

The Role of Local Government in Improving the Economy and Welfare of the Wamesa Great Tribes Society in West Papua, Through A Sustainable Forest Development Program: in the Perspective of Collaborative Governance in Public Service

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Abstracts: The purpose of this study is to analyze and describe the role of local government in improving the economy and welfare of the Wamensa great tribal community in West Papua, through a sustainable customary forest development program in the perspective of Collaborative Governance in Public Service. Collaborative governance is an important process in the Indonesian government today. The government implements Collaborative governance by providing space for other actors to participate, such as the national private, foreign, and public. Collaborative management aims to reduce conflict, facilitate learning, and increase consensus among stakeholders. As a legal administrator, the government should work effectively and efficiently in providing good public services to all citizens. Currently, West Papua still has around 81% of sustainable forest remaining, with a wealth of various types of wild animals with ecosystems in it (mega-biodiversity). Local Government as key in making policies has impacts on improving the economy and people's welfare. This research used a qualitative method with a case study in the customary forest of the Wamesa great tribe in West Papua. The study results showed that there are 3 main indicators to support the success of the Government's role in sustainable forest development, such as; economic, social, and ecological. However, there is a governance Pillar in the paradigm of public administration to show the success of collaborative governance. It required collaborative governance management synergically between government and non-government actors. The aim is to consensus on adaptive solutions through forest resource management. They are concerned with economic, social, and ecological complexities, as a concrete form of the vision and mission of the Regional Government in providing public services, as a portfolio documentation of national development.

Keywords: Customary law community, Local Wisdom, Collaborative Governance, Public Service, Sustainable customary Forest Development.

1. INTRODUCTION

The problems of massive and uncontrolled deforestation and forest degradation have caused damage to infrastructure and the environment, decreasing water availability and carbon production which has triggered global warming on a world scale [54]. This can be a serious threat to human life and ecosystems in the forest. According to Dharmika, (2014), this incident happened because of the anthropocentric paradigm of humans exploiting nature regardless of its sustainability ([53]; [56]). The anthropocentric paradigm is one of the important paradigms that is considered to play a role in environmental degradation ([21]; [26]; [35]; [55]). Of this condition, Indonesia is considered to carry out unsustainable forest management and become the worst deforestation rate ([18]; [44]).

Based on data records from Forest Watch Indonesia (FWI) from data compilation of the Ministry of Environment and Forestry (KLHK), deforestation activities in Indonesia intensely increased starting from 2017 to 2020 [7]. This happened because of the increasing utilization area of production forests for private company concessions in Papua and West Papua Provinces reaching more than 1,000,000 hectares per year. However, the area of forest utilization reaches only hundreds of thousands of hectares in other regions such as Sumatra, Kalimantan, Nusa Tenggara, Maluku, and Sulawesi [41].

According to some reports, there is only a small proportion of concessionaires carry out enrichment planting. Some people believe that the development of the timber industry caused great economic loss and environmental costs to Indonesia ([2]; [45]), and low contribution to economic development ([2]; [22]).



Figure 1.

Cover distribution of Indonesia's natural forest. In this graphic, the Provinces of Papua and West Papua are combined as Tanah Papua, as well the Provinces of Maluku and North Maluku Province are combined as the Maluku Islands. Eighty percent of Indonesia's natural forests are found in ten provinces in these eight regions. In this publication, these ten provinces are called forest-rich provinces.

The figure above shows the distribution of forest cover in several regions in Indonesia. In 2020, it shows that Papua province and West Papua still contain 33,847,928 hectares. The data shows that Papua's forest cover becomes first rank and West Papua is 2nd rank in Indonesia [24]. We should be proud of this data because currently, West Papua remains about 81% of sustainable forest with various types of wild animals and ecosystems in it (mega-biodiversity).

This condition makes the effort of sustainable forest development becomes very important and urgent. The government must pay serious attention to forest logging activities and management of forest conversion into plantation or agricultural land. Forestry governance in West Papua should increase and prioritize conservation efforts. There must be new data-based policies to maintain forest functions sustainably as well as increase the welfare of people living who depend on forest products. The West Papua government is currently trying to reduce the rate of deforestation and forest degradation [1]. This commitment occurs due to the declining performance of forest management and the lack of involvement of local communities around the forest area [1].

Currently, the government has begun to shift from an economy-oriented design of forestry development to a community-based forest management design [12]. This policy considers the involvement of indigenous forest communities with local wisdom will become a social buffer in sustainable forest development. By their local wisdom, so all values and norms in customary law become signs and regulations in customary forest utilization and conservation activities. These regulations existed since the beginning of their ancestors based on empirical experience [8]. Currently, there is a lot of research related to forestry done by academics and NGO institutions in West Papua (Saputra, 2020), even not close to the Collaborative Governance perspective emphasized empirical findings regarding the role of the government as a key actor and the involvement of non-government actors in sustainable forest development scenarios based on local wisdom. As the theory presented by Ansell & Gash, (2008), said that collaborative governance is an institution's system that directly involves non-government actors (both the public/community, Academic Community, NGOs, and private collaborative) in the formal decision-making process, to the common interest oriented.

