

Indonesia: Forestry Ministry allegedly rushing to determine forests areas ahead of 2024 elections

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Jakarta — The Indonesian Forum for the Environment (Walhi) is suspicious of the move by the Environment and Forestry Ministry (KLHK) to accelerate the determination of 100 percent of Indonesia's forest areas in 2023, or in other words ahead of the 2024 legislative and presidential elections.

Walhi National Executive Campaign Manager for Forestry and Plantations, Uli Arta Siagian, suspects the move by the KLHK could in fact be used as a tool so that investors and corporation can enter forest areas legally.

Moreover, said Siagian, the determination of these forest areas is being done with minimal public participation. Walhi is therefore concerned that areas belonging to traditional communities will also be claimed as part of the forest areas determined by the KLHK, so that that the function of the land can be changed.

"It is reasonable to suspect that this process is being used to smooth the way for various interests to be able to conduct activities legally in forests, or smooth the way for investment to come in", said Siagian.

"The determination of forest areas is unilateral, in the dark, transactional. Moreover they chasing a fast [target of] 2023, and we [know] 2023 is a political year", he said.

"Siagian said that this has been made possible because of regulations that facilitate corporations operating in forest areas. One of these is the government regulation in lieu of law (Perppu) that replaces the Jobs Law, which was issued by President Joko "Jokowi" Widodo in December last year.

According to Siagian, the Perppu only replaces the Jobs Law that was declared conditionally unconstitutional by the Constitutional Court in November 2021, but its contents remain the same.

He then touched on Articles 110A and 110B on amnesties for companies operating illegally in forest areas which is still valid under the Perppu. In addition to this, the law also removes the previous minimum requirement of 30 percent forest area in each watershed (DAS) area or island.

"The point being that this does not contain the release of forest areas but uses it as a tool for expansion by corporation", said Siagian.

Earlier, Environment and Forestry Minister Siti Nurbaya Bakar said that the determination of Indonesia's forest areas must be 100 percent complete this year. This refers to the mandate of Government Regulation Number 23/2021 on Forest Organisations, as a follow up to Law Number 11/2020 on Job Creation.

“In accordance with the Jobs Law, by November 2023, it is projected that there will be a resolution that is concrete and thorough”, she said.

Meanwhile, based on Coordinating Ministry for the Economy Regulation Number 7/2021 dated 10 September 2021, accelerating the completion of the determination of forest areas is part of the National Strategic Program under the Economic Equality Program group.

Forestry ministry on logging

Speaking at the KLHK offices on Monday January 30, Bakar said that the boundaries of forest areas that have not yet been determined are often taken advantage of by loggers.

Therefore she understands if the Corruption Eradication Commission (KPK) has highlighted corruption and crimes in the forestry sector.

“There are many problems in the field, especially from adventurers and opportunists who use boundary issues as their reason for committing forestry crimes such as clearing, illegal logging and illegal control of areas”, said Bakar at the KLHK office in Jakarta on Monday.

In relation to this problem, Bakar claimed that it will be overcome by pursuing the government regulations and laws mandating that forest areas be determined no later than 2023.

Indonesia’s current forest area is some 125,795,306 hectares. In 2022, the KLHK determined 10,006,045 hectares consisting of 179 decrees.

Overall, the realisation of forest area determination as of December 2022 was only 99,659,996 hectares, consisting of 2,328 units of decrees on Forest Area Determination. The rest must be pursued this year.

“The remainder consisting of 26,137,830 hectares will be determined in 2023”, she said.

Previously, the KPK’s Monitoring Directorate found 8.3 million hectares of unmapped land covered by right to cultivate (HGU) permits, which has the potential to trigger agrarian conflicts.

KPK Deputy Chairperson Nurul Ghufron warned that legal certainty and land rights are examples of agrarian conflicts that have often occurred in Indonesian society, so it is important for HGUs to be mapped.

Over the last four years there have been 31,228 land cases comprising disputes in 37 percent of cases, conflicts 2.7 percent and 60 legal cases. Over the same period, 244 land mafia cases were also found.

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