

DYNAMICS OF FORESTRY REGULATIONS IN THE ERA OF DECENTRALIZATION: CHALLENGES OF HARMONIZATION BETWEEN CENTRAL AND REGIONAL GOVERNMENTS

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Abstract

Forestry policy-making and implementation in Indonesia. Forestry regulations, which are intended to provide a strong legal foundation for sustainable forest governance, instead reveal a growing disconnect between centrally issued norms and their implementation at the local level. Overlapping authorities, regulatory disharmony, and unclear institutional roles between different levels of government have created persistent legal and administrative challenges, undermining effective forest management and environmental protection. This article examines these dynamics and highlights the need for harmonization between central and regional regulations. Using a normative juridical approach, the study analyzes constitutional provisions, statutory regulations, and legal doctrines governing the distribution of authority in the forestry sector. The findings affirm the urgency of restructuring legal authority and aligning sectoral norms with the principles of decentralization, legal certainty, good governance, and environmental sustainability. Strengthening regulatory coherence and clarifying institutional responsibilities are essential to improving the effectiveness of forestry governance and ensuring sustainable forest management in Indonesia.

Keywords: forestry regulation, decentralization, legal authority, regulatory harmonization, local government

INTRODUCTION

Forests play a vital role in human life. From birth to death, humans require forest-derived products. Furthermore, forests are crucial for maintaining the balance of the global ecosystem. Law No. 41 of 1999 defines forests as a unified ecosystem encompassing a vast expanse of land containing biological resources dominated by trees within their natural environment, interconnected by interconnectedness. Internationally, the FAO defines forests as land with a minimum area of 0.5 hectares, trees over 5 meters tall, and a canopy cover of over 10% (General and Expertise Body of the Indonesian House of Representatives 2020).

Indonesia's forests hold strategic value from ecological, economic, and legal-political perspectives. Ecologically, forests serve as life support, carbon sinks, and protectors of biodiversity. Economically, they are a source of superior commodities such as timber, rattan, and non-timber forest products, while also supporting the livelihoods of millions of people living around forest areas. From a natural resource perspective, forests contribute multifacetedly to national development, serving as a substantial source of non-oil and gas foreign exchange, a major driver of industrial growth, a provider of employment opportunities, and a driving force for development. Meanwhile, from a legal-political perspective, forests represent state power over space, resources, and the authority to regulate their use. Therefore, the forestry regulatory system reflects how the state organizes the relationship between power, law, and natural resources within its constitutional framework (Mokobombang 2026).

Following the 1998 reforms, Indonesia entered an era of decentralization marked by fundamental changes in its government structure. Through Law No. 22 of 1999, later amended by Law No. 32 of 2004 and most recently replaced by Law No. 23 of 2014 concerning Regional Government, the government granted broad autonomy to regions to administer certain government affairs, including natural resource management. However, in practice, this decentralization has not always been aligned with the principle of coordination between levels of government. In the forestry sector, numerous problems have arisen stemming from regulatory disharmony between the central and

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regional governments in the areas of regulation, policy implementation, and licensing authority (Dharmawan 2025). Decentralization is at the heart of regional autonomy, and both are interdependent for its effectiveness. According to Article 18 of the 1945 Constitution, Indonesia is divided into autonomous regions, each with its own government exercising the broadest possible autonomy, except for central government affairs. However, this division of authority between the central government and the regions often becomes an arena for political and power struggles, leading to unstable relations between the two. Although the 1945 Constitution grants regions the right to manage their natural resources autonomously, the forestry sector presents a problem of dual authority.

