,560,152.29 hectares of protected forests, 26,802,781.04 hectares of limited production forests, 29,230,539.78 hectares of permanent production forests, and 12,794,164.68 hectares of convertible production forests (Ministry of Environment and Forestry's Center for Extension and Human Resource Development, 2024). Forest land tenure refers to the term forest tenure, which means a general concept that includes forest ownership, rent, and utilization (FAO, 2011; Nilasari et al., 2017). Communities frequently exercise land control in forest areas, and their existence often precedes that of the state itself (Salim et al., 2019). According to BPS 2020 data, out of the 83,931 villages that resulted from village potential in 2018, 2,768 villages are located in forest areas, 18,617 villages are situated around forest areas, and

62,546 villages are located outside forest areas. Banyuwangi Regency, one of Java Island's forest areas, is under land control. The forest area in Banyuwangi Regency has an area of 206,139.29 ha, or 35.6% of the total land area in Banyuwangi Regency. Banyuwangi Regency divides the forest area into three Forest Management Units (KPH). Banyuwangi Regency divides the KPH into three management units: the North Banyuwangi KPH, the West Banyuwangi KPH, and the South Banyuwangi KPH.

Given that land control in forest areas affects many people's livelihoods, it is important to address this issue (Nugroho, 2017). Currently, land problems in forest areas are very complex and prone to conflict (Harnadi, 2018). The community can utilize forests to open fields and harvest wood and non-wood forest products (Arifandy & Sihaloho, 2015). The community views forests as business land and providers of various daily needs (Haryani & Rijanta, 2019). There are disputes concerning forest areas, particularly those related to the granting of forest concession rights (HPH) over land controlled by customary law communities (ulayat land), as well as those related to mining areas and areas that are claimed to be forests but are actually non-forest (Syarif 2014, 29).

We must gradually resolve the various historical problems mentioned above. Agrarian reform is widely regarded as the most effective solution to address land issues and natural resource management problems, particularly in relation to citizen rights (Arisaputra 2021, 3). President Joko Widodo signed Presidential Regulation No. 88 of 2017 concerning the Settlement of Land Control in Forest Areas on September 6, 2017 (Manik et al., 2022). This Presidential Regulation aims to provide legal certainty, protection, justice, and prosperity for all Indonesian people, particularly those who control land and are included in forest areas (Zein, 2019). In line with this, Salim et al. (2021) stated that the issuance of Presidential Regulation No. 88 of 2017 (and Presidential Regulation No. 86 of 2018) aims to resolve the status of land in forest areas controlled by the community. However, the lack of application of Presidential Regulation No. 88 in Java-Bali and Lampung results in significant uncertainty for the residents of these regions, leading to the issuance of a law that ultimately addresses the issues in Java-Bali and Lampung. Law No. 11 of 2020, also known as the Job Creation Law, provides an alternative to the combination of work between Law No. 41 of 1999 and Law No. 18 of 2013. It is based on Government Regulation No. 24 of 2021, which says how to issue administrative fines and get non-tax state revenue from them in the forestry sector (Ministry of Environment and Forestry, 2023) and the Job Creation Law makes it clear what the rules are for dealing with illegal logging and use of forests.

The Presidential Decree No. 62 of 2023, Article 5, Paragraph (1), also says that Tora from Forest Areas includes: 20% of Forest Area release for plantations that can be farmed; HPK-TP Areas and new rice field creation programs; and Results of land acquisition settlement activities in State Forest Areas with Forest Area arrangement in the context of Forest Area confirmation. The Ministry of Environment and Forestry is quite progressive in following up on the policy of acquiring land for agrarian reform sourced from forest areas by issuing Decree of the Minister of Environment and Forestry No. SK.180/Menlhk/Setjen/kum.1/4/2017 concerning the Indicative Map of Forest Area Allocation for Provision of TORA Sources. Many researchers have conducted studies on forest area acquisition

