

## Establishing *Lar* Land Rights on Critical Land Within Forest Areas as a Strategy for Sustainable Forest Management

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### ABSTRACT

Critical land within forest areas in Indonesia is expanding. This has an impact on natural disasters and climate change. This condition is a serious concern of the international world so that almost every international meeting on critical land issues and climate change is the main topic discussed by offering a variety of critical land management schemes but is considered ineffective. Behind the legal policy of handling critical land that is considered ineffective, there is long-standing traditional knowledge carried out by the people of Sumbawa, namely *lar*, which maintains a balance between ecology, social, economic and spiritual. The purpose of this research is to analyze the determination of *Lar's* land rights on critical land in forest areas as a strategy for sustainable forest management. This research method is normative research with a conceptual approach, legislative approach and sociological approach. The results of this study, *first*, the concept of *lar* has three forms of land rights status, namely customary rights, rights, state-owned land and privately owned land so that state-owned land in the form of forest areas whose conditions are critical can be assigned *lar* land rights. *Second*, the concept of handling critical land in the area must be based on a balance between ecology, economy, social and spiritual. *Third*, the establishment of *lar* land rights in the forest area does not have to change the main function of the forest area. The conclusion of this research is that the establishment of *lar* land rights on critical land in forest areas can be carried out based on the balance between ecology, economy, social and spiritual without changing the function of the forest.

**Keywords:** *lar*, critical land, forest, sustainability

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## INTRODUCTION

Forests are the mother of many people because they are the source of their life and livelihood. However, in its dynamics along with the increase in human needs, forest management pays less attention to sustainability. This is evidenced by the increasing extent of critical land in forest areas in Indonesia as data from the Ministry of Environment and Forestry (KLHK) in 2020 that there are 14 million hectares of critical land (Kehutanan, 2020). One of them is critical land in West Nusa Tenggara Province as stated in the letter from the Head of the Dodokan Moyosari Watershed Management Center (BPDAS) No. S.348/BPDAS.DMY/PEVDAS/DAS.1 (June 5, 2023). /6/2023 dated June 5, 2023, data on the area of critical land in West Nusa Tenggara in 2022, which includes 543,977 Ha of land in the forest and 533,842 Ha of land outside the forest and the critical land is in the Working Area of the Forest Management Unit Center (BKPH) Ampang Plampang, where the area of critical land is around 35,801.16 Ha of the total working area of the Ampang Plampang Forest Management Unit Center, which is 73,183.95 Ha or 48.92%. The extent of critical land in West Nusa Tenggara (NTB) Province has an impact on the decline in the Environmental Quality Index (IKLH), which is in a condition of 56.53% (not excellent) in 2022. In addition, the impact of critical land has become an annual routine for flooding disasters, especially in Empang District, Sumbawa Regency, West Nusa Tenggara, which is caused by environmental damage or deforestation (Utama, 2022).

The Government of Indonesia targets handling critical land with its own efforts 29% with Business As Usual / BAU schemes and 41% with international assistance by 2030 (Nurhayati, 2022). Many policies in handling critical land in forest areas have been carried out such as reforestation, social forestry programs and other schemes, but the area of critical land has not decreased. The trigger for the widespread of critical land in forest areas is because there are still ownership claims between the State (Forestry) and communities around the forest, the existence of forest farmer groups as a basis for managing forests with tumpang sari but only as an alibi.

Forest areas are being transformed into other uses that are not sustainability-oriented, resulting in widespread degradation or critical forest areas. In Sumbawa Regency, forest degradation is caused by the use of forest areas, both legally and non-legally, for corn

cultivation, which is a strong indication that the government's target of 1 million tons of corn per year is being achieved.

The concept of handling critical land in forest areas that still leaves many problems certainly disturbs the sovereignty of the state when associated with the principles in the concept of sustainable development declared at the Rio Declaration on Environment and Development which contains principles that are seen as a source of development for national and international environmental law. According to Takdir Rahmadi, the current global condition, the hope of a sustainable human environment is a dead end. He pointed out that the number of natural disasters, the unclear environmental climate (climate change), and the destruction of tropical forests have made clear the failure of the Conference in Rio de Janeiro.

This condition is certainly a serious problem that must be addressed immediately by all parties including local governments and communities. National and even international policies are considered not very effective in handling critical land in forest areas. Alternative schemes need to replicate the concepts of environmental conservation sourced from traditional knowledge while showing that the State respects traditional knowledge in environmental sustainability. Traditional knowledge such as the concept of "*lar*" in Sumbawa communities who traditionally raise livestock in an area whose management is based on social consensus so that their livestock can increase their income while maintaining the sustainability of the forest area (Hilal, 2013) because forestry policies do not respect the rights of local communities who have lived in forest areas for generations (Siburian Robert, *Kebijakan Kehutanan Dan Akibatnya Bagi Masyarakat Lokal, Jurnal Masyarakat Dan Budaya*, 2004).

