

**PERHUTANI LAND MANAGEMENT BY THE *COMMUNITY UNDER*
*MASLAHAH MURSALAH PERSPECTIVE***

***(Research in Ringintelu Hamlet, Ngadirenggo Village, Wlingi District,
Blitar Regency)***

THESIS

By:

Zakia Amilia

NIM 210203110030



CONSTITUTIONAL LAW STUDY PROGRAM (SIYASAH)

FACULTY OF SHARIA

UNIVERSITAS ISLAM NEGERI MAULANA MALIK IBRAHIM MALANG

2025

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STATEMENT OF AUTHENTICITY OF THESIS

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Half Allah,

With awareness and a sense of responsibility for scientific development,

The author states that the thesis with the title:

**PERHUTANI LAND MANAGEMENT BY THE COMMUNITY FROM THE
PERSPECTIVE OF MASLAHAH MURSALAH** (Study in Ringintelu Hamlet,
Ngadirenggo Village, Wlingi District, Blitar Regency)

It is really a thesis that is prepared by itself based on the rules of writing scientific papers that can be accounted for. If in the future this thesis research report is the result of plagiarism of other people's works, either partially or in whole, then the thesis is partially null and void as a prerequisite for receiving a bachelor's degree predicate.

Malang, March 20, 2025
Writer



Zakia Amilia
NIM 210203110030

APPROVAL PAGE

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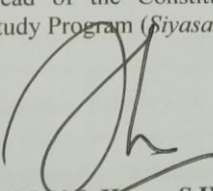
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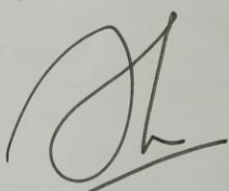
Therefore, the supervisor stated that the thesis had met the scientific requirements to be submitted and tested by the Board of Examiners.

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PROOF OF CONSULTATION



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(Study in Ringintelu Hamlet, Ngadirenggo Village, Wlingi District, Blitar
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No	Day/Date	Consultation Materials	Signature
1	Monday, December 23, 2024	Revision After Proposal Seminar	
2	Monday, January 6, 2025	Revision of Chapter I	
3	Wednesday, January 8, 2025	Revision of Chapter I	
4	Friday, 10 January 2025	Revision of Chapter II	
5	Wednesday, January 15, 2025	Revision of Chapter II	
6	Friday, January 17, 2025	Revision of Chapter III	
7	Monday, February 24, 2025	Revisi Bab IV	
8	Wednesday, 26 February 2025	Revisi Bab IV	
9	Monday, March 3, 2025	Revisi Bab IV	
10	Wednesday, March 5, 2025	Revision of Chapter V ACC in Test	

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VERIFICATION PAGE

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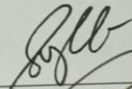
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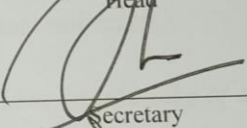
**PERHUTANI LAND MANAGEMENT BY THE COMMUNITY FROM THE
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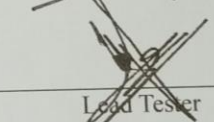
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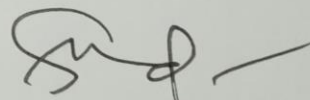
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MOTTO

تَصَرُّفُ الْإِمَامِ عَلَى الرَّعِيَّةِ مَنُوطٌ بِالْمَصْلَحَةِ

"The leader's policy towards his people must be based on the benefit."

"Land is not merely a resource; it is a shared trust to be managed with justice and sustainability." — by Aldo Leopold

"Land is a trust, not just a place to stand on. It must be managed with benefits, so that its sustainability does not crack,

Maintaining harmony between humans and nature, for the sake of a wise future"

— by Zakia Amilia

FOREWORD

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Alhamdulillahirabbil'alamin, who has given grace and help in writing a thesis entitled: "Perhutani Land Management by the Community, Masalah Mursalah Perspective (Study in Ringintelu Hamlet, Ngadirenggo Village, Wlingi District, Blitar Regency)" was successfully completed. We pray and greetings to the Prophet Muhammad PBUH who has given uswatun hasanah to us in living this life according to sharia. By following him, may we be classified as believers and get his intercession at the end of the apocalypse. Amien.

With all the teaching, guidance/direction, and service assistance that has been provided, it is with all humility that the author expresses his incomparable gratitude to:

1. Prof. Dr. H.M. Zainuddin, MA, as the Rector of Maulana Malik Ibrahim State Islamic University Malang.
2. Prof. Dr. Sudirman, M.A, CAHRM, as the Dean of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University, Malang.
3. Dr. Musleh Harry, S.H., M.H, as the Head of the Constitutional Law Study Program (*Siyasah*) at Maulana Malik Ibrahim State Islamic University Malang as well as the author's supervisor who has devoted time to providing direction and motivation in completing the writing of this thesis.
4. All lecturers of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang who have provided learning to all of us. With sincere

intentions, may their deeds all be part of worship to get the pleasure of Allah SWT.

5. Dear parents, Mrs. Siti Kamariah Senar, Father Samsul Arifin and Mr. Jumaadi and the entire extended family, both in Indonesia and in Malaysia. Your presence and prayers are the light in every step that the writer goes through. Your determination, infinite sacrifice, and immeasurable love are the foundation for every achievement of the writer. May all your goodness be repaid by Allah SWT.
6. The big family of the Law Debate Community Faculty of Sharia, Maulana Malik Ibrahim State Islamic University, Malang, coaches, alumni, and all comrades-in-arms. In the debate room, in the midst of the hustle and bustle of training, to every competition, you are the lamp that illuminates this journey. Thank you for being a place to share knowledge, enthusiasm, and laughter that strengthens every step that the author goes through during the process at this beloved campus.
7. Friends of the International Class Program (ICP) who have shared their struggles, jokes, and hopes. Together with you, the author learns that every challenge becomes lighter when lived together. Your support and togetherness is the energy that animates this step to this point of achievement.

With the completion of this thesis report, it is hoped that the knowledge we have gained during college can provide charitable benefits for life in this world and the

hereafter. As a human being who is never free from mistakes, the author really hopes for forgiveness as well as criticism and suggestions from all parties for improvement efforts in the future.

Malang, March 20, 2025
Writer

Zakia Amilia
NIM 210203110030

TRANSLITERATION GUIDELINES

In writing scientific papers, the use of foreign terms is often inevitable. In general, according to the general guidelines for Indonesian spelling, foreign words are written (printed) in italics. In the context of Arabic, there are special transliteration guidelines that apply internationally. The following is a table of transliteration guidelines as a reference for writing scientific papers.

A. THE CONSOSCO

The list of Arabic letters and their transliteration into Latin letters can be seen on the following page:

Arabic	Indonesia	Arabic	Indonesia
A	'	I	ṭ
in	b	Z	ẓ
t	t	on	'
W	th	G	gh
C	j	P	f
Going to	ḥ	s	q
X	kh	as	k
of	d	for	l
L	dh	M	m
t	r	M	n

G	with	And	in
Going to	s	H	h
U	sh	o	'
AM	ṣ	Y	and
Z	ḍ	-	-

Hamzah (ء) which is located at the beginning of the word follows the vowel without being given any signs. If the hamzah (ء) is located in the middle or at the end, then it is written with a sign (').

B. VOCAL

Arabic vocal, such as Indonesian vowels, consists of single or monophthong vowels and double or diphthong vowels.

Arabic single vowels whose symbol is in the form of signs or harakats, the transliteration is as follows:

Arabic Letters	Name	Latin Letters	Name
A	Fathah	A	A
I	Kasrah	I	I
U	Damma	U	U

Arabic double vowels whose symbols are in the form of a combination of harakat and letters, transliteration is in the form of a combination of letters, namely:

Sign	Name	Latin Letters	Name
That is	Fathah and yes	Ai	A and I
Or	Fathah and the kite	Iu	A and U

Example:

How : *Kaifa*

fright : *haulā*

C. MADDAH

Maddah or Long vowel whose symbol is in the form of harakat and letters, transliteration is in the form of letters and signs, namely:

Harakat and Letters	Name	Letters and Signs	Name
Y	Kasrah and yes	\bar{i}	I and the line above
you	Dammah and kite	\bar{u}	U and the line above

Example:

He died : māta

throw : ramā

Said : qīla

Kick the bucket : yamūtu

D. TA MARBUTAH

There are two transliterations for ta marbutah, namely: ta marbutah who lives or receives harakat fathah, kasrah and dhammah, the transliteration is [t]. While *ta marbutah* who dies or receives breadfruit harakat, the transliteration is [h].

If the word ending with ta marbutah is followed by a word that uses the slang word al- and the reading of the two words is separate, then *ta marbutah* is transliterated with ha (h).

Example:

Kindergarten : rauḍah al-atfāl

Virtue City : al-maḍīnah al-fāḍilah

Wisdom : al-ḥikmah

E. SYADDAH

Syaddah or *tasydīd* which in the Arabic writing system is symbolized by a *tasydid* sign (ـّ), in this transliteration it is symbolized by a repeating letter (double consonant) given a *syaddah sign*.

Example:

Our lord : *Rabbanā*

we survived : *najjainā*

The truth : *Al-Ḥaqq*

Hajj : *al-ḥajj*

Yes : *now"ima*

enemy : *‘aduwwu*

If the letter ع has *tasydid* at the end of a word and is preceded by the letter of harakat kasrah (ـِ), then it is transliterated like *the letter maddah (ī)*.

Example:

ali : *'Alī* (not *'Aliyy* or *'Aly*)

Arabic: *'Arabī* (not *'Arabiyy* or *'Araby*)

F. SLANGWORD

The word slang in the Arabic writing system is symbolized by huru ال (alif lam ma'arif). In this transliteration guideline, the slang word is transliterated as usual, al-, both when it is followed by the letters syamsiyah and the letters qamariah. Slangs do not follow the sound of the direct letters that bind them. Slangs are written separately from the words that follow them and are connected by a horizontal line (-).

Examples:

The sun : *Al-Syamsu* (not *Ash-Shamsu*)

Earthquake : *al-zalزالah* (not *az-zalزالah*)

Philosophy : *Al-Philosophy*

Country : *AL-Car ADU*

G. HAMZAH

The rule of transliteration of the letters hamzah into an apostrophe (') only applies to hamzahs located in the middle and end of the word. However, if the hamzah is located at the beginning of the word, it is not symbolized, because in Arabic it is alif.

Examples:

You order : ta'marūna

Petrels : *Al-Nau'*

thing : *Syai'un*

I ordered : Umirtu

H. WRITING ARABIC WORDS COMMONLY USED IN INDONESIAN

Transliterated Arabic words, terms or sentences are words, terms or sentences that have not been written down in Indonesian. Words, terms or sentences that are already common and part of the Indonesian treasury, or have often been written in Indonesian writing, are no longer written according to the above transliteration method. For example, the word Qur'an (from *the Qur'an*), sunnah, hadith, special and general. However, if the words are part of a series of Arabic texts, then they must be transliterated in their entirety.

Example:

Fī ṣilāl al-Qur'ān

Al-Sunnah agreed al-tadwīn

Al-'Ibārāt In 'Umūm al-Lafẓ lā bi khuṣūṣ al-sabab

I. LAFZ AL-JALALAH

The word "Allah" which is preceded by a particle such as *jarr* and other letters or has a position as *mudafilaih* (nominal phrase), is transliterated without the letter hamzah.

Example:

Religion of God : *ofnothin̄h*

As for *ta marbutah* at the end of the word which is based on *lafz al-jalalah*, it is transliterated with the letter [t].

example:

They are in God's mercy : *hum ʾi rah̄matillāh*

J. CAPITAL LETTERS

Although the Arabic writing system does not recognize capital letters (*All Caps*), in its transliteration, these letters are subject to provisions on the use of capital letters based on the applicable Indonesian spelling guidelines (EYD). Capital letters, for example, are used to write the first letter of one's name (person, place, month) and the first letter at the beginning of a sentence. If the personal name is preceded by the sandang (al-), then the one written in capital letters is still the initial letter of the personal name, not the initial hruuf of the slang. If it is located in the awla sentence, then the letter A of the adjectic uses a capital letter (Al-). The provisions that are also applicable to the initial letters of the reference title preceded by the slang-. both when it is written in text and in reference notes (CK, DP, CDK, and DR).

Example:

Wa mā Muḥammadun illā his headl

I'm not going to go to church[—].

Syahru Ramaḍan al-laẓī unzila fih al-Qur’ān

Naṣīr al-Dīn al-Ṭūs

Abū Naṣr al-Farābī

Al-Ghazālī

Al-Munqīz min al-Ḍalāl

ABSTRAK

Zakia Amilia, NIM 210203110030, 2025. **Pengelolaan Tanah Perhutani oleh Masyarakat Perspektif Masalah Mursalah (Studi di Dusun Ringintelu Desa Ngadirenggo Kecamatan Wlingi Kabupaten Blitar)**, Skripsi, Program Studi Hukum Tata Negara (*Siyasah*), Fakultas Syariah, Universitas Islam Negeri Maulana Maliak Ibrahim Malang.

Pembimbing: Dr.Musleh Harry,SH,. M.Hum

Kata Kunci: Pengelolaan Tanah, Perhutani, Masyarakat, Masalah Mursalah, Kepemilikan Tanah

Pengelolaan tanah Perhutani oleh masyarakat di Dusun Ringintelu, Desa Ngadirenggo, Kecamatan Wlingi, Kabupaten Blitar, mencerminkan dinamika antara hak kepemilikan negara dan hak kelola masyarakat. Masyarakat telah mengelola kawasan hutan ini jauh sebelum kolonial Belanda datang dengan sistem kepemilikannya. Namun, setelah Belanda menguasai Indonesia, tanah yang sebelumnya dikelola masyarakat secara turun-temurun diakui sebagai milik kolonial. Pengelolaan hutan modern di Jawa dan Madura dimulai dengan diterbitkannya *Bosreglement* dan *Dienst Reglement* pada tahun 1897, yang menempatkan seluruh tanah kawasan hutan di bawah kontrol Belanda melalui organisasi Jawatan Kehutanan. Setelah Indonesia merdeka, Dienst van het Boschwezen (Jawatan Kehutanan) diambil alih oleh pemerintah Indonesia dan mengalami beberapa perubahan kelembagaan hingga akhirnya pada tahun 1961 terbentuk Perusahaan Negara Kehutanan (Perhutani). Sejak itu, konflik kepemilikan tanah terus berlanjut, karena masyarakat tetap mengklaim hak atas tanah yang telah mereka kelola turun-temurun, sementara negara menetapkan bahwa tanah tersebut merupakan aset negara yang tidak dapat dimiliki individu atau kelompok tertentu.

Penelitian ini bertujuan untuk menganalisis pola pengelolaan tanah Perhutani oleh masyarakat serta implikasinya dalam perspektif *masalah mursalah*. Kajian ini juga mengevaluasi sejauh mana partisipasi masyarakat dalam skema perhutanan sosial yang diterapkan oleh pemerintah dan bagaimana kebijakan kehutanan dapat diharmonisasikan dengan prinsip kemaslahatan. Metode penelitian yang digunakan adalah metode hukum empiris dengan pendekatan yuridis sosiologis. Data dikumpulkan melalui wawancara dengan masyarakat setempat, observasi lapangan, serta studi dokumen terkait kebijakan kehutanan dan regulasi yang berlaku. Analisis dilakukan secara kualitatif dengan mengaitkan hasil temuan dengan teori kepemilikan, teori partisipasi masyarakat, serta prinsip masalah mursalah.

Hasil penelitian menunjukkan bahwa masyarakat hanya memiliki hak akses terbatas dalam skema Perhutanan Sosial, tanpa hak kepemilikan yang jelas sebagaimana dalam Teori Kepemilikan oleh Soetandyo Wignjosoebroto juga dalam Teori *Ladder of Citizen Participation* (partisipasi masyarakat) masih terbatas pada *tokenism*, di mana mereka dapat mengelola lahan tetapi tidak memiliki kendali atas kebijakan kehutanan. Dari perspektif *masalah mursalah*, masyarakat memperoleh manfaat dari sistem tumpang sari, akses tempat tinggal, dan peningkatan kesejahteraan ekonomi. Pendekatan masalah mursalah Imam Al-Syatiby menegaskan bahwa kebijakan kehutanan harus menyeimbangkan keberlanjutan lingkungan dan kesejahteraan masyarakat dengan memberikan kepastian hukum yang adil tanpa mengabaikan aspek konservasi hutan.

ABSTRACT

Zakia Amilia, NIM 210203110030, 2025. **Perhutani Land Management by the Masalah Mursalah Perspective Community (Study in Ringintelu Hamlet, Ngadirenggo Village, Wlingi District, Blitar Regency)**, Thesis, Constitutional Law Study Program (*Siyasah*), Faculty of Sharia, Maulana Maliak Ibrahim State Islamic University, Malang.

Pembimbing: Dr.Musleh Harry,SH,. M.Hum

Keywords: Land Management, Perhutani, Agrarian Conflict, Masalah Mursalah, Land Ownership

Perhutani's land management by the community in Ringintelu Hamlet, Ngadirenggo Village, Wlingi District, Blitar Regency, reflects the dynamics between state ownership rights and community management rights. The community had managed this forest area long before the Dutch colonials came with its ownership system. However, after the Dutch controlled Indonesia, land that was previously managed by the community for generations was recognized as colonial property. Modern forest management in Java and Madura began with the issuance of *the Bosreglement* and *Dienst Reglement* in 1897, which placed all forest areas under Dutch control through the organization of the Forestry Office. After Indonesia's independence, the Dienst van het Boschwezen (Forestry Office) was taken over by the Indonesian government and underwent several institutional changes until finally in 1961 the State Forestry Company (Perhutani) was formed. Since then, land ownership conflicts have continued, as communities continue to claim rights to land they have managed for generations, while the state stipulates that the land is a state asset that cannot be owned by certain individuals or groups.

This study aims to analyze the pattern of Perhutani land management by the community and its implications in the perspective of *masalah mursalah*. This study also evaluates the extent of community participation in the social forestry scheme implemented by the government and how forestry policies can be harmonized with the principle of benefit. The research method used is an empirical legal method with a sociological juridical approach. Data was collected through interviews with local communities, field observations, and the study of documents related to forestry policies and applicable regulations. The analysis was carried out qualitatively by relating the findings to the theory of ownership, the theory of community participation, and the principle of *masalah mursalah*.

The results of the study show that communities only have limited access rights in the Social Forestry scheme, without clear ownership rights as in the Ownership

Theory by Soetandyo Wignjosoebroto as well as in the *Ladder of Citizen Participation* Theory, which is still limited to *tokenism*, where they can manage land but do not have control over forestry policies. From the perspective of *maslahah mursalah*, the community benefits from the intercropping system, access to housing, and improved economic welfare. Imam Al-Syatiby's approach emphasizes that forestry policies must balance environmental sustainability and community welfare by providing fair legal certainty without neglecting aspects of forest conservation.

مستخلص البحث

(إدارة أراضي بيهوتاني من منظور المجتمع فواند مرسله 2025، NIM 210203110030، زكية أميليا ، دراسة في قرية رينجيتيلو) قرية الرحلة المنطقة الفرعية ولنجي ريجنسي بليتار)، أطروحة برنامج دراسة القانون الدستوري ، كلية الشريعة، جامعة مولانا مالك إبراهيم الإسلامية الحكومية في مالانج.

م.هم.، SH، مشرف : د. مصلح هاري

تعكس إدارة أراضي بيهوتاني من قبل المجتمع المحلي في قرية رينجيتيلو ، قرية نغاديرينغو ، منطقة Wlingi ، Blitar Regency ، الديناميكيات بين حقوق ملكية الدولة وحقوق إدارة المجتمع. كان المجتمع قد أدار هذه المنطقة الحرجية قبل وقت طويل من مجيء المستعمرين الهولنديين بنظام الملكية الخاص بها. ومع ذلك ، بعد سيطرة هولنديين على إندونيسيا ، تم الاعتراف بالأرض التي كانت تديرها المجتمع سابقا لأجيال كملكية استعمارية. بدأت الإدارة الحديثة للغابات في جاوة ومادورا بإصدار *Bosreglement and Dienst Reglement* في عام 1897 ، والذي وضع جميع مناطق الغابات تحت السيطرة الهولندية من خلال تنظيم مكتب الغابات. بعد استقلال إندونيسيا ، استحوذت الحكومة الإندونيسية على Dienst van het Boschwezen (مكتب الغابات) وخضعت للعديد من التغييرات المؤسسية حتى تم تشكيل شركة الغابات الحكومية (Perhutani) أخيرا في عام 1961. منذ ذلك الحين، استمرت النزاعات على ملكية الأراضي، حيث تستمر المجتمعات المحلية في المطالبة بحقوقها في الأراضي التي تديرها لأجيال، بينما تنص الدولة على أن الأرض هي أحد أصول الدولة التي لا يمكن أن يملكها أفراد أو جماعات معينة.

تهدف هذه الدراسة إلى تحليل نمط إدارة الأراضي البيروتانية من قبل المجتمع وانعكاساتها من منظور مصلحة مرصلى. وتقيم هذه الدراسة أيضا مدى مشاركة المجتمعات المحلية في مخطط الحراجة الاجتماعية الذي تنفذه الحكومة وكيف يمكن مواءمة سياسات الحراجة مع مبدأ الفائدة. طريقة البحث المستخدمة هي طريقة قانونية تجريبية ذات مقاربة قانونية اجتماعية. وجمعت البيانات من خلال مقابلات مع المجتمعات المحلية، والملاحظات الميدانية، ودراسة الوثائق المتعلقة بالسياسات الحرجية واللوائح المعمول بها. تم إجراء التحليل نوعيا من خلال ربط النتائج بنظرية الملكية ونظرية المشاركة المجتمعية ومبدأ مصلحة مرصلة.

تظهر نتائج الدراسة أن المجتمعات المحلية لديها حقوق وصول محدودة فقط في مخطط الغابات الاجتماعية ، دون حقوق ملكية واضحة كما هو الحال في نظرية الملكية من قبل Soetandyo Wignjosoebroto وكذلك في سلم نظرية مشاركة المواطنين ، والتي لا تزال تقتصر على الرمزية ، حيث يمكنهم إدارة الأراضي ولكن ليس لديهم سيطرة على سياسات الغابات. من وجهة نظر مصلحة مرصالح، يستفيد المجتمع من نظام الزراعة البيئية والوصول إلى السكن وتحسين الرفاهية الاقتصادية. يؤكد نهج الإمام السيتبي على أن سياسات الغابات يجب أن توازن بين الاستدامة البيئية ورفاهية المجتمع من خلال توفير يقين قانوني عادل دون إهمال جوانب الحفاظ على الغابات.

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CHAPTER I

INTRODUCTION

A. Background of the Problem

Article 33 paragraph 3 of the 1945 Constitution of the Republic of Indonesia affirms that "*The earth, water, and natural resources contained therein are controlled by the state and used to the greatest extent for the prosperity of the people.*" This principle is an important cornerstone in the management of natural resources in Indonesia, underlining the responsibility of the state to ensure that the management of land and other natural resources provides optimal benefits for all people. Land management, which involves interaction between various parties, including governments, local communities, and management agencies, must be aligned with these constitutional principles to ensure a balance between the public interest and individual rights.¹

In order to ensure the legal and responsible use of land, the government issued a Government Regulation in lieu of Law (Perpu) Number 51 of 1960 concerning the Prohibition of Land

¹ROHADI, "Reconstruction of Legal Protection Regulations for Certified Land Owners as an Effort to Prevent Justice-Based Land Mafia" (Dissertation, Semarang, Doctoral Program (S3) in Law (Pdih), Faculty of Law, Sultan Agung Islamic University (Unissula) Semarang, 2022), <https://repository.unissula.ac.id/31010/1/10302000072.pdf>.

Use of Land Without Permission of the Right or Proxy. This regulation emphasizes that any use of land must obtain permission from the authorities. In the context of land management by the community in Ringintelu Hamlet, Ngadirenggo Village, this regulation is very important. Non-compliance with these rules can lead to legal conflicts between communities and management institutions such as Perhutani, which hold authority over the land they manage.

In line with that, Government Regulation Number 40 of 1996 concerning the Right to Use Business (HGU) provides a legal framework for land management by the state that can be handed over to individuals or legal entities for specific purposes, such as agriculture or plantations.² In Ringintelu Hamlet, there is an effort to hand over part of the land managed by Perhutani to the local community as part of the land redistribution policy. However, the handover process does not always run smoothly due to the overlapping interests between the community and Perhutani and legal uncertainty regarding land ownership rights. This requires an in-depth evaluation to ensure that the land transfer is in accordance with the provisions of the law and does not create conflicts in the future.

² Alifa Nadya and Deddy Hernawan, "Juridical Analysis of Abandoned Land Tenure Ex Right to Use by the Community of Kasumalang Village," *Litigation* 25, no. 1 (2024): 124–42.

Community-Based Forest Management (PHBM) is an approach that involves the active participation of local communities in managing forests and surrounding lands.³ In Ringintelu Hamlet, this concept is very relevant considering the community's dependence on land owned by Perhutani. PHBM strives to align the interests of the community with the goal of forest conservation, by giving them a role in the sustainable management and use of natural resources. However, the implementation of PHBM in Ringintelu Hamlet faces various challenges, including conflicts related to land use and tree felling. Effective implementation of PHBM requires support from all parties to ensure that this practice can provide balanced benefits to society and the environment.

Meanwhile, the term Kampung Magersari refers to a community that lives on land owned by another person or the state without legal ownership, but is allowed to live and manage the land. The characteristic of Magersari Village is the existence of an unwritten agreement between residents and landowners, which allows them to use the land with certain conditions.⁴ The question is, is Ringintelu Hamlet included in the category of Magersari Village? If the land is

³ Alia Fibrianingtyas, "Stakeholder Synergy in Forest Sustainability Management in the UB Forest Area," *Journal of Agricultural Economics and Agribusiness* 4, no. 4 (2020): 973–84.

⁴ Naniek Widayati Priyomarsono, M.T et al., "Naskah Akademik 'Konsep Guidelines Revitalisasi Baluwarti Kasunanan Surakarta,'" 2021, 92

owned by Perhutani and the community only has an informal permit to manage it, then Ringintelu Hamlet can be categorized as Magersari Village. However, if the community already has legal rights or is in the process of obtaining land ownership, the status can be different. Determining this status is important to understand the rights and obligations of the community and to avoid potential land conflicts in the future.

Ngadirenggo Village is one of the villages located in the Wlingi sub-district area of Blitar Regency with an area of 3,907 hectares with a population of 5,883 people with a total of 1,672 heads of families. Ngadirenggo Village has an altitude area from 400 to 1,200 meters above sea level which is the highest village in Blitar Regency with the division of 12 hamlets, namely, Ngadirenggo Hamlet, Ngola'an Hamlet, Sanggrahan Hamlet, Nongkorejo Hamlet, Perhutani Nongkorejo Hamlet, Genjong Hamlet, Sengon Hamlet, Perhutani Ringintelu Hamlet, Duren Hamlet, Bedan Pijiombo Hamlet, Perhutani Pijiombo Hamlet and Sirah Kencong Plantation.⁵

A total of 12 hamlets in Ngadirenggo Village, there are 3 hamlets that are forest areas, including Ringintelu Hamlet, Perhutani Pijiombo Hamlet and Perhutani Nongkorejo Hamlet. Of these three hamlets, the researcher is interested in researching in Ringintelu Hamlet because it is a forest area that

⁵ TVNU Wlingi, "Profil Nu Ranting Ngadirenggo" (Youtube, Blitar, 2024), <https://youtu.be/H1XHbGphZOw?si=e3OWt9itYMjdWlSp>.

has occurred several times disputes between Perhutani and its community related to the felling of trees on Perhutani land by people who feel that they have planted and cared for the trees there, and also Ringintelu Hamlet is the only one among the 3 hamlets that are perhutani forest areas inhabited by the community.

Ringintelu Hamlet has a total area of about 455 hectares, with Perhutani land managed by the community covering approximately 30 hectares. Currently, there are around 50 people who manage the land with various types of plants. Cultivated crops include hardwoods such as resin, pine, and mahogany, as well as productive crops such as cassava, corn, coffee, and cloves. This condition illustrates the unclear ownership of the plants planted on the 30 hectares of land, which opens up opportunities for conflict between the cultivating community and Perhutani as the land owner. This uncertainty poses a challenge in determining the rights and responsibilities of each party over the yield of the crop.