settlement policies, such as Harnadi's (2018) study, which explores the implementation of the Social Forestry (PS) method and changes in forest areas to address land acquisition issues. Furthermore, Khanifa et al. (2021) and Syanurisma (2022) conducted spatial and thematic studies in their research, demonstrating the community's control over forest land. In addition, looking from a broader perspective, the PPTKH scheme is not only a policy for changing forest area boundaries but also a social forestry policy that provides access to the community to manage forest areas. According to Dempo et al. (2021), the implementation of agrarian reform adheres to the relevant procedures. However, obstacles persist and the process remains incomplete. Generally, this study aligns with earlier research findings. This research introduces the novel application of PPTPKH, a first for the island of Java. The research is conducted in Banyuwangi Regency, which serves as a pilot project for nine other regencies/cities in East Java Province, as specified in the Decree of the Minister of Environment and Forestry. Unlike previous studies, this research employs two distinct research methods: descriptive and normative juridical approaches. This study will look more closely at the differences between rules that were in place before and after the UUCK. This is done so that agrarian reform can be put into place on Java Island through a plan to open up forest areas, do social forestry, and settle land disputes in the context of forest area planning (pptpkh) in Banyuwangi Regency.

B. Research Methods

In this study, the researcher used descriptive qualitative analysis techniques (Waruwu, 2023) and normative legal methods with a comparative approach (Yuniza et al., 2022). Qualitative research provides detailed descriptions of what, who, where, when, how, why, and other aspects of the subject under study (Erliana 2014). A comparative approach complements the normative legal approach. To obtain a real picture of the differences and similarities between the two objects of comparison, this approach compares legal provisions in the context of norms, rules, principles, and legal systems (Nurhayati et al., 2021). We conducted this research in Banyuwangi Regency, East Java Province. The villages and communities that applied for PPTPKH in Banyuwangi Regency were the focus of this study. There were two data sources used in this study, namely primary data sources and secondary data sources (Iriani, 2018). We obtained primary data from field studies using original data collection strategies (Kuncoro, 2013 in Wartuny, 2020), while we obtained secondary data from various documents/notes, scientific works, and official archives to verify the completeness of the primary data (Wartuny, 2020). In this study, data collection techniques include observation, interviews, and document studies. The analysis method employs the following stages: initial data collection, orientation and description, data reduction, data selection, and conclusion drawing.

C. Comparative Regulation Before and After Job Creation Law (UUCK)

Law No. 41 of 1999 concerning Forestry (Forestry Law) regulates the implementation of forestry in Indonesia. This law covers a wide range of regulations on forests and forestry, including some concerning the conservation of natural biological resources and their ecosystems. Additionally, the

management of forests necessitates activities such as forestry planning, the creation of management plans, the utilization and use of forest areas, the rehabilitation and reclamation of forests, and the protection and conservation of forests and nature. Law No. 19 of 2004 partially amends the Forestry Law by substituting the Stipulation of Government Regulation for Law No. 1 of 2004, which amends Law No. 41 of 1999 concerning Forestry.

The government, in this case the Ministry of Forestry, issued Decree of the Minister of Forestry and Plantations No. 417/Kpts-II/1999 dated June 15, 1999 concerning the Designation of Forest Areas in the Province of East Java I covering an area of $\pm 1,357,206.30$ hectares. Additionally, the Minister of Forestry issued Decree No. 2137/MenLHK-PKTL/KUH/PLA.2/4/2017 on April 13, 2017, detailing the progress of Forest Area Confirmation in East Java Province until 2016. The decree documents the development of the Banyuwangi Regency forest area, which spans an area of 176,146.4427 ha (Khanifa, 2021). The Joint Regulation of the Minister of Home Affairs, Minister of Forestry, Minister of Public Works, and Head of the National Land Agency No. 79 of 2014, No. PB.3/Menhut-II/2014, No. 17/PRT/M/2014, and No. 8/SKB/X/2014 concerning Procedures for Settlement of Land Control in Forest Areas was meant to guide the settlement of community land in forest areas, but it hasn't worked well so far.

