

## CHAPTER I INTRODUCTION

### A. Introduction

For more than 350 years Indonesia was under a colonial power. Land laws became a dualism, between colonial and traditional land laws. The land registration was completely with cadastral maps and surveys according to colonial laws, on the other hand, the various Indonesian kingdoms were stipulating their own regulations for the lands in their territories. The land traditional administration systems were different and various in each region in Indonesia. The Basic Agrarian Law (BAL) 1960, was ended this situation by establishing a National Land Law based on the utilization of traditional concepts, principles, systems, and institutions. The land status can divide into state land or private land. (Heryani, 2004).

In rural areas, land is the basis for agricultural production and the source for securing natural resources through fishing, hunting, pasturing or other activities. Land is used by many people for different purposes (e.g. for agricultural production, housing, industry, services and government). Land also has social, cultural and political functions related to each country's history. Because land is used for so many purposes, land and property rights have broad impact on people's lives and livelihoods. These rights refer to the rules that specify who can do what with which resources and assets, for how long and under what conditions. Collecting plants in a forest, cultivating a plot of land, getting the produce harvested, accessing and extracting natural resources and deciding who should or should not be allowed to collect plants or cultivate a plot of land are all expressions of the exercise of property rights (FAO, 2010).

Various land use practice are based on customary practices of communal ownership have persisted even in areas where land is registered. This is especially so in areas where the land of use practices are driven by the diversity of soil types and related crop diversity. Under such condition, communities have continued to use customary rules of access to multiple sites e.g. salt lakes, water points instead of relying solely on their registered parcels (Waiganjo and Ngugi, 2001).

Historically, most rural lands were owned and governed by local communities and indigenous peoples under customary tenure systems.

Over time, however, large areas of these lands have been also claimed by states under statutory law. In much of the so-called “developed world,” this assertion of state claims has led to the reallocation of community lands to households and corporations as private property, though public ownership has remained important in some countries. In developing countries, states have often continued to assert direct claims over community lands, resulting in a situation of overlapping claims to lands that extend across large areas of the world to this day (RRI, 2015).

Land disputes are common in society and are addressed by a variety of institutions. A systems approach is required to ensure that all institutions traditional authorities, local government, courts and civil society are able to play their part in preventing, managing and resolving disputes (Un Habitat, 2009). In other hand, increase of population poses a burden on the natural ecosystems. Land use policies hardly favor biodiversity preservation in the face of poverty. This is derived from the fact that wild plants and animals sustain rural economies and even government in developing countries by generating foreign exchange earnings from timber and nonwood products. While it is acknowledged that intensive exploitation of resources maximizes resources use, it is at the expense of maintaining biological diversity. (Osemeobo, 1993).

In recent years, participatory forestry is being increasingly considered as a chief strategy of conservation, management and sustainable use of forest biodiversity. This is being promoted in various forms, with varying degrees of sharing of power between local communities and government forest agencies. As a result of this shift in approach, a number of civil society and international groups have come into existence to influence, facilitate and promote the sustainable use of biodiversity (Ojha, *et al.*, 2003).

In Indonesia, one of the way to make of sustainable forest through establishment Forest Management Unit (FMU). The activities of FMU are execute forest governance, management plans, forest use, forest rehabilitation, forest protection and conservation (PP No. 44 of 2004). In the implementation of FMU,

all unit should be supported by each other (state, communities, stakeholder, etc.) to achieve the sustainable forest management. Therefore, for the utilization of land, various aspects need to be reviewed and considered, because it will have a direct impact on social, economic and environment.

## **B. Research Question**

The establishment of FMU based on Law No. 5 of 1990 on Conservation of Biological Resources and Ecosystem, Act 41 of 1999 on Forestry, Law No. 32 on Local Government, Government Regulation 44/2004 on Forestry Planning, Regulation 6/2007, Regulation 3/2008 on Forest Management, Forest Management Planning and Forest Utilization, Government Regulation 38/2007 on the coordination between the Government, Provincial Government and District/City, Government Regulation 41/2007 on regional organizations and Permenhut P.6/Menhut-II/2009 on the Establishment of Regional FMU.

The Forest Management Unit (FMU) 50 Kota district, whose appointment by the Decree of the Minister of Forestry No. 44 / Menhut-II / 2012 at February 2, located in the 50 Kota district of West Sumatra Province, Indonesia with wide  $\pm$  117 552 hectares. FMU 50 Kota district try to make some forest management plans in certain areas such as the development for forest conservation function, production function and protected function (KPH 50 Kota, 2013).