Based on the results of interviews with traditional leaders of ringintelu hamlet, there was a figure named Eyang Cokro Diningrat who cleared the forest for the first time and built a hut for him to live in, until originally the number of forest dwellers only Eyang Cokro Diningrat continued to increase until now it has reached 290 people and formed a community of people who live together

in the forest. Eyang Cokro Diningrat is estimated to have cleared the forest and started living in the forest since 1877.⁶

Until 295 years after the Dutch occupied Indonesia, precisely in 1897 the Dutch East Indies government established the Forestry Office to manage forests, and after Indonesia's independence all rights, duties, responsibilities, and control over forest management in Java and Madura were handed over to the Forestry Service. The Government of Indonesia established several State Forestry Companies in 1961 after the issuance of Government Regulation in Lieu of Law No. 19 of 1960 concerning State Enterprises. In order to realize the change in the status of the Forestry Office to a State Company, the Government issued Government Regulation No. 17 to No. 30, of 1961, concerning "Establishment of State Forestry Companies (PERHUTANI) which are each tasked with supervising forests in one province."⁷

The forest that was first cleared by Eyang Cokro Diningrat which at that time became a settlement by the community in the forest area automatically also became the property, duty, responsibility, and control of the state, which in this case was managed by Perum Perhutani. So that the people of Ringintelu hamlet live and live in the forest land owned by Perhutani. According to the

⁶ Mr. Rusmiyanto, Interview with Traditional Leaders in Ringintelu Hamlet, October 2024.

⁷ "Company History," *Perhutani* (blog), March 22, 2022, <https://www.perhutani.co.id/tentang-kami/sejarah-perusahaan/>.

results of an interview with one of the traditional leaders, it was stated that approximately 52 years ago or precisely in 1974, there was an agreement from Perhutani with the community that Perhutani allowed the community to continue living on the land on the condition of participating in planting and caring for Perhutani's plants, namely pine trees and resin trees in the forest. At that time, there was also the term *tumpang sari* where people were allowed to plant *palawija* crops such as corn, coffee, cloves and the like under pine trees and resin trees owned by Perhutani with the note that every harvest season the community also had to submit tribute or tax 75% of the harvest to Perhutani. However, since about 29 years ago, precisely in 1996, the community also began to plant *sengon* trees and other types of wood, no longer only planting palm trees.⁸

This is the beginning of this conflict because the cooperation agreement between the people of Ringintelu Hamlet and Perhutani is carried out only verbally and is not known by many people until now, so that the community feels that they have the right to the timber plants that they plant and manage with their own capital, seeds, fertilizers and labor. When the community felt that they had ownership rights to the plants they planted and managed themselves, they began to take the initiative to sell the timber which was

⁸ Misdiyanto, Interview, Blitar, October 26, 2024.

considered untrue and opposed by the perhutani. So that every time there is a community that is known to cut down and sell these wood plants, it will be sued by Perhutani even though the wood plants sold are not pine trees or resin trees belonging to Perhutani.

The people in Ringintelu hamlet have long depended on land owned by Perhutani to meet their living needs. However, over time, social and economic changes have affected land management patterns, creating various challenges and conflicts. The people of Ringintelu Hamlet have long managed the land with traditional practices for generations and the community feels that they have the right to the land they cultivate. When there is a change in land use patterns, tensions between the community and Perhutani begin to arise, especially when the community cuts down and sells trees, which is considered illegal by Perhutani. This conflict shows that there is deep legal uncertainty regarding the rights and obligations of each party. While the community thinks that they have moral and historical rights to the land, Perhutani adheres to the provisions of the law that govern the use of land. This tension is further exacerbated by legal actions against communities that are considered to violate existing regulations, such as cutting down trees without permission.

Land management conflicts in forest areas in Indonesia are a problem that has a long history. The people of Ringintelu Hamlet, Ngadirenggo Village, Wlingi District, Blitar Regency had occupied and managed the forest area long before the arrival of the Dutch colonials. They feel they have the right to the

land they have managed for generations. However, when the Netherlands came up with its ownership system, land previously managed by the community was recognized as colonial property. Modern-institutional forest management in Java and Madura began with the issuance of the "*Bosreglement*" and "*Dienst Reglement*" in 1897 which stipulated the rules of the organization of the Forestry Office, so that all forest land under the Dutch colony belonged to the Dutch and was managed by them.

After Indonesia's Independence in 1945, *the Dienst van het Boschwezen* (Forestry Office) was delegated its institution to the Indonesian Forestry Office. After independence, many large assets were claimed by the government as spoils of war, including *the Dienst van het Boschwezen*. Then, after the issuance of Government Regulation in Lieu of Law Number 19 of 1960 concerning State Enterprises, the status of the Forestry Office was changed to a State Company. The government then issued Government Regulation No. 17 to No. 30 of 1961 which established the State Forestry Companies (PERHUTANI) in 1960.⁹

After the establishment of Perhutani, the community began to sue again for land ownership that they claimed had been their rights for generations. This conflict continued until finally in 2023 SK.5660/MENLHK-PSKL/PKPS/PSL.0/6/2023 was issued. This decree contains two main points:

⁹ "Company History," *Perhutani* (blog), March 22, 2022, <https://www.perhutani.co.id/sejarah-perusahaan/>.

first, state recognition of people who have long occupied forest areas, by granting them the right to use; and second, people are allowed to grow crops in forest areas as long as they do not plant types of wood that can be traded. If the community plants this type of wood, the results will belong to Perhutani.

In this context, the perspective *of maslahah mursalah* in Islamic law offers an alternative approach that can harmonize the interests of the community with existing regulations. Maslahah mursalah, introduced by Imam al-Syatiby, is a concept that emphasizes the application of the principles of justice and general welfare in situations that are not explicitly regulated by shhari'a. This approach can help formulate equitable solutions that take into account the rights of local communities and Perhutani authorities, as well as ensure that land management is carried out in a sustainable manner. In Islam, the concept of maslahah mursalah is rooted in the principle of

that the law must bring benefits to mankind. This is in accordance with the rules of jurisprudence:

The Imam's behavior on the parish depends on the interest which means "*The leader's policy towards the people must be based on the benefit.*" In the context of Perhutani's land management by the community, this approach underscores the importance of balancing ecological, social, and economic interests. By ensuring that land use practices remain based on the

principle of sustainability, the community can benefit without sacrificing environmental sustainability which is also a mandate from Allah SWT.

Furthermore, the Qur'an affirms in Surah Al-A'raf verse 56:

And do not corrupt the land after it has been repaired and call upon him for fear and greed if you have mercy on God is close to the benefactors

"And do not cause damage to the earth after God has repaired it; and pray to Him with fear and hope. Indeed, Allah's mercy is very close to those who do good." (QS. Al-A'raf: 56)

This verse teaches that the management of natural resources must avoid actions that damage the balance of the environment. Therefore, the use of Perhutani land by the community must remain within the legal corridor that allows them to manage their land productively, but still pay attention to environmental sustainability and social justice aspects.

This research will be analyzed using the ownership theory by Soetandyo Wignjosoebroto¹⁰, who emphasizes that land and natural resource ownership is not only based on physical control but also on the aspect of legality recognized by the state. In addition, the analysis will also use the theory of community

¹⁰ Soetandyo Wignjosoebroto, *Law: Paradigm of Method and Dynamics of Problems / Soetandyo Wignjosoebroto* (Jakarta: Elsam Institute for Community Studies and Advocacy, 2002).

participation "*Ladder of Citizen Participation*" by Sherry Arnstein¹¹, which explains that community participation determines the extent of citizens' power in determining plans and programs. Furthermore, this study will also be deepened with the perspective of *maslahat mursalah* by Imam Al-Syatibi¹², who emphasized that *maslahat mursalah* must be used in policies that do not contradict the Qur'an, Sunnah, Ijma', or Qiyas and must be in harmony with *maqasid sharia*.

In addition to using this theoretical approach, the analysis in this study will refer to several relevant laws and regulations, including: Law Number 41 of 1999 concerning Forestry, which regulates forest management, community rights, and state authority in forest resource management. Regulation of the Minister of Environment and Forestry Number 39 of 2017 concerning Social Forestry, which provides guidelines on how communities can access and manage forest areas legally. Article 12 letter c of Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, which discusses efforts to prevent forest destruction and sanctions for violations of forest sustainability. Article 5 of Government Regulation Number 72 of 2010

¹¹ Sherry Arnstein revisited, "A Ladder of Citizen Participation," *JAIP* Vol. 35, no. 4 (1969): 216–24.

¹² Imron Rosyadi, "Ash-Syâtibi's Thoughts on Maslahah Mursalah" 14, no. 1 (2015).

concerning State Forestry Public Companies (Perhutani), which stipulates Perhutani's duties and authorities in managing forest areas.

Forest management in Law Number 41 of 1999 concerning Forestry is based on several main principles, namely sustainability, benefits, justice, togetherness, openness, efficiency, prosperity, and community. The principle of sustainability emphasizes that the use of forests must be carried out without damaging the ecosystem to remain sustainable for future generations. The principle of benefits ensures that forests are managed for the welfare of the community optimally. The principle of justice requires an equal distribution of benefits, especially for the community around the forest, so that there is no monopoly by certain parties.

The principle of togetherness and community emphasizes that forest management must involve local communities in decision-making and its use, so that their welfare is also considered. The principle of openness requires transparency in forestry policies so that the community can actively supervise and participate. The principle of efficiency and prosperity emphasizes the optimal management of forest resources to improve the welfare of the community and the national economy. With these principles, forest management in Indonesia aims to maintain a balance between ecological, social, and economic interests in a sustainable manner.

With a holistic approach based on the theory of ownership, the theory of certainty, and the perspective of *masalah mursalah*, this research is

expected to provide a fair and sustainable solution to land management conflicts in Ngadirenggo Village. This research will present recommendations that are beneficial to all parties involved, including the community, the government, and Perhutani, and contribute to a theoretical and practical understanding of land management in the context of Islamic law and positive law.

Through this study, it is hoped that solutions will be found that are not only in accordance with the applicable legal provisions but also able to provide balanced and sustainable benefits for the local community and the environment. This research also has the potential to provide guidance for resolving land conflicts that often occur in various regions in Indonesia, as well as contribute to the development of fairer and more effective policies in land management.

B. Problem Formulation

Based on the background of the problem that has been described above, the problem of this research can be formulated as follows:

1. How is the management of Perhutani's land by the community in Ringintelu Hamlet, Ngadirenggo Village, Wlingi District, Blitar Regency: Perspective of Ownership Theory and Ladder of Participation Theory?
2. How is the management of Perhutani's land by the community in Ringintelu Hamlet, Ngadirenggo Village, Wlingi District, Blitar Regency from the perspective of *masalah mursalah*?

C. Research Objectives

Based on the formulation of the problem that has been described above, the research objectives can be formulated, as follows:

1. Identifying and analyzing Perhutani's land management practices by the community in Ringintelu Hamlet, Ngadirenggo Village, Wlingi District, Blitar Regency Perspectives on Ownership Theory and *Ladder of Participation Theory*.
2. Analyzing Perhutani's land management by the community in Ringintelu Hamlet, Ngadirenggo Village, Wlingi District, Blitar Regency, from the perspective of *masalah mursalah*.

D. Research Benefits

1. Theoretical Benefits

This study provides significant theoretical benefits in several aspects of legal studies and land management. First, this research contributes to the development of ownership theory by investigating the interaction between local community land tenure rights and positive legal regulation. By exploring the legal uncertainties arising from the differences between traditional rights and positive law, this study enriches the understanding of land tenure theory in Indonesia. In addition, the integration of *the masalah mursalah* perspective of Islamic law with positive law in this study contributes to the understanding of how the principles of justice and general

welfare can be applied to resolve legal conflicts that are not explicitly regulated in sharia. This offers a new approach in formulating fair and sustainable legal solutions. This study also expands the study of natural resource management by highlighting the dynamics between land management by state institutions, such as Perhutani, and management by local communities, as well as this relationship with constitutional principles. By applying legal concepts such as ownership, legal certainty, and the principle of *maslahah mursalah* in the local context in Ngadirenggo Village, this study provides practical examples of the application of these theories, which can be used as a reference in similar studies in the future. In addition, the results of this study can develop policy recommendations based on relevant legal theories, provide guidance for the development of more equitable and effective land management policies, and contribute to the literature on ways to overcome legal and social conflicts in the context of land and natural resource management. Overall, this research is expected to enrich legal theories and land management by providing new insights and relevant approaches in the context of Islamic law and positive law, as well as providing a basis for better research and policy development in the future.

2. Practical Benefits

Practically, this study provides significant benefits in several aspects related to land management and the relationship between the community and the management institution. First, the results of this study can provide

concrete guidance for Perhutani in managing land traditionally managed by local communities. By understanding the dynamics and conflicts that occur, Perhutani can formulate policies that are more responsive to the needs and rights of the community, as well as reduce the potential for conflict. Second, for the people of Ngadirenggo Village, this research has the potential to provide a clearer legal basis regarding their rights to land and ways to resolve conflicts with management institutions. With a better understanding of ownership rights and applicable regulations, communities can take more effective steps to protect their interests and negotiate with land managers.

In addition, the results of this study can be a reference for policymakers in designing fairer and more inclusive regulations. By leveraging research findings on legal uncertainty and misalignment between positive regulation and traditional practice, policymakers can develop policies that are more comprehensive and responsive to local contexts. The research can also provide a basis for policy reforms that support sustainable land management, as well as ensure that they take into account applicable social justice and legal principles.

At a practical level, the results of this study are expected to be used as consideration in resolving land disputes in various other regions in Indonesia, providing fairer solutions and based on a deep understanding of local dynamics. With an approach based on ownership theory and the principle of *maslahah mursalah*, the proposed solution can help achieve a

balance between the interests of the community and the governing body, as well as ensure that land management is carried out in a sustainable manner and respects local rights. Overall, this research has the potential to improve the effectiveness of land management, reduce conflicts, and provide real benefits for all parties involved.

E. Operational Definition

In this study, some important terms to be used need to be defined operationally to ensure a common understanding and avoid ambiguity of concepts. The following are the operational definitions used in this study:

1. Soil Management

Land management refers to all forms of activities or actions carried out by the community in utilizing, managing or using land under the management of Perum Perhutani. This activity includes agriculture, plantations or other land use carried out by local communities.¹³

¹³ Wandu Adiansah, Nurliana Cipta Apsari, and Santoso Tri Raharjo, "Agrarian Conflict Resolution in Genteng Village, Sukasari District, Sumedang Regency," *Journal of Conflict Resolution Collaboration* 1, no. 1 (2019): 1–10.

2. Perhutani

Perum Perhutani is a state-owned enterprise (BUMN) that is authorized to manage state forests and land in certain areas,¹⁴ including land in Ringintelu Hamlet, Ngadirenggo Village, Wlingi District, Blitar Regency. In this study, Perhutani acts as the party that has authority over the management of forest land and state land.

3. Community

Referring to local residents who live and carry out economic activities in the Ringintelu Hamlet area, Ngadirenggo Village. They have traditionally used land that has been managed for generations by their predecessors, such as farming and farming.

4. *Maslahah Mursalah*

Maslahah Mursalah is a concept in Islamic law that emphasizes the application of the principle of the common good or the common good in situations that are not explicitly regulated by sharia. In this study, *Maslahah mursalah* is used as an analytical framework to assess whether the management of perhutani land by the community produces greater benefits

¹⁴ Fatimiah Azzahra, "Status of Land Rights of Villagers in Perum Perhutani Forest Area," *Scientific Journal of Pancasila and Citizenship Education* 4, no. 1 (2019): 48–60.

for the community without violating the principles of justice or public interest as well as to ensure whether the existing rules are useful or not.

F. Systematics of Discussion

To form a thesis that is systematically arranged, the researcher generally divides it into five chapters, namely:

Chapter I (*First*). The introduction provides a thorough overview of the research. This section includes the background, problem formulation, research objectives, research benefits, and writing systematics.

Chapter II (*Second*). Literature Review, there are previous research that is relevant to the topic being researched, so that it can compare other research approaches or results with the research being submitted. In addition, the theoretical framework underlying the research will also be explained, including the main theories used to analyze the data or phenomena studied, such as the ownership theory and the theory of certainty in Perhutani's land management and the perspective of *maslahah mursalah* in Islamic law.

Chapter III (*Third*). The research method includes the type of research, the approach used, the research location, the data source, the data collection method, and the data processing technique in this study.

Chapter IV (*Fourth*). Research Data Analysis, after the data is collected, data analysis is carried out in this chapter. The data that has been obtained from

the field (both through interviews and observations) will be analyzed using the theories mentioned earlier.

Chapter V (*Fifth*). In closing, in this last chapter, the author presents the conclusions of the research conducted, which summarizes the answers to the problem formulation and provides suggestions for related parties. These suggestions include practical and academic recommendations for communities, governments, and institutions involved in land management, as well as guidance for further research.

CHAPTER II

LITERATURE REVIEW

A. Previous Research

In this study, several relevant previous studies are used as references and comparisons to provide context and strengthen the theoretical foundation used. The following are previous studies related to the topic of Perhutani land management by the community:

1. The research entitled "Cooperation in the Utilization of State-Owned Forests Between the Community and Perhutani Perspective of Law Number 41 of 1999 concerning Forestry and Masalah Mursalah (Study at Perum Perhutani BKPH Pujon)" by Haafidzotul Fittroh¹⁵, The main problem in this study is the low effectiveness of Community-Based Forest Management (PHBM) due to the lack of public understanding of regulations and violations of legal procedures in land use. The methodology is normative with a focus on the effectiveness of PHBM and community compliance with Law No. 41 of 1999. Results

¹⁵ Haafidzotul Fittroh, "Cooperation in the Utilization of State-Owned Forests between the Community and Perhutani: The Perspective of Law Number 41 of 1999 concerning Forestry and Masalah Mursalah: A Study at Perum Perhutani BKPH Pujon" (PhD thesis, Maulana Malik Ibrahim State Islamic University, 2019), <http://etheses.uin-malang.ac.id/id/eprint/17216>.

This shows that the implementation of PHBM is often constrained by the low public understanding of applicable regulations. In contrast to this study, the researcher's research focuses more on the analysis of land ownership rights by the community with a sociological juridical approach and the perspective of *maslahah mursalah* in Ringintelu Hamlet, Blitar.

2. Thesis by Ririh Prihatma Romahdiana from the State Islamic University Prof.KH.Saifuddin Zuhri Purwokerto with the title "Cooperation Practice (*Muḍārabah*) Between Perum Perhutani and the Forest Village Community Institution (LMDH) Alas Mertani Perspective of Sharia Economic Law"¹⁶. The issue raised is the community's dissatisfaction with Perhutani which has not distributed profits since 2019 even though the *muḍārabah* contract requires the distribution of profits. This study uses a normative approach to analyze *the muḍārabah cooperation* between Perhutani and LMDH. The results of the study show that the unrealized distribution of results is a source of conflict between the community and Perhutani. Different from this study, the researcher's research uses a sociological juridical approach with a focus on land management that has been cultivated by the community

¹⁶ Ririh Prihatma Romahdiana, "The Practice of Cooperation (*Muḍārabah*) Between Perum Perhutani and LMDH Alas Mertani from the Perspective of Sharia Economic Law," *Faculty of Sharia, State Islamic University, Prof. Kh. Saifuddin Zuhri Purwokerto*, 2022.

for a long time without a profit-sharing agreement, and assesses its validity from the perspective *of maslahah*.

3. Thesis by Ana Ema Safitri from the State Islamic University Prof.KH.Saifuddin Zuhri Purwokerto with the title "Problems in the Determination of Arising Land Rights (Aanslibbing) Maslahah Perspective (Case Study of Conflict Between Perum Perhutani and the Community in Cimrutu Village, Patimuan, Cilacap)"¹⁷. The problem studied is the unclear legal status of the embossed land claimed by both the community and Perhutani, causing prolonged conflicts. This study uses a normative approach with the analysis *of maslahah mursalah*. The results of this study show that although embossed land provides high benefits to the community, conflicts occur due to the unclear laws that govern the ownership of the land. The difference with the researcher's research lies in the focus of the object of study, namely land that is managed for generations by the community in Ringintelu Hamlet. The sociological juridical approach used in the researcher's research also provides a special focus on the perspective of social ownership and benefits.

¹⁷ Ana Ema Safitri, "Problems in the Determination of Land Rights Arising (Aanslibbing) from the Maslahah Perspective (Case Study of Conflict Between Perum Perhutani and the Community in Cimrutu Village, Patimuan, Cilacap)," *Constitutional Law Study Program, Faculty of Sharia, State Islamic University, Prof.KH.Saifuddin Zuhri Purwokerto*, 2022.

4. Research by Yendri Saputra from the University of Muhammadiyah Mataram entitled "Analysis of Community Conflict with Perhutani Due to Forestry Land Acquisition in Dompu Regency".¹⁸ This study raises the problem of agrarian conflict between communities that claim land for farming and Perhutani which has management rights over protected forest areas. This study uses a descriptive qualitative method with a focus on potential solutions to reduce tensions between the community and Perhutani. The results of this study emphasize the importance of inclusive solutions that involve the community directly. The researcher's research, on the other hand, not only describes land conflicts, but also analyzes them through the perspective of ownership and *benefits* to achieve equitable solutions.
5. Research by Iwan Permadi from the Faculty of Law Brawijaya with a research entitled "Legal Protection for Farmers Cultivating State Land Owned by Perum Perhutani"¹⁹ The problem raised is the lack of legal protection for farmers who cultivate land without formal permits from Perhutani. This research is normative, with a preventive and repressive

¹⁸ Saputra Yendri, "Analysis of Community Conflict with Perhutani due to Forestry Land Acquisition in Dompu Regency (Case Study in Soriutu Village, Manggelewa District, Dompu Regency)" (PhD thesis, Universitas_Muhammadiyah_Mataram, 2021), <http://repository.ummat.ac.id/2648/>.

¹⁹ Iwan Permadi, "Legal Protection for Farmers Cultivating State Land Owned by Perum Perhutani," *Legal Arena* 9, no. 2 (2016): 225–51.

approach in legal protection for farmers. The results show the importance of regulations that provide protection for farmers so that they can use land with clear provisions. In contrast to this study, which highlights the aspect of legal protection, the researcher's research focuses more on the validity of community ownership claims over the land they have cultivated over a long period of time, and assesses this validity from the perspective of *maslahah*.

6. Research by Wartiningsih and Nunuk Nuswardani from the Faculty of Law, Tronojoyo Madura. This research is entitled "The Establishment of LMDH: Efforts to Prevent Conflicts between Perum Perhutani and the Community Around the Forest".²⁰ This research raises the issue of ongoing conflict between the community and Perhutani and the importance of establishing the Forest Village Community Institution (LMDH) as a communication forum to mediate the interests of both parties. The descriptive qualitative approach used aims to understand the effectiveness of LMDH in preventing conflict. The results of the study show that the establishment of LMDH can be a means to harmonize the interests of Perhutani and the community. Meanwhile, the researcher's research emphasizes more on the analysis of land ownership rights that have been managed by the community for

²⁰ Wartiningsih Wartiningsih and Nunuk Nuswardani, "The Establishment of LMDH: Efforts to Prevent Conflicts Between Perum Perhutani and Communities Around Forests," *Legal Arena* 8, no. 3 (2016): 447–63.

generations and how a sociological juridical approach can be the foundation for fair and sustainable management.

The following is a table overview to make it easier and understand the previous research:

Table 2.1

Previous Research

It	Heading	Equation	Difference
1	Haafidzotul Fittroh "Cooperation in the Utilization of State-Owned Forests Between the Community and Perhutani: The Perspective of Law Number 41 of 1999 concerning Forestry and Maslahah Mursalah (Study at Perum Perhutani BKPH Pujon)", Thesis, 2019.	Both analyzed land management conflicts between the community and Perhutani and used the perspective of <i>maslahah mursalah</i> to see the public benefits in land use.	Previous research focused on the implementation of PHBM and compliance with Law No. 41 of 1999, while this study focused on land management in Ringintelu Hamlet from the perspective of <i>maslahah</i> .
2	Ririh Prihatma Romahdiana "Cooperation Practice	Both analyzed the cooperative relationship between Perhutani and	Previous research focused on the contract Focusing on the <i>muḍārabah</i>

	(<i>Mudarabah</i>) Between Perhutani and the Forest Village Community Institution (LMDH) Alas Mertani Perspective of Syatiah Economic Law (Case Study in Jatisaba Village, Cilongok District, Banyumas Regency)", Thesis, 2022.	the community and highlighted the importance of fulfilling community rights in land management.	contract in cooperation and profit distribution. This research is normative, while the research of empirical researchers with the perspective of <i>masalah mursalah</i> does not discuss the formal distribution of results.
3	Ana Ema Safitri "Problems in the Determination of Arising Land Rights (AANSLIBBING) Masalah Perspective (Case Study of Conflict Between Perum Perhutani and the Community in Cimrutu Village, Patimuan, Cilacap)", Thesis 2022.	Both researched conflicts related to land claims between the community and Perhutani and used <i>the analysis of masalah mursalah</i> .	The focus is on embossed land (aanslibbing) with a normative approach, while the researcher's research focuses on land that is managed for generations by the community in Ringintelu Hamlet with a sociological juridical approach.
4	Analysis of Community Conflict with Perhutani Due to	They discussed agrarian conflicts between the community and	This research uses a descriptive approach to describe conflicts and

	Forestry Land Acquisition in Dompu Regency	Perhutani related to forest land use, as well as finding collaborative solutions.	common solutions. The research researcher analyzes land conflicts from the perspective of ownership and uses <i>maslahah</i> to find a just solution.
5	Legal Protection for Farmers Cultivating State Land Owned by Perum Perhutani	Both discussed the need for protection for people who cultivate land without formal permits.	It focuses on legal protection for farmers with a normative approach, while the researcher's research focuses on land ownership claims by communities based on <i>the perspective of maslahah</i> with a sociological juridical approach.
6	Establishment of LMDH: Efforts to Prevent Conflicts between Perum Perhutani and Communities Around the Forest	Both analyzed the role of institutions as a solution to conflicts between the community and Perhutani.	Focusing on the effectiveness of LMDH as a communication forum with a descriptive approach, while the researcher's research uses the perspective of land ownership that has been managed by the community and a

			sociological juridical approach for equitable management.
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The conclusion of the comparison of this study with the six previous studies shows that there are similarities in the focus on community conflicts and Perhutani as well as a community-based collaborative approach. Some of the research also uses the perspective of *Maslahah Mursalah* like this study. However, the main difference lies in the geographical focus and theoretical approach. This research is more in-depth by using the Theory of Ownership and the Theory of Legal Certainty to analyze land management in Ringintelu Hamlet, Blitar, with the perspective of Islamic law and positive law, offering solutions based on social justice and sustainability.

B. Theoretical Framework

This study uses various theories to analyze Perhutani's land management by the people of Ringintelu Hamlet, which is seen from the perspective of *maslahah mursalah*, positive law, and constitutional law. Here are the main theories used:

1. Ownership Theory

In this study, the theory of ownership is used to understand the relationship between local communities and the land they manage for

generations. This theory is relevant because the people of Ringintelu Hamlet have long managed the land with a traditional pattern that has been passed down from generation to generation. Land is not just an economic resource for them, but also an integral part of their cultural and social identity. This relationship shows the importance of considering traditional and historical aspects in understanding land tenure, especially in the context of agrarian in Indonesia. According to Soetandyo Wignjosoebroto, land ownership in Indonesia cannot be separated from the local and historical values of indigenous peoples. Soetandyo emphasized that the concept of ownership should not only be based on formal legal documents, but also on sustainable and hereditary land use practices.²¹ In the case of Ringintelu Hamlet, the community claims moral rights to the land based on their contribution in managing and preserving the land. This perspective provides the view that agrarian law must be more inclusive of the social reality of the community.

The concept of ownership carried out by Soetandyo also reflects the importance of recognizing customary rights in the modern context. Although the state has a strong legal framework, such as the Basic Agrarian Law (UUPA), its implementation often does not fully accommodate the

²¹ Soetandyo Wignjosoebroto, *Law: Paradigm of Method and Dynamics of Problems*, 1 (Jakarta: Elsam Institute for Community Studies and Advocacy, 2002).

interests of the community. In many cases, inconsistencies between formal law and traditional practices are a source of conflict, as happened in Ringintelu Hamlet. Therefore, Soetandyo's view emphasizes the need for a more holistic approach in understanding land ownership.²²

In Islamic law, the concept of ownership also has a strong social dimension. Imam Abu Hanifah, a great scholar in Islamic law, emphasized that land ownership not only provides private rights, but also social responsibility to ensure that the land is used for the public good. In the context of Ringintelu Hamlet, the community not only utilizes the land for personal needs, but also contributes to environmental sustainability through traditional practices such as reforestation and productive crop management.²³ Imam Abu Hanifah's view is relevant to the principle of distributive justice which is the core of Islamic law. Ownership rights must always be balanced with obligations to ensure that the resources owned provide benefits to the wider community. In this study, this view provides a basis for assessing community claims to the land they manage, both from a moral and legal point of view. This principle also supports the importance

²² We've had a good time.