According to Sutaryono and Gumilar (2018), the rule says that if the community-controlled land is in a forest area and verification and validation show that the land rights or customary law community land are valid, the land can be taken out of the forest and registered in the name of the person who controls the land. However, Nugroho (2017) stated that information obtained from the Land Office, one of which is the Lebak Regency Land Office, indicates that the 4 Ministerial Regulations have not produced maximum results other than just an inventory. Furthermore, Nugroho (2017) stated that the resolution of land control problems in forest areas began with the issuance of the Joint Regulation of the 4 (four) Ministers/Heads of Agencies, but it has not resulted in a permanent decision. Djuita (2016) clarified that several obstacles hindered the implementation of this regulation. These included the fact that the joint regulation of the 4 Ministers was deemed flawed due to its signing during the transition period, that only the Ministry of ATR/BPN, specifically Permen ATR/BPN No. 9 of 2015, made technical instructions, which were not known to other Ministries, thereby rendering them non-binding between other parties, and that the coordination between Ministries/Institutions and regional governments was less effective. The President then established Presidential Regulation No. 88 of 2017, which pertains to the Settlement of Land Control in Forest Areas. According to Salim et al. (2019), the Presidential Regulation 88 of 2017 policy allows the community to propose land in controlled forest areas for issuance through the PPTKH scheme.

The birth of Law No. 11 of 2020 concerning Job Creation is a new chapter in land regulation (Siswoyo and Imran, 2022), especially in Java, Bali, and Lampung. Article 36 of the UUCK mandates the confirmation of forest areas through various methods such as forest area designation, boundary arrangement, mapping, and determination. The UUCK has undergone several changes, including the acceleration of forest area confirmation activities regulated in Government Regulations (PP).

Furthermore, this regulation does not explicitly state the requirements for maintaining the forest area. The government then followed up on the UUCK by ratifying Government Regulation No. 21 of 2021 concerning the implementation of spatial planning; Government Regulation No. 23 of 2021 concerning the implementation of forestry; and Government Regulation No. 43 of 2021 concerning the settlement of inconsistencies in spatial planning, forest areas, permits, and/or land rights.

According to PP No. 23 of 2021 and PP No. 43 of 2021, the process of resolving land ownership in forest areas involves the removal of controlled land through boundary changes. To put the rules in the government regulation above into action, the Minister of Environment and Forestry signed Decree No. SK.485/MENLHK/SETJEN/PLA.2/5/2023, which says that $\pm 2,385.64$ Ha (Two Thousand Three Hundred Eighty-Five and Sixty-Four Hectares) of forest areas can be released for use as land sources for agrarian reform projects in Banyuwangi Regency, Batu City, Blitar Regency, Jember Regency, Lumajang Regency, Madiun Regency, Malang Regency, Nganjuk Regency, Ngawi Regency, and Pacitan Regency, all in East Java Province.

The Pattern for Resolving Land Ownership in Forest Areas is outlined in PerPres No. 88 of 2017. After designating a plot of land as a forest area, Article 8 Paragraph (1) outlines the settlement pattern for those plots. This pattern includes removing plots from the forest area, exchanging the forest area, providing access to forest management through social forestry, or implementing resettlement. Article 23 in PP no. 23 of 2021 elucidates the process of settling land tenure in forest areas. This process involves organizing forest areas for the purpose of establishing forest areas. This includes activities such as acquiring land for agrarian reform purposes, managing social forestry, altering the designation of forest areas, altering the function of forest areas, or changing the use of forest areas.

PP No. 23 of 2021 does not include forest area exchange and resettlement. The basic comparison contained in these two regulations concerns the adequacy of forest area. The Presidential Regulation 88 of 2017 underscores the requirement to maintain at least 30% (thirty percent) of the forest area within river basins, islands, and/or provinces. PP No. 21 of 2023, on the other hand, does not consider the adequacy of the forest area in relation to the area of river basins, islands, and/or provinces. In PP No. 23 of 2021, the process of verifying forest areas distinguishes the resolution of land rights in these areas according to the party in control of the land. These parties include the central government, regional government, individuals, and social/religious bodies. Presidential Regulation 88 of 2017 does not mention in detail the differences in the settlement patterns of each party controlling land plots in forest areas. As long as the settlement patterns meet the criteria outlined in PP No. 23 of 2021, they can be implemented by altering the boundaries of forest areas, changing their designation and function, and utilizing forest areas for land plots controlled as settlements, public facilities, infrastructure, and buildings. Meanwhile, a social forestry pattern applies to cultivated land, plantations, fisheries, and ponds. Table 1 provides a detailed comparison between Presidential Regulation 88 of 2017 on PPTKH and PP No. 23 of 2021 on Forestry Implementation.