Central regulations, such as Law No. 41 of 1999, often do not align with conditions on the ground. As a result, local governments feel limited in their forest management authority, even though they bear the burden of direct social and political responsibility within their territories (Lobubun, Raharusun, and Anwar 2022). The forestry sector in Indonesia is characterized by numerous overlapping regulations, often referred to as one of the most regulatory-heavy areas. The central government sets the direction for forestry policy through Law No. 41 of 1999, with further technical details regulated through Government Regulations (PP) and ministerial regulations. Meanwhile, regional governments, in the spirit of autonomy, also develop their own regulations through regional regulations and sectoral technical policies. This situation raises issues when regulations issued by the central and regional governments are incongruent, and even potentially contradictory. One clear example is when the Ministry of Environment and Forestry (KLHK) established forest conservation areas that were inconsistent with the regional spatial planning (RTRW) established by regional governments through regional regulations. This discrepancy not only created administrative tensions but also led to legal uncertainty in land management and spatial use (Sulistiyarningsih, Fathullah, and Apriandhini 2023).

Forest management is a mandate for government entities at both the central and regional levels, based on a set of forest management policies. Forestry policies are implemented using different methods depending on the specific characteristics of the region and the function of the forest being managed. These specific implementations are enhanced by geographic factors and the socio-economic and cultural conditions of the forest management area. As stated in Law No. 41 of 1999 concerning Forestry, forestry management aims to maximize the prosperity of the people in a just and sustainable manner (Contreras-Hermosilla and Fay n.d.). Law Number 23 of 2014 introduced significant changes in the division of authority over forestry affairs, transferring most of the responsibilities previously held by district/city governments to the provincial level. This change was intended to create administrative efficiency, align policy direction, and reduce the potential for irregularities in permit issuance at the local level. While normatively, this measure was considered an effort to strengthen governance, in practice, the policy created a number of new challenges. Coordination issues between the central, provincial, and district/city governments became more complex, as did budget allocations that were not always balanced. In many regions, district/city governments lost their authority to manage forest areas, but communities continued to demand accountability for environmental damage occurring within their administrative areas (Putri and Akhmaddhian 2025).

Normatively, regulatory disharmony between the central and regional governments can be categorized as a vertical norm conflict, namely a conflict between regulations made by the central government authority and regulations made by regional governments. In legal theory, this type of conflict hinders the effectiveness of the law and creates legal uncertainty, because it raises doubts about which norm applies or has greater binding force. In forestry practice, this conflict also has a direct impact on implementation aspects: regional officials lack the legitimacy to act, communities are unsure which rules to follow, and some business actors use the unclear regulations as an opportunity to escape legal obligations (Lubis and Artamevia 2025). Furthermore, forestry regulations also face the problem of substantive fragmentation. Many legal norms are created without considering the existence of other relevant sectoral norms, such as the Environmental Law, the Spatial Planning Law, and the Mineral and Coal Mining Law. As a result, there is overlapping regulation of the same areas, which can be claimed as protected forests, mining areas, and customary territories. Without an effective harmonization system, this kind of overlap will only prolong conflicts and weaken environmental protection efforts (RI 2017).

From a constitutional perspective, this phenomenon indicates a dysfunction in the system of legislative formation and the division of authority between levels of government. The state, as the holder of supreme authority in legal regulation, should be able to ensure that all legal instruments operate coherently, integratedly, and oriented towards legal certainty. When central and regional regulations clash, the principles of the rule of law and regional autonomy become not only empty rhetoric but also erode in practice (Maulana et al. 2026). Therefore, harmonization of regulations between the central and regional governments in the forestry sector is not merely a technocratic agenda, but a constitutional necessity. This harmonization is important to ensure that every legal norm, regardless of who created it, must comply with the principles of legality, the hierarchy of legislation, and the primary objective of forest protection as part of the constitutional right to a good and healthy environment (Article 28H paragraph (1) of the

1945 Constitution). Harmonization is also important to build forestry governance based on ecological justice, public participation, and clarity of roles between institutions (Wiliam *et al.* 2005). This research aims to identify the dynamics of regulatory disharmony between central and regional government authorities in strengthening sustainable forestry in Indonesia, as well as strategies for harmonizing forestry regulations between the central and regional governments.