²³ Ridwan, *Islamic Land Law* (Purwokerto: STAIN Press, State Islamic University, Prof. K.H. Saifuddin Zuhri (UIN Saizu), 2021).

of equitable redistribution of resources to create a balance between individual rights and common interests.²⁴

Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia strengthens the view that land ownership by the state must be used as much as possible for the prosperity of the people. In this context, the state has a responsibility to ensure that land management not only benefits certain parties, but also provides benefits to the wider community, including local communities such as in Ringintelu Hamlet. This principle is relevant in analyzing Perhutani's role as a land manager that often clashes with the interests of the community.²⁵ This article also provides a constitutional basis for the protection of the rights of local communities to natural resources. Although the state has legal authority over the land, its management must take into account the needs of the people who have long depended on the land for their survival. In this study, this provision is an important reference to assess the extent of land management by Perhutani in accordance with the principles of social justice. Furthermore, Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia also emphasizes the importance of sustainability in the management of natural

²⁴ Ridwan.

²⁵ "The concept of state control in Article 33 of the 1945 Constitution must be interpreted broadly | Constitutional Court of the Republic of Indonesia," accessed January 9, 2025,

resources. In the case of Ringintelu Hamlet, the practice of land management by the community is often more oriented towards sustainability than the commercial approach carried out by the management. This shows that recognition of the rights of indigenous peoples can support the sustainability goals mandated by the constitution.

The conflict between the people of Ringintelu Hamlet and Perhutani reflects the tension between formal law and social reality. The community claims land rights based on a long history of use, while Perhutani relies on formal regulations to maintain control over the land. In this situation, the theory of ownership according to Soetandyo Wignjosoebroto, Imam Abu Hanifah, and Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia provide a basis for evaluating the validity of claims from both parties.

Ownership theory is also relevant to assess how agrarian law can be redesigned to be more responsive to the needs of local communities. In these cases, the law not only serves as a control tool, but also as an instrument to create social justice. This perspective supports the view that recognition of traditional rights can strengthen social stability and reduce

the potential for future agrarian conflicts.²⁶ In this analysis, the theory of ownership also serves as a tool to explore the relationship between positive law and customary law. These two legal systems often clash in agrarian cases, especially when there is no clear regulatory framework to accommodate traditional practices. Therefore, an approach that integrates these two legal systems can provide a more comprehensive solution.²⁷

This study also shows that the theory of ownership has practical implications in policymaking. The government can use this theory to design a more inclusive land redistribution policy, such as granting management rights to communities that have long depended on the land for their livelihoods. Thus, this theory is not only relevant in an academic context, but also has a real impact in creating more equitable and sustainable policies.²⁸

In the global context, approaches that recognize traditional rights are also recognized by various international organizations, such as *FAO (Food and Agriculture Organization)*. They emphasized the importance of involving local communities in natural resource management to ensure

²⁶ Widhiana Hestining Puri and S Sulastriyono, "Pekulent Land in the Agrarian Legal Structure in Java," *Law Pulpit - Faculty of Law, Gadjah Mada University* 28, no. 3 (October 15, 2016): 466, <https://doi.org/10.22146/jmh.16673>.

²⁷ I have never been a member of the Church of England, but I have never been a member of the Church. *Law: Paradigm of Method and Dynamics of Problems*.

²⁸ We've had a good time.

sustainability and justice.²⁹ This approach is in line with the views of Imam Abu Hanifah and Soetandyo, who emphasized that land ownership must provide benefits to the wider community. In this study, the theory of ownership provides a strong analytical framework to evaluate how agrarian conflicts can be resolved fairly. By integrating local perspectives, Islamic law, and positive law, this theory helps create solutions that are not only legally valid, but also moral and just. The theory also suggests that social justice and sustainability can be achieved through recognition of the traditional rights of communities.

2. Community Participation (*Ladder of Participation*)

The Ladder of Participation theory developed by Sherry Arnstein in 1969 is one of the important theoretical foundations in understanding the level of community participation in decision-making. This theory uses the analogy of a ladder to describe the eight levels of community participation, which are divided into three main categories: *non-participation*, *tokenism*, and *citizen power*. Each level reflects the extent to which society is substantially involved in the decision-making process, ranging from manipulation to full control by society. In the first category, *non-*

²⁹ “Rome Declaration and Plan of Action,” accessed January 9, 2025, <https://www.fao.org/4/w3613e/w3613e00.htm>.

participation, there are two lowest levels, namely manipulation and therapy. At this stage, community participation is only a formality and is used to legitimize decisions that have actually been made by the authorities. In the context of land management in Ringintelu Hamlet, if community participation is only carried out as a tool to obtain approval, then this reflects a level of manipulation that does not provide real benefits to the community.³⁰

The second category, *tokenism*, includes three levels: *informing*, consultation, and *placation*. At this level, the public is informed and involved in discussions, but they have no significant influence on the final decision. In Perhutani's land management, if the community is only asked to provide input without any guarantee that their views will be considered, then this reflects the consultation or even appeasement stage. The third category, *citizen power*, includes the top three levels of the participation ladder: partnership, delegated *power*, and citizen *control*. At this level, society has greater control over decision-making. Partnerships, for example, involve equal collaboration between communities and authorities. In land management, this can be realized through cooperation between the people

³⁰ revisited, "A Ladder of Citizen Participation."

of Ringintelu Hamlet and Perhutani to determine policies that benefit both parties.³¹

Arnstein emphasized that meaningful community participation must involve real power given to society to influence decisions. Without power, participation is only a formality that does not have a significant impact on society. Therefore, this theory is relevant in analyzing the extent to which the participation of the people of Ringintelu Hamlet actually contributes to land management and the resolution of agrarian conflicts. In the context of this study, *the Ladder of Participation* theory provides a strong analytical framework to evaluate the role of communities in soil management. By using the analogy of stairs, this study can assess whether the people of Ringintelu Hamlet are at a meaningful level of participation or just become an object of formality. This approach can also be used to formulate more inclusive and participatory policies.³²

This theory is also relevant for understanding barriers to community participation. In many cases, local communities often face various obstacles, such as lack of access to information, limited resources, or lack of support from the authorities.³³ Using Arnstein's theory, this study can

³¹ revisited.

³² revisited.

³³ Musleh Harry, Nur Jannani, and Imam Sukadi, "Land Services Based on Community Participation from the Maslahah Perspective" (Media Intelligence, 2024),

identify the factors that hinder community participation in Ringintelu Hamlet and find solutions to overcome them. Additionally, Arnstein's theory provides insights into how to increase community participation. In land management, for example, partnerships can be realized through community involvement programs in policy planning and implementation. This not only provides benefits for the community, but also strengthens the relationship between the community and land managers, such as Perhutani.³⁴

Arnstein also highlighted the importance of transparency in the participation process. Without transparency, the public will not have confidence in the decision-making process. In this study, this theory can be used to evaluate the extent to which transparency has been applied in land management in Ringintelu Hamlet and how it affects the level of community participation. In contemporary studies, *the Ladder of Participation* theory has been used in a variety of contexts, including spatial planning, environmental management, and rural development. This theory provides a flexible framework for assessing community participation at various scales and sectors. In this study, this theory can be applied to evaluate land management involving local communities and authorities.

³⁴ revisited, "A Ladder of Citizen Participation."

Arnstein's approach also highlights the importance of community empowerment. In the context of land management, empowerment can be carried out through education, training, and providing access to resources. Thus, the community can contribute more effectively to the decision-making process and sustainable land management.³⁵

The *Ladder of Participation* theory is not only conceptually relevant, but also has practical implications. In this study, this theory can be used to design a more inclusive community participation strategy. For example, by increasing participation rates from consultation to partnership, communities can be more empowered and have a more significant role in land management. Through this theory, this research is expected to contribute to the development of more participatory policies in soil management. By actively involving the community, the resulting policies are not only more inclusive, but also more sustainable. This is in line with the goal of development that is people-centered and based on social justice. Arnstein's approach also provides insight to understand the dynamics of power in community participation. In the context of land management, the distribution of power between the community and the management is often unbalanced.³⁶ Using this theory, this study can evaluate the extent to which

³⁵ revisited.

³⁶ revisited.

power has been distributed fairly and how it affects community participation. In this study, the *Ladder of Participation* theory is a comprehensive analytical tool to evaluate the level of community participation in land management in Ringintelu Hamlet. By understanding the position of communities on the participation ladder, this research can provide recommendations to increase meaningful, equitable, and sustainable participation. This theory not only provides a conceptual framework, but also offers a practical approach to improving the relationship between communities and land managers.

3. Maslahah Mursalah

a. Definition of *Maslahah Mursalah*

Maslahah mursalah is one of the important concepts in Islamic law that is used to establish laws for problems that are not explicitly regulated by *nash* (Qur'an, hadith), *ijma'*, or *qiyas*. Linguistically, the word *maslahah* comes from the root word *salaha*, which means "goodness" or "benefit." Meanwhile, *mursalah* means "unbound" or "detached" from a particular *nash*. In this combination of meanings, *maslahah mursalah* refers to the benefits that are determined without a special foundation of *nash*, but are still in line with the main purpose of Islamic law. In terminology, *maslahah mursalah* is a benefit that is

used as a basis for determining the law through *ijtihad* when no specific evidence is found. This concept is based on the principle that sharia aims to bring benefits (*jalb al-masalih*) and prevent damage (*dar' al-mafasid*). According to Imam al-Syatiby, *maslahah mursalah* is all forms of benefits that support *the maqashid of sharia* or the main purpose of Islamic law, namely maintaining the five basic principles (*al-ushul al-khamsah*): religion (*hifz ad-din*), soul (*hifz an-nafs*), intellect (*hifz al-aql*), heredity (*hifz an-nasl*), and property (*hifz al-mal*).³⁷

Imam al-Ghazali, a great scholar in Islamic law, also paid attention to the *maslahah mursalah*. According to him, *maslahah mursalah* is a legal principle used to ensure benefits for humanity collectively, as long as it does not contradict the *nash* or basic principles of sharia. This shows that *maslahah mursalah* is not a completely free approach, but rather has strict limits to maintain consistency with Islamic teachings.³⁸ In this study, the definition of *maslahah mursalah* is used to analyze how land management by the people of Ringintelu Hamlet can create mutual benefits without

³⁷ Rosyadi

³⁸ Ilham Aji Pangestu and Andri Kurniawan, *Introduction to Islamic Law and Aspects of Its Thinking* (Insania Publishers, 2021),

violating the principles of Islamic law. Ringintelu Hamlet, located in an area with potential agrarian conflicts, requires a flexible legal approach based on the principle of benefit to achieve a balance between environmental conservation and local community empowerment.

Maslahah mursalah plays an important role in a situation where there is no *nash* who directly provides an answer to the problem at hand. In the modern context, where the complexity of social, economic, and environmental problems is increasing, this concept has become a relevant tool to answer the challenges of Islamic law. For example, in the management of natural resources such as forests in Ringintelu Hamlet, maslahah mursalah can be the basis for establishing policies that are not only legally valid, but also bring real benefits to the community. The application of *maslahah mursalah* also reflects the flexibility of Islamic sharia in facing the changing times. Imam al-Syatiby emphasized that the purpose of sharia is to achieve the benefit of humans, both in this world and in the hereafter. Therefore, when no specific evidence is found, the sharia provides space for scholars to

perform *ijtihad* based on the principle of benefit. In this way, Islamic law remains relevant and adaptive in the face of new problems.³⁹

For example, in land management in forest areas, local communities often face challenges such as losing access to natural resources. In this situation, *maslahah mursalah* can be used as a basis for establishing rules that protect the rights of the community without neglecting environmental sustainability and existing local wisdom. This approach not only provides practical solutions, but is also in line with *maqashid sharia* which emphasizes a balance between worldly and ukhrawi needs. The definition of *maslahah mursalah* also has great relevance in resolving agrarian conflicts.⁴⁰ In the case of Ringintelu Hamlet, where local communities compete with forest managers for access to land, *maslahah mursalah* can be used to create equitable policies. By placing the public good as a priority, the resulting policies are not only oriented to the interests of certain individuals or groups, but also support the welfare of society as a whole.⁴¹

³⁹ Ransya Ayu Zulvia et al., "Analysis of the Method of Discovery of Islamic Law in the Context of Modern Social Dynamics," *Causa: Journal of Law and Citizenship* 10, no. 3 (2025): 11–20.

⁴⁰ Musleh Herry, *Local Wisdom in Resolving Agrarian Conflicts* (False: UIN-Maliki Press, 2013),

⁴¹ City Rohmah, Erna Herawati, and Moh Anas Kholish, *Islamic Law and Ethics of Ecological Conservation: Efforts to Unravel Environmental Problems in Indonesia* (Universitas Brawijaya Press, 2021),

Historically, *maslahah mursalah* has been used by scholars to deal with situations that are not answered by *the nash*. This concept first developed among Maliki scholars, with Imam Malik being one of the early figures who supported its application. Imam al-Syatiby, who also belonged to the Maliki madhhab, developed this concept further by setting certain criteria to ensure that *maslahah mursalah* is used correctly. This shows that *maslahah mursalah* is not a concept that is free of interpretation, but has a clear framework to avoid abuse. In the modern context, *maslahah mursalah* is often used to address issues such as environmental protection, resource redistribution, and social justice. For example, in forest management in Indonesia, this concept can be used to establish policies that provide economic benefits to local communities while maintaining the ecological function of forests. In this way, *maslahah mursalah* becomes an effective tool to bridge human needs and environmental sustainability.⁴²

With its broad definition and application, *maslahah mursalah* is not only one of the methods of *legal istinbath*, but also a tool to create policies that are relevant to the needs of the times. In this study, this concept will be used to assess the extent to which land management

⁴² Encum Sumirah, "The Development of the Shohabi School in Islam," *Perspective Journal* 5, no. 2 (2021): 191–203.

in Ringintelu Hamlet meets the principle of benefit, both in terms of economy, social, and environment. Referring to the definition of *maslahah mursalah* presented by Imam al-Syatiby, this study seeks to provide an in-depth analysis of the relevance of this concept in the context of natural resource management in Indonesia.

b. The Legal Basis for the Existence of Maslahah Mursalah

Maslahah mursalah as a method of legal istinbath has a strong basis in the Qur'an and hadith. This principle arises from the understanding that Islamic sharia aims to create convenience for mankind and prevent difficulties in living life. In the Qur'an, the principle of benefit is affirmed through various verses, such as:⁴³

1) Qissa. Al-Baqara (2): 185

يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ

It means: "Allah wills ease for you, and does not want difficulty."⁴⁴

This verse affirms that Islamic law is designed to provide convenience for mankind, not to burden them. In the context of

⁴³ Moh Usman, "Maslahah Mursalah as a Method of Legal Istibath from the Perspective of Al-Thufi and Al-Qaradhawi," *Al-Mashlahah Journal of Islamic Law and Social Institutions* 8, no. 01 (2020): 82–98.

⁴⁴ *Qissa. Al-Baqara (2): 185.*

maslahah mursalah, this verse is the basis for establishing a law that provides real benefits to the ummah, especially in situations where there is no special evidence that regulates it.

2) QS. Al-Maidah (5): 6

مَا يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُمْ مِنْ حَرَجٍ وَلَكِنْ يُرِيدُ لِيُطَهِّرَكُمْ وَلِيُنِيبَكُمْ
نِعْمَتَهُ عَلَيْكُمْ لَعَلَّكُمْ تَشْكُرُونَ

It means: " Allah does not want to make things difficult for you, but He wants to cleanse you and perfect His favor for you, so that you may be grateful. " ⁴⁵

This verse shows that Islamic sharia avoids difficulties and aims to facilitate the implementation of the law. In relation to the maslahah mursalah, this verse is an argument that the law formulated through this method must be oriented towards the achievement of the general benefit and the prevention of damage.

The hadith of the Prophet is also an important basis for the existence of *maslahah mursalah*. One example of a relevant hadith is the Prophet's actions in resolving problems that are not explicitly regulated in the Qur'an or other hadiths. For example, the Prophet

⁴⁵ QS. Al-Maidah (5): 6.

Muhammad decided a case based on considerations of the public interest, such as in the case of the distribution of crops involving land managers and land owners. This shows that under certain conditions, the Prophet provides space to establish laws based on the context and needs of the people. According to Imam al-Syatiby, *maslahah mursalah* gets legitimacy from the main purpose of the sh'aria, which is to achieve benefits and prevent damage (*jalb al-masalih wa dar' al-mafasid*). Imam al-Syatiby interpreted the verses of the Qur'an and hadith as universal principles that provide flexibility in the determination of laws, especially in dealing with problems that were not found during the time of the Prophet.⁴⁶

Other scholars, such as Imam Malik, also support the existence of *maslahah mursalah* as a method of *ijtihad*. Imam Malik argues that Islamic sharia is dynamic and must be able to respond to the challenges of the times. Therefore, *maslahah mursalah* is a legitimate method to fill the void of law (*vacuum of norm*), as long as it does not contradict *the nash* or basic principles of sharia. Although not all scholars agree, the existence of *maslahah mursalah* as an *ijtihad method* is based on reasoning that Islamic sharia is a legal system that is not rigid and is

⁴⁶ Rustya Basri, "Ushul Fikih 1" (IAIN Prepre Nusantra Press, 2020),

always relevant to the development of the times. Imam al-Ghazali, for example, emphasized that *maslahah mursalah* must include real benefits and is not speculative. Thus, the application of *maslahah mursalah* must be based on urgent needs and must not contradict the main purpose of sharia. In the context of research, the legal basis of *maslahah mursalah* is relevant to analyze how this concept can be applied in land management by the people of Ringintelu Hamlet. When formal regulations do not provide a clear solution to agrarian problems, *maslahah mursalah* can be used as a guide to establish fair and sustainable policies.⁴⁷

The application of *maslahah mursalah* also reflects the importance of legal flexibility in dealing with contemporary challenges, such as agrarian conflicts, environmental changes, and resource redistribution. By referring to Qur'anic verses and hadiths that support the principle of benefit, this concept provides a relevant legal framework to create solutions oriented towards social justice and environmental sustainability. Thus, the legal basis of *maslahah mursalah* not only provides legitimacy for its application, but also strengthens its position as an *ijtihad* method that is able to answer the

⁴⁷ Rosyadi, "THOUGHTS OF AS-SYÂTIBÎ ABOUT MASLAHAH MURSALAH."

needs of the ummah in situations that are not explicitly regulated by sharia. In this study, the principles contained in *the maslahah mursalah* will be used to assess the extent to which land management in Ringintelu Hamlet can meet the main objectives of Islamic law.⁴⁸

c. The Position of *Maslahah Mursalah* in the Science of *Ushul Fiqh*

Maslahah mursalah has an important position but is not universally agreed upon in the science of *ushul fiqh*. As one of the methods of legal *istinbath*, *maslahah mursalah* serves to establish law on matters that do not have direct evidence in the Qur'an, hadith, *ijma'*, or *qiyas*. However, its existence as a method of *legal istinbath* has given rise to differences of opinion among scholars, who are divided between supporters and opponents.⁴⁹

1) *Maslahah Mursalah Supporters*

Scholars such as Imam al-Syatiby, Imam Malik, and Imam al-Ghazali support the use of *maslahah mursalah* as one of the methods of *legal istinbath*. They argue that Islamic law is designed

⁴⁸ Usman, "Maslahah Mursalah as a Method of Istinbath Law from the Perspective of Al-Thufi and Al-Qaradhawi."

⁴⁹ Usman.

to create benefits for mankind and prevent damage. Therefore, *maslahah mursalah* is valid to be used as long as it does not contradict *nash* and supports the main purpose of sharia (*maqashid sharia*).⁵⁰

b) Imam al-Syatiby

Imam al-Syatiby is one of the main figures who developed the concept of *maslahah mursalah*. According to him, the purpose of Islamic sharia is to maintain five basic principles (*al-ushul al-khamsah*): religion, soul, intellect, heredity, and property. *Maslahah mursalah* is a tool to achieve this goal in a situation where there is no explicit evidence. Al-Syatiby also set strict criteria for the use of *maslahah mursalah*, such as not contradicting *nash* and providing real benefits to the community.⁵¹

c) Imam Malik

As the founder of the Maliki School, Imam Malik supports the use of *maslahah mursalah*, especially in the

⁵⁰ Bashri, "Usul Fiqih 1."

⁵¹ Rosyadi, "THOUGHTS OF AS-SYÂTIBÎ ABOUT MASLAHAH MURSALAH."

context of law related to the public good. He emphasized that Islamic sharia must be able to respond to the needs of society in every era and place. In the Maliki School, *maslahah mursalah* is often used to establish laws in matters related to government, economy, and society.⁵²

d) Imam al-Ghazali

Al-Ghazali also supports *maslahah mursalah* as a method of *legal istinbath*, but with clear limitations. According to him, *maslahah mursalah* can only be used if the benefits produced are real and not speculative. He emphasized the importance of caution in the use of *maslahah mursalah* to ensure that the resulting law remains in accordance with the goals of the sharia.⁵³

2) Rejection of *Maslahah Mursalah*

Maslahah mursalah, although recognized by some scholars as a method of *legal istinbath*, also received rejection from a number

⁵² Andi Herawati, "Maslahat According to Imam Malik and Imam Al-Ghazali (Comparative Study)," *Dictum: Sharia Journal and Law* 12, no. 1 (2014): 42–53.

⁵³ Herawati.

of other scholars, one of which was Imam Shafi'i. This rejection is mainly based on the concern that *maslahah mursalah* can be abused if not restricted by a clear *nash*. Imam Syafi'i emphasized the importance of clarity of legal postulates so that Islamic law remains consistent and maintained from deviations.⁵⁴

a) Subjectivity Concerns

One of the main reasons for the rejection of *maslahah mursalah* is the potential for subjectivity inherent in its application. Imam Shafi'i and like-minded scholars argue that *maslahah mursalah* can be a loophole to establish a law that is based on the views or interests of a certain individual or group, not on clear sharia principles. This subjectivity is feared to open up space for decision-making that is not in line with *the maqashid of sharia* (the main goal of shlaw) or even contrary to the firm *nash*. For example, a policy that is claimed to bring benefits to society can be abused to legitimize actions that are actually incompatible with Islamic values, such as harming others or damaging the

⁵⁴ Saifuddin Noor, *The Science of Fiqh: A Comprehensive Introduction to Islamic Law* (Tafakur, 2007),

environment. Therefore, scholars such as Imam Shafi'i prefer the *legal istinbath* method that has clear rules and limitations, thus avoiding the possibility of abuse of evidence. This view emphasizes the importance of control and validation of the legal decision-making process.⁵⁵

b) Emphasis on *the Qat'i Evidence*

Imam Shafi'i prioritizes the use of *qat'i* (certain) postulates such as the Qur'an, hadith, *ijma'*, and *qiyas* in determining the law. For him, the *istinbath* method of law must have a strong and undoubted basis, so that the resulting law remains consistent with Islamic principles. He argued that *maslahah mursalah*, which does not have a special *foundation for nash*, has the potential to blur the line between legitimate and invalid policies in the view of sharia. For example, if a policy is considered to bring benefits but does not have the support of the Qur'an or hadith, the policy risks deviating from the framework of the Shari'ah. Imam Shafi'i's view is also based on the principle of prudence in

⁵⁵ Anisatul Maghfiroh et al., "The Value of Maslahah in the Application of Istihsan and Its Implementation in Cash Waqf Linked Sukuk" 1, no. 1 (2024).

establishing the law. He believes that using certain postulates will minimize the risk of deviation and ensure that the law applied is truly in accordance with Islamic teachings.⁵⁶

3) The Relevance of Ulema Views in Research

In this study, the views of scholars who support *maslahah mursalah* will be used to assess how this concept can be applied in land management by the people of Ringintelu Hamlet. As an area that faces agrarian conflicts and environmental sustainability challenges, Ringintelu Hamlet requires a flexible and public benefit-oriented legal approach. Proponents of *maslahah mursalah* such as Imam al-Syatiby provide a relevant framework for analyzing how land management policies can meet sharia goals. By establishing a law based on benefits, the people of Ringintelu Hamlet can be empowered to manage resources sustainably, while maintaining a balance between economic needs and environmental conservation. On the other hand, the views of the opponents of *maslahah mursalah* are also a reminder of the importance of

⁵⁶ Maghfiroh et al.

caution in the use of this concept. This study will emphasize that the application of *maslahah mursalah* must meet strict criteria, as set by Imam al-Syatiby, to avoid potential abuse. Thus, the position of *maslahah mursalah* in *ushul fiqh* provides an important theoretical basis for this research, both as a method to establish laws and as a tool to create policies that are relevant to the needs of modern society. In the context of land management in Ringintelu Hamlet, *maslahah mursalah* can be a fair and sustainable solution, as long as it is used responsibly and based on Islamic sharia principles.

d. Criteria for the Use of Maslahah Mursalah

The use of *maslahah mursalah* in determining the law cannot be done carelessly. This concept requires caution and clear limits so that it is not abused to legitimize laws that are contrary to the principles of Islamic law. Therefore, Imam al-Syatiby, one of the great scholars in the field of *ushul fiqh*, set some strict criteria to ensure that *maslahah mursalah* is used correctly and responsibly.⁵⁷

⁵⁷ Rosyadi, "THOUGHTS OF AS-SYÂTIBÎ ABOUT MASLAHAH MURSALAH."

1) Not Contrary to *Nash*

The first criterion in the use of *maslahah mursalah* according to Imam al-Syatiby is that the benefits that are used as the basis of the law should not contradict *the nash*, namely the Qur'an, hadith, or *ijma'*. *Nash* is the main foundation in Islamic sharia which is an absolute reference in every legal determination. Therefore, if a benefit is contrary to *the nash*, then the benefit is automatically considered null and void and cannot be used as a basis for establishing a law. Imam al-Syatiby emphasized that even though *maslahah mursalah* provides flexibility in dealing with situations that are not answered by *the nash*, its application must still be within the corridor of shari'a. In al-Syatiby's view, the main purpose of sharia (*maqashid sharia*) is to maintain the five basic principles (*al-ushul al-khamsah*), so that *maslahah* that is contrary to these principles is considered to be against the sh'aria.⁵⁸ For example, the Qur'an expressly prohibits acts of tyranny and injustice, as stated in the Qur'an. An-Nisa' (4): 135:

⁵⁸ Rosyadi.

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ

It means: "O you who believe! Be you an enforcer of justice..."⁵⁹

Thus, policies that violate the principle of justice are unacceptable even if they are considered to bring benefits. In this context, *maslahah mursalah* must also be subject to the principles affirmed in the hadith of the Prophet PBUH.

عَنْ أَبِي سَعِيدٍ سَعْدِ بْنِ مَالِكِ بْنِ سِنَانٍ الْخُدْرِيِّ رَضِيَ اللَّهُ

عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ : لَا ضَرَرَ

وَلَا ضِرَارَ

" From Abû Sa'îd Sa'd bin Mâlik bin Sinân al-Khudri Radhyallahu anhu, Rasûlullâh Shallallahu 'alaihi wa sallam said, "There should be no danger and no harm to others"⁶⁰ (HR. Malik)

This hadith shows that benefits that bring losses to other parties are contrary to sharia principles. Therefore, *maslahah*

⁵⁹ QS. An-Nisa' (4): 135.

⁶⁰ editor, "Don't Harm Others | Almanhaj," July 27, 2019, <https://almanhaj.or.id/12328-tidak-boleh-membahayakan-orang-lain.html>.

that sacrifices the rights of others cannot be used as a legal basis. In this study, this criterion is very relevant to assess land management in Ringintelu Hamlet. As an area located in a forest area, land management by the community must pay attention to sharia prohibitions, such as damaging the environment or taking the rights of other parties without permission. For example, if a land management policy allows the overexploitation of forest resources to damage the ecosystem, the policy is contrary to the principle of *hifz al-nafs* (protection of life) because it will endanger the sustainability of the environment and people's lives.

In addition, in situations of agrarian conflicts, this criterion also serves as a reminder that every legal decision does not violate the basic rights of the community. The expropriation of land by a stronger party without considering the rights of local communities is a form of injustice that is clearly contrary to sharia principles. In this case, *maslahah mursalah* can only be used if the resulting policy provides real benefits without harming other parties, in accordance with *the established*

nash.⁶¹ Therefore, by ensuring that *maslahah mursalah* does not conflict with *nash*, this concept can be used effectively to create policies that are not only legally valid, but also fair and sustainable. In the context of land management in Ringintelu Hamlet, this criterion is an important basis for assessing whether the policies implemented have met sharia standards and supported the benefits for the local community.