Tabel 1. Comparative Regulation of PPTPKH Patterns Before and After UUCK

Criteria				Presidential Decree 88 of 2017 concerning PPTKH			PP 23 of 2021 concerning the Implementation of Sacred Beliefs			
				Requirements: Possessed physically and in good faith; Not in dispute; recognized by the customary law community and/or the village head concerned			Requirements: Mastery before the UGC; Residing in and around the forest; Mastered for a minimum of 5 years; Individual ≤ 5 Ha; Possessed physically and in good faith; Not in dispute			
				Maintain a forest area of at least 30% of the area of watersheds, islands, and/or provinces (Java and Bali cannot be implemented)			Without maintaining a forest area of at least 30% of the area of watersheds, islands, and/or provinces (Java and Bali islands can be implemented)			
Stages	Spacious adequacy and cover Land	Use or utilization soil	Fulfillment of Criteria	Forest Function						
				Conservation Forest (HK)	Protected Forest (HL)	Production Forest (HP)	Conservation Forest (HK)	Protected Forest (HL)	Production Forest (HP)	
Before Being Appointed and/or Appointed				Changes in Forest Area Boundaries			Changes in Forest Area Boundaries			
Once Appointed and/or Appointed	Less than	Settlements, fasum, fasos, infrastructure, buildings	meets HL criteria	Resettlement	Resettlement	Resettlement	Conservation Partnership	Consent to Use	Forest Area Release or Use Approval	
			does not meet HL criteria		Convert			Consent to Use and Changes Function		
		Cultivated land, plantations, agriculture, and ponds	Controlled for less than 20 years		Social Forestry	Social Forestry		Social Forestry	Social Forestry	
			Controlled for more than 20 years		Social Forestry	Social Forestry		Social Forestry	Social Forestry	
		More than	Settlements, fasum, fasos, infrastructure, buildings		meets HL criteria	Resettlement		Boundary Changes	Consent to Use	Boundary Changes
					no meets HL criteria	Boundary Changes		Boundary Changes	Boundary Changes	Perubahan Batas
	Cultivated land, plantations, agriculture, and ponds		Controlled by less than 20 year	Social Forestry	Social Forestry	Social Forestry	Social Forestry			
			Controlled for more than 20 years	Boundary Changes	Boundary Changes	Boundary Changes	Boundary Changes			

Source: Processed by Author, 2024.

The table above shows that various regulations have emerged, indicating changes in policy related to the settlement of land ownership in forest areas. The emergence of various PPTKH/PPTPKH regulations has led to several policy changes, including the release of community land in Java following the revocation of Law No. 41 of 2009 Article 18 (paragraph 2). Article 18 is what has so far limited the settlement of land ownership by communities in Java, because forests in Java are considered less than 30% of their area, making it difficult to release, even though the community has controlled the land for decades. Following the revocation of Article 18 above, community land settlement in forest areas has now begun in stages.

D. The settlement of land tenure in the context of Forest Area Management (PPTPKH) is achieved through the release of forest areas and social forestry

Many communities in forest areas face the problem of land control and utilization (Manik et al., 2021). Communities in forest areas exercise land control from generation to generation, even before the local government designated the area as a forest area (Majid et al., 2022). Furthermore, Senoaji et al. (2019) found facts in the field: the entire forest area has been turned into agricultural land. The results of the field research revealed that the community in Banyuwangi Regency has been controlling the land since the 1940s, when the people living around the forest worked in the fields surrounding the forest. The East Java Province LHK Integrated Team obtained this data from field verification conducted during the PPTPKH activity. Village communities in forest areas hold a written letter from the Regent of Banyuwangi Regency as proof of control.

The National Medium-Term Development Plan for 2020-2024, as outlined in Presidential Regulation No. 18 of 2020, aims to enhance the well-being of marginalized individuals by releasing forest areas as sources of Agrarian Reform Object Land (TORA). The Minister of Environment and Forestry (Permen LHK) No. 7 of 2021, which addresses Forestry Planning, Changes in Forest Area Designation, Changes in Forest Area Functions, and Use of Forest Areas, serves as the basis for the implementation of PTPKH,

Socialization of PTPKH Activities. The initial PTPKH activity involved educating people about the implementation of PTPKH. Participants in this socialization activity included BPKHTL XI Yogyakarta, the Head of the Integrated Team of the Ministry of Environment and Forestry of East Java Province, the ATR/BPN Regional Office of East Java Province, local governments, the Banyuwangi Regency Land Office, related agencies, village heads, and representatives from the community, typically represented by village officials. The socialization activity in Banyuwangi also covered the boundary routes of each village within the forest area. Based on data obtained from BPKHTL Figure 1 depicts the PTPKH application flow in Banyuwangi Regency.