LITERATURE REVIEW

Literature on forestry regulations in Indonesia indicates that post-reform decentralization has resulted in disharmonious norms and overlapping authorities. Nugroho (2019) emphasizes the need for community-based legal construction, while Endayani (2025) highlights the importance of an ecosystem foundation for sustainable management. However, field practice demonstrates a lack of synchronization between central and regional regulations, as noted by Sembiring *et al.* (2024) regarding the conflict between Law No. 41 of 1999 and regional policies (VANESSA *et al.* 2024).

The discourse emphasizes that harmonization of forestry regulations is not merely a technical-administrative matter, but rather a strategic political-legal agenda. Efforts such as joint drafting process, function-based distribution of authority, and the implementation of One National Forestry Map are solutions consistent with the principles of legal certainty, subsidiarity, and ecological sustainability. Thus, the literature and this article both emphasize the need for integrated norms and clarity of authority to strengthen sustainable forestry governance (Endayani 2025).

METHOD

This research employs a normative juridical approach, one that relies on written legal norms as the primary object of study. This approach aims to systematically examine laws and regulations relating to forestry regulations, the distribution of government authority, and natural resource governance within a unitary state system. As part of the doctrinal legal research method, this approach views law as a system of norms that must be examined logically, consistently, and hierarchically within the framework of the national legal system (Moleong 2021).

RESULTS AND DISCUSSION

Regulatory Disharmony between Central and Regional Governments in the Forestry Sector

Since the enactment of Law Number 23 of 2014, forestry authority has undergone a significant shift. Previously, most forestry matters were handled by districts/cities, but now all forestry matters have been transferred to the provincial or central level, with the exception of city park and urban forest management. Normatively, this was intended to simplify policymaking and strengthen government control over forest areas. However, in reality, the implementation of this policy has created new tensions in intergovernmental relations (Nugroho 2017).

Forestry sector management in Indonesia faces significant challenges due to numerous overlapping regulations, both at the central and regional levels. The central government establishes forestry policies through Law No. 41 of 1999 and its various implementing regulations, while regional governments translate these policies into regional regulations and sectoral technical policies in carrying out their regional autonomy functions. This regulatory disharmony between levels of government often creates tensions, particularly when central government policies are inconsistent with regional spatial plans (RTRW). One clear example is the conflict between the designation of conservation areas by the Ministry of Environment and Forestry (KLHK) and district/city RTRWs, which leads to legal and administrative uncertainty in the management of space and resources (Lumbanraja *et al.* 2025).

Furthermore, tensions also arise in the context of law enforcement. Forestry Civil Servant Investigators (PPNS) in the regions are often under-empowered because they are located within structures that no longer have direct authority. This results in weak follow-up on violations in the field. When the central government is overly dominant in licensing but lacks a physical presence in supervision, the oversight function is ineffective (Saraya *et al.* 2025).

Legally, this situation demonstrates an inconsistency between the division of authority and the implementation of legal responsibilities. Under constitutional law, the division of affairs between the central and regional governments must be based on the principles of effectiveness and accountability, not simply formal hierarchy. When regional governments lack the legal instruments to act, the principle of substantive decentralization is weakened, and governance becomes centralized. In fact, without adequate political legitimacy, the disharmony between central and regional government regulations in the forestry sector is a fundamental problem reflecting a lack of coordination and integration in the development of legislation in Indonesia. This regulatory conflict can be categorized into two forms: first, substantive disagreements between central and regional regulations, and second, unclear hierarchies and divisions of authority between levels of government. A clear example of substantive conflict

is the numerous Regional Regulations (Perda) on regional spatial planning (RTRW) that are inconsistent with the designation of forest areas by the Ministry of Environment and Forestry (KLHK). In many cases, regions have allocated land for investment or regional development, while the KLHK has designated the area as protected or conservation forest based on central regulations. This lack of synchronization has resulted in legal confusion, inter-agency conflicts, and even the criminalization of communities using land based on regional regulations (Mina 2016).