Collaborative governance is an unseparated process in Indonesia. Government is the only institution that carried out Collaborative governance by providing space for the national, foreign, public, and private sectors. These three involvements can be proven by legality, such as a decree or a Memorandum of Understanding [13]. According to (Ansell & Gash 2018), collaborative governance is defined as a rule or process that involves several stakeholders for wise decision-making and joint decision-oriented. This aim is to implement public policies, program management, and increase public assets. Meanwhile, (Kirk Emerson, 2018) and (K Emerson et al., 2011) argue that involvement in collaborative governance is not only limited to government and non-government stakeholders,

but also community-based private and public sectors built synergically in terms of cooperation between the government, the private sector, and the community.

As a legal administrator and regulated by law, the government should work effectively and efficiently in providing good public services. According to the Decree of the Minister of Empowerment of the State Civil Apparatus and Bureaucratic Reform (MenPAN-RB) Number 58 of 2002, there are at least three types of public services: administration, goods, and services. Administrative services include the management of permits, certificates, and personal documents. Licensing services are people complained about the most [29]. Furthermore, goods services include public drinking water and electricity services. The last is services covering the education, health, transportation, and telecommunications sectors. The government should be responsible to fulfill these public services as the citizen's facilities.

Some problems occurred in public services encourage many sectors to seek effective solutions to overcome them. In Public Administration, collaborative government mechanisms exist to overcome the current poor public services. Many stakeholders are expected to actively contribute to public services, including the private sector, community, and government. The government ensures the satisfaction of good public services. If the government cannot provide good public services, citizens will be disappointed. Public services must be able to meet society's demands. Public services need guarantees, firmness, reliability, and responsibility.

In the context of government policy in sustainable forest development, it must show the results of increasing the economy and welfare of the people living around the forest. The policy of developing a forest management unit is to give forest sustainability and community welfare. There are three main pillars including efficiency, stability, and certainty of forest areas as well as the distribution and benefits of forest resources for stakeholders in the forestry sector.

The forest area is managed sustainably in unity, expected nothing is missed from the management at an advanced level. Meanwhile, the socio-economic conditions around the forest and the potential of forest resources are definitely known, so the forest management systems become a business area arranged based on the existence of the forest area condition and prospective business development. Besides, they should take opportunities for innovation and creativity to become progressive and independent. Later on, through the acceleration of paradigm changes, including the use of appropriate technology, mainstreaming forest regulations and management as well as forest resource-based businesses. In this condition, the involvement of local custom communities contributes to improving the economy and welfare.

1.1 The Concept of Sustainable Development Forest

Forestry development is directed to increase the environmental function and role, society, industrial and export needs, as well as income for the state and society. According to Suntana et al, (2000: 11), there has been a shift in the weight of the handling of various activities so far, stating: 1) Improved handling of the principles of sustainable yield directed towards (sustainable forest management) where the forest products used are obtained by the basis of sustainable management; 2) Encouraging the involvement of communities around the forest and forestry entrepreneurs can be significantly increased from economic to social growth. Big entrepreneurs and BUMN used to develop the people's economy and build business partnerships with the community and small/medium entrepreneurs; 3) Improving the community forests development in the context of increasing the forest products, conserving soil, water and increasing the welfare of rural communities; 4) Priority for development focus on underdeveloped regions accordance with the conditions of natural, forest and people; 5). Increase the ability to support factors for forestry development (Human resources, science and technology, institutions, and investment). This important element will drive forestry development in the long term.

To provide forest resource utilization that guarantees a sustainable livelihood, there is a need for management plans based on a biophysical system. It becomes a place for various ecosystems to grow and develop as an essential part of forest ecosystems. The green constitution takes Indonesia as a constitutional juridical country in 1945 apply the principles of isocracy. It means that every policy or economic development always pays attention to the environment in all sectors, including forestry.

Forest utilization for community importance is a new paradigm in social forestry programs [25]. The shift in forest management is not only for the importance of big business groups but also for rural communities. So, they should get permits or rights to manage and use the forest. The forest is one of the natural resources that have value

in the human life process for various interests including social, economic, and environmental. So, the forest's existence and function need to be maintained well [37].

1.2 The Concept of Collaborative Governance in Public Service

In recent decades, collaborative forms of governance have become increasingly popular to overcome environmental issues ([5]; [9]; [23]). This grows out from the general trend towards more collaborative governance regimes across all public policy domains (Newig & Fritsch, 2009), and the awareness that natural resources are components of complex socio-ecological systems (SES) associated with conflict ([20]; [40]). One of the frameworks to analyze these complex SES is the framework of Elinor Ostrom's social-ecological systems (McGinnis & Ostrom, 2014; Ostrom, 2007), which shows how collective action and outcomes will be put into complex contexts. To deal with the uncertainty and conflict in forestry need to prioritize more collaborative management. The aim is to reckon with local knowledge, decentralize decision-making, create appropriate institutions for ecological dynamics, and increase the adaptive capacity of government regimes ([16]; [43]). The collaborative government often operates adaptive management as a tool for generating systematic knowledge during the management process ([5]; [19]). A combination of collaborative aspects and adaptive management is called adaptive co-management. [42].

Collaborative Governance is considered a form of governance structure, in which one or more government institutions directly deal with non-governmental stakeholders taking a formal decision based on consensus, and deliberation, and leading to the formulation of public policy implementation or public asset programs. In carrying out a collaboration between stakeholders, whether local government, the private sector, communities, and traditional stakeholders, they need a forum or institution to manage this collaboration.