Figure 1. PTPKH Application Flow
 Source: Presentation by the Head of BPKHTL XI (Suhendro A. Basori) in 2023.

The party in charge of the land area, known as the applicant, submits a collective application to the village head or sub-district head who is known to them. The district/city facilitation team, in this case the Banyuwangi Regency Inver team, identifies and verifies the application files, as depicted in Figure 1. Khanifa (2020) asserted that the district/city facilitation team, in this case the Banyuwangi Regency Inver team, must identify the Control, Ownership, Utilization, and Use of Land (IP4T) of the community in forest areas using a geographic (spatial) information system. This process is crucial for the success of the PTPKH process through RAPS and can serve as a database for the village information

system. Furthermore, Nasution (2020) explained that spatial identification helps with several problems in the field, including the initial determination of TORA sources and the provision of data to determine the length of land control.

The Integrated Team (Timdu) conducts a study and makes recommendations. Upon completion of the identification and verification of application files, the regent submits the documents to the Minister of LHK. The Director General of Forestry Planning and Environmental Management, acting on behalf of the Minister of Environment and Forestry, made a decision No. SK.7000/MENLHK-PKTL/PPKH/PLA.2/9/2022 on September 6, 2022. This decision, later amended by Decree No. SK.8026/MENLHK-PKTL/PPKH/PLA.2/10/2022 on October 18, 2022, established an Integrated Team within the framework of PTPKH for settlements, public facilities, and social facilities in East Java Province.

The Integrated Team, which includes academics, the Directorate General of Planning, BPKH, BRIN researchers, and the forestry service, will conduct studies as part of the implementation of PTPKH. The recommendations of the Integrated Team in East Java Province are: (1) research areas for the Integrated Team for PTPKH in 10 (ten) districts/cities in East Java Province in stages. Phase One (I) encompasses an area of approximately 6,448.13 ha (six thousand four hundred and forty-eight and thirteen percent hectares), as detailed below:

- a) The map attached to the Decree of the Acting Director General of Forestry Planning and Environmental Management on behalf of the Minister of Environment and Forestry, No. SK.5564 / MENLHK-PKTL / PPKH / PLA.2/6/2022, pertains to the Indicative Map of Land Tenure Settlement in the context of the Arrangement of Revised I Forest Areas, which spans an area of approximately 2,801 ha (two thousand eight hundred and one hectares).
- b) The Map of the Annexure of the Decree, as mentioned in letter (a), encompasses an area of approximately 3,647.13 ha (three thousand six hundred and forty-seven and thirteen hundredths of hectares), and was derived from proposals submitted by the community, government agencies, and non-governmental organizations.

The formation of the Integrated Team was a response to the insufficient forest area in one province. The formation of the Integrated Team aligns with the Decree of the Minister of Forestry of the Republic of Indonesia No. SK.395/Menhut-II/2011, which pertains to the changes made to the Upper Boundary of the Decree of the Minister of Forestry and Plantations No. 417/Kpts-II/1999, regarding the Designation of Forest Areas in the Province of East Java Level I. This Decree covers an area of 1,357,206.30 (one million three hundred fifty-seven thousand two hundred six and thirty percent) hectares, or 28% of the total land area in East Java Province. The Integrated Team then assumed responsibility for the follow-up to the PTPKH application, conducting a study and recommending a settlement pattern. Figure 2 illustrates the study flow that the Integrated Team carried out.