From a constitutional law perspective, this situation reflects a failure to implement the principles of legal integration and normative harmonization. Article 7 of Law Number 12 of 2011 concerning the Formation of Legislation stipulates that regional regulations must be within a hierarchical regulatory framework, subject to higher-level laws. However, in practice, the mechanism for monitoring the substance of regional regulations is often administrative and relies on the discretion of technical ministries, rather than through constitutional and consultative mechanisms that guarantee legal certainty. This disharmony not only impacts the normative level but also creates implementation problems. Regional officials are reluctant to enforce central regulations that are inconsistent with the local context, while the central government refuses to recognize regional autonomy, which is deemed contrary to national interests. In this situation, communities are the primary victims of legal uncertainty, particularly indigenous and local communities living around forest areas without clear legal status over the land they have traditionally managed.

Strategy for Harmonizing Forestry Regulations Between Central and Regional Governments

Efforts to harmonize forestry regulations cannot stop at recognizing the existence of conflicting norms and tensions over authority. Harmonization must be understood as a strategic and ongoing political-legal process aimed at unifying orientations, building integration between norms, and ensuring the sustainability of forest management within a decentralized unitary state system. In this context, harmonization does not simply mean "adjusting" regulations, but also encompasses the reconstruction of central-regional relations within a constitutional law framework that upholds the principles of legality, effectiveness, and justice (Agustin 2025).

One of the main roots of disharmony in forestry regulations is the difference in legal substance between central and regional regulations. At the central level, regulations are often formulated based on macroeconomic considerations, conservation, and national stability. Meanwhile, at the regional level, regulations are more often shaped by socio-economic needs, regional development plans, and local aspirations. When these two approaches are not synergized, what results is a conflict of content, as seen in the conflict between decrees on forest area designation and regional spatial planning regulations (Perda RTRW) in many provinces.

To address this, it is necessary to implement a mechanism for harmonization of substance through a joint legislative forum involving central and regional elements from the initial stages of policy formation. This model can be formalized in the form of joint drafting process between the Ministry of Environment and Forestry, the Ministry of Home Affairs, and local governments. Furthermore, evaluation of regional regulations should not be solely carried out by the central government, but rather through substantive dialogue to bridge national development perspectives and regional needs. Revisions to Articles 251 and 252 of Law Number 23 of 2014 concerning Regional Government, which regulate the revocation of regional regulations by the central government, need to be considered to better guarantee the principle of partnership (Wicaksono and Nugroho 2015).

Since the enactment of Law No. 23 of 2014, forestry authority at the district/city level has been transferred to the provinces, and in many respects, it has been reassigned to line ministries. While this was intended to increase efficiency and prevent corruption at the local level, the impact has been a decline in regional participation in forest governance. Many regions have lost control of forests, which are integral to their identity and economy, without effective monitoring and evaluation mechanisms.

The solution is to encourage the distribution of authority based on function and geographic proximity. Management of community forests, village forests, and local ecosystem landscape restoration should be the responsibility of districts/cities, as they are close to the community and require a participatory approach. Meanwhile, national-scale conservation areas, deforestation control, and large corporate licensing could remain in the hands of provincial or central governments. This adjustment can be regulated through a revision of Government Regulation No. 38 of 2007 concerning the Division of Government Affairs between Provincial and Regency/City Governments, which should consider a government authority distribution scheme based on specific functions, taking into account ecoregional characteristics and institutional capacity (Mokobombang 2026). The lack of synchronization of spatial data and regional information is a major obstacle to the harmonization of forestry policies. The Ministry of Environment and Forestry (KLHK) uses a system for determining forest areas based on Ministerial Decrees and internal data, while local governments refer to the Spatial Planning (RTRW) and local socioeconomic data. This discrepancy not only creates regulatory conflicts but also triggers ownership disputes, permit violations, and the

criminalization of indigenous communities. Therefore, a crucial strategy that must be implemented immediately is the implementation of One National Forestry Map, which comprehensively integrates spatial data, area status, ownership, and land use information. This map must be legally binding and serve as the sole reference for granting permits, drafting spatial plans (RTRW), and enforcing the law.