Ansell & Gash, (2008), argues that collaborative governance is government management that directly involves outsiders (the public/community, NGOs, and private collaborative) in the formal decision-making process to common interest oriented. The purpose of this activity is to implement policies, manage programs and resources. According to Ansell and Gas's perspective, there are several important keywords, such as (1) cooperation initiated by government institutions, (2) the involvement of non-government actors, (3) all actors are involved in the policy-making process, (4) cooperation forums are organized and designed jointly, (5) the purpose of cooperation forums is to make joint decisions, and (6) Cooperation is focus on policy-making and governance.

In the Context of Public Service in the bureaucratic reform era, community service becomes very important. In licensing arrangements, people should get fast and accurate information, as well as get good services in environmental complaints to resolve the problems. Based on this situation, the community service center for the Ministry of Environment and Forestry (KLHK) living environment sector (UPT-LH) should provide the best services to people.

The policy of the Forestry Ministry develops community-based forest management in the form of Community Forests (HKm) and Village Forests (HD) has proven to accommodate local wisdom in forest conservation, pay attention to demands for job vacancy, increased welfare, and economic growth. Regional Government is expected to play more roles in carrying out this activity.

1.3 The Concept of Customary Forests in the Perspective of State Normative Law and Customary Law

The legal context related to the existence of forests in Indonesia is regulated in the country's normative law, but the state also recognizes the existence of customary law regarding the reclaiming of customary forests. In the 1945 Constitution, Article 18B(2) Chapter VI concerning Governance states that: "The state recognizes and respects customary law community units along with their traditional rights as long as they are still alive and by the development of society and the principles of the Unitary State of the Republic of Indonesia regulated by law".

Based on Constitutional Court Decision No. 35/PUU-X/2012, the customary forest is not classified as a state forest. According to Constitutional Court, the government should recognize customary forests as an independent area, separate from state forests. Practically, this creates a dualism of understanding between state law and customary law, causing conflicts and disputes problems.

According to Sari's view, a customary forest is a forest area in customary territory inseparable from the life cycle of the indigenous community. In general, indigenous forest communities in Indonesia think that humans are part of nature caring for each other and maintaining balance and harmony [47]. Indonesia's history proves that the management and utilization of customary forests are often confronted with conflicts between indigenous peoples (MHA) and the government [28]. Article 1 point 6 of Law (UU) Number (No.) 41 1999 concerning Forestry (called the Forestry Law) defines customary forest as "state forest in the territory of customary law communities". Thus, permits for the utilization of natural resources including customary forests are in the Ministry of Forestry.

1.4 The Concept of Indigenous Peoples and Local Wisdom

Indonesia has various tribes and ethnicities with systems and approaches to understanding natural resource management. Almost every tribe has its traditional knowledge system and has environmental management innovations and utilizes natural resources based on local customs and culture [31]. Local wisdom is a dynamic living system, sustainable and community acceptable includes social, political, cultural, economic, and environmental life [52]. The concept of Collaboration to develop cultural preservation is intended to maintain local wisdom that can be created and done by the communities [17].

Local wisdom is a rooted belief and difficult to get rid of in group communities to survive in their environmental conditions [50]. The role of local wisdom is urgently needed to overcome the damage that occurs on Earth because it requires solutions from the surroundings [50]. Good use of the forest environment will provide benefits and natural balance for the community's welfare [48]. The existence of local wisdom directly or indirectly has a role in maintaining and preventing environmental damage [27]. In Baharudin's view (Baharudin, 2012) exploiting natural resources cannot ignore local wisdom as a balancer and harmonizer of the environment. This activity prevents the existence of an anthropocentric human paradigm in exploiting nature without regarding its sustainability ([53]; [56]).

2. MATERIALS AND METHODS

This study uses a case study approach of a qualitative method, using a post-positivist paradigm focus on the previous verification theoretical framework, which includes; sustainable forest development theory; collaborative governance theory; customary forest theory in the perspective of state normative law, and customary law; and the theory of indigenous peoples and local wisdom. The purpose of this study is to describe how Collaborative Governance theory contributes to sustainable forest development efforts based on local wisdom in West Papua. According to Creswell & David, 2017, by using qualitative methods, there are perspectives and ways of interpretation in this research from participants unlimited to research conductor.

This study gets the data result from interactive analysis. (Miles & Huberman, 2018) emphasizes interactive analysis as an interactive process that aims to present data in a systematic, factual, and accurate manner. Furthermore, the data analysis plot is; 1) Data Collection, 2) Data Condensation, 3) Data Display, and 4) drawing and verifying conclusions. Furthermore, researchers used a triangulation technique to test data validation by checking or comparing data from various data sources used [34]. Research sites; The Customary Forest of the Greater Wamesa Tribe, Werianggi Village, Nikiwar District, Teluk Wondama Regency, West Papua Province.