2) In line with the Purpose of Sharia (*Maqashid Syariah*)

The second criterion in the use of *maslahah mursalah* is that the benefit that is used as the basis of the law must support *the maqashid of sharia* or the main purpose of Islamic law. *Maqashid sharia* includes five basic principles (*al-ushul al-khamsah*), namely: Religion (*hifz ad-din*), namely maintaining the sustainability of religion and the implementation of worship. The soul (*hifz an-nafs*) is to protect human life and welfare. Reason (*hifz al-aql*) is to protect human thinking and educational ability. Descent (*hifz an-nasl*) is to maintain the sustainability of generations and family order. Property (*hifz al-*

⁶¹ Maghfiroh et al., "The Value of Maslahah in the Application of Istihsan and Its Implementation in Cash Waqf Linked Sukuk."

mal) is to protect human property and sources of livelihood. *Maslahah* that does not support one or more of these principles cannot be used as a legal basis in Islam. Imam al-Syatiby emphasized that the main purpose of sharia is to ensure a balance between worldly and ukhrawi needs, so *that maslahah mursalah* must always refer to *maqashid sharia*.⁶²

For example, policies aimed at improving the economic well-being of communities, such as clearing forest land for agricultural activities, must be carried out taking into account the impact on the ecosystem. If the policy results in environmental damage that endangers life (*hifz an-nafs*) or harms the sustainability of natural resources (*hifz al-mal*), then the policy cannot be considered as legitimate *benefit*. In Islam, economic gains cannot be achieved at the expense of other, more fundamental values. In the context of Ringintelu Hamlet, land management policies must support the principles of *sharia maqashid* by creating benefits for the community without damaging the environmental balance. As an area that depends on natural resources, local communities need access to land to

⁶² H.Ahmad ABD. Madjid MA, *Ushul Fiqih Course* (Pasuruan: PT. Garoeda Buana Indah, 1991).

support their economic needs. However, this management must also consider the sustainability of the ecosystem so that future generations can enjoy the same benefits.

As an illustration, policies that support forest conservation through reforestation or agroforestry programs can be considered as *maslahah* in accordance with *sharia maqashid*. This program not only preserves the environment (*hifz an-nafs* and *hifz al-mal*), but also supports the sustainability of people's lives by providing a stable source of livelihood. In addition, this kind of policy reflects the balance between spiritual and material needs, which is at the core of *sharia maqashid*.⁶³

Maslahah mursalah must also support *hifz ad-din*, which is the protection of religion. Policies that allow people to carry out worship or maintain religious values in daily life have high sharia values. For example, land management that recognizes local wisdom and religious traditions of the community can be considered a form of protection against *sharia maqashid*. In addition, *hifz al-aql* and *hifz an-nasl* must also be considered.

⁶³ Saefudin Djazuli, "Islamic Concept About Environemantal Conservation," *Journal of Islamic Guidance* vol.7 (2014): 11.

Land management policies that provide educational opportunities to communities, such as training on sustainable forest management, support *hifz al-aql* by improving their thinking capacity and skills. Similarly, policies that protect the sustainability of families and generations, such as providing access to land to families who have managed land for generations, support *hifz an-nasl*.⁶⁴

By ensuring that *maslahah mursalah* is aligned with *sharia maqashid*, the resulting policies not only provide worldly benefits but also support the achievement of spiritual goals. In this study, this criterion will be used to assess whether the land management policy in Ringintelu Hamlet is able to create a balance between environmental sustainability and community welfare, in accordance with the basic principles of Islamic law. Thus, *maslahah mursalah* is an effective tool to establish laws that are relevant to modern needs, as long as it remains within the framework of *sharia maqashid*. In the context of land management, the application of *maslahah mursalah* can

⁶⁴ ABD. Madjid MA, *Ushul Fiqih Course*.

provide a just and sustainable solution, as well as support the balance between spiritual and material aspects in people's lives.

3) Targeting the Public Benefit (*Maslahah Ammah*)

The third criterion in the use of *maslahah mursalah* according to Imam al-Syatiby is that the benefits that are used as the basis of the law must be general (*maslahah ammah*), that is, provide benefits to the wider community, not just individuals, groups, or certain parties. *Maslahah* that is egoistic or only serves personal interests cannot be considered as a legitimate *maslahah mursalah*. Imam al-Syatiby emphasized that Islamic sharia aims to create social justice and shared prosperity. Therefore, *the benefits* underlying a law must be inclusive and include the interests of society as a whole. This principle prevents the use of *maslahah mursalah* as a tool to legitimize policies that are actually discriminatory or detrimental to some parties.⁶⁵

In the context of land management in Ringintelu Hamlet, this criterion is very relevant to assess whether the

⁶⁵ Rosyadi, "THOUGHTS OF AS-SYÂTIBÎ ABOUT MASLAHAH MURSALAH."

policies taken really provide equitable benefits to the local community. For example, policies that only benefit large corporations or local elite groups, while ignoring the needs of the wider community, cannot be considered in accordance with the principle of *maslahah mursalah*. On the contrary, policies that increase people's access to natural resources, create jobs, and preserve the environment reflect the legitimate *benefits of ammah*. As an illustration, if land management in Ringintelu Hamlet is designed to provide access to local communities to grow crops sustainably or utilize forest products without damaging the ecosystem, then the policy meets the principle of general *maslahah*. This not only improves the welfare of the community, but also supports the sustainability of natural resources which are important assets for future generations.⁶⁶

Furthermore, *maslahah ammah* also functions as a tool to create social justice. In situations where there is inequality in the distribution of resources, *maslahah mursalah* can be used to establish policies that prioritize the needs of disadvantaged

⁶⁶ Hasbi Kurniawan and Asnawi Manaf, "LAND CONSOLIDATION SCHEME IN THE IMPLEMENTATION OF HOUSING DEVELOPMENT IN INDONESIA," *Journal of Urban Development* 11, no. 1 (July 30, 2023): 92–102, <https://doi.org/10.14710/jpk.11.1.92-102>.

communities. For example, the equitable redistribution of land to local communities who have long relied on the land for their livelihood reflects the implementation of public *maslahah*. This criterion is also a control against the potential abuse of *maslahah mursalah*. Without clear boundaries, *maslahah mursalah* can be abused to legitimize policies that are actually discriminatory. For example, policies that claim to support economic development, but only benefit a few, can be at the expense of the interests of the wider community.⁶⁷ Therefore, the perspective of *maslahah ammah* ensures that *maslahah mursalah* is used fairly and responsibly.

In this study, the application of the *maslahah ammah* perspective will be used to evaluate how the land management policy in Ringintelu Hamlet is able to create equitable benefits for the entire community. This includes assessing the extent to which the policy provides equitable access to resources, protects the rights of local communities, and ensures ecosystem sustainability. By ensuring that land management policies are inclusive and supportive of social justice, this research can

⁶⁷ Kurniawan and Manaf.

provide relevant recommendations for creating sustainable resource management. Thus, the perspective of *maslahah ammah* ensures that *maslahah mursalah* serves as a tool to create collective benefits that involve all levels of society. In the context of land management, this principle is the basis for establishing policies that are not only oriented towards economic benefits, but also support social welfare and environmental sustainability.

4) Real and Urgent

The last criterion in the application of *maslahah mursalah* is that the benefits that are used as the basis of the law must be real and urgent. These benefits should not be based on unfounded assumptions, speculations, or estimates. Imam al-Syatiby emphasized that *maslahah mursalah* can only be applied if the benefits produced can be felt directly and relevant to the needs of the community at a certain time. *Real benefits* mean that the benefits must be measurable, felt, and have a direct impact on society. In this context, the concept of *maslahah mursalah* must be able to answer existing problems

concretely, not based on uncertain benefit projections.⁶⁸ For example, policies that aim to improve the welfare of local communities must have clear indicators of success, such as increasing income, reducing poverty rates, preserving the environment, or reducing agrarian conflicts.

The urgency in this criterion shows that the application of *maslahah mursalah* must answer needs that cannot be postponed or ignored. For example, if the people of Ringintelu Hamlet lose access to the land that has been their source of livelihood, then policies that address this problem must be implemented immediately to prevent greater losses. This reflects that *Maslahah Mursalah* aims to provide relevant and timely solutions. In the context of land management in Ringintelu Hamlet, policies that only focus on promises without producing concrete benefits cannot be considered as the application of *maslahah mursalah*. For example, if a forest management program promises to improve community welfare, but does not have a clear plan or does not produce tangible results, then the program is contrary to *the principle of*

⁶⁸ Rosyadi, "THOUGHTS OF AS-SYÂTIBÎ ABOUT MASLAHAH MURSALAH."

masalah mursalah. Imam al-Syatiby warned that *masalah* based solely on speculation has the potential to harm society and deviate from the goals of Islamic law.⁶⁹

This criterion is also a reminder that *masalah mursalah* should not be used as a tool to legitimize policies that actually do not provide real benefits. For example, if a policy is only oriented towards short-term benefits without considering the long-term impact on the environment and society, then the policy cannot be considered as a legitimate application of *masalah mursalah*. In this case, *masalah mursalah* serves as a filter to ensure that every policy taken really contributes to the benefit of the community as a whole.⁷⁰

The application of this criterion in the study aims to assess the extent to which the land management policy in Ringintelu Hamlet meets the principle of *real and urgent masalah mursalah*. For example, whether the policy succeeds in reducing agrarian conflicts, increasing people's income, or preserving the environment. Policies that do not have clear

⁶⁹ Rosyadi.

⁷⁰ Lena Larsen, *HUMAN RIGHTS & SHARIA* (Bentang Pustaka, 2022),

indicators of success, or that only provide benefits to certain parties, cannot be considered in accordance with the principle of *maslahah mursalah*. This criterion also provides important limitations to avoid the abuse of *maslahah mursalah*. By ensuring that the benefits generated are real and urgent, these concepts can be used effectively to establish policies that are relevant, fair, and appropriate to the needs of society. In the context of natural resource management, this criterion ensures that the resulting policies are not only oriented towards economic benefits, but also support environmental sustainability and social welfare.⁷¹

Thus, the criterion of "real and urgent" provides a solid basis to ensure that *maslahah mursalah* is used responsibly and provides significant benefits. In the context of Ringintelu Hamlet, the application of this criterion will help assess whether the land management policy has met the needs of the community directly, relevantly, and sustainably, in accordance with the main objectives of Islamic law.

⁷¹ ABD. Madjid MA, *Ushul Fiqih Course*.

5) Relevance of Criteria in Research

In this study, the perspective of *maslahah mursalah* proposed by Imam al-Syatiby is an important analytical tool to assess the extent to which land management by the people of Ringintelu Hamlet meets the principles of benefits in Islamic law. These criteria, namely not contradicting *nash*, in line with the goals of sharia (*maqashid sharia*), targeting the public benefit (*maslahah ammah*), and being tangible and urgent, provide a systematic evaluation framework to assess the relevance and effectiveness of land management policies. *The first criterion*, which does not contradict *nash*, helps to ensure that the land management policy in Ringintelu Hamlet does not violate the principles of Islamic sharia contained in the Qur'an, hadith, and *ijma'*. In this context, any policy that ignores justice, such as depriving people of their rights to land that they have long managed, can be considered contrary to *the nash* and cannot be accepted as legitimate *maslahah*. Using these criteria, the research can evaluate whether the policies implemented are

truly aligned with Islamic teachings that protect human rights and social justice.⁷²

The second *criterion*, in line with the objectives of sharia (*maqashid sharia*), allows the research to evaluate whether land management policies support the protection of religion (*hifz ad-din*), soul (*hifz an-nafs*), intellect (*hifz al-aql*), descent (*hifz an-nasl*), and property (*hifz al-mal*). For example, policies that support forest conservation to prevent natural disasters reflect protection of life (*hifz an-nafs*), while policies that ensure community access to land for economic needs reflect protection of property (*hifz al-mal*). Using these criteria, the research can assess whether the policies implemented actually support the balance between the material and spiritual needs of the community. The *third criterion*, targeting the public benefit (*maslahah ammah*), is very relevant in assessing whether the land management policy in Ringintelu Hamlet provides equitable benefits for the community. Policies that only benefit certain parties, such as large corporations or elite groups, cannot be considered legitimate benefits. On the

⁷² ABD. Madjid MA.

contrary, policies that create jobs, increase people's access to resources, and involve the community in decision-making reflect the principle of general *maslahah*. Using these criteria, research can evaluate the extent to which the policies implemented create social justice and collective benefits. The *fourth criterion*, tangible and urgent, helps ensure that the policies implemented provide concrete benefits and are relevant to the needs of society today. In the context of this study, land management policies in Ringintelu Hamlet must have clear indicators of success, such as increasing community income, reducing agrarian conflicts, or preserving the environment. Policies that only focus on promises or assumptions without real results cannot be considered as the application of *maslahah mursalah*. With this criterion, the study can assess whether the policies implemented really provide direct and relevant benefits to the community.⁷³

In addition, the perspective of *maslahah mursalah* is also relevant to evaluate the balance between community needs and environmental conservation. Ringintelu Hamlet as an area

⁷³ ABD. Madjid MA.

that depends on natural resources needs policies that support environmental sustainability while providing economic benefits for the community. Using the perspective of *maslahah mursalah*, the research can provide an in-depth analysis of how land management policies can create this balance. This research is expected to provide policy recommendations that are not only legally valid, but also contribute to long-term benefits. By ensuring that the land management policy in Ringintelu Hamlet meets the perspective of *maslahah mursalah*, this research can be the basis for creating policies that are fair, sustainable, and in accordance with Islamic sharia principles. In the long term, the implementation of these criteria is expected to improve the welfare of local communities, protect the environment, and create harmony between humans and nature.

With the application of strict criteria, *maslahah mursalah* can be an effective tool to create policies that are relevant to the needs of the times, without abandoning the basic principles of Islamic law. In the context of land management in Ringintelu Hamlet, the application of these criteria will ensure that the resulting policies not only provide economic benefits, but also support social and environmental sustainability, in accordance with the main objectives of Islamic law.

4. Forest Management Communities

Community-Based Forest Management (PHBM) is an approach that involves local communities directly in forest management with the aim of improving the social and economic welfare of the community and preserving the environment. The legal basis and main policy framework of PHBM are regulated in Law No. 41 of 1999 concerning Forestry, which was later strengthened by the Regulation of the Minister of Environment and Forestry No.P.83/MENLHK/SETJEN/KUM.1/10/2016 concerning Social Forestry.⁷⁴

To be able to carry out PHBM activities, the community must meet several requirements, including:⁷⁵

- a. The establishment of forest management groups such as the Forest Village Community Institution (LMDH).
- b. Management must follow sustainability principles that include environmental conservation, community empowerment, and efficient use of forest products.

⁷⁴ Rohadi, "Reconstruction of Legal Protection Regulations for Certified Landowners as an Effort to Prevent Justice-Based Land Mafia."

⁷⁵ prihatma Romahdiana Ririh, "The Practice of Cooperation (Mudharabah) Between Perum Perhutani and the Alas Mertani Forest Village Community Institution (Lmdh) Alas Mertani Perspective of Sharia Economic Law (Case Study in Jatisaba Village, Cilongok District, Banyumas Regency)" (PhD thesis, UIN Prof. KH Saifuddin Zuhri, 2022),

- c. The community is obliged to comply with the rules contained in the cooperation agreement with the manager.

In the implementation of PHBM, there is a revenue sharing system between the community and the management. This work pattern allows the community to be involved in protecting the forest and get a share of the forest products. The distribution of profits is generally based on mutual agreements, where about 25% of the revenue is given to the community, while the remaining 75% goes to forest managers such as Perhutani.⁷⁶

Community-Based Forest Management (PHBM) is an approach that aims to involve local communities in the sustainable management and use of forests. This approach not only provides economic benefits to the community, but also maintains the ecological and social function of the forest.⁷⁷ In Indonesia, there are several PHBM models that are implemented according to the needs and characteristics of communities and forest areas, namely:

⁷⁶ Diva Raya et al., "The Source of Power in the State: An Analysis Based on Karl Marx's Theory of Conflict," *Public Sphere: Journal of Socio-Political, Governance and Law* 3, no. 2 (2024), <https://jurnal.penerbitwidina.com/index.php/JPS/article/view/810>.

⁷⁷ Wandu Adiansah, Nurliana Cipta Apsari, and Santoso Tri Raharjo, "Agrarian Conflict Resolution in Genteng Village, Sukasari District, Sumedang Regency," *Journal of Conflict Resolution Collaboration* 1, no. 1 (2019): 1–10.

a. Community Forest (HKm)

Community Forest (HKm) is a forest management model that gives management rights to communities to use forests in a limited way. This program is regulated by the government with the main goal of improving the welfare of local communities without damaging the forest ecosystem. The characteristics of HKm: *First*, management rights are given to certain community groups. *Second*, the use of forest products is limited to non-timber products, such as rattan, honey, and medicinal plants, as well as timber products with special approval. *Third*, community groups are responsible for preserving forests, including reforestation and preventing forest damage. HKm is a solution to reduce conflicts between communities and the government regarding access to forest land. By granting management rights to the community, HKm also encourages the community to be actively involved in forest protection. Examples of HKm application can be found in West Sumatra, Yogyakarta, and South Kalimantan.⁷⁸

b. Village Forest

Village Forest is a forest management model that gives collective management rights to the village government to improve the

⁷⁸ Adiansah, Apsari, and Raharjo.

welfare of its community. This management right includes the use of forest products and the management of forest areas for social, economic, and environmental benefits. The characteristics of village forests: *First*, management rights are given to villages through a decree from the government. *Second*, forest utilization is carried out for the benefit of all village communities, such as sustainable agriculture, ecotourism, or the extraction of non-timber forest products. *Third*, the village is responsible for maintaining the ecological function of the forest, such as preventing fires and restoring damaged areas. Village Forests provide flexibility to village communities to manage forests according to local needs. An example is the Village Forest program in Jambi and Riau, where communities manage peat forests for sustainable agriculture and conservation activities.⁷⁹

c. Forestry Partnership

Forestry Partnership is a forest management model that involves formal cooperation between communities and forest managers, such as the government or private companies. This cooperation is regulated in an agreement that stipulates the rights, obligations, and responsibilities of each party. The characteristics of forestry partnerships: *First*, the

⁷⁹ Adiansah, Apsari, and Raharjo.

community cooperates with forest managers through formal schemes, such as cooperation agreements. *Second*, Focus on management that benefits both parties, for example through timber harvests, ecotourism management, or the production of non-timber forest products. *Third*, these partnerships often include training for communities to increase their capacity in forest management. The Forestry Partnership aims to reduce conflicts between communities and forest managers, while increasing the contribution of forests to the local economy. Examples of the application of this model can be found in several Perhutani areas in Java, where communities work together with Perhutani to manage production forests.⁸⁰

5. Forest Land Management

Forest land management refers to practices that include planning, using, maintaining, and preserving forest land. In Indonesia, forest land management is largely under state authority and regulated by various regulations. One of the laws that regulates forest land management is Law

⁸⁰ Adiansah, Apsari, and Raharjo.

No. 41 of 1999 concerning Forestry and Government Regulation No. 72 of 2010 concerning Social Forestry.⁸¹

The following are things that need to be considered in forest land management, including:

a. Ownership and Management Rights

Although forest land is legally under state control, as stipulated in Article 33 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia and Law No. 41 of 1999 concerning Forestry, local communities often have claims to land based on their history of use for generations. These claims are generally based on traditional activities, such as farming, hunting, foraging for non-timber forest products, or other customary practices that have been going on for centuries. However, conflicts arise when these traditional rights are not recognized by formal law. One prime example is land management by institutions such as Perhutani, where people often feel marginalized or even denied access to land that was previously their source of livelihood. In many cases, areas that have long been managed by indigenous peoples are

⁸¹ Fittroh, "Cooperation in the Utilization of State-Owned Forests between the Community and Perhutani: The Perspective of Law Number 41 of 1999 concerning Forestry and Masalah Mursalah," 2019.

designated as state forest areas without adequate consultation or compensation.⁸²

This issue is further complicated by the fact that formal laws often give priority to economic or conservation interests, while the rights of indigenous peoples are considered violations, even though they have managed the land in a sustainable manner. An example is the conflict that occurred in various regions of Java and Sumatra, where local communities faced challenges in maintaining their access to land managed by Perhutani or other government agencies. To address this conflict, the government has adopted several policies, such as the Social Forestry program that provides legal access to communities to manage forest areas. The program includes schemes such as Community Forests (HKm) and Village Forests, which aim to integrate the interests of local communities with sustainable forest management. However, the implementation of these policies often faces obstacles, such as a lack of public understanding of legal procedures, a lack of technical support, and limited recognition of the rights of indigenous peoples. Therefore, a more inclusive approach and constructive dialogue between

⁸² Rohadi Rohadi, "Reconstruction of Legal Protection Regulations for Certified Landowners as an Effort to Prevent Justice-Based Land Mafia" (Phd thesis, Sultan Agung Islamic University, 2022),

governments, local communities, and relevant parties are needed to resolve conflicts in forest land ownership and management.⁸³

Recognition of the traditional rights of communities is not only important to reduce conflicts, but also to improve the success of forest management. Many studies show that indigenous peoples have deep traditional knowledge of forest ecosystems and are able to manage natural resources in a sustainable manner. By providing them with legal access and adequate support, forest management can be carried out more effectively, both for conservation and community welfare. In the context of sustainable development, harmonization between formal law and traditional rights of communities is key to ensuring that forest land management not only conserves the environment, but also strengthens social and economic justice for local communities.⁸⁴

b. Supervision and Law Enforcement

Supervision and law enforcement are important components of forest land management to ensure that land use is carried out in accordance with applicable regulations. Without strict oversight and strict legal action, illegal practices such as illegal logging, unauthorized land conversion, and wildlife poaching can significantly damage forest

⁸³ Rohadi.

⁸⁴ Rohadi.

ecosystems. Illegal *logging* is one of the biggest threats to forest sustainability in Indonesia. These activities not only reduce the area of forest cover, but also have an impact on biodiversity loss, high carbon emissions, and damage to forest ecological functions, such as erosion prevention and water cycle regulation. Illegal logging is often carried out by well-organized networks, requiring more intensive surveillance efforts.⁸⁵

In addition, land conversion without permission is also a serious problem. An example is the conversion of forests into oil palm plantations or agricultural land. This practice is often carried out without considering long-term environmental impacts, such as soil degradation, deterioration of water quality, and destruction of wildlife habitats. To address this problem, forest surveillance must use modern technologies such as satellite monitoring and geographic information systems (GIS). The technology enables early detection of changes in forest cover and illegal activities, allowing authorities to respond quickly. For example, Indonesia has adopted the National Forest Monitoring System (SIMONTANA) to monitor forest changes in real-time. On the other

⁸⁵ Haafidzotul Fittroh, "Cooperation in the Utilization of State-Owned Forests between the Community and Perhutani: The Perspective of Law Number 41 of 1999 concerning Forestry and Masalah Mursalah: A Study at Perum Perhutani BKPH Pujon" (PhD thesis, Maulana Malik Ibrahim State Islamic University, 2019),

hand, law enforcement must be carried out firmly and consistently. This involves sanctioning violators, both individuals and corporations, in accordance with applicable regulations. For example, Law No. 41 of 1999 on Forestry regulates criminal sanctions and fines for illegal logging perpetrators. However, law enforcement often faces challenges, such as lack of law enforcement capacity, corruption, or influence from interested parties.⁸⁶

Local community participation is also important in forest stewardship. People living around forest areas can be involved in forest patrols or monitoring illegal activities. This approach not only increases the effectiveness of monitoring, but also provides a sense of ownership to the community over forest sustainability. An example is *the community-based forest monitoring* program, where communities are trained to detect and report illegal activities in the forest. Law enforcement must also be accompanied by education to the community and stakeholders. Awareness campaigns about the importance of protecting forests can reduce the motivation to commit violations. In addition, providing sustainable livelihood alternatives to communities around forests can reduce their dependence on illegal activities, such as

⁸⁶ Fittroh.

illegal logging or land encroachment. In the context of forest protection in Indonesia, effective monitoring and strict law enforcement are key to preventing further damage. This effort must be complemented by collaboration between the government, local communities, and non-governmental organizations (NGOs). With an integrated approach, forest land management can be carried out in a sustainable manner, supporting ecosystem preservation while meeting the economic needs of the community.⁸⁷

c. Conservation and Reforestation

Conservation and reforestation are two important elements in maintaining forest ecosystems and restoring the ecological function of damaged land. In Indonesia, which has one of the largest tropical forest covers in the world, conservation aims to protect biodiversity, while reforestation focuses on restoring land degraded by human activities, such as illegal logging, forest fires, or land conversion. Forest conservation is carried out by designating certain areas as protected areas, such as national parks, nature reserves, or other conservation areas. Examples are Lorentz National Park in Papua and Way Kambas National Park in Lampung, which protect endemic species such as birds

⁸⁷ Fittroh.

of paradise and Sumatran elephants. These conservation areas are not only important for protecting endangered flora and fauna, but also for maintaining the stability of the ecosystem as a whole. In conservation, a community-based approach is the key to success. The involvement of local communities in forest protection efforts can increase the effectiveness of conservation programs. For example, communities can participate in patrols to prevent illegal logging or illegal hunting, as well as preserve forests by using resources sustainably.⁸⁸

Reforestation, on the other hand, is the act of replanting trees on forest land that has been damaged. Reforestation programs help restore forest ecological functions, such as carbon sequestration, water cycle regulation, and erosion prevention. In Indonesia, the government has launched various reforestation initiatives, such as the Green Indonesia Program, which aims to plant millions of trees each year in degraded areas. In reforestation programs, the selection of tree types is crucial to ensure success. Local trees, such as teak, meranti, or eucalyptus, are often used because they are more suited to local environmental conditions and have ecological and economic value. In addition, the

⁸⁸ Wandu Adiansah, Nurliana Cipta Apsari, and Santoso Tri Raharjo, "Agrarian Conflict Resolution in Genteng Village, Sukasari District, Sumedang Regency," *Journal of Conflict Resolution Collaboration* 1, no. 1 (2019): 1–10.

combination of hardwood trees with non-wood plants, such as fruits, can also provide direct benefits to the surrounding community. Reforestation can also be carried out through an agroforestry approach, which is a land management system that integrates forest plants with agricultural crops. This approach not only helps restore forests, but also increases the income of local communities through additional crops. For example, planting rubber trees with coffee or cocoa plants in degraded forest areas.⁸⁹

However, conservation and reforestation efforts face significant challenges. One of them is the lack of funding for these projects, especially in remote areas. In addition, the lack of public awareness of the importance of conservation often leads to resistance to reforestation or forest protection programs. To overcome this challenge, collaboration between the government, the private sector, and the community is essential. Funding can be increased through international mechanisms such as *Reducing Emissions from Deforestation and Forest Degradation (REDD+)*, which provide incentives to developing countries to protect their forests. In addition, education and training campaigns for local communities can increase their awareness and

⁸⁹ Nugroho Tri Waskitho, *Watershed Management in Indonesia* (UMMPress, 2024),

involvement in conservation and reforestation efforts. As a long-term effort, conservation and reforestation not only help protect the environment, but also provide economic and social benefits. By restoring the ecological function of forests, both approaches contribute to reducing the impact of climate change, preserving biodiversity, and improving the well-being of local communities. In the context of sustainable development, conservation and reforestation are strategic steps to ensure that Indonesia's natural resources remain sustainable for future generations.⁹⁰

d. Collaborative Approach

A collaborative approach is a strategy that involves cooperation between the government, local communities, and the private sector in forest land management. This approach is the key to the success of sustainable forest management because it combines the interests of various stakeholders to achieve common goals, such as environmental conservation, community economic strengthening, and reducing land conflicts. *First*, the Government as a Regulation, In a collaborative approach, the government acts as a regulator that establishes policies, regulations, and technical guidelines for forest management. The

⁹⁰ Waskitho.

government has a responsibility to ensure that forest management is in accordance with the principles of sustainability and the public interest. Through programs such as Social Forestry, the government provides legal access to communities to manage forests independently but still in a targeted manner. The government also has an important role in resolving land conflicts that often occur between local communities and companies. By implementing dialogue-based policies, governments can mediate and find solutions that are fair to all parties, especially to protect the rights of indigenous peoples that are often neglected.⁹¹

Second, the Role of Local Communities, Local communities are the main actors in the collaborative approach because they have a direct relationship with forest land. Communities often have traditional knowledge of how to manage forests sustainably, such as through agroforestry or the use of non-timber forest products. Community involvement in forest land management can be done through schemes such as Community Forests (HKm) or Village Forests, where communities are given the right to legally manage certain areas. This approach not only improves the welfare of the community, but also

⁹¹ Jose Maria da Conceicao Freitas, "Partnership between Government and Local Communities in Mangrove Forest Management on the North Coast of Surabaya City," *JKMP (Journal of Public Policy and Management)* 2, no. 2 (2014): 147–64.

creates a sense of belonging that encourages them to preserve the forest.⁹²

Third, the Role of the Private Sector: The private sector, especially companies engaged in the forestry sector, has an important role in supporting forest land management. Through responsible investment, companies can help improve the efficiency of forest management while providing economic benefits. For example, companies can work with local communities through forestry partnership **schemes**, where communities are involved in the production of timber or non-timber forest products. In this partnership, the company is responsible for providing training, technology, and capital, while the community provides labor and land. This approach creates a mutually beneficial relationship that supports local economic development while preserving forests.⁹³

Fourth, Reducing Conflicts and Strengthening Community Rights, Land conflicts are often an obstacle to forest management, especially when the traditional rights of communities are not recognized by formal law. The collaborative approach provides space for dialogue between all parties to resolve conflicts peacefully. Providing legal recognition of

⁹² Freitas.