However, this integration will not be successful without clarity on the legality and authority of data management, ensuring that the authority to update and validate data is not solely vested in the central government, but also involves provinces and districts/cities collectively. Beyond all technical and institutional approaches, harmonization of forestry regulations between the central and regional governments will only be successful if built on a framework of shared values and principles. These principles must serve as a normative meeting point accepted by all stakeholders and used as a guide in formulating policies at all levels (Mokobombang 2026).

First, the principle of legal certainty: all forestry legal norms must be clear, non-conflicting, and firmly positioned within the hierarchy of laws and regulations. Second, the principle of subsidiarity, which states that government affairs must be handled by the closest authority most capable of implementing them effectively and efficiently. Third, the principle of ecological sustainability, which states that all policies and regulations must consider the environmental carrying capacity and capacity, and strengthen the protection of communities dependent on forest ecosystems. These three principles need to be explicitly incorporated into sectoral regulatory instruments, including revisions to the Forestry Law and the Regional Government Law, to become part of the normatively binding national legal value system (Putri and Akhmaddhian 2025).

CONCLUSION

Decentralization has become a crucial foundation of Indonesia's post-reform state system, including in forestry governance. However, in practice, decentralization has created new challenges in the form of regulatory disharmony between the central and regional governments. Unsynchronized norms, overlapping authorities, and fragmented policies in the forestry sector indicate that the mechanisms for dividing functions and coordinating legal matters between levels of government have not been functioning effectively.

This disharmony hinders the implementation of the principles of the rule of law and sustainability, and directly impacts communities and forest ecosystems. Local governments often lose substantial regulatory space, while the central government tends to adopt a top-down approach that is not always contextualized. This situation reinforces the symptoms of centralization. In fact, within the framework of decentralization *de jure*, which creates legal confusion and institutional gaps in the field.

Efforts to harmonize forestry regulations between the central and regional governments must be understood as a strategic process encompassing normative, functional, technical, and principled aspects. Harmonization goes beyond unifying regulations, but also unifies visions, establishes clarity of authority, and affirms a constitutional commitment to ecological justice and regional government autonomy.

REFERENCES

- Agustin, Athaya Widhah. 2025. "Konflik Kewenangan Antara Pemerintah Pusat Dan Daerah Dalam Penetapan Kebijakan Administratif: Analisis Dari Sudut Pandang HAN." *Beleid* 3(2):168–95.
- Contreras-Hermosilla, Arnoldo, and Chip Fay. n.d. "Memperkokoh Pengelolaan."
- Dharmawan, I. Nyoman Dudy. 2025. "Peran Kementerian Hukum Dalam Sentralisasi Kewenangan Pemerintah Pusat Dan Daerah Pada Uu Cipta Kerja." *At-Taklim: Jurnal Pendidikan Multidisiplin* 2(6):454–65.
- Endayani, Sri. 2025. *Pengantar Ilmu Kehutanan: Dasar Ekosistem Dan Pengelolaan Berkelanjutan*. Tanesa.
- Jenderal, Sekretariat, and Tim Pusat Pemantauan Pelaksanaan Badan Keahlian DPR RI. 2020. "Analisis Dan Evaluasi Pemantauan Pelaksanaan Undang-Undang Nomor 33 Tahun 2004 Tentang Perimbangan Keuangan Antara Pemerintah Pusat Dan Pemerintahan Daerah."
- Lobubun, Muslim, Yohanis Anthon Raharusun, and Iryana Anwar. 2022. "Inkonsistensi Peraturan Perundang-Undangan Dalam Penyelenggaraan Pemerintahan Daerah Di Indonesia." *Jurnal Pembangunan Hukum Indonesia* 4(2):294–322.
- Lubis, Muhamman, and Mima Artamevia. 2025. "Mewujudkan Desa Mandiri: Peran Regulasi Otonomi Daerah Dalam Pengelolaan Sumber Daya Lokal." *Locus: Jurnal Konsep Ilmu Hukum* 5(3):481–93.
- Lumbanraja, Victor, Dwi Putranto Riau, Rustiyana Rustiyana, and Merri Anitasari. 2025. *Otonomi Daerah: Konsep Dasar, Prinsip, Peran Dan Kemandirian Fiskal*. Star Digital Publishing.
- Maulana, Lanang, Muhammad Rizky Al-farizi, Riska Meilisa, Chaca Alfarica Cahyani, Sinta Bela Farah Kirani,