Thus, seeing the expansion of critical land in forest areas, it is interesting to study the establishment of *Lar's* land rights on critical land in forest areas as a strategy for handling critical land.

## **RESEARCH METHODS**

The method used in this research is normative research with qualitative analysis whose data collection is by studying literature or literature. This research is often referred to as doctrinal research or dogmatic research. There are differences in the terms of this type of research but in substance it has the same meaning which analyses the norms and concepts related to the determination of *Lar's* land rights on critical land in the forest area.

## RESULTS & DISCUSSION

The concept of *lar* land rights in Sumbawa Regency has been going on for a long time as quoted by Julmansyah and Erlina from Dutch government sources that *lar* is thought to have existed since around 100 years ago. Mustafa Hasan in Endah Pertiwi revealed that *lar* during the Dea-Datu era in the Brang Ene area is controlled by Demung *lar lamat* so *lar* is referred to as communal land led by a *nyaka* who is in charge of organizing and managing this land. According to the opinion of the farmer breeder in Subhan Purwadinata interpret *lar* as a community-owned livestock pasture, where livestock can be freely released and retrieved at any time.

Based on Regional Regulation of Sumbawa Regency No. 12 of 1992 concerning Livestock Raising article 1 (h), *lar* is defined as "...a pasture where livestock from one or several villages gather which is not located close to agricultural areas, human settlements and the land is not used for agriculture and there is sufficient supply of food and drinking water for livestock."

The different interpretations of *lar* both conceptually, normatively and sociologically show that there are at least three forms of *lar* land rights status, namely customary land, state land and individual land. According to Jurmansyah and Erliana's view, *lar* land status is explained in the *lar* category matrix modified by Erwin Fahmi Lar (Fahmi, 2021) that the status of *lar's* land rights consists of State-owned land and privately-owned land, which are also seen as permanent and temporary.

### *Lar* Category Matrix (modified)

Status Tanah	
State Land	Owned Land
<b>Permanent</b>  Generally, in forest areas (commonly called government land - GG); - Their permanent nature is supported by a Regent's Decree - although only 5 of the >50 <i>lar</i> in Sumbawa District had been granted a Letter of Ownership in 2002.	It is intended by the landowner as <i>lar</i> ; - Generally small scale; - Usually for Bali cattle rearing

### Status Tanah

	State Land	Owned Land
<b>Temporary</b>	Forest areas are “chosen” by livestock (generally buffalo) because of their suitable ecological and/or agro-climatic conditions; - In its development, when the factual designation of the land changes, for example to a field, the livestock owner will immediately take the livestock back.	This category of <i>lar</i> is generally rain-fed rice paddies, or fields; - Livestock are released here after harvest

The diverse status of *lar* land rights, especially *lar* land rights with state land status, facilitates the establishment of *lar* land rights on critical land within forest areas as a strategy for sustainable forest management. The term sustainability (Jaya, 2004) was born on the premise that economic growth would be severely limited by the availability of natural resources, a premise which originally appeared in 1972 in the article ‘The Limit to Growth’ written by Meadow et al. After the term ‘sustainability’ emerged, related terms began to emerge such as ‘sustainable development’ including the term sustainable forest management.

The concept of sustainable forest management according to Mohan Munasinghe must be based on balanced development between the three dimensions of ecology or environment, economy, and social. Looking at the legal policy of forest management in Indonesia, there are still many problems both normatively and law enforcement, such as the establishment of national parks in forest areas for the purposes of research, science and tourism, the difficulty of local communities’ access to forest areas that are just to find and maintain life, which has an impact on the rebellion of communities around the forest to manage forest areas without control, resulting in the expansion of critical land. This shows the truth of Andreas Tedy Mulyono's statement that the rules of forestry law have not yet led to the recognition of human dignity that prioritizes the welfare of Indonesian people living around the forest (Mulyono, n.d.).

Handling critical land in forests based on the balance between ecology, economy and social still has many problems, which means that the concept of sustainable forest management based on balanced development thinking proposed by Mohan Munasinghe is not enough to be

a solution in handling critical land. Lahmudin Zuhri signaled a different view from Mohan Munasingshe in which Lahmudin Zuhri sees the sustainability of shared grazing (*lar*) which requires that regulations must adopt local values to protect the ecological, economic, social and spiritual functions of *lar* land. This shows that *lar* land rights have ecological, economic, social and spiritual functions. This is in line with the opinion of Rosyda Saniyya Ishlaha and Rahayu Subekti that sustainable forest management is determined by the balance and harmony between humans and the Creator, humans and humans, humans and their nature because this balance is a pillar of support as well as a rule of forest management (Rahayu Subekti, 2023).