⁹³ Freitas.

indigenous peoples' rights, such as through forest designation, is one important step in this approach. With this recognition, indigenous peoples can manage forests according to their traditions without fear of losing access or land rights.⁹⁴

Fifth, Sustainability of Land Management: A collaborative approach supports sustainable land management by ensuring that all parties have balanced interests between environmental, economic, and social aspects. Conservation programs that involve local communities, such as reforestation or management of conservation areas, become more effective when all parties have shared responsibility. In addition, this approach also allows the implementation of environmentally friendly technologies, such as the use of geographic information systems (GIS) for forest monitoring or community-based agroforestry development. Therefore, a collaborative approach is an effective solution to manage forest land sustainably in Indonesia. By involving the government, local communities, and the private sector, this approach creates synergies that support environmental conservation while improving community welfare. The success of this approach requires commitment,

⁹⁴ Freitas.

transparency, and a willingness of all parties to work together to achieve common goals.⁹⁵

Forest land management in Indonesia is based on various legal provisions that regulate the status, utilization, and rights that can be granted to certain parties. In general, forest land is divided into state forests and rights forests. State forests are controlled by the state and managed by institutions such as Perhutani, while rights forests are forests owned by individuals or legal entities based on legal ownership rights. In state forest areas, land management can be granted in the form of Business Use Rights (HGU), Building Rights (HGB), Use Rights, and Management Rights, in accordance with applicable regulations.

The Right to Use Business (HGU) is a right to land granted for the purposes of agriculture, plantations, livestock, or fisheries within a certain period of time, as stipulated in Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) and Government Regulation Number 18 of 2021. HGU can be granted to individuals or legal entities, but it cannot be applied to forest areas except through the process of releasing forest areas. Building Rights (HGB), on the other hand, are the right to erect and own buildings on

⁹⁵ Freitas.

land that does not belong to them, which is often used in the construction of facilities on converted ex-forest land. Meanwhile, Hak Pakai gives authority to individuals or legal entities to use state-owned land or land owned by others with certain conditions, often applied in forest management cooperation schemes.

In addition, there are Management Rights, which are rights given to certain institutions, such as Perhutani, to regulate and utilize state land in accordance with government policies. The granting of these rights in forest areas has a significant impact, both on the surrounding community and environmental sustainability. On the one hand, these regulations can encourage more productive forest use, but on the other hand, they also have the potential to cause conflicts, especially if there is no balance between the interests of the state, investors, and local communities. Therefore, it is important to ensure that each right granted still takes into account the principles of sustainability and well-being of the surrounding communities, in line with the Social Forestry and Forestry Partnership programs that aim to improve the well-being of communities without compromising the ecological function of the forest.

6. Cooperation Program between Perhutani and the Community

The cooperation program between Perhutani and the community aims to empower the community while maintaining forest sustainability. The program is governed by various regulations that cover various aspects, such as tree planting, maintenance, logging, and joint supervision, with sustainability principles that are in line with forestry regulations in Indonesia.

a. Legal Basis for Cooperation between Perhutani and the Community

Some of the rules underlying this cooperation include:

- 1) Law Number 41 of 1999 concerning Forestry. This regulation emphasizes the importance of community involvement in forest management to ensure ecosystem sustainability, this is contained in chapter 10 about community participation starting from article 68 to article 70 which reads as follows:

Article 68

- (1) The community has the right to enjoy the quality of the environment produced by forests.*
- (2) In addition to the rights as intended in paragraph (1), the community may: a. utilize forests and forest products in accordance with applicable laws and regulations; b. knowing the forest allocation plan, the use of forest products, and forestry information; c. providing information, suggestions, and considerations in forestry development; and d. supervise the implementation of forestry development both directly and indirectly.*
- (3) Communities in and around the forest are entitled to compensation for the loss of access to the surrounding forest as a job to meet their living needs due to the determination of*

forest areas, in accordance with applicable laws and regulations.

- (4) Everyone is entitled to compensation for the loss of rights to their land as a result of the determination of forest areas in accordance with the provisions of applicable laws and regulations.*

Article 68 provides a clear basis for involving communities in forest management by guaranteeing their rights to environmental quality, forest use, and access to forestry information. This provision reflects the principle of ecological justice, where the people of Ringintelu Hamlet, who live side by side with the forest, have the right to the benefits of the resulting ecosystem. In addition, the right to advise and supervise reflects the importance of more meaningful community participation, rather than just a formality. This is in line with Sherry Arnstein's *Ladder of Participation* theory, which emphasizes that participation must involve a real influence on decisions. The provisions on compensation for communities who lose access or land rights due to the designation of forest areas also support the principles of social justice and are relevant to resolve agrarian conflicts in Ringintelu Hamlet, where communities are often disadvantaged without adequate protection mechanisms.

Article 69

- (1) The community is obliged to participate in maintaining and protecting forest areas from disturbance and destruction.*

- (2) In carrying out forest rehabilitation, the community can ask for assistance, services, and support from non-governmental organizations, other parties, or the Government.*

Article 69 underlines the obligation of communities to protect forests from disturbance and destruction, which reinforces the concept of empowerment in natural resource management. This provision places the community as an active actor who not only receives benefits from the forest, but also has a responsibility for its conservation. In addition, this article provides an opportunity for the community to request assistance from non-governmental organizations, the government, or other parties in carrying out forest rehabilitation. This shows the importance of multi-stakeholder collaboration in sustainable forest management. In the context of research, this article is relevant because it encourages synergy between the people of Ringintelu Hamlet and related parties, so that forest management is not only oriented to institutional interests, but also reflects local needs and capabilities.

Article 70

- (1) The community participates in development in the forestry sector.*
- (2) The government is obliged to encourage community participation through various activities in the forestry sector that are effective and effective.*
- (3) In order to increase community participation, the Government and Regional Governments can be assisted by forestry observer forums.*

(4) Further provisions as referred to in paragraphs (1) and (2) are regulated by Government Regulations.

Article 70 emphasizes that communities must be involved in forestry development through effective and effective activities. The government is also required to encourage community participation, which shows the importance of initiatives from the authorities to ensure community participation is not only symbolic. The provisions on the forestry observer forum as a support for the role of the community expand the space for collaboration, so that forest management can be carried out in an inclusive manner by involving various actors. This article is relevant to research because it reflects the importance of community empowerment in forest management. By involving the people of Ringintelu Hamlet as partners, this article is in line with the theory of *maslahah mursalah* which emphasizes the importance of mutual benefit and sustainability in resource management.

These three articles as a whole provide a strong legal framework to support community involvement in forest management. These regulations are relevant for research because they not only provide rights to communities, but also emphasize their obligations and responsibilities in maintaining the sustainability of forest ecosystems. In addition, these articles are in line with the theories

used, such as Sherry Arnstein's *Ladder of Participation*, the theory of ownership, and the theory of *maslahah mursalah*, all of which place society as a central element in resource management. Therefore, the inclusion of these regulations in the study is important to evaluate how these regulations are implemented in Ringintelu Hamlet and the extent to which these regulations create justice and sustainability in forest management.

- 2) Government Regulation Number 23 of 2021 concerning Forestry Implementation, supports the principle of social forestry by involving communities in sustainable economic activities in forest areas, this is contained in article 1 paragraph 64 and article 139 letter m which reads as follows:

Article 139

Every holder of a Forest Utilization Business License in Protected Forests, must:

m. Carry out partnerships with local communities;

Article 139 letter m of Government Regulation Number 23 of 2021 provides a firm legal basis for the implementation of partnerships between forest use permit holders and local communities. This provision reflects the principle of social forestry, where communities are involved in the management of forest areas through a collaborative approach. In the context of research, this regulation is relevant because it emphasizes the importance of

community participation in forest management as part of a sustainable economic development strategy. Through this partnership, the people of Ringintelu Hamlet have the opportunity to be actively involved in forest management activities that not only provide economic benefits, but also support environmental conservation. The importance of partnerships regulated in this article also reflects the principle of inclusivity, where communities are not only positioned as beneficiaries, but also as partners in decision-making and the implementation of forest utilization activities. This approach is in line with *Sherry Arnstein's Ladder of Participation* theory, which emphasizes that the highest level of participation involves the community in an equal role with other parties, such as governments or companies. Thus, this article provides an opportunity to increase the participation of the people of Ringintelu Hamlet towards the level of partnership or even shared control over forest resource management. This regulation is also relevant to the theory of *maslahah mursalah*, because partnerships with local communities support the common good. By involving communities in forest management, this policy creates economic opportunities for local communities while maintaining environmental sustainability. This approach shows how modern regulations can accommodate Islamic sharia values that emphasize

the importance of benefits for many parties without harming the ecosystem. The inclusion of this regulation in the study is also important to evaluate the implementation of social forestry principles in Ringintelu Hamlet. Have the partnerships required by this article been effectively implemented by forest use permit holders? If not, this study can provide recommendations to improve policy implementation to be more inclusive and in accordance with sustainability principles. Thus, Article 139 letter m not only provides a legal basis to involve the community, but also serves as an analytical tool to assess the extent to which the implementation of the partnership supports social justice, economic empowerment, and environmental conservation. The inclusion of this regulation in the research is very relevant because it supports the research goal of creating sustainable and equitable forest management.

- 3) Presidential Regulation Number 92 of 2020 concerning the Ministry of Environment and Forestry, strengthening the role of ministries in managing forest resources through partnerships with communities, is contained in article 33 which reads as follows:

Article 33

In carrying out the duties as referred to in Article 32, the Directorate General of Social Forestry and Environmental Protection carries out the following functions:

- a. *policy formulation in the field of implementation of social forestry area preparation, determination of customary forests, protection of local wisdom and handling of tenure conflicts in forest areas, development of social forestry businesses, environmental partnerships and increasing community participation in environmental and forestry management;*
- b. *implementation of policies in the field of implementation of social forestry area preparation, determination of customary forests, protection of local wisdom and handling of tenure conflicts in forest areas, development of social forestry businesses, environmental partnerships and increasing community participation in environmental and forestry management;*
- c. *the preparation of norms, standards, procedures and criteria in the field of implementation of social forestry area preparation, determination of customary forests, protection of local wisdom and handling of tenure conflicts in forest areas, development of social forestry businesses, environmental partnerships and increasing community participation in environmental and forestry management;*
- d. *coordination and synchronization of policy implementation in the field of implementation of social forestry area preparation, determination of customary forests, protection of local wisdom and handling of tenure conflicts in forest areas, development of social forestry businesses, environmental partnerships and increasing community participation in environmental and forestry management;*
- e. *providing technical guidance and supervision in the field of implementation of social forestry area preparation, determination of customary forests, protection of local wisdom and handling of tenure conflicts in forest areas, development of social forestry businesses, environmental partnerships and increasing community participation in environmental and forestry management;*
- f. *implementation of evaluation and reporting in the field of implementation of social forestry area preparation, determination of customary forests, protection of local wisdom and handling of tenure conflicts in forest areas, development of social forestry businesses, environmental partnerships and increasing community participation in environmental and forestry management;*

- g. *the implementation of administrative duties of the Directorate General of Social Forestry and Environmental Partnerships; and*
- h. *the performance of other functions given by the Minister.*

Article 33 of Presidential Regulation Number 92 of 2020 provides a clear institutional framework to support the implementation of social forestry and environmental partnerships through the role of the Directorate General of Social Forestry and Environmental Partnerships (Ditjen PSKL). This article emphasizes that social forestry is not only oriented to natural resource management, but also to community empowerment through partnerships involving various aspects, such as business development, protection of local wisdom, and settlement of tenure conflicts. This provision is very relevant in the context of research, as it directly places the community as the main actor in forest management. For example, the policy *formulation and coordination* functions listed in points (a) to (d) provide space for communities to be involved in the planning and implementation process of policies related to customary forest management and social forestry. This supports the *Ladder of Participation* theory by Sherry Arnstein, where community involvement in policy formulation and coordination is one of the indicators of meaningful participation.

Furthermore, point (e) on technical guidance and supervision shows the government's concrete efforts in empowering the community through knowledge and skills transfer. In this study, this aspect is important because the people of Ringintelu Hamlet need technical support to ensure they are able to manage forest areas in a sustainable manner. This approach also supports the theory of *maslahah mursalah*, which emphasizes that policies must provide direct benefits to society, both economically and ecologically. The evaluation and reporting functions listed in point (f) also reflect the importance of accountability in forest management. With the evaluation, the government can assess the effectiveness of social forestry policies and environmental partnerships, including the extent to which community participation has been realized. In the context of the study, this provides an analytical framework to evaluate whether the implementation of social forestry in Ringintelu Hamlet has been carried out in accordance with the policy objectives, namely creating a balance between environmental conservation and community economic empowerment. This article also underlines the importance of coordination between the central and regional governments in the implementation of policies. This point is relevant in research because forest management often involves many parties with diverse interests. With good

coordination, conflicts between parties can be minimized, and the community can be involved in a more inclusive manner. Overall, Article 33 provides a strong institutional basis to support the implementation of social forestry and environmental partnerships. This provision is relevant in thesis research because it shows how the government strives to create inclusive, sustainable, and community empowerment-oriented policies. By including this regulation, the study can evaluate the extent to which the role of the Directorate General of PSKL has been implemented in Ringintelu Hamlet, as well as how the policy supports the theories used, such as the theory of community participation and *maslahah mursalah*. This article is also a tool to analyze whether the policies implemented have created a balance between the needs of the community and environmental conservation.

- 4) Decree of the Minister of Environment and Forestry of the Republic of Indonesia number: SK.5660/MENLHK-PSKL/PKPS/PSL.0/6/2023 concerning the Granting of Village Forest Management Approval to the Karya Perkawi-based Village Forest Management Institution covering an area of \pm 455 (four hundred and fifty-five) hectares located in a protected forest area of \pm 388 (three hundred and eighty-eight) hectares and a permanent

production forest area covering an area of ± 67 (sixty-seven) hectares in a forest area with special management in the village Ngadirenggo, Wlingi District, Blitar Regency, East Java Province

Decree of the Minister of Environment and Forestry of the Republic of Indonesia Number: SK.5660/MENLHK-PSKL/PKPS/PSL.0/6/2023 granting approval for village forest management to the Karya Perkawi Village Forest Management Institution in Ngadirenggo Village, Wlingi District, Blitar Regency. This decision covers the management of an area of ± 455 hectares, consisting of protected forest areas covering an area of ± 388 hectares and permanent production forest areas covering an area of ± 67 hectares. This decision emphasizes the role of communities in managing forests independently through official institutions, thus creating a model of active participation of local communities in forest resource management. This decision is relevant for research because it is directly related to Ringintelu Hamlet, which is the focus of the study. By granting management rights to local communities, this policy supports *Sherry Arnstein's Ladder of Participation* theory, where communities are at the level of partnership or even full control (*citizen control*). This shows that the community is not only involved as a complement, but is empowered to become the main manager of forest areas. In addition, this decision also reflects

the application of the *maslahah mursalah* theory, where forest management is carried out to realize mutual benefits, both for local communities through economic benefits, and for the environment through the preservation of protected forest areas. By granting management rights, communities can use forest products to support their livelihoods, while maintaining the function of forest ecosystems. It also supports the principle of ecological justice, where communities that have been dependent on forest areas receive formal recognition of their management rights. In the context of frequent tenure conflicts, this decision is a concrete example of how collaboration between the government and local communities can create sustainable solutions. The inclusion of this decision in the research is important to evaluate how this policy is implemented in Ngadirenggo Village, including the role of the Karya Perkawi Village Forest Management Institution in carrying out its duties. This research can also assess the extent to which these decisions support community empowerment, agrarian conflict resolution, and environmental conservation, in accordance with the theories and principles used. Thus, this Ministerial Decree is an important basis for analyzing community-based forest management, which is relevant to the research objectives in creating an inclusive, equitable, and sustainable management model.

b. Tree Planting by the Community

The tree planting program is carried out with the community by referring to the Regulation of the Minister of Environment and Forestry Number 9 of 2021 concerning Social Forestry Management, as stated in article 1 paragraph 16 that:

"HKm Management Approval is a legal access given by the Minister to individuals, farmer groups, associations of forest farmer groups or Local Communities to manage and/or utilize forests in Protected Forest areas and/or Production Forest areas."

Regulation of the Minister of Environment and Forestry Number 9 of 2021 concerning Social Forestry Management, especially Article 1 paragraph 16, provides a legal basis for the community to obtain legal access to manage and utilize forests. This provision stipulates that Community Forest Management Approval (HKm) can be granted to individuals, farmer groups, or local communities for Protected Forest and/or Production Forest areas. This reflects the government's efforts to encourage active community involvement in sustainable forest resource management. The inclusion of this provision is relevant to research because it directly supports the principle of community participation in forest management. By providing legal access, the community has the legitimacy to contribute to programs such as tree planting. This program is not only an environmental conservation activity, but also empowers

the community through the use of forest products. This provision is in line with Sherry Arnstein's *Ladder of Participation* theory, where granting legal access can put communities at the level of partnership or even control over the management of forest areas. This provision also reflects the application of the *maslahah mursalah* theory, because it provides opportunities for communities to utilize forest resources without damaging their ecological functions. Tree planting by the community, for example, is a form of ecological responsibility that supports environmental conservation while creating economic benefits for the community. In the context of research, this provides a concrete example of how community benefits can be achieved through social forestry policies. Furthermore, this provision is also important in overcoming tenure conflicts that often arise between local communities and forest managers. By providing legal access, the government creates legal certainty for the community to manage forest areas, so that potential conflicts can be minimized. The tree planting program by the community is also a means to strengthen the relationship between the community and the government, where the two parties work together to achieve common goals, namely environmental conservation and economic empowerment. The inclusion of this regulation in the research is important to evaluate the implementation of the social forestry program in Ringintelu Hamlet, including how this legal access is used

by the community in programs such as tree planting. This research can also assess the extent to which these policies support environmental sustainability, community empowerment, and agrarian conflict resolution, in accordance with the theories and principles used. Thus, Article 1 paragraph 16 of this Ministerial Regulation is an important basis for research analysis, because it reflects how social forestry policies can create inclusive, equitable, and sustainable solutions. This can be interpreted that the community is also involved in planting tree species such as resin, pine, and mahogany, in accordance with the characteristics of the land and local ecological needs as happened in Ringintelu hamlet, Ngadirenggo Village, Wlingi District, Blitar Regency. This planting is supported by the principle of social forestry to add economic value to the community while maintaining the function of the forest.

This cooperation program is a strategic effort to harmonize the interests of Perhutani and the community, so that forests can function as sustainable economic and environmental resources. Through regulations that support the implementation of social forestry, this program is expected to be able to provide welfare for the community and conserve forests at the same time.

CHAPTER III

RESEARCH METHODS

The research method used in this study aims to deeply understand the practice of land management by the people of Ringintelu Hamlet, Ngadirenggo Village, Wlingi District, Blitar Regency from the perspective of *masalah mursalah*. This research focuses on the use of a qualitative approach with a descriptive-analytical method. Here are the details of the research methods that will be used:

A. Type of Research

Empirical juridical research, also known as field research or sociological legal research, is a type of research that involves the study of applicable law and real-world social events. In other words, this research involves conducting research on actual situations or conditions that occur in society with the aim of studying and identifying the necessary facts and data, which in turn leads to the identification of problems and, finally, the solution of problems.⁹⁶ This method is very relevant because it allows

⁹⁶ Nur Solikin, *Introduction to Legal Research Methodology* (Pasuruan: CV.Qiara Media Publisher, 2019).

researchers to collect primary data from the field, either through observation, interviews, and documentation. This method provides an opportunity to assess actual socio-legal phenomena, as well as to see how legal theories are applied in practice.

Based on the research that the researcher researched, according to Mardalis, this research is classified as field research, which is a type of research that aims to study concrete events that occur in the field. Based on the problems raised, this research is included in empirical juridical research, which focuses on efforts to describe, analyze, and interpret the facts found through observation, interviews, and documentation studies.⁹⁷

According to Nur Solikin, the empirical law research method involves the process of collecting primary data that includes social phenomena related to law.⁹⁸ With this method, research does not only depend on theories or norms, but also on the legal reality that occurs in society, which is very appropriate to be used in this research.

Muhammad Syahrums added that empirical research allows researchers to see the application of the law in real life.⁹⁹ In this context,

⁹⁷ Mardalis, *Research Method: A Cet. VII* (Jakarta: Bumi Aksara, 2014), p.26.

⁹⁸ Solikin, *Introduction to Legal Research Methodology*.

⁹⁹ Muhammad Syahrums, *Introduction to Legal Research Methodology: Normative Research Review, Empirical, Proposal Writing, Thesis Report and Thesis* (CV. Dotplus Publisher, 2022),

Ringintelu Hamlet is used as the object of research to accurately describe how land management takes place, as well as the interaction between the community and Perhutani who manages the land.

B. Research Approach

The legal research approach is carried out using a sociological juridical approach Or is an approach that analyzes and examines how reciprocal (reactions and interactions),¹⁰⁰ namely empirical research to find theories about the process of occurrence and the process of working law in society, after reviewing the formulation and scope of the problem as previously explained by the researcher.

C. Data Source

The data used in this study consists of: ¹⁰¹

1. Primary Data Sources

The primary data source in this study was obtained directly in the field through in-depth interviews and observations with the Village Head, traditional leaders of Ringintelu Hamlet,

¹⁰⁰ Salim SH, *Application of Legal Theory to Thesis and Dissertation Research* (Jakarta: Rajawali Press, 2013), 22.

¹⁰¹ Saifullah, *TPOLOGY OF LEGAL RESEARCH (History, Paradigm and Thought of Figures in Indonesia)* (Bandung: PT Refika Aditama, 2018).

Ngadirenggo Village, Wlingi District, Blitar Regency, representatives of the Wlingi forestry community and six representatives of the tree planting community. This hamlet has a population of 290 people, with 59 of them actively managing forest land through tree planting activities and other productive crops. To dig up in-depth and representative information, this study will use *the snowball sampling* technique,¹⁰² where as many as 10% of the number, namely 6 people, are selected as key informants. Informants are selected based on initial recommendations and network sustainability until the required information is achieved. This approach aims to obtain valid and rich data from direct experiences from land management communities, which is relevant to the focus of research related to land management conflicts and the perspective of *mursalah's masalah*. In addition, primary data was also obtained through interviews with Perhutani, which acts as the official manager of forest land in the area. This interview aims to understand institutional perspectives related to regulations, conflicts, and land management.

¹⁰² Sugiyono, *Qualitative quantitative research methods and R&D*, 2nd ed. (Bandung: Alfabeta, 2020).

2. Secondary Data Sources

Secondary data sources include various documents, regulations, and literature that support the analysis of the research where the analysis in this study will refer to several relevant laws and regulations, including: Law Number 41 of 1999 concerning Forestry, which regulates forest management, community rights, and state authority in the management of forest resources. Regulation of the Minister of Environment and Forestry Number 39 of 2017 concerning Social Forestry, which provides guidelines on how communities can access and manage forest areas legally. Article 12 letter c of Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, which discusses efforts to prevent forest destruction and sanctions for violations of forest sustainability. Article 5 of Government Regulation Number 72 of 2010 concerning State Forestry Public Companies (Perhutani), which stipulates Perhutani's duties and authorities in managing forest areas.

D. Data Collection Techniques

The data collection techniques in this study include:

1. Observation: Direct observation is carried out at the research site to see and record the physical condition of the land and see the soil

management activities by the community. Observations in this study must be made as Nur Solikin said in his book entitled *Introduction to Legal Research Methodology*.¹⁰³

2. Interviews: In-depth interviews were conducted with various parties involved in land management, including village heads, village heads, tree planting communities and Perhutani representatives. Johnny Ibrahim explained that interviews are one of the main techniques in collecting qualitative data in empirical legal research.¹⁰⁴ The number of tree planting communities is 60 people, due to the readiness and time available in preparing this proposal, the researcher can only interview 10% of the total number of objects during the study.

Table 3.1
List of Respondents

It	Name	Status
1	Bapak Rendyana Firmansyah Cutlets, S.S.T	Head of Ngadirenggo Village
2	Bapaka Rushianta	Traditional Leaders in Ringintelu Hamlet
3	Bapak Yuyus Alma Agista	Tree planting community

¹⁰³ Solikin, *Introduction to Legal Research Methodology*.

¹⁰⁴ Jonaedi Efendi. and Johnny Ibrahim, *Legal Research Methods: Normative and Empirical* (Prenada Media, 2018).

4	Mr. Suryani	Tree planting community
5	Mr. Sumaji	Tree planting community
6	Bapak Bejosantoso	Tree planting community
7	Bapaka Misdiant	Tree planting community
8	Mrs. Rusni	Tree planting community
9	Putu Witastra	Perum Perhutani KPH Blitar
10	Kasi Praise	Perum Perhutani KPH Blitar
11	Hendang Tegar	Perum Perhutani BKPH Wlingi

3. Documentation: Documentation includes the collection of documents relevant to the research, such as location maps, conflict records, and laws and regulations. This documentation supports primary data obtained through observation and interviews.

E. Data Analysis

The collected data is processed through the following stages:

1. Data Checking: The method of checking the validity of the data is carried out to ensure the validity of the research results. The methods used include discussions with supervisors to review the results of analysis and interpretation, diligent observation of the problems being

- researched, and the "member checking" technique by asking participants to review and confirm the data obtained. This process aims to identify errors and improve the accuracy of research results.¹⁰⁵
2. Data Grouping: The data is then grouped according to relevant categories, such as data from the community, Perhutani, and applicable regulations.
 3. Data Verification: Data is verified by comparing information from different sources.
 4. Data Analysis: The data analysis method is carried out to obtain complete primary and secondary data as material to explain the problems proposed in the research. The data is analyzed by relating it to a specific theory or concept and continues in a qualitative descriptive manner with the support of quantitative data. The three main steps in this process include: data reduction, i.e. sorting out relevant data to provide a sharper picture; presentation of data in the form of tables or graphs to make it easier for researchers to analyze; as well as drawing conclusions to answer the formulation of the problem.¹⁰⁶

¹⁰⁵ Saifullah, *TPOLOGY OF LEGAL RESEARCH (History, Paradigm and Thought of Figures in Indonesia)*.

¹⁰⁶ Saifullah

5. Drawing Conclusions: After data analysis is carried out, conclusions are drawn based on the results that are in accordance with the formulation of the problem. This conclusion provides comprehensive answers and recommendations that are useful for the community and related parties.

CHAPTER IV

RESEARCH RESULTS AND DISCUSSION

A. Overview of the Research Location

1. History

Tarunajaya, who was a descendant of Prince Madura Cakraningrat, was disappointed by the actions of his uncle, Cakraningrat II, who prioritized the interests of Mataram and ignored the government in Madura. He was also furious to see the Dutch influence that was getting wider in Java. Meanwhile, many suspect that Tarunajaya entered into a secret alliance with Prince Adipati Anom, the crown prince of the Mataram Sultanate, to seize power from Amangkurat I, who had a close relationship with the Dutch (Babad Tanah Jawi).

In addition, Tarunajaya felt that he had the right to the throne of the Majapahit kingdom, so he launched an attack on the Dutch. This war took place between 1672 and 1679. However, in the end, Tarunajaya suffered a defeat in the Ngantang area. After being captured on December 26, 1679, his army was scattered. Some of them fled southward and arrived at a place that came to be known as Redi Legara or Singkromo. However, due to differences in religious views, Singkromo decided to continue

travel further south. He later cleared the forest around the Lekso River, although the area did not yet have a name.

After the end of the Tarunajaya War, the Suropati War emerged which lasted from 1684 to 1706. Suropati, after successfully killing Captain Tak in Kartasura, was granted land in Pasuruan by Amangkurat II. It was in this East Java region that Suropati obtained the title of Adipati Wiranegara. However, in 1706, when the Dutch attacked Bangil, Suropati was killed in battle.

A number of Suropati soldiers in the Blitar area fled to a forest east of the Lekso River, which had previously been cleared by Singokromo. One of the soldiers who took refuge was Poncokromo. The two then worked together to expand the area that had been opened, until finally Ngadirenggo Village was formed in 1760 with Poncokromo as the first village head at that time.