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- Nadiyah Salamah, Qitalya Adinda Zahrani, Hendi Efriyanto Harianja, Muhammad Sulton Robbani, and Febra Anjar Kusuma. 2026. "Desentralisasi Yang Berliku: Menelusuri Dinamika, Ketimpangan, Dan Masa Depan Otonomi Daerah Di Indonesia." *Jurnal Ilmiah Penelitian Mahasiswa* 4(1):364–75.
- Mina, Risno. 2016. "Desentralisasi Perlindungan Dan Pengelolaan Lingkungan Hidup Sebagai Alternatif Menyelesaikan Permasalahan Lingkungan Hidup." *Arena Hukum* 9(2):149–65.
- Mokobombang, Wahyudi. 2026. "Strategi Pengelolaan Sumber Daya Alam Dalam Administrasi Pembangunan Yang Berkelanjutan." *Journal of Management and Social Sciences* 5(2):95–105.
- Moleong, Lexy J. 2021. *Metodologi Penelitian Kualitatif*. PT Remaja Rosdakarya.
- Nugroho, Sigit Supto. 2017. "Hukum Kehutanan: Konstruksi Hukum Pengelolaan Sumber Daya Hutan Berbasis Masyarakat." Solo: Pustaka Iltizam.
- Putri, Kayla Vania Gita, and Suwari Akhmaddhian. 2025. "Harmonisasi Regulasi Nasional Dalam Pengelolaan Dan Pemanfaatan Tanah Dalam Perpektif Teori Sistem Hukum." *Logika: Jurnal Penelitian Universitas Kuningan* 16(02):197–206.
- RI, Badan Pengkajian M. P. R. 2017. "Strategi Perampingan Dan Harmonisasi Regulasi Pusat Dan Daerah." Jakarta: Badan Pengkajian MPR RI.
- Saraya, Sitta, Arief Fahmi Lubis, Andra Juansa, Granita R. Layungasri, and Erfina Rianty. 2025. *Dinamika Hukum Di Indonesia: Perkembangan & Tantangan*. PT. Star Digital Publishing, Yogyakarta-Indonesia.
- Sulistiyaningsih, Nur, Abdusyahid Naufal Fathullah, and Megafury Apriandhini. 2023. "Implementasi Public Trust Doctrine Dalam Pengambilan Kebijakan Di Tingkat Daerah Dan Pusat: Tantangan Dan Peluang Di Indonesia." *Esensi Hukum* 5(2):70–86.
- Vanessa, u. L. I. Sembiring, sabrina salwa, mahrani sembiring wan, hafis faisal muhammad, and rahmadhan taufiq. 2024. "Pengelolaan Kehutanan Di Tinjau Berdasarkan Undang-Undang No 41 Tahun 1999 Menyoroti Aspek-Aspek Di Dalam Hukum Administrasi Negara." *Demokrasi: Jurnal Riset Ilmu Hukum, Sosial Dan Politik Учредители: Asosiasi Seni Desain Dan Komunikasi Visual Indonesia* 1(3):216–23.
- Wicaksono, Arditya, and Romi Nugroho. 2015. "Harmonisasi Hukum Pengelolaan Sumber Daya Alam Di Indonesia Dan Pengelolaan Tanah Di Negara." *Jurnal Bhumi* 1(2).
- Wiliam, Dede, Putu Oka Ngakan, Amran Achmad, and Ahmad Tako. 2005. *Dinamika Proses Desentralisasi Sektor Kehutanan Di Sulawesi Selatan: Sejarah, Realitas Dan Tantangan Menuju Pemerintahan Otonomi Yang Mandiri*. Cifor.