Utilization of *lar* by the community with the right to graze their livestock and for productive crops in certain seasons. Such utilization is called boat rights or known as management rights. The management right is intended purely for the benefit of the community so that *lar* is used as a place for grazing livestock as a community livelihood in order to improve the community's economy. In managing *lar*, the community has the obligation to pay *paboat aji* (tax) to *nyaka* which is used for needs such as *lar* fences. In addition, the community is obliged to maintain the springs, security (fence) of *lar*. There are no formal rules governing the community and *lar* land, but non-formal rules based on agreements between communities who manage *lar* land.

Looking at *lar* management that pays close attention to sustainability and the balance between ecology, social, economic and spiritual needs to be replicated in handling critical land in forest areas as a sustainable forest management strategy. Ecologically, *lar*, which is managed by the community in a traditional way, can be concluded that there is almost no environmental damage caused by communal grazing in *lar*. In addition, *lar* functions as a source of water catchment and grazing livestock in *lar* is not illegal grazing even though it is released freely but precisely to avoid environmental damage such as destruction of agricultural crops and irrigation buildings. This is in line with the function of forests conveyed by Harmawati Marhaeni that the function of forests is as a buffer for soil and water management, a source of biodiversity and biodiversity, and a buffer for the earth's climate (Marhaeni, 2019).

The economic function of *lar* is seen in the increasing livestock population in Sumbawa Regency which is sourced from *lar* production which certainly improves the community's economy where *lar* is a large expanse of land with available feed and easy control of livestock so that it is considered effective and efficient in grazing livestock so that it is very profitable for the community.

*Lar* also functions socially, which is a solution to the common problems of the community who have difficulty controlling so many livestock that disturb settlements and other agricultural land so that the existence of *lar* is a joint solution by building a consensus that is agreed upon and implemented together. The consensus is, for example, mutual respect for differences in social status and awareness of the diversity of people crossing village boundaries to graze their livestock in the *lar* area. Secondly, farmers are willing to share information about events that happen to their livestock in *lar*. Third, the local community has management rights over the *lar* area, which has management boundaries.

Spiritually, *lar* for the people of Sumbawa, especially farmer-breeders, is a source of life and livelihood, including in the context of fulfilling their spiritual needs. The relationship between the farming community in *lar* and nature is very strong, both expressed through lawas or prayers and the way plants and plants are treated in *lar*. The strong spirituality of the community towards nature as revealed through the old ponan tradition which is an annual ritual for the completion of the planting season, one of the substances of the law is the dependence of humans on their creator and the dependence of humans on nature (Safitri & etall, 2023).

The combination of the concept of sustainable forest management based on the idea of balanced development with the concept of communal grazing (*lar*) is the basis for the concept of handling critical land in forest areas by paying attention to the balance between ecology, economy, social and spiritual. This concept is slightly different from the concept of circular economy which provides economic benefits, environmental sustainability can be maintained, as well as social and cultural aspects (Sutrisno & etall, 2024).

The offer in this concept does not look at the status of the forest area that becomes the area for determining *lar* land rights, but the indicator is the condition of the forest area whose land is already critical. Unlike the social forestry policy or other activities in handling critical land, which must change the function of the forest by changing the function of the forest, for example, changing the function from:(Dewa, 2023)

- a. Conservation forest areas become protected forest areas and/or production forest areas;
- b. Protected forest area becomes conservation forest area and/or production forest area; and

- c. Production forest area becomes conservation forest area and/or protected forest area.

## **CONCLUSION**

The concept of establishing *lar* land rights on critical land within forest areas as a strategy for sustainable forest management was developed. First, the establishment of *lar* land rights in the area can be done because the concept of *lar* has three forms of land rights status, namely customary rights, rights, state-owned land and privately owned land so that state-owned land in the form of forest areas that are in critical condition can be established *lar* land rights. Secondly, the concept of handling critical land in forest areas is not enough with a concept based on the idea of balanced development based on a balance between ecology, economy and social but the ideal concept of handling critical land as a sustainable forest management strategy must be based on a balance between ecology, economy, social and spiritual. Third, the establishment of *lar* land rights in the forest area does not have to change the main function of the forest area, but the indicator is the condition of the forest area whose land is already critical.

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