ABSTRACT

LEGAL PRINCIPLES OF CUSTOMARY LAND FOREST MANAGEMENT

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Forest has become a global concern for the great deforestation and poverty experienced by indigenous peoples living around it. This dissertation attempts to discuss and analyze three legal issues related to customary land forest management. They are: philosophical base of customary land forest management, legal principles of forest management to achieve the society welfare, and the implementation of customary land forest management regulation.

This normative law study applied statute approach, conceptual approach, and case approach. As a study on normative law, this study utilized primary legal sources and secondary legal sources. Analysis and interpretation were focused on the legal sources to discuss the issues above.

The analysis on the first issue (i.e. the philosophical base of forest management) resulted: based on the constitution, forest as one of natural resources should be fully utilized for the sake of social welfare. The utilization of forest should consider the sustainability of the forest. As the development of the society, sustainable development principles were adopted. The principles were coherent with the philosophical view and local wisdom believed by indigenous people namely in terms of natural preservation. Regarding the second issue (i.e. the principles of customary land forest management), customary land forest management was conducted based on several principles: benefit and sustainability, populist, justice, solidarity, transparency, and integration. In forest utilization and management, the government was not only regulating, but also decentralizing the authority to manage the forest. Customary land forest management should also involve local government, local corporations, private companies, and society (including indigenous people). However, the benefits of customary land forest management had not proportionally distributed. Advanced regulations on the implementation customary land forest management were needed to legalize the involvement of indigenous people in managing customary land forest and achieving its benefits. The finding of the third issues analysis (i.e. the implementation of customary land management regulation) proved that “local wisdom” principles (such as sustainability principle in forestry laws) were integrated as legal principles by indigenous people in managing customary land forest.

Keywords: Legal Principles, Local Wisdom, Customary Land Forest