In 1860, the leadership of the village was held by Sorejo, who was assisted by several kamituwa, namely Kromodipo from Nongkorejo, Gatho from Ngolakan, and Salidari from Genjong. After that, Karso Diwiryo took over the government in 1891, with Gareng

as the Kamituwa of Ngolakan, Wongso Taruno as the Kamituwa of Nongkorejo, and Sodikromo as the Kamituwa of Genjong.

In 1877, a figure named Eyang Cokro Diningrat opened land at the highest peak of the Ngadirenggo Village area. He cleared the forest in the area to make it his residence. The area he opened then became an important part of the development of the village.

After the Dutch East Indies succeeded in occupying the Ngadirenggo area, the Dutch East Indies formed a Forestry Office to manage forests since 1897, this is in accordance with the Bosch Reglement 1897 which was stipulated on February 9, 1897 and contained in Staatblad 1897 Number 61, namely *Reglement Voor het beheer der bosschen van den Lande op Java en Madoera*. Until after Indonesia's independence in 1945, the Indonesian government began to form several State Forestry Companies in 1961 after the issuance of Government Regulation in Lieu of Law No. 19 of 1960 concerning State Enterprises. In order to realize the change in the status of the Forestry Office to a State Company, the Government issued Government Regulation No. 17 to No. 30, of 1961, concerning "Establishment of State Forestry Companies (PERHUTANI) which are each tasked with supervising forests in one province.

At that time, Perhutani needed labor to manage the forest and plant trees in the area. Eventually, several workers were recruited to help with this

process. To make their work easier, Perhutani allows workers to temporarily settle in the forest during the management process. However, over time, these workers settled, had families, and multiplied, until finally a small community was formed which is now known as Ringintelu Hamlet, which is under the area of Ngadirenggo Village.

The following are the names of Village Heads who have served in Ngadirenggo village, Wlingi District, Blitar Regency from 1760 until now.

Table 4.1

List of Village Heads

It	Name	Position	Year
1	Ponco Kromo	Kades I	1760-1800
2	Karsorejo	Kades II	1800-1835
3	Isorose	Kades III	1835-1860
4	Sorejo	Kades IV	1860-1891
5	Carso Didirection	Kades V	1891-1927
6	Sastro Sutrisno	Head of Village VI	1927-1944
7	Mujinal	Head of Village VII	1944-1965
8	Suryo Maniran	Head of Village VIII	1965-1990

9	Dwiyono Santoso	Kades IX	1990-1998
10	Sutopo	Kades X	1998-1999
11	Masduki	Kades XI	1999-2003
12	Suryanto	Head of XII	2003-2013
13	Eklas Suprihatin	Head of XIII	13/06/2013- 12/12/2013
14	Edy Sutrisno	Head of XIV	13/12/2013- 13/12/2019
15	Rizky Rendyana Firmansyah	Kades XV	15/12/2019- Present

Source: Ngadirenggo Village Office

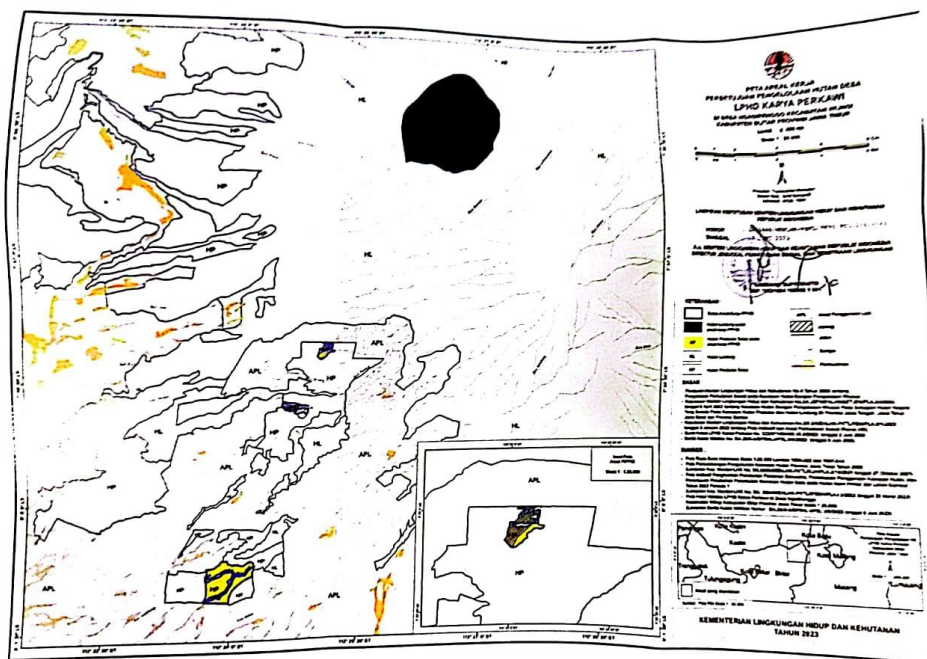
2. Geographical Location

The research location is in Ngadirenggo Village, which is located in the main area of Wlingi District. The village has the following boundaries:

- a. To the north, the area borders the Kawi Mountains which are filled with dense forests, stretching to the border of Ngantang District, Malang Regency.
- b. In the southwest, this village is surrounded by the Kawisari hills.
- c. To the east, it is bordered by Plumbangan Village and a river that originates from Mount Kawi and empties into the Brantas River.

- d. To the south, the boundary of the area is Tembalang Village and the Tiko River or Plumbangan River.
- e. To the west, Ngadirenggo Village is bordered by several villages, namely Babadan Village, Soso Village, Slumbung Village, Semen Village, Tulungrejo Village, and Krisik Village, which are bounded by the flow of the Lekso River.

The Ngadirenggo Village area, especially ringintelu hamlet, is actually state-owned land managed by perhutani Since 1897 based on the Bosch Reglement 1897 stipulated on February 9, 1897 which is contained in Staatblad 1897 Number 61, namely "*Reglement Voor het beheer der bosschen van den Lande op Java en Madoera*".



Source : SK.5660/MENLHK-PSKL/PKPS/PSL.0/6/2023

Based on data from the Central Statistics Agency of East Java Province, the total area of forest land in East Java is 1,361,146 hectares, while the total forest area in the Blitar area is 57,173.77 hectares, for the Wlingi area the total forest area is 12,380.10 hectares with details of 9,568.20 protected forests and 2,811.90 hectares of production forests, with forest specifications in the Ringintelu hamlet area of Ngadirenggo village with forest management of an area of ± 455 hectares are in protected forest areas covering an area of ± 388 hectares and permanent production forest areas covering an area of ± 67 hectares. In addition, there are 253 hectares of forest land that are still managed by Perhutani which is included in the Ringintelu hamlet area.

Meanwhile, Ngadirenggo Village is one of the villages located in the Wlingi sub-district area, Blitar Regency with an area of 3,907 hectares with a population of 5,883 people with a total of 1,672 heads of families. In terms of climate, Ngadirenggo Village has tropical characteristics, like the Indonesian region in general. The average rainfall is recorded at 30.27 mm per year, with the rainy season lasting from October to April, and the months with high rainfall occurring between April and October. The

average daily temperature reaches 32°C, while the altitude of this village above sea level is 354 meters above sea level.

The object of this research is a forest area where forests are important ecosystems that support environmental balance, providing ecological, social, and economic benefits. Ecologically, forests absorb carbon, regulate the water cycle, and become a habitat for endemic flora and fauna. Economically, forests support the timber industry, furniture, and indigenous peoples' livelihoods through non-timber forest products.

In Indonesia, there are various types of forests with different characteristics and functions. Tropical rainforests are rich in biodiversity, playing a role in climate change mitigation, but are threatened by deforestation. Mangrove forests protect beaches from abrasion, become a habitat for marine life, and absorb carbon, but are often converted for economic purposes. Savannah forests are dominated by grasslands with small trees, playing a role in maintaining the balance of dry ecosystems, but are prone to fires and land conversion. Peat swamp forests are the largest carbon sink, but they are degraded due to land draining and fires. Monsoon forests grow in areas with long dry seasons, playing a role in preventing erosion, but are prone to deforestation. Homogeneous forests are made up of one type of tree, efficient in wood production, but less supportive of

biodiversity. In contrast, heterogeneous forests have diverse vegetation, being an important ecosystem for flora and fauna, but are threatened by illegal logging. Protected forests function to prevent natural disasters and protect ecosystems, even though they face the threat of encroachment. Nature reserve forests protect rare species and unique ecosystems, but are prone to habitat destruction. Meanwhile, production forests are used for the economy with the principle of sustainability, but can damage the ecosystem if not managed properly.¹⁰⁷

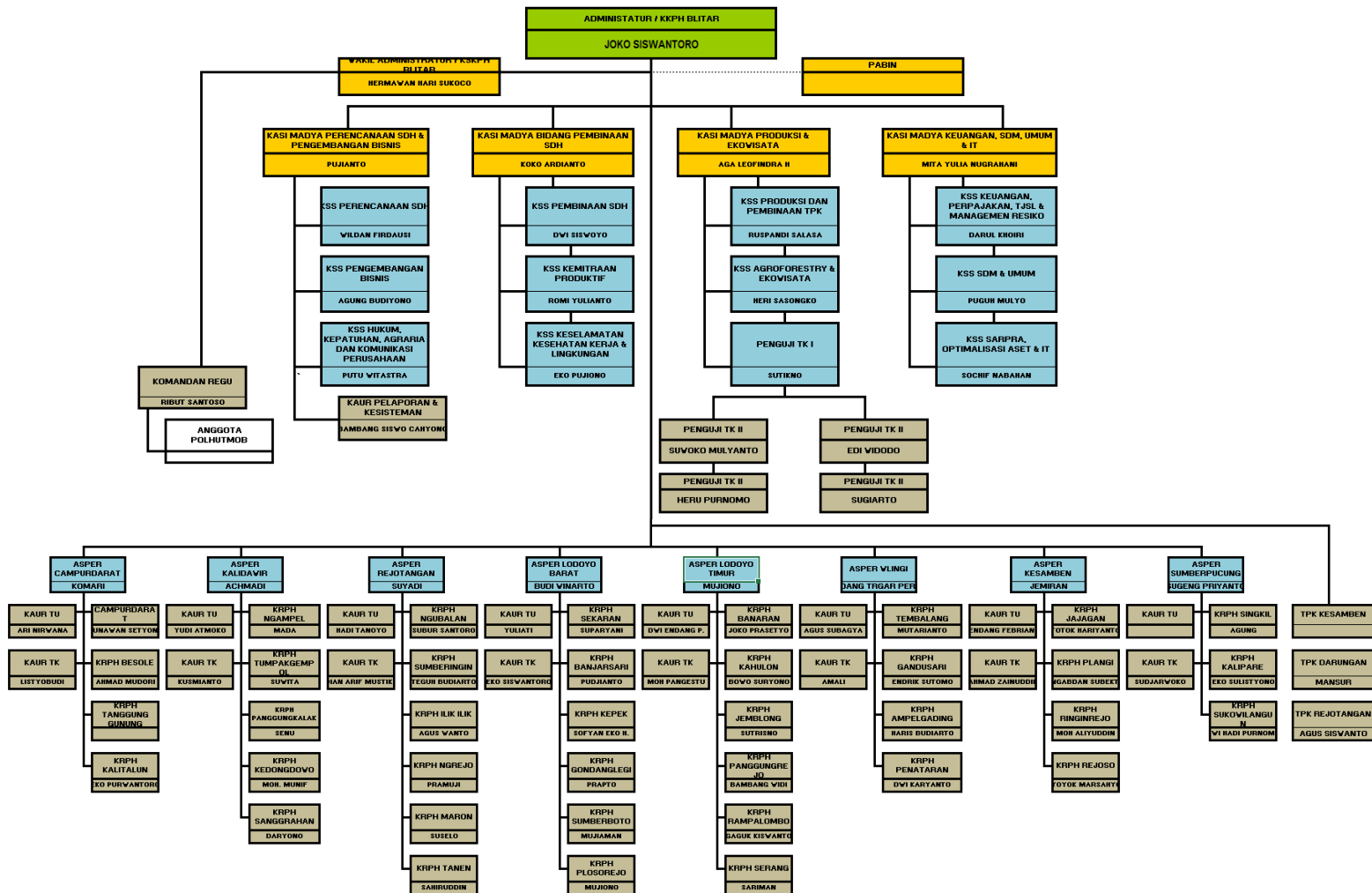
As a public asset, state forests are used for timber production, non-timber products, ecotourism, and conservation. Sustainable management is key to preventing environmental damage and ensuring long-term benefits for communities and ecosystems. The research location in this study is included in the category of protected forests and production forests, which have a strategic role in maintaining the balance of the ecosystem while supporting the economic activities of the surrounding community. Therefore, wise and sustainable management is needed so that the use of forest resources does not threaten its sustainability.

¹⁰⁷ NOOR SYAID, *Getting to Know the Types of Forests in Indonesia* (Alprin, 2020).

3. Organizational Structure

a. Organizational Structure of KPH Perhutani Blitar

PERUM PERHUTANI DIVISI REGIONAL JAWA TIMUR
BAGAN STRUKTUR ORGANISASI KPH BLITAR
 Berdasarkan Keputusan Direksi Perum Perhutani, Nomor : 31/Kpts/Dir/3/2021, Tanggal 26 Maret 2021



Source: KPH Perhutani Blitar Office

The Forest Management Unit (FMU) of Perhutani Blitar has a major role in managing forest resources in its area in a sustainable manner. The duties and authorities of KPH Perhutani Blitar include:

1) Forest Management

- Prepare a forest management plan in accordance with the principles of sustainability.
- Implementing forest management and forest area rehabilitation.

2) Utilization of Forest Products

- Optimizing the use of timber and non-timber forest products.
- Managing environmental services, such as ecotourism and water conservation.

3) Forest Protection and Security

- Protect forest areas from encroachment, fires, and other illegal activities.
- Carry out regular patrols to prevent forest damage.

4) Community Empowerment

- Developing partnership programs with communities around forests.
- Improving community welfare through social forestry schemes.

5) Supervision and Control

- Monitoring the effectiveness of forestry policies in the working area.
- Carry out evaluations of forest management programs.

Meanwhile, the Forest Management Unit (BKPH) of Perhutani Wlingi is a work unit under the KPH Perhutani Blitar with a more specific management focus on the Wlingi area. Its duties and authorities include:

1) Implementation of Forest Management

- Prepare and implement a technical plan for forest management in the Wlingi area.
- Carry out forest rehabilitation and maintenance as needed.

2) Forest Exploitation and Utilization

- Managing the sustainable use of forest products.
- Implement a harvest policy that is in accordance with the provisions.

3) Forest Monitoring and Protection

- Monitoring and preventing the practice of forest destruction.
- Cooperate with security forces in securing forest areas.

4) Collaboration with the Community and Related Parties

- Establish cooperation with the surrounding community in forest management.
- Develop education and training programs on forest conservation.

B. Perhutani Land Management by the Community in Ringintelu Hamlet

Based on an interview conducted with Mr. Rusmiyanto¹⁰⁸ and strengthened in an interview conducted with Mr. Rizky Rendyana Firmansyah¹⁰⁹ about the area of forest areas in ringintelu hamlet, ngadirenggo village, there are already \pm 455 hectares of forest land with the status of Social Forestry based on the Decree of the Minister of Environment and Forestry of the Republic of Indonesia number: SK.5660/MENLHK-PSKL/PKPS/PSL.0/6/2023 concerning the granting of approval Village Forest Management to the Karya Perkawi-Village Forest Management Institution covering an area of \pm 455 (four hundred and fifty-five) hectares is in a protected forest area of \pm 388 (three hundred and eighty-eight) hectares and a fixed production forest area covering an area of \pm 67 (sixty-seven) hectares in a forest area with special management in Ngadirenggo Village, Wlingi District, Blitar Regency, East Java Province. As explained by Mr. Rusmiyanto in the interview conducted.

"Yes, that's true, ma'am. In Ringintelu Hamlet, Ngadirenggo Village, there are already around 455 hectares of forest with the status of Social Forestry. It is based on a decision from the Ministry of Environment and Forestry. So, the people here have indeed obtained permission to manage the forest."

¹⁰⁸ Rusmiyanto, Interview, (Blitar, October 2024).

¹⁰⁹ Rizky Rendyana Firmansyah, Interview, (Blitar, October 27, 2024).

And the next day, when the author conducted an interview with Mr. Rizky Rendyana Firmansyah, Mr. Rusmiyanto's statement was confirmed by him.

"That's right, there has been an official decision from the Minister of Environment and Forestry. Of the total 455 hectares, about 388 hectares are included in protected forests, and 67 hectares are included in permanent production forests. This means that there is a division of zones in forest management here. The community is given the opportunity to manage, but it must still be in accordance with the rules."

Not only that, the author based on the results of the interview with Mr. Hendang Tegar¹¹⁰ found that there are 253 hectares of forest land in the ringintelu hamlet area of Ngadirenggo village which until now is still the BKPH Wlingi management area with several types of wood plants on it such as resin, mahogany and pine plants as the author encountered when observing the direct research location.

"In Ringintelu Hamlet, there are still around 253 hectares of forest managed by BKPH Wlingi, Mbak. As of now, his status has not changed. There are many wood plants such as Resin, Mahogany, and Pine. That has been planted for a long time and is still being managed."

From the results of an interview with the Head of Ngadirenggo Village, Mr. Rizky Rendyana Firmansyah¹¹¹, it is known that the people of Ringintelu Hamlet have long managed this land for generations. However, unclear legal

¹¹⁰ Hendang Tegar, Interview, (Blitar, February 19, 2025).

¹¹¹ Rendyana Firmansyah, Interview, (Blitar, October 27, 2024).

status is often an obstacle in obtaining more definite management rights. The Village Head also emphasized that the village government has made various advocacy efforts so that the community can get legal certainty in the management of the land that they have been working on for many years.

"The people in Ringintelu Hamlet have been managing forest land for generations. They have been farming and caring for the land for a long time, but the problem is that the legal status is not clear. That's often an obstacle, especially if you want to get a more definite management right."

"We from the village government have also made efforts, ma'am. We continue to advocate so that the people here can get legal certainty on the land they have been working on for many years. The hope is that there is a solution that is really on the side of the community."

Meanwhile, an interview with the Traditional Leader of Ringintelu Hamlet, Mr. Rusmiyanto¹¹², showed that the indigenous people have a management system based on local wisdom that has been running for a long time. According to him, the community not only plants trees for economic needs, but also maintains the forest ecosystem so that it remains sustainable. However, the rules set by Perhutani often limit their space in managing land, especially related to tree felling rules and profit-sharing systems that are considered unfair.

"Here, the indigenous people have been managing the forest for a long time, Mbak, using a hereditary method. We are not only planting trees for the

¹¹² Rusmiyanto, Interview, (Blitar, October 26, 2024).

economy, but also protecting the forest so that it remains sustainable. It's been a part of our lives."

"But yes, the rules from Perhutani sometimes limit our movement. For example, regarding tree felling, the rules are very strict. Furthermore, the profit-sharing system is also often felt to be unfair to the community. In fact, we are the ones who take care of this forest."

From interviews with tree planting communities, such as Mrs. Rusni¹¹³, Mr. Yuyus Alma Agista¹¹⁴, and Mr. Misdiyanto¹¹⁵, it was found that they feel that they are still in a weak position in the current forest management system. They have been cultivating the land for many years by planting forestry crops and intercropping agriculture, but still do not have clear rights to the land. One of the main complaints they conveyed was the restriction on selective logging, which was considered more beneficial to Perhutani than the farming community. In addition, the profit-sharing system is also still a polemic, where people have to hand over part of their crops without transparency in the distribution of profits.

Mrs. Rusni's statement in the interview conducted:

"We have been cultivating the land for many years, mbak, planting trees, intercropping farming, but still the status of the land is not clear. It feels like it's just a hitchhiking, even though we take care of it."

Statement of Mr. Yuyus Alma Agista in the interview conducted:

¹¹³ Rusni, Interview, (Blitar, October 26, 2024).

¹¹⁴ Yuyus Alma Agista, Interview, (Blitar, October 27, 2024).

¹¹⁵ Misdiyanto, Interview (Blitar, October 27, 2024).

"The most burdensome thing is the selective felling rule, ma'am. It seems to be more beneficial for Perhutani than for us who work in the field. If you want to cut it down, the rules are very strict, while the harvest also has to be divided."

Statement of Mr. Misdiyanto in the interview conducted:

"The profit-sharing system is also a problem, ma'am. We have to deposit part of the harvest to Perhutani, but the transparency is not clear. We need clarity, so that we don't continue to be in a weak position."

Meanwhile, based on the results of an interview with Mr. Pujianto¹¹⁶ as a member of Perhutani, it was found that 20% of the community's crops handed over to Perhutani were intended for Perhutani's treasury which was accommodated for the payment of land taxes in forest areas. Mr. Pujianto stated:

"It's true, Mbak, the people who cultivate the land hand over 20% of their crops to Perhutani. It is not for personal interests, but for Perhutani's cash. The funds will later be used to pay land taxes in forest areas."

On the other hand, interviews with Perhutani, including Mr. Putu Wirastra¹¹⁷ and Mr. Pujianto¹¹⁸ from KPH Blitar, explained that the policy implemented aims to maintain forest sustainability and avoid overexploitation. They emphasized that all land in this area is a state forest that cannot be owned by certain individuals or groups. Therefore, the community can only manage in a predetermined scheme, such as Social Forestry, where the reality is that since

¹¹⁶ Pujianto Kasi, Interview, (Blitar, 19 February 2025).

¹¹⁷ Putu Witastra, Interview, (20 February 2025).

¹¹⁸ Kasi, Interview.

2023 based on SK.5660/MENLHK-PSKL/PKPS/PSL.0/6/2023 the forest covering an area of ± 455 in the Ringintelu hamlet area has the status of Social Forestry, but Perhutani considers that the community only seems to highlight their rights as SK holders but do not highlight their obligations as SK holders, such as the payment of forest land taxes that remain fixed carried out by Perhutani. Perhutani also stated that the ban on cutting down hard trees such as Damar and Mahogany aims to preserve forests and prevent ecosystem damage. However, from the perspective of the community, this policy has not fully provided justice for them. A number of residents revealed that access to land use permits is often difficult to obtain due to long bureaucratic processes and lack of assistance from the authorities.

Statement of Mr. Putu Wirastra (Perhutani KPH Blitar) in an interview conducted:

"We are carrying out this policy not without reason, ma'am. The main goal is to maintain forest sustainability and prevent overexploitation. This forest has the status of a state forest, so it cannot be owned by individuals or groups. The community can manage, but it must be in a predetermined scheme, such as Social Forestry."

"Since 2023, there have been ± 455 hectares of forest in Ringintelu Hamlet that have Social Forestry status, but what we see is that the community often only demands their rights as SK holders. In fact, they also have obligations, such as understanding the rules of forest land management and taxation. Until now, we still pay the tax."

Statement of Mr. Pujianto (Perhutani KPH Blitar) in the interview conducted:

"The rule regarding the prohibition of cutting down hard trees such as Damar and Mahogany is not just restricting the community, Mbak. It is to

preserve forests and prevent their ecosystems from being damaged. If large trees are cut down carelessly, the impact can be long-lasting."

So the author sees that from the results of interviews conducted with various parties, it can be seen that there is a difference in perspective between the community, the village government, and Perhutani in the management of forest land in Ringintelu Hamlet. The community feels that they have historical rights to the land they have managed for generations, but existing regulations still limit their ownership rights. Meanwhile, Perhutani continues to emphasize that state forests must be managed in accordance with the rules set to preserve the environment and state interests.

Conflicts often arise due to differences in perception between communities that claim land rights based on the history of cultivation and Perhutani who claim permanent forest ownership by the state with Perhutani as the manager based on existing laws. Communities that have been managing land feel that they have historical rights to the land, while the regulations still affirm that state forests cannot be owned by individuals or community groups.

Forest land ownership conflicts between the community and Perhutani arise due to different perspectives on land rights. The community feels that they have historical rights because they have lived and cultivated the land for many years, while from a legal perspective, the forest still belongs to the state managed by Perhutani. This is emphasized in various regulations such as article

5 paragraph 1 of Law Number 41 of 1999 concerning Forestry¹¹⁹ which emphasizes that state forests cannot be owned by individuals or community groups. In addition, the Regulation of the Minister of Environment and Forestry Number P.39/MenLHK/Setjen/Kum.1/6/2017 concerning Social Forestry¹²⁰ provides opportunities for communities to manage forests through social forestry schemes but remain within legal and time limits.

This act of planting and felling trees without permission is contrary to Article 50 paragraph (3) letter e of Law Number 41 of 1999 concerning Forestry¹²¹, which prohibits cutting down trees in state forest areas without permission. In addition, the Regulation of the Minister of Environment and Forestry Number P.39/MenLHK/Setjen/Kum.1/6/2017 concerning Social Forestry also only provides management rights but not ownership rights. Furthermore, Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction regulates criminal sanctions for illegal logging perpetrators. Article 12 letter c¹²² states that everyone is prohibited from illegally logging trees in forest areas. Violation of this provision is

¹¹⁹ Article 5 paragraph 1 of Law Number 41 of 1999 concerning Forestry

¹²⁰ Regulation of the Minister of Environment and Forestry Number P.39/MenLHK/Setjen/Kum.1/6/2017 concerning Social Forestry.

¹²¹ Article 50 paragraph (3) letter e Law Number 41 of 1999 concerning Forestry.

¹²² "Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction," Regulatory Database | JDIH BPK, accessed March 2, 2025, <http://peraturan.bpk.go.id/Details/38884/uu-no-18-tahun-2013>.

threatened with imprisonment and fines as stipulated in Article 82 paragraph (1) letter c¹²³ which states that

"Every person who deliberately cuts down trees in a forest area without having the right or permission from the authorized official as referred to in Article 12 letter c, shall be sentenced to imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and a fine of at least Rp500,000,000.00 (five hundred million rupiah) and a maximum of Rp2,500,000,000, 00 (two billion five hundred million rupiah)."

This provision aims to prevent forest destruction and ensure that the use of forest resources is carried out legally and sustainably. Thus, people who cut down trees without permission, even on the land they have cultivated, can still be subject to legal consequences in accordance with the applicable rules

The problem of planting and felling timber plants in ringintelu hamlet shows that the community's understanding of forestry regulations is still low. Many of them still insist on claiming ownership rights to the forests and timber plants they plant, even though it is not legally allowed. In fact, several cases were found, the community faced legal action because it was considered illegal forest encroachment because they were caught cutting down wood trees that they considered to be theirs because they were the ones who planted and cared for them all this time and they have been dependent on the land for many years.

¹²³ "Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction."

In fact, in the context of property law, the community's claims to the forests they have occupied and cultivated for many years have no valid basis.

Forests in Indonesia are legally state-owned, as stipulated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia¹²⁴ which states that

"The earth, water, and natural resources contained in it are controlled by the state and used for the greatest possible prosperity of the people."

Furthermore, in Law Number 41 of 1999 concerning Forestry, Article 1 number 4 states that "State forests are forests located on land that is not encumbered with land rights."¹²⁵ This means that state forests are forest areas that are located on land that is not owned or encumbered by certain individuals or groups. In other words, the land is completely controlled by the state, so its management is under the authority of the government or a designated institution, such as Perhutani.

As a state-owned enterprise appointed to manage state forests, Perum Perhutani has authority based on Government Regulation Number 72 of 2010 concerning State Forestry Public Companies (Perum). In the regulation, it is explained that Perum Perhutani is responsible for the management of production forests and protected forests in Java and Madura.

¹²⁴ Article 33 paragraph 3 of the 1945 Constitution of the Republic of Indonesia.

¹²⁵ Article 1 number 4 of Law Number 41 of 1999 concerning Forestry.

Article 5 of Government Regulation Number 72 of 2010 concerning State Forestry Public Companies (Perum) states

*"The company organizes business activities in the forestry sector which includes planning, management, management, and forest protection, as well as the collection of forest products in state forest areas."*¹²⁶

Furthermore, Article 6 confirms that

*"State forest areas as referred to in Article 5 are production forests and protected forests located in the areas of Central Java Province, East Java Province, West Java Province, and Banten Province."*¹²⁷

This means that Perum Perhutani has full authority in managing production forests and protected forests in the Java and Madura regions, including in the aspects of planning, management, utilization, and forest protection. With this provision, all forms of forest area utilization in the area must be under Perhutani's supervision and permission, including if the community wants to access or manage the forest through a predetermined scheme, such as Social Forestry or forestry partnerships. This shows that Perhutani has a strategic role in maintaining a balance between the use of forest resources and environmental sustainability in accordance with applicable regulations.