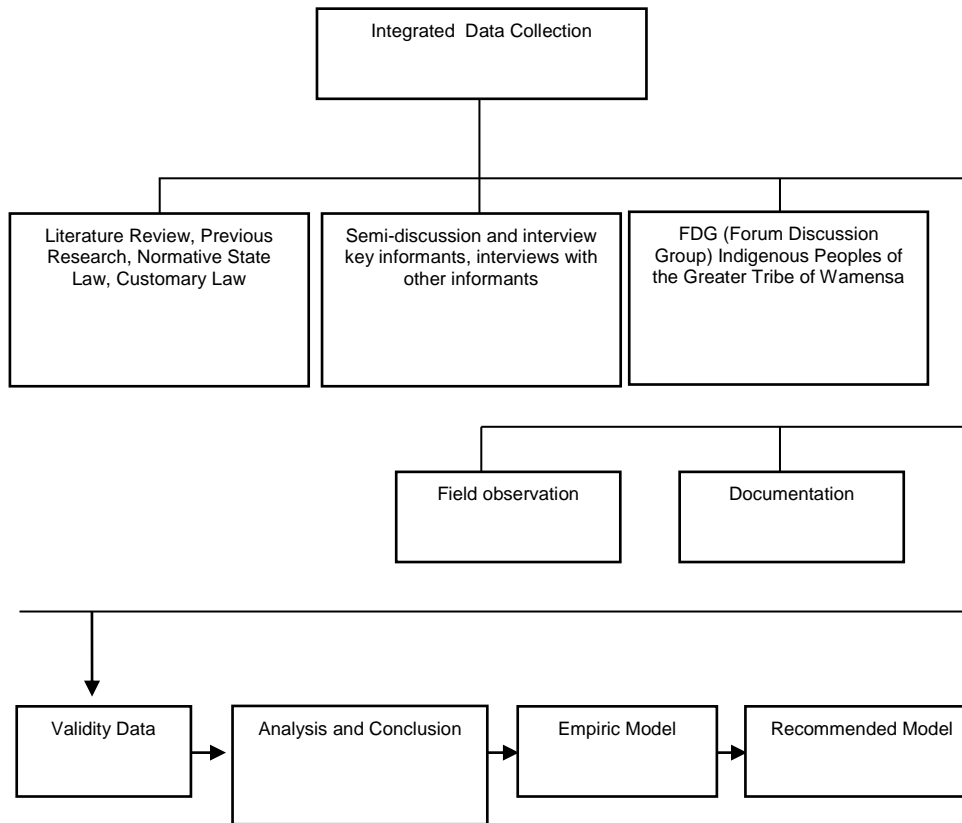


Figure 2. Research Design of Indigenous Forest Conservation Based on Local Wisdom

Source: Processed by Researchers/Theoretical Studies: ([10]; [33]; [34])

3. RESULTS

3.1 The Role of Local Government in Improving the Economy and Welfare of Indigenous Peoples, Through Sustainable Customary Forest Development.

The orientation of the Indonesian government's policy in forestry management has shifted from the orientation of timber management to resource management, centralized management to decentralization, and fair resource management. This study shows that forest management takes into account the balance between the economic, ecological, and social aspects as the ultimate beneficiaries in forest management.

This policy orientation is proven through the issuance of Law No. 41/1999 concerning "Forestry" which emphasizes that forests as a national development capital have real benefits for the Indonesian nation life, both ecological, socio-cultural, and economic benefits balance and dynamically. For this reason, the government should take care, manage, protect, and utilize the forest sustainably for the Indonesian welfare of current and future generations. This law, in line with Article 33 of the 1945 Constitution as a basic constitutional requires the land, water, and natural resources to be controlled by the state and used for the greatest prosperity of the people. Furthermore, there must be people's spirit, fairness, and sustainability in organizing forestry. Therefore forestry administration must be carried out based on benefits and sustainability, democracy, justice, togetherness, openness, and integration based on noble character and responsibility.

The government has issued Law 32 of 2009 concerning "Protection and Management of the Environment", in article (2; m) states that; "Environmental protection and management are carried out based on the principles of good governance". This confirms that environmental protection and management issues are carried out in good governance. The government has also issued Government Regulation No. 23 of 2021 concerning "Forest Management", Article 1 paragraph 16 states that Forestry planning is the process of setting goals, determining activities and tools needed in sustainable forest management to provide guidelines and directions to ensure the

achievement of forestry administration goals for the greatest people prosperity fairly and sustainably. Furthermore, Article 64 states that; "Social Forestry is a sustainable forest management system implemented in state forest areas or private forests/customary forests carried out by local communities or indigenous peoples as the main actors to improve their welfare, environmental balance, and socio-cultural dynamics in the form of Village Forests, Community Forests, Community Plantation Forests, Customary Forests, and Forestry Partnerships". The West Papua Government has also issued 2 (two) policies, namely; Perdasus No.9 of 2019 concerning "Guidelines for the recognition, protection, empowerment of customary law communities and customary territories in West Papua Province and Perdasus No. 10 of 2019 concerning "Sustainable Development in West Papua Province".

In the context of sustainable forest development, all forms of activity related to natural resource management must be consistent and not contradict Constitution 1945 Article 33 verse (3), Indonesia as a constitutional state has placed the 1945 Constitution as a basic constitutional, and the sources of law in a unitary state Republic of Indonesia. It can be interpreted that all forms of legal or regulatory products made must be in line and not contradicted with the 1945 Constitution. This indicates that both legally and in practice that sustainable forest development aims to focus on the greatest prosperity of the people.

Even though the laws and regulations issued become an ideal form of forestry development and support the people's interests, also in line with the constitutional basis, the implementation is necessary to prove the truth. In many cases in Indonesia, the legal products of government policies and implementation are not always the same.