TINDAKLANJUT PERMOHONAN PPTPKH

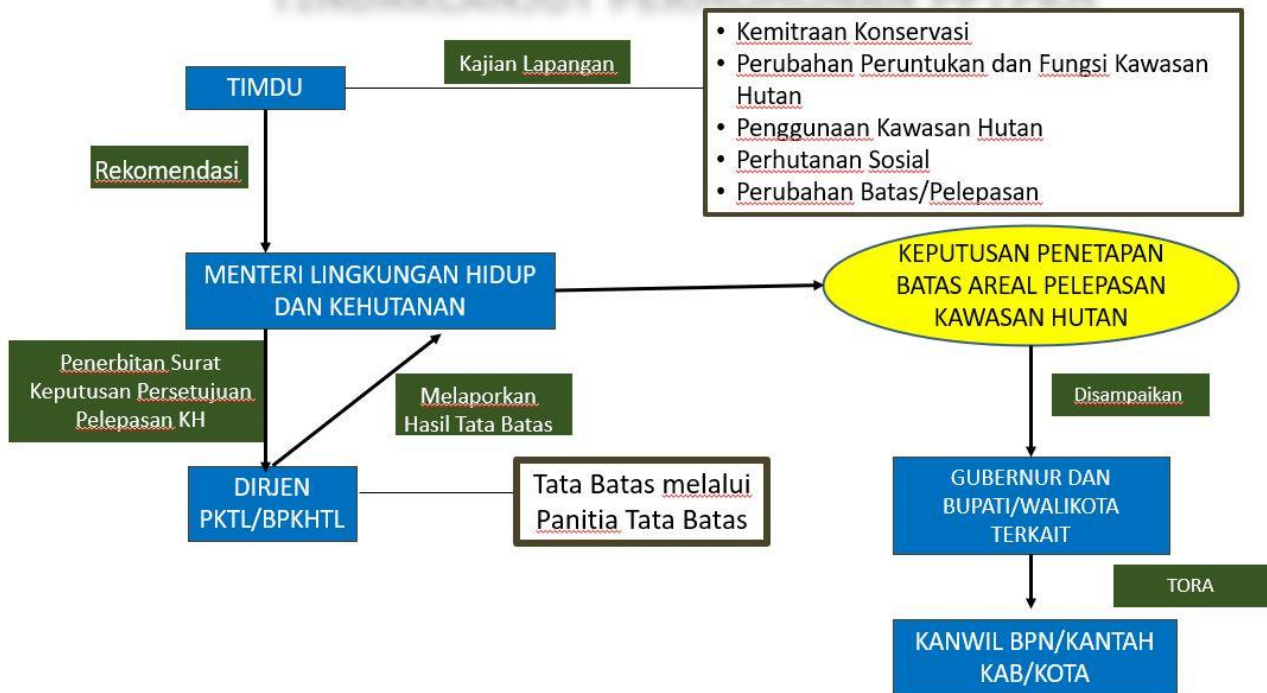


Figure 2. Follow-up of PPTPKH Application
Source: East Java Province Environment and Forestry Team, 2023

In the picture above, you can see the East Java Province Integrated Team implementing activities. The East Java Province Integrated Team conducted a study to identify potential schemes for the PPTPKH activity. Salim and Utami (2019) explained that the team processed and analyzed data and made recommendations to release forest areas for TORA objects through studies as regulated in Permen LHK No. 17/MMENLHK/SSETJEN/KUM.1/5/2018.

Implementation of Activities. The formation of forest areas is part of forestry planning (Safitri, 2014). Parties produce legal certainty and recognition of forest areas through the process of confirming forest areas, which starts with designation, boundary delimitation, mapping, and concludes with determination (Sinabutar et al. 2014). The goal is to keep certain areas designated by the government as permanent forests (Article 1, number 3, of Law No. 41 of 1999 concerning Forestry). The PPTPKH activities in Permen LHK No. 7 of 2021, implemented in Banyuwangi Regency, generally follow this description:

1. Designation of Forest Areas. The designation of forest areas in East Java Province is based on the Decree of the Minister of Forestry and Plantations No. 417/Kpts-II/1999 dated June 15, 1999 concerning the Designation of Forest Areas in the Province of East Java covering an area of ± 1,357,206.30 hectares. Article 1 Number 19 of Regulation of the Minister of Environment and Forestry No. 7 of 2021 explains that the Designation of Forest Areas is the initial determination of the designation of a certain area as a forest area. The Minister of Forestry has issued the Decree No. 6606/MENLHK-PKTL/KUH/PLA.2/10/2021, dated October 27, 2021,

which outlines the development plan for the confirmation of forest areas in East Java Province until 2020.