Location FMU of 50 Kota district, is in the West Sumatera, that famous with the Minangkabau people with their long existing village management system, known as Nagari. The Nagari established, to settle disputes based on customary principles as well as to protect the rights of the community members. These rights include communal land (ulayat land). Long before the Dutch occupation of Indonesian archipelago, the *Nagari* government vested with powers to regulate communal land in West Sumatra. However, this authority constantly overlooked by the then Dutch colonial administration as well as the post independence governments (both central and regional). To reinforce the *Nagari* government as the guardian of the customary law and to specify its jurisdiction, the Regional Government of West Sumatra enacted two laws between 2000 and 2008: Law No. 9/2000 repealed by Law No. 2/2007 and Law No. 6/2008 on communal land tenure (Tegnan, 2015).

Local communities in 50 Kota district, some of them still dependent on the forest, because the forest has a biodiversity that can be using by the local community to survive his life. They depend upon plants and animal species for food, medicines and raw materials. The genetic resources contained within biodiversity hold the basis of our continued existence. The services provided by biodiversity and ecosystems helps to sustain our livelihoods and protect our health. There is no doubt that the beauty and variety of our living species greatly improve the quality of our lives. There has been increasing global recognition of the importance of biodiversity. The 2002 World Summit on Sustainable Development reaffirmed the critical importance of biodiversity in maintaining our wellbeing but also acknowledged that it was being lost at an alarming rate. In response, it established a target of significant reduction by 2010 in the rate of biodiversity loss, regarding this as one of the most important milestones in progress towards a sustainable future. (Tucker, *et al.*, 2005).

Currently, between local communities and the state a still different way to manage land use, especially forest. The management and conservation of forests has often been a source of tension between powerful, centralized state authorities or the ruling elite and less powerful local communities. The history of forest governance and forestry as a profession has been a reflection of the underlying tension between the 'central' and the 'local'. In the theory centralized forest institutions were established as the guarantors of the public goods and intergenerational values of forests on the assumption that local forest users would be more concerned with immediate and private benefits. The reality was often a struggle for land and valuable timber and wildlife resources between different strata (Sayer, *et al.*, 2004).

There have been great improvements through economic development projects worldwide over past few years, but it cannot be ignored that such projects sometimes cause tensions and conflicts over land use in their surroundings, where the conflicts not only hampers the socio-economic benefits but also affects local people's livelihood. Land use conflicts may be defined as competitive demands for present to future uses of the land, causing negative impact on other land uses. Land use conflicts are social disputes (Deininger and Castagnini, 2006; Magsi and

Torre, 2013) that raise with the involvement of the institutions, industries, development movements, developers, nongovernmental organizations, civil service and regulatory agencies, and often launched by the actions of a central actor introducing development projects. In most of the cases, land-use conflicts are linked with the setting of infrastructures initiated by public or semi-public authorities (Magsi and Torre, 2013).

In another hand, Osemeobo, 1993 stated that many factors influence the patterns of conserving wild living resources. The inherent urge to sustain life under uncertain economic situations often conflicts with environmental preservation. Most often natural resources exploitation is motivated by cash flows within the market economy. Unfortunately, because tropical forests lock their mineral nutrients in trees, their unplanned exploitation over time has led to environmental degradation which endangers wild plants and animals. The research assumes that the land use by the local communities and by state will have an impact on plant diversity. It underlies doing research entitled “Dispute and Its Impact on Land Use and Plant Diversity within Forest Management Unit (FMU) of 50 Kota District”, with research question are:

1. How the claims and the use of land by local communities and by the FMU of 50 *Kota* district in the *Jorong Landai 50 Kota district*, West Sumatera?
2. How forest management can be impact plant diversity by local communities and by the FMU of 50 *Kota* district in the *Jorong Landai 50 Kota district*, West Sumatera?

### **C. Research Objective**

Based on the introduction and the problem, the objective in this research:

1. To identify and describe claims and the use of land by local communities and by the FMU of 50 *Kota* district in the *Jorong Landai 50 Kota district*, West Sumatera.
2. To describe the impact of forest management on plant diversity by local communities and by the FMU of 50 *Kota* district in the *Jorong Landai 50 Kota district*, West Sumatera.

#### **D. Significant of Research**

This research results may provide to new information for practioners in the sustainability of natural resources management. Understanding of land use and land ownership security and its impact plant diversity. Guidance decision practies in formality solution from conflict for sustainability natural resource.

In the case of land use, the Working Group on Forest-Land Tenure, 2012 give an estimated area of 17.6 million hectares- 24.4 million hectares of forest has become conflict area in the form of overlapping claims in State forests and claims of indigenous peoples or other local communities, development of rural/village, and permission was granted to other sectors which in practice is located in forest areas, that refer to Indonesia phenomena either in social level or environmental level still prepare for good management and communication for the management forest and the land use. On another hand, the knowledge of values which live in local society will improve our understanding of the relationship between ecology and human. Consequently, it will affect the sustainability of natural resources management in term of sustainable development.