3.2 Empirical Conditions of Wamesa Tribe Customary Forest Management

The resulting study shows that the sustainable forest development of the Wamesa tribe located in Werianggi Village, Nikiwar District, Teluk Wondama Regency, West Papua Province is in the following conditions; the customary forest of the large Wamesa tribe is estimated - + 18,578 Ha, according to mapping data on "Map of potential conflict areas for business licenses for the utilization of timber forest products in natural forests in production forests", has been identified as data on the distribution of customary rights or custom land rights in the forest. However, since 2013 the government has handed over the land management rights to PT. Wijaya Sentosa, based on an IUPHHK permit with SK.HPH No.SK.33/Menhut-II/2013 dated 15 January 2013 with 130,755 Ha of the total concession area.

The indigenous people of the Greater Wamesa Tribe have been living side by side with customary forests for generations. One of the local wisdom they have is the traditional Siweruri Kuweta customs. These customary norms have been used as a way of life and signs in dealing with humans and nature. This is a traditional custom inherited by their ancestors. The indigenous people of the Greater Wamesa Tribe are very close to their ancestors' beliefs by obeying customs and avoiding prohibitions as a form of respect for their ancestors.

So far, the indigenous people of the Wamesa tribe have lived dependent on the forest. The forest is considered their home and their source of livelihood. The results of the study present a portrait of the existence of material, ideological, and legal dimensions so it gives a concept of customary forest management based on local wisdom in Werianggi village; 1) From the material dimension, we can see that the indigenous people of the Wamesa ethnic group materially take the customary forest products in the form of wood for buildings and household fuel, fruits, traditional medicinal plants, hunting animals to consume or sell as economic needs; 2) From the ideological dimension shows that there is a customary forest management framework embody of conservative and religious values, and the existence of a strong culture inherited generation to generation, as well as economic values of forest resources. The ideological framework of customary forest management in Werianggi Village is dominated by the embodiment of customary and cultural values and prioritizing local wisdom in managing customary forests. This ideological framework has existed since the ancestral history of the Great Wamesa Tribe inhabited Mambribai Land in Werianggi Village. They have forbidden violating and changing the life order that already exists for generations. They believed that soil, rocks, and trees have a spirit to be maintained and managed properly. Otherwise, it will bring disaster or calamity to them. This belief has maintained, sustainable, and intact the forest's environment to this day.

The term local wisdom or local culture is included in the concept of culture. Etymologically local wisdom consists of two words, they are wisdom and local. Local means the place and wisdom is the same as tact. Thus, local wisdom is interpreted as local ideas, values, and views that are wise, full of wisdom, of good value embedded, and followed by members of the community [25]. According to Liliweri (2014), local wisdom can be interpreted as a

view of life that develops in a particular social and ethnic community which is the term local wisdom or local culture is included in the concept of culture. Etymologically local wisdom consists of two words, namely wisdom and local. Local means local and wisdom is the same as wisdom. Thus, local wisdom can be understood as local ideas, values, and views that are wise, full of wisdom, of good value embedded, and followed by members of the community [25]. According to Liliweri (2014), local wisdom can be interpreted as a view of life that develops in a particular social and ethnic community which is limited by elements of regionalism, geography, and unique historical experiences. Therefore, local culture is not seen as two opposing entities, but rather as an element that forms the identity of a cultural community. limited by elements of regionalism, geography, and unique historical experiences. Therefore, local culture is not seen as two opposing entities, but rather as the identity of a cultural community.

From the results and theory of the studies above, it can be analyzed that the implementation of forest conservation based on the local wisdom of the Wamesa Tribe in the Customary Forest of Werianggi Village is in line with the theories of the researchers. The customary norms of Siweruri Kuweta show there are wise, prudent, and responsible customary values, so the customary forest in Werianggi village is still preserved until now. This condition shows the existence of the indigenous people of the Greater Wamesa Tribe guarantees a social buffer in sustainable development efforts.

However, since their forest was handed over by the government based on SK.HPH No.SK.33/Menhut-II/2013 dated 15 January 2013, indigenous peoples do not have management rights over their customary forests. However, communities still get non-timber forest resources like; Papuan nutmeg fruit, red fruit, manta, traditional medicinal plants, and wild animal hunting activities in customary forests to cover their daily needs.

In fact, through PERGUB Prov. West Papua No. 5/2014 from logging activity the government gave compensation to indigenous peoples; for the Fine Wood group: IDR 150,000 / M3; Merbau Wood: IDR * 100,000 / M3; Meranti Type Group: IDR 40,000 / M3; Mixed Jungle Group: IDR 40,000 / M3; Small Logs/Mangroves: IDR 10,000 / M3. This value is the minimum that must be paid to the indigenous peoples as compensation from the management company. Through Perdasus No. 10 of 2019, the CSR (Corporate Social Responsibility) program is social responsibility in the form of activity programs for national, multi-national, and foreign private companies that have community empowerment programs in West Papua Province.

PT. Wijaya Sentosa (Sinar Wijaya Sentosa Group) is a forestry sector management unit in Dusner, Teluk Wondama Regency, West Papua. PT.WS pocketed IUPHHK with SK.HPH No.SK.33/Menhut-II/2013 dated 15 January 2013 with a concession area of 130,755 Ha. This company operates in the former HPH concession location of PT. Wapoga Mutiara Timber Unit-I Teluk Wondama. The realization of a sustainable forest management system, PT. Wijaya Sentosa committed to fully implementing the indicators and principles required in the mandatory Sustainable Production Forest Management (PHPL) scheme and the voluntary scheme, the Forest Stewardship Council (FSC®). In all business activities forest consistently includes the sustainability of production, and social and ecological functions from managing forest resources.