¹²⁶ Article 5 Government Regulation (PP) Number 72 of 2010 concerning Public Companies of State Forestry Corporation

¹²⁷ Article 6 Government Regulation (PP) Number 72 of 2010 concerning Public Companies of State Forestry Corporations.

Thus, Perhutani plays the role of the main manager, while the community was initially only employed to assist in land cultivation as the results of an interview with Mr. Pujianto Kasi¹²⁸ as Perhutani have a match with the results of an interview conducted with Mr. Misdiyanto¹²⁹ as a member of the community who has lived in Ringintelu hamlet for a long time and knows this.

Statement of Mr. Pujianto (Perhutani) in the interview conducted:

"From the beginning, Mbak, Perhutani is indeed the main manager of this forest area. Initially, the community was only employed to help cultivate the land, not as the main owner or manager. Only recently has there been a Social Forestry scheme that provides more space for the community to be involved in management."

Statement of Mr. Misdiyanto (Ringintelu Hamlet Community) in an interview conducted:

"Yes, indeed, from the past the community here was only limited to working, ma'am, not managing independently. We help plant, take care of it, but still all the rules are from Perhutani. It's only now that there have been changes with Social Forestry, but there are still a lot of things that are not clear to us."

In the context of property law, the relevant theory is the Theory of Ownership proposed by Soetandyo Wignjosebroto. According to this theory, the ownership of land and natural resources is not only based on physical

¹²⁸ Kasi, Interview (Blitar, February 19, 2025).

¹²⁹ Misdiyanto, Interview (Blitar, October 27, 2024).

control but also on aspects of legality recognized by the state.¹³⁰ In the case of forest management, the state as the legal owner has the right to determine the management and utilization of forests in accordance with applicable laws. Therefore, community claims to forests based on the history of cultivation cannot replace the legal status of state ownership of the forest.

Social forestry with an area of \pm 455 hectares with details \pm 388 is a protected forest area and \pm 67 hectares is a production area. In SK.5660/MENLHK-PSKL/PKPS/PSL.0/6/2023 decides and stipulates in the fifth article that

"Forest Management Approval is not an ownership right over the forest area"

This means that it is clear that even with the decree, the community still has the status of not owning the land in the forest area.

An analysis of the concept of ownership based on Soetandyo Wignjosoebroto's Theory of Ownership further emphasizes that the right to own an asset, including land and forests, is not only based on physical control but also on legal legitimacy recognized by the state. In this context, Perhutani was appointed as the authorized party to manage forests based on Government Regulation Number 72 of 2010 concerning State Forestry Public Companies.

¹³⁰ I have never been a member of the Church of England, but I have never been a member of the Church. *Law: Paradigm of Method and Dynamics of Problems / Soetandyo Wignjosoebroto.*

Perhutani is responsible for the use of forest areas, both for economic interests and environmental sustainability, while still paying attention to the welfare of the surrounding community. Government Regulation Number 72 of 2010 concerning the State Forestry Public Company (Perum) regulates the duties and authorities of Perum Perhutani in managing forest areas. In the regulation, Article 5 states that Perum Perhutani is in charge of organizing the use of forest areas for economic interests and environmental sustainability, by paying attention to the welfare of the surrounding community. In addition, Article 6 emphasizes that in carrying out its duties, Perum Perhutani has the authority to manage, utilize, and conserve forest resources in accordance with the provisions of applicable laws and regulations.¹³¹

Soetandyo Wignjosoebroto's Theory of Ownership emphasizes that the ownership of an asset must have legal legitimacy recognized by the state.¹³² In this case, state forests are under the full control of the state and their management is handed over to Perum Perhutani, as stipulated in Law Number 41 of 1999 concerning Forestry. Article 1 number 4 of the law states that state forests are forests that are located on land that is not encumbered with any land

¹³¹ Article 5 and Article 6 of Government Regulation (PP) Number 72 of 2010 concerning Public Companies of State Forestry Corporation.

¹³² I have never been a member of the Church of England, but I have never been a member of the Church. *Law: Paradigm of Method and Dynamics of Problems / Soetandyo Wignjosoebroto.*

rights.¹³³ This means that people who occupy forest areas without official permits do not have ownership rights, either on the land or the trees they plant.

From the results of the analysis of regulations and ownership theory, we can know that forests in Indonesia remain under the control of the state, with management delegated to Perum Perhutani. Although communities have access to the Social Forestry scheme, they do not have ownership rights to the land. The decision contained in SK.5660/MENLHK-PSKL/PKPS/PSL.0/6/2023 further clarifies that the role of the community is limited to managers, not owners.

Sherry Arnstein in his theory Ladder of Participation classifies community participation into various levels, ranging from non-participation to full community control.¹³⁴ In the context of forest management, the role of communities is initially in the category of tokenism, where they are only involved in the implementation of management without having the authority to make decisions. As the results of the interview with Perhutani are known, the community is employed by Perhutani as workers with certain wages and is allowed to carry out the practice of intercropping by planting palawija plants as

¹³³ Article 1 number 4 Law Number 41 of 1999 concerning Forestry.

¹³⁴ revisited, "A Ladder of Citizen Participation."

part of the sustainable management policy, this is in line with the results of the interview with Mr. Misdiyanto as one of the tree planting communities.

Statement of Mr. Pujianto (Perhutani) in the interview conducted:

"In the past, people were employed as laborers, mbak, with a certain wage. In addition, they are also allowed to intercrop by planting palawija plants among forestry trees. This is part of our policy so that forests remain sustainable, but the community can also get economic benefits."

Statement of Mr. Misdiyanto (Tree Planting Society) in an interview conducted:

"That's right, ma'am. Since then, we have only been working here, given wages by Perhutani. But yes, the land still belongs to the state. We can plant palawija, but yes, there are still limits. Sometimes the rules are tough for us, but yes we have to live them."

Over time, as the community's labor needs in forest management decrease, the role of the community in the participation scheme decreases. Although they continue to live in forest areas without official permits, they continue to practice intercropping with a profit-sharing scheme of 20% for Perhutani and 80% for them.¹³⁵ However, when some community members began to plant wood trees such as sengon and claim ownership rights over their crops, conflicts began to arise because they were contrary to the applicable rules, the author knows based on the statement of Mrs. Rusni in an interview conducted by the author¹³⁶.

¹³⁵ Kasi, Interview (Blitar, February 19, 2025).

¹³⁶ Rusni, Interview (Blitar, October 26, 2024).

In addition, in SK.5660/MENLHK-PSKL/PKPS/PSL.0/6/2023, the eleventh amar also states that

"Forest management approval is given for a period of 35 (thirty-five) years and control is carried out in the form of evaluation at least 1 (one) time in 5 (five) years"

This means that the forest management approval given to the community is temporary and not permanent, so that their rights in managing the forest still depend on periodic evaluations carried out by the authorities. If in the evaluation it is found that there is a violation or non-compliance with the applicable provisions, then the agreement may be revoked or not extended. This shows that forest management by the community remains under state supervision.

Furthermore, in SK.5660/MENLHK-PSKL/PKPS/PSL.0/6/2023, the third decree regarding forest management approvals includes only several things, where number 3 states that

"Collection of non-timber forest products in working areas located in protected forest areas"

and in number 4 it is stated that

"Utilization and collection of non-timber forest products in working areas located in production forest areas"

This means that people who have obtained forest management approval are only allowed to use non-timber forest products in accordance with the

designation of the forest area. As explained by Mr. Pujiyanto¹³⁷ in his interview, in the nature of forest management in Indonesia, there are different provisions regarding activities that can be carried out by communities in protected forest areas and production forests.

In addition, Government Regulation Number 23 of 2021 concerning Forestry Implementation stipulates that in protected forest areas, people are only allowed to collect non-timber forest products, provided that they do not change the ecological function of the area. This is regulated in Article 26 paragraph (1) letter c of Government Regulation Number 23 of 2021 concerning Forestry Administration, which states that

*"The use of Protected Forests includes: ... c. collection of non-timber forest products."*¹³⁸

Meanwhile, in production forest areas, the community has a wider scope in land use. In addition to collecting non-timber forest products, the community is also allowed to use the area, use environmental services, and use timber forest products, as long as it remains within the limits set by regulations. Article 29 paragraph (1) of Government Regulation Number 23 of 2021 concerning Forestry Implementation states that

¹³⁷ Kasi, Interview (Blitar, February 19, 2025).

¹³⁸ Article 26 paragraph (1) letter c Government Regulation (PP) Number 23 of 2021 concerning Forestry Implementation

"The use of Production Forest includes: a. area utilization; b. the use of environmental services; c. the use of timber forest products; and/or d. the use of non-timber forest products."¹³⁹

The use of timber forest products refers to the legal and sustainable collection and utilization of timber from production forest areas. Article 29 paragraph (1) letter c, which states that in production forest areas, the community or authorities can utilize timber forest products while still complying with the provisions of the applicable laws. This utilization includes several aspects, including legal tree felling activities that must be carried out based on official permits, such as Timber Utilization Permits (IPK) or Timber Forest Products Utilization Business Permits (IUPHHK).

GPA is given to parties who carry out activities that cause the existence of wood from land clearing, for example for infrastructure development or plantations. The legal basis for granting this permit is regulated in the Regulation of the Minister of Environment and Forestry (Permen LHK) Number 8 of 2021¹⁴⁰ concerning Forest Management and the Preparation of Forest Management Plans and Forest Utilization in Protected Forests and Production Forests. GPA is given by the Minister of Environment and Forestry

¹³⁹ Article 29 paragraph (1) Government Regulation (PP) Number 23 of 2021 concerning Forestry Implementation.

¹⁴⁰ Regulation of the Minister of Environment and Forestry Number 8 of 2021 concerning Forest Management and Preparation of Forest Management Plans, as well as Forest Utilization in Protected Forests and Production Forests.

or authorized officials to companies or individuals who meet administrative and technical requirements. Meanwhile, the Timber Forest Products Utilization Business License (IUPHHK) is given to companies engaged in the commercial use of timber in production forest areas. This permit consists of several types, namely IUPHHK-HA (Natural Forest) which is intended for the use of timber in natural forests, IUPHHK-HT (Plantation Forest) which is dedicated to the use of timber from industrial plantation forests, and IUPHHK-RE (Ecosystem Restoration) which is given for the management and restoration of forest ecosystems. The granting of IUPHHK aims to ensure that the use of timber forest products is carried out legally, sustainably, and in accordance with the principles of responsible environmental management regulated in Government Regulation (PP) Number 23 of 2021 concerning Forestry Administration, where this permit is granted by the Minister of Environment and Forestry (LHK) to companies that meet the technical and environmental feasibility requirements that have been set. In addition, this utilization must also be carried out with the principles of sustainable management, such as implementing a selective logging system, planting cutting, and maintaining the balance of the ecosystem so as not to cause environmental damage.

In the context of this discussion, the people of Ringintelu Hamlet are not companies or business entities that meet the qualifications as IUPHHK or GPA holders. Therefore, based on the provisions of Article 29 paragraph (1) letter c of Government Regulation Number 23 of 2021 concerning Forestry

Administration, the people of Ringintelu Hamlet do not meet the requirements to utilize timber forest products. The community can only collect non-timber forest products, such as coffee, corn, cloves and other polowija crops, without carrying out activities that can change the ecological function of the forest area. This emphasizes that the community is only given management rights within certain limits set by regulations, while the right to use timber remains under the full supervision of the state through Perhutani or business entities that have obtained official permits from the government.

In an interview with Mr. Pujianto, Perhutani said that so far, people living in forest areas have only been able to make tumpeng sari to meet their living needs. Although communities are still allowed to intercrop, the act of planting and cutting down timber trees independently is contrary to forestry regulations and has the potential to damage the balance of the forest ecosystem.¹⁴¹ Therefore, the state through Perhutani still has an obligation to maintain forest sustainability and enforce the law against all forms of misuse of forest areas.

Furthermore, Mr. Pujianto discussed Perhutani's implementation of a profit-sharing system and rules restricting tree felling that are considered detrimental to the community by the community. In fact, since the beginning of

¹⁴¹ Kasi, Interview (Blitar, February 19, 2025).

the establishment of Perum Perhutani, the community has only played a role as workers in forest management. They were given temporary permits to live in the forest area during the cultivation period to facilitate their work. After the cultivation is completed, the community is required to move to another location according to the needs of Perhutani's workforce. This system shows that people only get temporary permits to live and work as wage workers. In addition, to meet their daily needs, they are allowed to carry out an intercropping system by planting palawija plants (polo ijo) with an intercropping system, but it is forbidden to plant wooden trees because it can interfere with forest governance.¹⁴²

The profit-sharing system and restrictions on tree felling implemented by Perhutani are often a source of dissatisfaction for the community around the forest. This is related to the difference in perspectives between the community and the state in looking at land rights and forest resources. Communities, who have long lived and depended on forest areas for their livelihoods, often feel that they have rights to the land based on their hereditary ownership and work. Meanwhile, the state through Perhutani still adheres to the principle that forests are state assets whose management must be subject to applicable legal regulations. This difference of views creates tension in the implementation of

¹⁴² Give.

forestry policies, especially related to management rights, intercropping systems, and forest use limits set by the state.

Perhutani agrees that in recent years, the need for labor from the community in forest management has been decreasing. In the perspective of the Ladder of Participation Theory developed by Sherry Arnstein, community involvement in forest management can be categorized as "Tokenism" or pseudo-participation, where they are given the opportunity to work but do not have the authority to make decisions related to forest management. When work in the forest is getting minimal, people who have lived in forest areas for a long time begin to consider the forest as their permanent residence. In fact, legally, their existence remains temporary. As a result, many of them build permanent houses without official permits, which has the potential to threaten forest sustainability and is contrary to Article 50 paragraph (3) letter a of Law Number 41 of 1999 concerning Forestry, that

"Everyone is prohibited from: a. working and/or using and/or occupying forest areas illegally."¹⁴³

This means that the act of occupying or using forest areas without a valid permit is a violation of the law. This shows that although the community has a historical attachment to the land, they legally do not have the right to occupy or use the forest area without official permission from the government.

¹⁴³ Article 50 paragraph (3) letter a Law Number 41 of 1999 concerning Forestry.

However, the forestry company on humanitarian grounds does not necessarily evict the people who still survive in the forest. They are still allowed to intercrop with the provision of profit sharing: 80% for the community and 20% for Perhutani. This system is a form of compromise to maintain a balance between the rights of the community to earn a living and the state's interests in preserving forests.¹⁴⁴

Forest management by Perum Perhutani is strengthened through Government Regulation Number 72 of 2010 concerning State Forestry Public Companies (Perum). Article 5 of the regulation stipulates that

"Perum Perhutani aims to organize the sustainable use of forests for the greatest possible prosperity of the people by prioritizing the preservation of forest resources, increasing added value, and product competitiveness, as well as paying attention to environmental sustainability aspects".¹⁴⁵

This means that in carrying out its duties, Perum Perhutani not only focuses on the use of forest products for economic purposes, but also has a responsibility to maintain the sustainability of forest resources. The utilization must pay attention to the balance between the needs of the community, the interests of the state, and the preservation of the forest ecosystem. Therefore, every activity carried out by Perhutani must be in line with the principles of sustainable forest management, which include biodiversity conservation,

¹⁴⁴ Kasi, Interview (Blitar, February 19, 2025).

¹⁴⁵ Article 5 Government Regulation (PP) Number 72 of 2010 concerning Public Companies of State Forestry Corporations.

sustainable environmental management, and community empowerment around the forest.

In addition, Article 6 of Government Regulation Number 72 of 2010 emphasizes that

"Perum Perhutani has the authority to manage, utilize, and conserve forest resources in accordance with the provisions of applicable laws and regulations"¹⁴⁶.

This shows that Perhutani has a strategic role in the management of state forests, both in the production of forest products and in environmental protection. In practice, Perhutani also has an obligation to involve communities in forest management through social forestry schemes, such as Community Shared Forest Management (PHBM) and forestry partnerships, to ensure that the economic benefits of forests can be felt by the surrounding communities.

In addition, the provisions regarding the transfer of forest areas are regulated in Law Number 41 of 1999 concerning Forestry. Article 19 paragraph (1) of the law states that

"Changes in the designation and function of forest areas are determined by the government based on the results of integrated research."¹⁴⁷

This shows that state forest areas cannot be arbitrarily converted without official permission from the government, because they must go through a

¹⁴⁶ Article 6 Government Regulation (PP) Number 72 of 2010 concerning Public Companies of State Forestry Corporations.

¹⁴⁷ Article 19 paragraph (1) Law Number 41 of 1999 concerning Forestry.

comprehensive study process to ensure a balance between economic, ecological, and social interests. Based on the results of the analysis, it can be seen that the people of Ringintelu Hamlet remain in a *tokenism* scheme, where they are given limited access rights but do not have full control over forest management. Despite the Social Forestry scheme, the community still faces strict regulations, especially related to the use of timber forest products.

. Therefore, the author has a provisional assumption that the management of Perhutani land by the community in Ringintelu Hamlet remains in a scheme controlled by the state, where the community is only given management rights through the Social Forestry scheme without ownership rights. Based on SK.5660/MENLHK-PSKL/PKPS/PSL.0/6/2023, forest management provided to the community is temporary and depends on periodic evaluations. Perhutani, as the main manager of state forests, still has the authority to regulate the use of forest products, including restrictions on tree felling and a profit-sharing system. The conflict that occurs is rooted in a difference in perspective between communities that consider themselves to have historical rights to the land they have cultivated for generations and the state that stipulates that state forests cannot be owned by certain individuals or groups.

In the context of regulations and ownership theory, it is clear that forest land in Ringintelu Hamlet remains part of the state forest whose management is under the authority of Perhutani. Communities are given access to manage

and utilize non-timber forest products, but they do not have full control over the land. Based on *Sherry Arnstein's Ladder of Participation theory*, society is still in the category of *tokenism*, where they are involved in management but do not have the power to make decisions. Therefore, there needs to be a more inclusive policy reform effort so that communities not only become cultivators, but also obtain more equitable benefits from the forest resources they manage, without ignoring the aspects of environmental sustainability and applicable legal obligations.

C. Perhutani Land Management by the Community in the Perspective of Maslahah Mursalah

Based on interviews and field observation results, the people of Ringintelu Hamlet manage Perhutani's land through two main schemes, namely Social Forestry and Partnership with Perhutani. Based on SK.5660/MENLHK-PSKL/PKPS/PSL.0/6/2023, the forest area covers an area of \pm 455 hectares with details \pm 388 hectares as protected forest and \pm 67 hectares as permanent production forest, in this scheme, the community is given limited management rights, but still does not have ownership rights over the land.¹⁴⁸

¹⁴⁸ Rendyana Firmansyah, Interview (Blitar, October 27, 2024).

In practice, the community applies an intercropping system, which is planting palawija crops such as corn, coffee, cloves and the like under perhutani's pine trees and resin trees for their economic needs. This system has been going on for generations and has become part of people's livelihoods.¹⁴⁹ However, based on interviews with several residents, there are restrictions on the use of timber forest products, which causes the community to only manage agricultural products without the right to exploit timber freely.¹⁵⁰

On the other hand, based on the results of interviews with Perhutani, it was stated that the community also benefited from their existence in this forest area. They can build comfortable homes and residences without having to have official ownership of the land, which means they don't have to pay land taxes. Thus, people get a place to live for free and can still grow crops with an intercropping system to support their daily lives.¹⁵¹ From Perhutani's side, the existence of the community also provides benefits in the form of labor assistance in forest maintenance and better resource management. As explained by Mr. Pujianto in the interview conducted that

"Actually, Mbak, the community can also benefit from their existence in this forest area. They can live and now they have started building houses, right, and there is no certificate of land ownership, they can say that they built without a permit, so they don't have to pay land tax. In addition, they can also still grow crops with an intercropping system to meet their daily needs. That's the benefit

¹⁴⁹ Rusmiyanto, Interview (Blitar, October 26, 2024).

¹⁵⁰ Alma Agista, Interview (Blitar, October 27, 2024).

¹⁵¹ Kasi, Interview (Blitar, February 19, 2025).

for them. Meanwhile, for us, Perhutani has the benefit if there is a job that needs to be worked on, we can hire them by utilizing their energy, but yes, if there is no work to be done, it means that there is none."

From the perspective of *maslahah mursalah*, this land management policy must consider the welfare of the community and the sustainability of the ecosystem. *Maslahah mursalah* in land management requires a balance between the interests of the community and environmental protection, as explained by Imam al-Syatiby, that *maslahah mursalah* can be used in establishing policies that do not contradict *nash*, *ijma'*, or *qiyas*, and must support *maqashid sharia*, namely the protection of religion, soul, intellect, descendants, and property.¹⁵²

From the point of view of *maqashid sharia*, this land management reflects various aspects of benefits:

1. Hifz ad-din (religious protection): People can live a better life while maintaining Islamic values, such as sharing the results and working fairly.
2. Hifz an-nafs (life protection): Access to land supports people's welfare, keeps them out of poverty, and ensures food security.

¹⁵² Rosyadi, "THOUGHTS OF AS-SYÂTIBÎ ABOUT MASLAHAH MURSALAH."

3. Hifz al-aql (protection of intellect): By having a place to live and access to natural resources, people can improve their education and family welfare.
4. Hifz an-nasl (protection of offspring): The socio-economic stability resulting from land management allows communities to maintain a decent life for the next generation.
5. Hifz al-mal (protection of property): The management rights granted to the community help them obtain economic benefits from the land they manage, although it remains within the established legal limits.

In addition, the concept of *maslahah ammah* (public benefit) in *maslahah mursalah* emphasizes that the policies implemented must provide broad benefits for the entire community, not only for certain groups.¹⁵³ Therefore, even though people do not have official ownership rights to the land they cultivate, they still benefit in the form of housing, access to agricultural land, and economic resources that support their lives.

However, there are several aspects that still need to be studied more deeply in order to truly reflect *the optimal* principle of *maslahah mursalah*. Some policies that are felt to be unfair by the community, such as restricting

¹⁵³ Rosyadi.

access to timber forest products and the profit-sharing system with Perhutani, need to be reviewed to be more oriented to the welfare of the community without neglecting environmental sustainability. In this case, the principle *of jalbi al-mashâlih wa dar'u al-mafâsid* (taking benefits and avoiding damage) must be the main consideration in the formulation of forestry policies.

Thus, the application of *maslahah mursalah* in Perhutani's land management in Ringintelu Hamlet must balance between community rights and environmental sustainability. Communities benefit economically and socially from the land they manage, while Perhutani benefits in the form of better labor and management. Therefore, it is necessary to develop a fairer and more sustainable policy so that this land management truly reflects the principle of public benefit.

. Perhutani's land management by the people of Ringintelu Hamlet is inseparable from various conflicts that arise due to differences in perspectives between the community, Perhutani, and the government. This conflict is mainly rooted in differences in understanding of ownership rights, management rights, profit-sharing systems, and restrictions on the use of forest products.

The people of Ringintelu Hamlet have managed this forest land for generations and feel that they have the right to the land that they have been cultivating for many years. However, legally, the land is part of the state forest

managed by Perhutani. Perhutani adheres to Law Number 41 of 1999 concerning Forestry, which emphasizes that state forests cannot be owned by individuals or community groups. As a result, the community is only given management rights in the Social Forestry scheme without legal ownership rights. From the perspective of *maslahah mursalah*, policies that do not provide clear certainty of management rights can hinder the welfare of the community. The principle of *hifz al-mal* (protection of property) in *maqashid sharia* emphasizes that property, including the work of the community, must be protected so that it does not become a source of injustice. Therefore, more inclusive policies are needed so that people do not feel disadvantaged by existing regulations.

One of the main conflicts between the community and Perhutani is the profit-sharing system which is considered by the community to be more beneficial to Perhutani. Based on the applicable rules, the community must hand over 20% of the harvest to Perhutani, while the remaining 80% is the right of the community. The public considers this system to be less transparent and does not reflect the balance of rights and obligations. From the perspective of *maslahah mursalah*, the profit-sharing system should pay attention to the principle of economic justice so as not to cause inequality. QS. Al-Maidah: 8 teaches to be fair, even to parties with different interests:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا ۖ اعْدِلُوا هُوَ أَقْرَبُ
لِلتَّقْوَىٰ ۖ وَاتَّقُوا اللَّهَ ۚ إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ

Meaning : *"And do not let your hatred of a people encourage you to act unjustly. Be fair, because justice is closer to piety."*¹⁵⁴

Therefore, a more transparent and fair profit-sharing mechanism needs to be developed so that the community and Perhutani both get balanced benefits.

Other conflicts arise due to restrictions on the use of forest products implemented by Perhutani. People are prohibited from cutting down hardwood trees such as Mahogany and Damar, even though they have been planting and caring for them for years. This policy aims to preserve forests, but from the perspective of the community, it limits their economic potential. The community feels that if they are the ones who plant, they should also have the right to the results. In *maslahah mursalah*, there is the principle of *jalbi al-mashâlih wa dar'u al-mafâsid* (taking benefits and avoiding harm), which requires a balance between the interests of the community and environmental protection. If the policy is too restrictive for the community without alternative solutions, then the benefits that should be obtained will be reduced. Therefore,

¹⁵⁴ QS. Al-Maidah (5): 8.

a more flexible approach is needed, for example by providing compensation or other business opportunities for communities affected by this policy but still taking into account forest sustainability.

The conflict that occurred in Perhutani's land management in Ringintelu Hamlet reflects the difference in interests between the community and the government. From the perspective of *masalah mursalah*, the policies implemented must reflect the balance between community rights and environmental sustainability. By providing clearer certainty of management rights, a fairer profit-sharing system, and flexibility in the use of forest products, conflicts can be minimized. This is in line with the purpose of *maqashid sharia*, which is to protect the property, life, and welfare of the community, without neglecting the obligation to preserve nature.

. Forests in Indonesia are legally owned by the state, as affirmed in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that "*The earth, water, and natural resources contained therein are controlled by the state and used for the greatest possible prosperity of the people.*"¹⁵⁵ This is reinforced in Article 1 number 4 of Law Number 41 of 1999 concerning Forestry, which defines state forests as forests located on land that is not encumbered with land rights.¹⁵⁶ This means that people living in state

¹⁵⁵ Article 33 paragraph 3 of the 1945 Constitution of the Republic of Indonesia.

¹⁵⁶ Article 1 number 4 of Law Number 41 of 1999 concerning Forestry.

forest areas do not have ownership rights over the land, but can only be given management rights in a scheme that has been determined by the government, such as Social Forestry.

In the perspective of *maslahah mursalah*, this provision is in line with the principle of *hifz al-mal* (protection of property), because the state is responsible for forest management for the welfare of the wider community. QS. Al-Hasyr: 7 confirms that

كَيْ لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ

It means: "*so that the treasure does not only circulate among the rich among you.*"¹⁵⁷

Thus, state ownership of forests aims to ensure that natural resources are managed equally and are not monopolized by a few.

In Islamic ownership theory, land ownership can be categorized into three types:¹⁵⁸

1. *Al-milkiyah al-khassah* (individual ownership): Not applicable in the case of state forests, as the land is not owned by a specific individual or group.

¹⁵⁷ QS. Al-Hasyr (59): 7.

¹⁵⁸ Fadilah Ulfah, "OWNERSHIP IN ISLAM," *Alauddin State Islamic University Makassar*, 2021.

2. *Al-milkiyah al-ammah* (public ownership): Suitable for the case of state forests, as these natural resources are intended for the benefit of all people and are managed by the government.
3. *Al-milkiyah ad-daulah* (state ownership): In line with the regulations that apply in Indonesia, where the state is authorized to manage forests in the public interest.

In addition, in a hadith narrated by Abu Dawud, the Prophet said:

قَالَ رَسُولُ اللَّهِ ﷺ: النَّاسُ شُرَكَاءُ فِي ثَلَاثٍ: فِي الْمَاءِ وَالْكَلَالِ وَالنَّارِ

Meaning: "*Man is united in three things: water, pasture, and fire.*"

This hadith shows that natural resources that are public cannot be owned by individuals, but must be managed for the common good.

In addition, in Article 5 of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA), it is emphasized that land, water, and space, including the natural resources contained in it, are controlled by the state to be used as much as possible for the welfare of the people.¹⁵⁹ This further strengthens the argument that ownership of state forests remains in the hands

¹⁵⁹ Article 5 of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles

of the state, while the community is only given limited management rights according to applicable regulations.

Thus, from the perspective of Islamic law and *maslahah mursalah*, the status of state forest ownership in Ringintelu Hamlet remains under state control, while the community is only given management rights in a scheme that has been regulated. This aims to maintain a balance between public access to resources and protection of environmental sustainability, as emphasized in the principles of *sharia maqashid* and applicable laws and regulations. Therefore, all policies related to forest management must be based on the principles of justice, utilization, and environmental protection, as taught in Islam and regulated in national regulations.