2. Arrangement of forest area boundaries. Article 1 Number 20 of PP No. 23 of 2021 says that Forest Area Boundary Arrangement is a process that includes marking the boundaries, announcing them, projecting the boundaries, putting up boundary markers, measuring, mapping, and making boundary demarcation minutes. It also includes taking inventory and settling third party rights. The Boundary Demarcation Acceleration Period refers to the period from 2010 to 2014 in the forest area confirmation process. Since 2007, the Technical Implementation Unit (UPT) of the Ministry of Forestry in the Regions, specifically the Forest Area Consolidation Center (BPKH), has returned the authority for boundary demarcation to the Center and is carrying it out (Nilasari et al. 2017). In this case, the boundary demarcation committee, chaired by Head of BPKHTL XI Yogyakarta Suhendro A. Basori, has the following tasks: assessing the boundary route plan; assessing the results of the identification and inventory of third-party rights; assessing the boundary work map; and assessing the boundary demarcation result map.
3. Forest Area Mapping. According to Article 21 of PP No. 23 of 2021, the process of creating maps for forest area confirmation activities involves the following steps: The process includes the designation of forest areas, the creation of boundary route plans, the placement of temporary boundary markers, the arrangement of forest area boundaries, and the determination of forest areas.
4. Determination of Forest Areas. The process of determining forest areas involves identifying the Temu Gelang Forest Area, which includes details such as its location, boundaries, area, specific functions, and boundary coordinate points. This information is presented in the form of a forest area map, preferably at a scale of 1: 100,000, as per Article 1 number 6 of the Regulation of the Minister of Forestry No. 44 of 2012 concerning the Confirmation of Forest Areas. The objectives include creating forest areas that are legally certain and just (Safitri, 2014). The Minister of Environment and Forestry issues a Decree, commonly known as the Blue Decree, marking the determination of Forest Areas and the approval of their release in Banyuwangi Regency. The Blue Decree is a Decree on Release of Forest Areas through Boundary Changes issued by the central government through the Ministry of Environment and Forestry.

The Minister of Environment and Forestry has issued Decree No. SK.1004/MENLHK/SETJEN/PLA.2/9/2023 concerning the Determination of the Boundaries of the Release Area of Part of the Permanent Production Forest Area in the Alasbuluh/Gombeng Forest Section, the Licin Porolinggo Forest Section, the Kalisetail Forest Section, the Genteng Forest Section, and the Blambangan Forest Section for the Settlement of Land Control in the Framework of Forest Area Arrangement of 725.81 Ha (Seven Hundred Twenty Five and Eighty One Per Hundred Hectares) Through the Release of Forest Areas for Land Sources for Agrarian Reform Objects of Community Groups in Banyuanyar Village, Kalibaru District; Bayu Village, Songgon District; Bumiharjo Village,

Margomulyo Village, and Sumbergondo Village, Glenmore District; Jambewangi Village and Temuguruh Village, Sempu District; Kalipait Village, Kedungasri Village, Kendalrejo Village and Purwoagung Village, Tegaldlimo District; Karangdoro Village, Tegalsari District; Pesanggaran Village, Pesanggaran District; Seneporejo Village, Siliragung District; Sumberasri Village, Purwoharjo District; Temurejo Village, Bangorejo District; And Watukebo Village, Wongsorejo District, In Banyuwangi Regency, East Java Province.

E. Conclusion

The implementation of PPTPKH in Java is different from outside Java. A comparison of regulations before and after UUCK found that current regulations do not maintain the minimum forest area of 30% of the watershed, province, and/or island area. The study's findings indicate that the new regulations do not employ a resettlement and exchange scheme, but instead, they grant permits for use and alter the boundaries of forest areas. Communities that maintained control over forest areas prior to their designation as forest areas will benefit greatly from this. However, the lack of supervision over designated forests can pose a problem. PPTPKH implementation in Banyuwangi Regency has generally been in accordance with current regulations. The forest area confirmation process, which starts with the designation, boundary arrangement, mapping, and concludes with the determination of forest areas, produces legal certainty and recognition of the rights of parties controlling land over forest areas. The final outcome of PPTPKH activities is the issuance of a Blue Decree, which serves as the foundation for the implementation of land redistribution from Sumber TORA, following the release of forest area land.

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