Through observations, interviews, discussions, semi-discussions, and FGD (Forum discussion groups) with the indigenous people of the large Wamesa tribe, it can be analyzed that the government's decision to issue SK.HPH No.SK.33/Menhut-II/2013 on January 15, 2013, has changed the governance of indigenous peoples towards customary forests to support their life. Before the management was handed over to private companies, people were still able to collect wood for construction and other needs, but after they handed over it, the community only got access to take nutmeg, red fruit, mature fruit, vegetables, and traditional medicinal plants, including hunting. Timber forest products are a domain commodity prohibited to indigenous peoples because it concerns the company's core business. Wood is a high economic value among existing forest resources as the company's main commodity.

The results of the study show that PT. Wijaya Sentosa as the manager of customary forests does not make a significant difference to improving the economy and welfare of indigenous peoples. Even though the company implemented the CSR (Corporate Social Responsibility) program and compensation for logging, however, they didn't give a real contribution to improving the indigenous people's economy and welfare. The Minister of Forestry's decision to issue SK HPH for private companies gave an impact on the loss of indigenous people's management rights to customary forests. The rights of indigenous people to access the benefits of forest resources are increasingly limited. This decision does not support wood commodities that drive the indigenous peoples' economy and welfare. Indigenous peoples as owners of customary forest rights likely become the object of the dynamics of sustainable forest development. So it is not close to the concept of community-based sustainable forest

development [38]. This condition is out of expectations that forest management should balance among economic, ecological, and social aspects of the community as the ultimate beneficiaries in forest management.

The above conditions and explanations have placed indigenous peoples as the affected part of a social, economic, and cultural perspective. Such a pattern of forest governance is inconsistent with and contrary to the mandate and soul of the 1945 Constitution, especially Article 33 verse (3) requires that the land, air, and natural resources are controlled by the state and used for the greatest prosperity of the people. So, if there is no reflection between policies and results of realization of the obligations and mandates contained in the 1945 Constitution, it will indicate a violation of the constitutional law of the country. Indonesia is a constitutional state as the foundation of the nation and state life.

In the legal context made the indigenous people of the Wamesa ethnic group cannot fulfill their constitutional rights. The 1945 Constitution is the main source and the foundation of the NKRI state constitution. All legal products, from the central level to remote regions both laws and regulations, must be in line with the legal content of the 1945 constitution as well as implemented in Indonesia.

The issuance of SK.HPH No.SK.33/Menhut-II/2013 on 15 January 2013 cannot necessarily take away the rights of indigenous peoples who live around the forest. The reason is that the constitutional law protects their rights. Generally, the indigenous people of the Wamesa ethnic group depend on the forest to support their lives. If customary forest management rights are handed over to the private sector, so they will be difficult to manage their source of life.

This condition indicates the mandate in Constitution 1945 Article 33 verse (3) as a basic constitutional does not work. The loss of indigenous peoples' management rights to customary forests cannot be replaced even though it is temporary (there is a time limit in the SK-HPH). However, the unilateral and neglectful government policy of the mandate of constitutional law in the country is very regrettable. The government supports corporations better than ordinary people. In such conditions, it can be indicated that the conflict happens because of the policy and government commitment.

According to Soetaryono, (2000), "forest management and garden resources in the future will take more into account the balance among economic, ecological and social aspects of society as ultimate beneficiaries". According to Suntana et al, (2000: 11), There is a shift in handling various activities by stating: 1) The principles of sustainable forest management; 2) Encouraging the involvement of communities living around the forest, both big and small entrepreneurs in the forestry sector can be significantly increased, shifting from economic growth to social growth; 3) Improving the development of community forests in the context of increasing forest products, conserving soil and water and increasing the welfare of rural communities; 4) Priority development leads to disadvantaged areas according to the condition of natural, forest, and community; 5). Increasing the capability of supporting factors for forestry development (human resources, science and technology, institutions, and investment). This element is very important to drive forestry development in the long term. Indonesia's history proves that the management and utilization of customary forests are often confronted with conflicts between indigenous peoples (MHA) and the government [28].

Based on the results study in the FGD (Forum discussion group) event was found that several indigenous peoples of the Wamesa tribe have dialogues that they did not understand the boundaries of their customary forest, they also didn't know the difference between state forest and customary forest. So, they were confused about the certainty of their customary forest rights. This indicates that the Government has not yet realized and committed to the Perdasus. Even though it has been published for almost 3 (three) years, it has not been implemented yet. Indigenous peoples need realization and commitment from the government. If the condition remains the same, it will be a conflict trigger. Communities need recognition of their customary forest rights as inherited from their ancestors. The government should provide legal certainty and protection for their rights. People around the forest must be empowered in the utilization of customary forest resources as a form to support their lives.

In a critical analysis, Article 18B (2) of the 1945 Constitution in Chapter VI concerning Governance states that: "*The state recognizes and respects customary law community units of customary law and the traditional rights as long as they are still alive and by the development of society and the principles of the Unitary State of the Republic of Indonesia regulated in law*". In Article 1 number 6 of Law (UU) Number (No.) 41 of 1999 concerning Forestry (hereinafter referred to as the Forestry Law) defines customary forest as "state forest located in the territory of customary law communities". So, there is a permit for the utilization of natural resources including customary forests in the Ministry of Forestry. However, in the Constitutional Court Decision No. 35/PUU-X/2012, the

customary forest is not classified as a state forest. As decided by the Constitutional Court, the government should recognize customary forests as an independent area separate from state forests. In practice, this creates a dualism of understanding between the State Law and Customary Law often causing problems that lead to conflicts and disputes [28].