In the land management system in Ringintelu Hamlet, the relationship between the community and Perhutani is based on the form of social contracts and legal contracts that regulate the rights and obligations of each party. Communities are given management rights based on the regulations set out in the Social Forestry program, while Perhutani acts as the main management rights holder responsible for the sustainability of state forests.

In Islam, the principles of contract and land management must be based on justice, transparency, and public benefit. QS. Al-Maidah: 1 affirms,

يَا أَيُّهَا الَّذِينَ آمَنُوا أَوْفُوا بِالْعُقُودِ

It means: *"O you who believe, fulfill the contracts."*¹⁶⁰

This paragraph emphasizes the importance of fulfilling the agreement that has been agreed, so that all forms of land management between the community and Perhutani must meet the elements of justice and mutual benefit. In *maslahah mursalah*, contracts and land management must pay attention to several main aspects.

First, fairness in the distribution of results. The profit-sharing system between the community and Perhutani must be prepared in a transparent manner so as not to harm one of the parties. If the community feels that the profit-sharing system is more beneficial to Perhutani than those who have cultivated land, then this policy needs to be reviewed to achieve social justice. Islam emphasizes the principle of justice in economic distribution, as mentioned in QS. An-Nahl: 90,

نَ اللَّهُ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ

Meaning: *"Indeed, Allah tells you to be just and do good and give to your relatives."*¹⁶¹

Therefore, every land management contract must ensure a balance in the rights and obligations of each party.

Second, the protection of management rights. The state has an obligation to ensure that people who have long managed land have legal

¹⁶⁰ QS. Al-Maidah (5): 1.

¹⁶¹ QS. An-Nahl (16): 90.

certainty over their management rights, so that there is no risk of unilateral eviction. In Islamic law, the certainty of the rights to the land that is managed must be guaranteed so that people can live in peace and have access to natural resources for their living needs. QS. Al-Baqarah: 188 prohibits the wrongful taking of the rights of others and teaches that all transactions are based on the principles of honesty and justice.

Third, sustainability and ecological responsibility. Land management contracts must ensure that the communities that are granted management rights also have a responsibility to preserve forests. Islam prohibits the destruction of the environment, as affirmed in QS. Al-A'raf: 56,

وَلَا تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا

It means: *"And do not cause damage to the earth after Allah has repaired it."*

Thus, the contract system must not only be economical but also pay attention to the sustainability of the ecosystem, so that forests remain sustainable and can be used by future generations.

Fourth, legal certainty and supervision. In the implementation of land management, it is necessary to have a clear monitoring mechanism so that there is no abuse or exploitation that is detrimental to the community and the environment. QS. Al-Baqarah: 282 emphasizes the importance of recording contracts in all forms of agreements so that disputes do not arise in the future. In practice, contracts between the community and Perhutani must be officially

recorded and have clarity regarding the rights and obligations of each party, so that there is no gap for injustice or disputes in the future.

From the perspective of *maslahah mursalah*, land management by the people of Ringintelu Hamlet must be based on the principles of justice, mutual benefit, and environmental sustainability. The state as the main holder of management rights must ensure that the contracts made provide legal certainty for the community, while ensuring that forests are preserved for future generations. In the land management system in Ringintelu Hamlet, the relationship between the community and Perhutani must be based on the form of social contracts and legal contracts that regulate the rights and obligations of each party. Communities are given management rights based on the regulations set out in the Social Forestry program, while Perhutani acts as the main management rights holder responsible for the sustainability of state forests.

In Islam, the principles of contract and land management must be based on justice, transparency, and public benefit. As QS. Al-Maidah: 1 affirms,

يَا أَيُّهَا الَّذِينَ آمَنُوا أَوْفُوا بِالْعُقُودِ

*It means: "O you who believe, fulfill the contracts."*¹⁶²

This paragraph emphasizes the importance of fulfilling the agreement that has been agreed, so that all forms of land management between the community and Perhutani must meet the elements of justice and mutual benefit.

¹⁶² QS. Al-Maidah (5): 1.

In masalah mursalah, contracts and land management must pay attention to the following aspects:¹⁶³

1. Justice in Profit Sharing

The profit-sharing system between the community and Perhutani must be prepared in a transparent manner so as not to harm one of the parties. If the community feels that the profit-sharing system is more beneficial to Perhutani than those who have cultivated land, then this policy needs to be reviewed to achieve social justice.

2. Protection of Administrative Rights

The state has an obligation to ensure that people who have long managed land have legal certainty over their management rights, so that there is no risk of unilateral eviction.

3. Sustainability and Ecological Responsibility

Land management contracts must ensure that the communities that are granted management rights also have a responsibility to preserve the forest, as affirmed in the QS. Al-A'raf: 56,

¹⁶³ Rosyadi, "THOUGHTS OF AS-SYÂTIBÎ ABOUT MASLAHAH MURSALAH."

وَلَا تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا

It means: "And do not cause damage to the earth after Allah has repaired it."

4. Legal Certainty and Supervision

In the implementation of land management, it is necessary to have a clear monitoring mechanism so that there is no abuse or exploitation that is detrimental to the community and the environment.

QS. Al-Baqarah: 282

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَانَيْتُمْ بِدَيْنٍ إِلَى أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ

It means: "O you who believe! If you are making a debt transaction for a specified time, then write it down."

This verse emphasizes the importance of recording contracts in all forms of agreements so that disputes do not occur in the future.

In the context of land management in Ringintelu Hamlet, *the maslahah mursalah* approach must be understood as a form of policy that does not have a specific postulate in the nash, but is applied to achieve community welfare and maintain ecological balance. Imam al-Syatiby emphasized that *maslahah mursalah* must be used in policies that do not contradict the Qur'an, Sunnah,

ijma', or qiyas, and must be in harmony with *maqashid sharia*, namely the protection of religion, soul, intellect, descendants, and property.¹⁶⁴

From the perspective of *maslahah mursalah*, land management in Ringintelu Hamlet provides benefits for the community because it provides access to resources that support economic sustainability without neglecting environmental protection. QS. Al-Baqarah: 185 affirms that "*Allah wills ease for you and does not want difficulty.*"¹⁶⁵ Thus, regulations that provide management rights to communities without full ownership are a form of compromise that aims to avoid difficulties for the community while maintaining forest ecosystems.

In terms of *maslahah* (benefits), there are several main aspects obtained by the community:

1. Community Welfare

The community gets management rights over the land that they have cultivated for generations, so that they have a stable source of livelihood through the intercropping system. This is in line with QS. Al-Maidah: verse 2 which states that:

¹⁶⁴ Rosyadi.

¹⁶⁵ *Qissa. Al-Baqara (2): 185.*

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ

It means: *"Help you in goodness and piety, and do not help in sinful deeds and enmity."*¹⁶⁶

This management right allows the community to still be able to access land for cultivation without violating state regulations. In addition, the community can also optimize the potential of existing resources by planting various types of useful plants, both for their own consumption and for sale as a source of income but still paying attention to the existing rules regarding what is allowed to be planted and what is not allowed to be planted according to existing rules. Thus, the existence of this management right not only guarantees a better life for the community, but also helps maintain economic stability at the local level.

2. Free Access to Residence

People can live in forest areas without paying land taxes, thus reducing their economic burden. QS. Al-Hasyr: 7 affirms that natural wealth must be managed for the prosperity of the whole people, not just a handful of individuals or groups.¹⁶⁷ With this management right, people can build decent housing in forest areas without fear of being

¹⁶⁶ QS. Al-Maidah (5): 2.

¹⁶⁷ QS. Al-Hasyr (59): 7.

evicted or losing their homes. In addition, access to a healthy natural environment and available forest resources also contributes to improving their quality of life. The existence of people living in forest areas can also be a form of natural protection against excessive forest exploitation by irresponsible outsiders.

3. Economic Empowerment

With the right to manage, people can grow crops and utilize agricultural products to meet their daily needs without disturbing the main function of the forest. This reflects the maqashid of sharia, namely hifz al-mal (protection of property), where people have the opportunity to obtain sustainable economic benefits. In addition to farming, communities can also develop other forest-based economic activities, such as the processing of non-timber forest products. Thus, this management right not only provides direct benefits for individuals who manage land, but also opens up opportunities for collective economic improvement of the community. If this system is implemented fairly and transparently, then the welfare of the community can be further improved without having to sacrifice the sustainability of the ecosystem.

4. Ecological Sustainability

The Social Forestry-based management system allows for a balance between land use and environmental protection. Islam emphasizes the importance of protecting nature, as mentioned in QS. Al-A'raf: 56, *"And do not cause damage to the earth after Allah has repaired it."* Therefore, the existence of communities in forests must be accompanied by ecological responsibility. They must maintain the balance of nature by not overexploiting, such as illegal logging or forest burning. Instead, communities can play a role in preserving the environment by planting new trees, maintaining biodiversity, and applying environmentally friendly agricultural techniques. Thus, this system can be a solution in creating a harmonious relationship between humans and the environment, in accordance with the principle of *hifz al-bi'ah* (environmental protection) in maqashid sharia.

5. Legal Security

Even though they do not have ownership rights, the community still gets legal protection in land management based on state policies. This is in accordance with the principle of justice in Islam, as mentioned in QS. An-Nisa: 58, *"Indeed, Allah commands you to give a mandate to those who are entitled to receive it, and when you establish a law among*

men, you must establish it justly." With legal certainty in community management rights, the potential for agrarian conflicts can be minimized. The government and Perhutani must ensure that the community does not lose access to the land that they have managed for generations, while still following the rules and restrictions that have been set. In addition, the existence of a social contract between the community and the government must be fair and transparent, so that the community is not harmed in the long run. This legal protection also serves to ensure that people's rights are still respected, so that their welfare can continue to improve without the threat of eviction or unilateral policy changes.

Meanwhile, in the *mursalah* aspect (things that do not have explicit evidence but are necessary for the public good), there are several policies made to balance the rights of the community and the interests of the environment:

1. Non-Ownership Management Rights

There is no specific evidence regulating the granting of management rights over state forests to the community, but in the context of *masalah mursalah*, this is needed to ensure their welfare without eliminating the forest conservation function.

2. Profit Sharing System

The sharing of profits between the community and Perhutani does not have explicit rules in Islamic law, but it is necessary to ensure economic sustainability for both parties. In Islam, the concept of fairness in transactions is affirmed in QS. Al-Baqarah: 279, *"Do not persecute and do not be persecuted."* Therefore, the profit-sharing system must be designed so as not to harm one party.

3. Balance of Rights and Obligations

The state stipulates that people can manage land but do not have property rights, as a form of compromise to maintain the public interest without harming the interests of the state. QS. Al-Mulk: 15 states, *"He is the one who makes the earth easy for you, so walk in all its corners and eat a portion of His sustenance."* This verse shows that humans are given the freedom to use the earth, but with balanced responsibilities.

4. Legal Certainty through State Regulations

In Islam, the contract or contract must be clear (QS. Al-Baqarah: 282), so that formal policies in the form of forestry regulations function as a form of legal certainty for the community and prevent disputes.

5. Supervision and Control

There are no specific rules in Islam regarding forest management by the government, but in the context of *maslahat*, supervision of land use is necessary to prevent overexploitation and maintain ecological balance. QS. Al-An'am: 141 reminds humans not to waste in the use of natural resources.

Thus, the application of *maslahah mursalah* in land management in Ringintelu Hamlet prioritizes the principle of balance between community rights and environmental interests. The state acts as the main manager while still providing space for the community to utilize resources in a sustainable manner without violating sharia rules and state laws. This is in line with *maqashid sharia*, which emphasizes the protection of life (*hifz an-nafs*), the protection of property (*hifz al-mal*), and the protection of the environment (*hifz al-bi'ah*), so that this policy not only benefits the current society but also ensures sustainability for future generations.

In the context of land management in Ringintelu Hamlet, the *maslahah mursalah* approach must be clearly mapped to understand how the policies implemented provide benefits and how the *mursalah* principle is applied in legal and social realities.

Maslahah (Benefit):

1. Community Welfare

The community gets management rights over the land that they have cultivated for generations, so that they have a stable source of livelihood through the intercropping system.

2. Free Access to Residence

Without the need to pay taxes or have a certificate of ownership, people can still live in forest areas comfortably.

3. Economic Empowerment

With the right to manage, people can grow crops and utilize agricultural products to meet their daily needs without disturbing the main function of the forest.

4. Ecological Sustainability

The Social Forestry-based management system allows for a balance between land use and environmental protection, in accordance with the principle of *hifz al-bi'ah* (environmental protection in Islam).

5. Legal Security

Even though they do not have ownership rights, the community still gets legal protection in land management based on state policies.

Mursalah (Aspects Not Directly Determined in Nash but Necessary for Benefit):

1. Non-Ownership Management Rights

There is no specific evidence regulating the granting of management rights over state forests to the community, but in the context of *maslahah mursalah*, this is needed to ensure their welfare.

2. Profit Sharing System

The sharing of profits between the community and Perhutani does not have explicit rules in Islamic law, but it is necessary to ensure economic sustainability for both parties.

3. Balance of Rights and Obligations

The state stipulates that people can manage land but do not have property rights, as a form of compromise to maintain the public interest without harming the interests of the state.

4. Legal Certainty through State Regulations

In Islam, the contract or contract must be clear (QS. Al-Baqarah: 282), so that formal policies in the form of forestry regulations function as a form of legal certainty for the community.

5. Supervision and Control

There are no specific rules in Islam regarding forest management by the government, but in the context of *maslahat*, supervision of land use is necessary to prevent overexploitation and maintain ecological balance.

Thus, the application of *maslahah mursalah* in land management in Ringintelu Hamlet prioritizes the principle of balance between community rights and environmental interests. The state acts as the main manager while still providing space for the community to utilize resources in a sustainable manner without violating sharia rules and state laws. This is in line with *maqashid sharia*, which emphasizes the protection of life (*hifz an-nafs*), the protection of property (*hifz al-mal*), and the protection of the environment (*hifz al-bi'ah*), so that this policy not only benefits the current society but also ensures sustainability for future generations.

CHAPTER V

CLOSING

A. Conclusion

Based on the results of the research that has been carried out, it can be concluded that:

1. Perhutani's land management by the community in Ringintelu Hamlet, Ngadirenggo Village, Wlingi District, Blitar Regency, remains under state control. The community is given temporary management rights and depends on periodic evaluations, as stipulated in SK.5660/MENLHK-PSKL/PKPS/PSL.0/6/2023. In this scheme, Perhutani has the main authority in the management of state forests, including restrictions on tree felling and a profit-sharing system. From the perspective of Soetandyo Wignjosoebroto's Theory of Ownership, the land remains state-owned, with the community only having limited management rights. The concept of ownership in this case is not only juridical, but also related to social and historical aspects where the state acts as a resource manager who must ensure sustainability and equitable distribution of benefits for society. Meanwhile, if analyzed using the Ladder of Citizen Participation Theory, community involvement in Perhutani's land management in Ringintelu can be categorized as a "partnership" stage, where the community is given a role in land use through an intercropping scheme. However, this participation is

still limited because the main control remains in Perhutani's hands, and the community must follow the regulations set, including only being allowed to plant palm crops such as coffee, cloves, bananas, and the like, with a ban on planting wood types. Thus, this land management reflects a combination of state ownership that remains dominant and community participation that is still limited in the decision-making hierarchy.

2. From the perspective of *Maslahah Mursalah*, the main problem in the management of Perhutani land by the community in Ringintelu Hamlet is the inequality of rights and obligations between the community and the state in utilizing forest resources. Communities depend on the land to meet their economic needs, while current regulations limit their access to and control over the land they have cultivated for generations. *Maslahah mursalah* is relevant to use in this context because there is no specific evidence that explicitly prohibits or allows the ownership and management of forest land by the community, so the *maslahat* approach is the main consideration in determining a fair policy. Existing regulations provide more benefits to Perhutani as the main manager of state forests, while the community only gets limited benefits in the form of management rights without long-term certainty. From the perspective of benefits, this regulation provides benefits for Perhutani in terms of forest control and conservation, but on the other hand limits the welfare of people who depend on the land for their livelihoods. Therefore, this policy needs to be directed to provide greater

benefits to the community, especially in terms of economic welfare and legal certainty, without ignoring environmental sustainability which is Perhutani's responsibility.

B. Suggestion

Based on the conclusions that have been described, the following things are suggested:

1. To increase the effectiveness of Perhutani's land management in Ringintelu Hamlet, the government needs to provide clearer legal certainty for the community regarding the land management rights they utilize. Periodic evaluations that are the basis for granting management rights must be carried out transparently by involving the community as a direct interested party. In addition, Perhutani can develop a more flexible cooperation mechanism, such as extending the land management period so that the community is not constantly in uncertainty. Socialization regarding rights and obligations in land use also needs to be strengthened to avoid misunderstandings and create a more harmonious relationship between the community and state forest managers.
2. From the perspective of Maslahah Mursalah, forest land management policies need to be directed to provide more balanced benefits for the community and Perhutani. The current regulations are more beneficial to Perhutani as the main manager of state forests, while the community only

gets limited benefits in the form of management rights without long-term certainty. Therefore, applicable regulations should be evaluated to be more in favor of community welfare, for example by creating a fairer profit-sharing scheme, providing wider access to forest-based economic empowerment programs, and ensuring community involvement in decision-making related to forest resource management. Thus, the policies implemented not only ensure environmental sustainability but also improve the welfare of people who depend on the land for their livelihoods.

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APPENDICES

A. Letter of Recommendation for Research I



KEMENTERIAN AGAMA REPUBLIK INDONESIA
UNIVERSITAS ISLAM NEGERI MAULANA MALIK IBRAHIM MALANG
FAKULTAS SYARIAH
Jl. Gajayana 50 Malang 65144 Telepon (0341) 559399 Faksimile (0341) 559399
Website: <http://syariah.uin-malang.ac.id> E-mail: syariah@uin-malang.ac.id

Nomor : B 41 /F.Sy.1/TL.01/01/2025
Hal : **Permohonan Izin Penelitian**

Malang, 16 Januari 2025

Kepada Yth.
Kepala Perum Perhutani Divisi Regional Jawa Timur
Jl. Genteng Kali No.49, Genteng, Surabaya, Jawa Timur 60275

Assalamualaikum wa Rahmatullah wa Barakatuh

Dalam rangka menyelesaikan tugas akhir/skripsi mahasiswa kami:

Nama : Zakia Amilia
NIM : 210203110030
Program Studi : Hukum Tata Negara

mohon diperkenankan untuk mengadakan penelitian dengan judul :
**PENGELOLAAN TANAH PERHUTANI OLEH MASYARAKAT PERSPEKTIF
MASLAHAH MURSALAH**
(Studi di Dusun Ringintelu Desa Ngadirenggo Kecamatan Wlingi Kabupaten
Blitar)
, pada instansi yang Bapak/Ibu Pimpin.

Demikian, atas perhatian dan perkenan Bapak/Ibu disampaikan terima kasih.

Wassalamualaikum wa Rahmatullah wa Barakatuh

Scan Untuk Verifikasi



Tembusan :

1. Dekan
2. Ketua Prodi Hukum Tata Negara
3. Kabag. Tata Usaha



B. Research Recommendation Answer Letter I



Surabaya, 10 Februari 2025

Nomor : 0275/001.6/DIVRE JATIM/2025
 Lampiran : 1 berkas
 Hal : Persetujuan Izin Penelitian an. Zakia Amilia

Kepada Yth :
 Wakil Dekan Bidang Akademik Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang
 Jalan Gajayana No. 50 Malang 65144

Memperhatikan surat Saudara nomor : B 41 /F.Sy.1/TL.01/01/2025 tanggal 16 Januari 2025 perihal Permohonan Ijin Penelitian, dengan ini kami sampaikan hal-hal sebagai berikut :

1. Pada prinsipnya kami tidak keberatan dan dapat menyetujui permohonan ijin mahasiswa atas nama :

No	Nama	NIM	Program Studi
1	Zakia Amilia	210203110030	Hukum tata Negara

untuk melaksanakan kegiatan penelitian tentang "Pengelolaan Tanah Perhutani oleh Masyarakat Perspektif masalah Mursalah (Studi di Dusun Ringintelu Desa Ngadirenggo Kecamatan Wlingi Kabupaten Blitar) yang dilaksanakan dengan alokasi waktu pada Minggu ketiga Bulan Februari 2025

2. Mengenai tata waktu dan pelaksanaan kegiatan penelitian tersebut, agar yang bersangkutan berkoordinasi dengan Bidang SDM Perum Perhutani KPH Blitar, Jalan Sudanco Supriyadi No. 24 Blitar.
3. Segala biaya yang timbul selama kegiatan penelitian menjadi tanggung jawab yang bersangkutan, serta bersedia mentaati semua ketentuan dan tata tertib perusahaan.
4. Informasi atau data yang dapat diberikan hanya sebatas informasi/data yang bukan dikecualikan.
5. Setelah selesai melaksanakan kegiatan agar menyerahkan 1 (satu) eksemplar laporan hasil kegiatan (hard copy) untuk literatur Perpustakaan pada Kantor Perhutani KPH Blitar serta mengirimkan soft copynya ke email : divrejatim@perhutani.co.id

Demikian untuk menjadi maklum.

Kepala Divisi Regional Jawa Timur



Disandatangani secara elektronik

Wawan Triwibowo

Tembusan Kepada Yth. :

1. Wakil Kepala Divisi Regional Jatim
2. Kepala Departemen SDM, Umum, IT & Keuangan Divre Jatim
3. Administratur/KKPH Blitar



C. Research Recommendation Letter II



KEMENTERIAN AGAMA REPUBLIK INDONESIA
UNIVERSITAS ISLAM NEGERI MAULANA MALIK IBRAHIM MALANG
FAKULTAS SYARIAH
Jl. Gajayana 50 Malang 65144 Telepon (0341) 559399 Faksimile (0341) 559399
Website: <http://syariah.uin-malang.ac.id> E-mail: syariah@uin-malang.ac.id

Nomor : B- 3159 /F.Sy.1/TL.01/10/2024
Hal : **Permohonan Izin Penelitian**

Malang, 14 Oktober 2024

Kepada Yth.
Kepala Kantor Kepala Desa Ngadirenggo
Jalan Mastrip nomor 06 Ngadirenggo Kecamatan Wlingi Kabupaten Blitar

Assalamualaikum wa Rahmatullah wa Barakatuh

Dalam rangka menyelesaikan tugas akhir/skripsi mahasiswa kami:

Nama : Zakia Amilia
NIM : 210203110030
Program Studi : Hukum Tata Negara

mohon diperkenankan untuk mengadakan penelitian dengan judul :
Pengelolaan Tanah Perhutani Oleh Masyarakat Perspektif Mursalah (Studi di Dusun Ringintelu Desa Ngadirenggo Kecamatan Wlingi Kabupaten Blitar) , pada instansi yang Bapak/Ibu Pimpin.

Demikian, atas perhatian dan perkenan Bapak/Ibu disampaikan terima kasih.

Wassalamualaikum wa Rahmatullah wa Barakatuh

Scan Untuk Verifikasi



Tembusan :

1. Dekan
2. Ketua Prodi Hukum Tata Negara
3. Kabag. Tata Usaha



D. Research Recommendation Answer Letter II



**PEMERINTAH KABUPATEN BLITAR
KECAMATAN WLINGI
KEPALA DESA NGADIRENGGO**

JL. MASTRIP NO : 08 Telp. (0342) Kode Pos 66184
Website : <https://ngadirenggo-blitarkab.desa.id> Email : Desangadirenggo08@gmail.com
NGADIRENGGO

Ngadirenggo, 15 Oktober 2024

Nomor : 810 / 409.43.2 / 2024
Sifat : Penting
Perihal : **Balasan Surat**

K e p a d a

Yth. Pimpinan Universitas Islam Negeri Malang

Di

Tempat

Dengan hormat,

Yang bertanda tangan dibawah ini :

Nama : RIZKY RENDYANA FIRMANSYAH,S.S.T

Jabatan : Kepala Desa Ngadirenggo

Menerangkan bahwa,

Kegiatan Penelitian dengan judul " Pengelolaan Tanah Perhutani Oleh Masyarakat Perspektif Mursalah (Studi di dusun ringintelu desa Ngadirenggo Kecamatan Wlingi Kabupaten Blitar" yang dilakukan oleh :

Nama : ZAKIA AMALIA

NIM : 210203110030

Prodi : Hukum Tata Negara

"telah kami setuju"

Demikian surat ini kami sampaikan, dan kerjasamanya kami ucapkan terima kasih

Kepala Desa Ngadirenggo



RIZKY RENDYANA FIRMANSYAH,S.S.T

E. Photos of Interviews with Informants

1.Photo with Mr. Rizky Rendyana Firmansyah, S.S.T (Village Head)



2.Photo with Mr. Rusmiyanto (Traditional Leader)



3.Photo with Mr. Yuyus Alma Agista, Mr. Suryani, Mr. Sumaji (Tree Planting Society)



4.Photo with Mr. Bejosantoso (Tree Planting Society)



5.Photo with Mr. Misdiyanto (Tree Planting Society)



6.Photo with Mrs. Rusni (Tree Planting Society)



7.Photo with Mr. Pujiyanto Kasi (Perhutani)



F. Location Observation Photos



CURRICULUM VITAE



Name : Zakia Amilia
 NIM : 210203110030
 Address : Kowel Hamlet, RT/RW
 001/015, Batukerbuy Village,
 Pasean District, Pamekasan
 Regency, East Java
 TTL : Pamekasan, March 15, 2003
 Phone : 082330467224
 No.
 Email : zakiaamilia15@gmail.com

Education :

- 1.SDN Waru Barat 1 : 2009-2015
- 2.SMP Plus Zainuddin : 2015-2018
- 3.MAN 2 Release : 2018-2021
- 4.Sepuluh November Institute of Technology Surabaya : 2018-2021
- 5.UIN Maulana Malik Ibrahim Malang : 2021-2025

Achievement:

1. 3rd Runner-up in the National Intelligent Robot Competition: 2018
2. 1st Place in the Robotic Competition in Madura: 2019

3. 1st Place in Appropriate Technology in Madura: 2020
4. 1st Best Final Project Diploma One (D1) Program of Sepuluh November Institute of Technology Surabaya: 2021
5. KIP-Lecture Scholarship Recipients of the Ministry of Religion of the Republic of Indonesia: 2021-2025
6. 3rd Place in the Ahmad Dahlan Law Competition National Law Debate Competition: 2022
7. 3rd Place in the National Legal Debate Competition Andalas Law Competition: 2023
8. 3rd Place in the National Legislative Drafting Competition Fluent in Law Fair: 2024
9. Recipient of the Outstanding Student Award of the Faculty of Sharia UIN Maulana Malik Ibrahim Malang: 2024
10. Recipients of the UIN Maulana Malik Ibrahim Malang Outstanding Student Scholarship: 2024

Organizational History:

1. Vice Chairman of the Junior High School Student Council Zainuddin : 2016-2017
2. Chairman of the Student Council of SMP Plus Zainuddin : 2017-2018
3. Treasurer of the MAN 2 Pamekasan Scout Board: 2018-2019
4. Chairman of the MAN 2 Pamekasan Scout Board: 2019-2020

5. Chairman of the Center for Information and Counseling for Adolescents (PIK-R) "MAPAN" MAN 2 Pamekasan : 2020-2021
6. Treasurer of the Scout Branch Working Council of Pademawu Pamekasan District: 2020-2021
7. Muharrikah Devisi Keamanan Mabna Fatimah Az-Zahra Ma'had Sunan Ampel Al-Aly UIN Maulana Malik Ibrahim Malang : 2021
8. Deputy Head of the Legal Research and Writing Division of Law Student Mootcourt Community UIN Maulana Malik Ibrahim Malang : 2022-2023
9. Head of the Law Debate Community Research Division of UIN Maulana Malik Ibrahim Malang: 2022-2023
10. Bendahara Umum National Law Debate Community Indonesia : 2022-2023
11. Paralegal at the Nahdlatul Ulama Legal Aid Institute of Malang City: 2023-2024
12. Vice Chairman of Law Student Mootcourt Community UIN Maulana Malik Ibrahim Malang : 2023-2024
13. Law Debate Community Advisory Board of UIN Maulana Malik Ibrahim Malang : 2025-Present

ATTACHMENT

The Appendix contains SK.5660/MENLHK-PSKL/PKPS/PSL.0/6/2023 concerning the Granting of Village Forest Management Approval to the Karya Perkapi Village Forest Management Institution covering an area of ± 455 (four hundred and fifty-five) hectares located in a protected forest area of ± 388 (three hundred and eighty-eight) hectares and a fixed production forest area covering an area of ± 67 (sixty-seven) hectares in a forest area with special management in Ngadirenggo Village, Wlingi District, Blitar Regency, Province East Java as in the next page