The analysis and explanation above show that the basic constitutionality of the 1945 Constitution and the Constitutional Court Decisions have a very clear position and legal status of Indigenous Forests. So there should be no doubt about accommodating the community's desire for recognition of customary forest status and rights. Legal certainty of the customary forest rights will provide the position bargaining value of indigenous peoples in customary forest management and will provide greater economic and social contributions.

3.3 Recommendations for Government Role Models in the Sustainable Development of Indigenous Forests for Increasing the Economy and Welfare of Indigenous Peoples: In the Perspective of Collaborative Governance in Public Service.

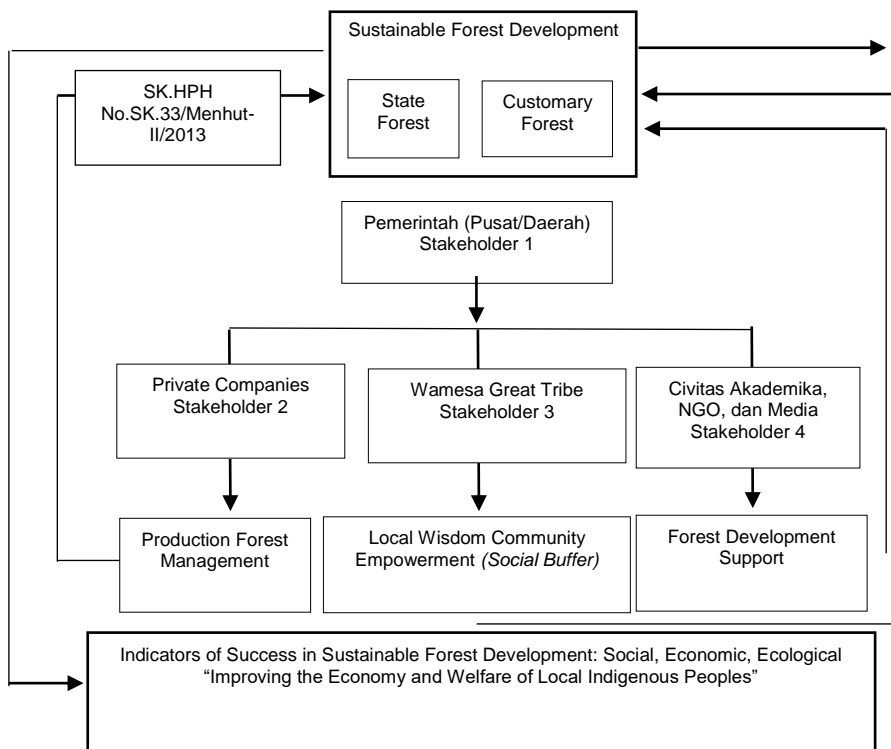


Figure 3. Recommendations for the Model of Sustainable Forest Development in the Collaborative Governance Perspective

Source: Processed by Researchers/theory; [51] and [3]

Based on the findings as stated above, the Wamesa tribal customary forest indicated to have ulayat land in a forest area of 18,578 hectares has been handed over to manage by private companies. This condition makes indigenous peoples do not have management rights in that area. However, based on the constitution in the 1945 Constitution Article 33 verse (3), existing regulations do not eliminate their right to receive access to the utilization of their customary forest resources for social, economic, and ecological benefits. Moreover, according to Soetaryono, (2000), "the management of forest and garden resources in the future will consider the balance between the economic, ecological and social aspects of the community as the ultimate beneficiaries."

This condition makes the good government as a public institution to be able to resolve all forms of existing challenges and problems. The existence of potential conflicts and inconsistencies between policies and their implementation will direct the Government to be a public institution to manage them well. The success of the government as a regulator is not only measured by the implementation of the policies but also by the time acceleration in achieving these policies.

Sustainable Forest Development in a Collaborative Governance Perspective shows the role of the Government which has a position as a key to indicate it as; Initiator, dynamist, coach, protector, and justice law enforcer. The government is obliged to unite the diversity of stakeholders with different motivations and interests to hold discussions in finding a consensus in a common forum. All parts are given equal in expressing their rights, aspirations, and interests. Thus, it will bring a sense of togetherness, mutual need, and mutual trust among stakeholders.

The company will play the main role when the concession company hands over forest management. The obligation to manage the use and forest preservation has been clearly defined by existing regulations and running CSR (Corporate Social Responsibility) programs. However, in terms of the connection in empowering indigenous peoples, both the government and the company cannot be separated from their responsibility to receive and gain access to the utilization of customary forest resources. Those can support their economy and welfare. This obligation is mandatory based on the provisions in the 1945 Constitution.

The context of indigenous peoples who have lived around forests for a long time will support forest preservation through local wisdom. Here, indigenous peoples have an important position, hoping they can play a role as social buffers, and control the actions of private companies when they commit violations that could endanger forest ecosystems. Indigenous peoples are also entitled to receive the rights and status recognition of customary forests. Likewise, the existence of academics, NGOs, and the media will play a role as supporting actors in sustainable forest development. However, stakeholders can be together in deliberative forums, and take the same position on their voting rights. As long as they obtained rights by the provisions of the applicable laws and regulations, the Collaborative Governance approach will be a strategy to solve all challenges and potential conflicts. So, the condition of sustainable forest development in the Wamesa tribal customary forest will run optimally and conductively. In the end, indicators of success in sustainable forest development in social, economic, ecological, and legal aspects can be realized as well as possible.

4. CONCLUSIONS AND DISCUSSIONS

4.1 Conclusion

Based on the findings of this study, it can be concluded that;

- The implementation of sustainable forest development in the customary forest of the Wamesa ethnic group indicates that there are constitutional rights of the indigenous people of the Wamesa ethnic group which have not been fulfilled, as stated in the 1945 Constitution Article 33 paragraph (3). With the issuance of SK.HPH No.SK.33/Menhut-II/2013 dated 15 January 2013. Indigenous peoples no longer have management rights to customary forests as their source of life, while private companies and the government have not attempted to provide access cooperation in the form of partnerships or real empowerment that can improve the economy and welfare of the indigenous people of the Wamesa tribe. The government does not have the initiative and effort to mediate the basic interests of forest communities.
- Based on the provisions in the 1945 Constitution Article 18B(2) Chapter VI, Constitutional Court Decision No. 35/PUU-X/2012, as well as the issuance of Perdatus No.9 of 2019 shows there is no implementation and realization from the government about the right status recognition of customary forest. This condition indicates unfulfilled people's constitutional rights in obtaining their traditional rights over customary land and cultural customs.
- The perspective of collaborative governance in public services shows there's a lack of government role as a key actor that can unite stakeholders in producing a consensus and togetherness. Private companies carry out forestry management activities based on their motivation and corporate interests. There is no indication of plans for indigenous people's partnerships or cooperation regarding the utilization of customary forest resources. The activity can significantly improve the economy and welfare of indigenous peoples. Hard communication happened among stakeholders. These phenomena show that the government as a key actor doesn't play the role to initiate and facilitate stakeholders in communicating with each other. They

should open minded in resolving the existing potential conflicts, as well as the possibility of mutual boundary collaboration.

- In the context of indicators of success in the development of the Wamesa tribal customary forest, shows that the impact of significant changes on the economy and welfare of indigenous peoples didn't appear economically. It is still operating in a normative manner and no damage is found in the forest infrastructure and ecosystems ecologically. This shows that forests can be managed sustainably. The relationship between indigenous peoples and customary forest managers is well established socially with the CSR (Corporate Social Responsibility) program. Nevertheless, the recognition of customary forests and traditional community rights is a symbol of recognition of the original values and identity of a nation. Policies based on indigenous peoples are very important to play a role for these communities according to their actual conditions. If the current problem drags on, the risk of social conflict arising from indigenous peoples in the future.

1.2 Discussions:

1. To the Government:

Based on conclusions 1 and 2, the researcher suggests the government pay serious attention to the indigenous people's position and rights. Indigenous peoples are an integral part of sustainable forest development. Despite objects, they are essential important subjects of forestry dynamic development. The fulfillment of constitutional rights attached to indigenous peoples is the center of potential conflicts in forestry development. Therefore it is mandatory for the government to immediately resolve this matter. Government should provide legal certainty and clarity over their rights. The management of collaborative governance in sustainable forest development can be carried out based on the spirit of multiculturalism, as well as the composition of the diversity of entities can be managed based on a good collaborative governance approach. In this case, public institutions directly involve non-state stakeholders in a joint decision-making process deliberatively. For example, the media has framed, and academics bring theoretical practical values prioritizing evidence-based, indigenous communities as social capital with their customary land and local wisdom, as well as companies' access to investment, technology, management, and markets. By understanding the typical characteristics of these participants, they can build reciprocity, collaboration, and learning between stakeholders, so, there will occur collective problem-solving. Finally, sustainable forest development based on local wisdom will be realized optimally and conductively.

2. To Private Companies:

Even though forest management is under the companies' control, they should support the process of recognition of customary forests by providing access to the utilization of superior resources less prioritized timber forest products (HHK), such as Papuan nutmeg and black fruit in sustainable ways. Another potential is the development of ecotourism based on indigenous territories as a unique feature of Papua's biogeography from coastal to mountainous ecology. The potential of NTFPs and unmanageable environmental services is an important record for realizing the future independence of customary forests as entities and identities of indigenous peoples in West Papua Land.

3. Indigenous Peoples of the Big Wamesa Tribe:

losing customary forests will make the indigenous people of West Papua lose their identity as stewards of natural resources. Therefore, Government should take intense efforts to acknowledge the existence of indigenous peoples with their distinctive characteristics of customs and culture, the customary laws, and their forest boundaries. For this reason, it is necessary to explore and reconstruct

the history of the customs and genealogy of the ancestors of the Wamesa tribe. This is a mandatory requirement in the 1945 Constitution Article 18B(2) Chapter VI. To follow up on this matter, it is necessary to create an organization and institution as a forum for communication and coordination between the indigenous peoples and external parties (government, private companies, and so on). It is easier for government and non-government parties to gain recognition and the rights of customary forests.

4. In the future, both government and non-government actors (customary communities, academics, NGOs, private collaboration, and the media) must restore the rights of indigenous peoples. Customary land or customary forest must receive recognition from the government either *de jure* or *de facto*. Forest management rights must be returned to indigenous peoples. All parties must convey and support the existence of indigenous peoples as customary forest managers based on their local wisdom.

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