

The Concept Of Forest Management Based On Customary Forest Law In North Aceh Regency

ABSTRACT

Aims: This study aims to analyze and assess the concept of forest management based on local wisdom and the implementation of the concept of forest management by Forest Commander based on local wisdom in North Aceh District. This activity is carried out by the Forest Institution's Customary Institution which has been confirmed in Aceh Regulation No.10 of 2008 concerning Customary Institutions.

Study design: This research is an empirical legal research with a qualitative approach that uses primary data and secondary data. In obtaining primary data, respondents and informants were determined.

Place and Duration of Study: North Aceh, between June 2020 until May 2021 **Methodology:** This study uses empirical legal research with a qualitative approach using primary data and secondary data. In obtaining primary data, respondents and informants were determined. Respondents in this study were Commander of Forest and sub-district head in Sawang, Nisam, Pirak Timu, Geuredong Pase and Paya Bakong sub-districts. And the informants were the Head of BKPH Pase North Aceh.

Results: The existence of the Forest Institution Customary Institution has not been maximized, even in several sub-districts there is no Forest Institution Customary Institution. Ironically, this sub-district has a large area of forest, and various regulations in the Aceh Government Law and Aceh Regulation have confirmed the existence of the customary institution of the Forest Institution. Thus, several sub-districts have not implemented local wisdom in forest management. And part of the sub-districts in North Aceh Regency already has a Forest Institution.

Conclusion: The concept of forest management based on local wisdom existed in the people of North Aceh Regency in ancient times. Because, in customary forest law contains warnings such as which trees can be cut or not so that it does not cause disaster for the village.

Keywords: forest Institution, customary law, customary institutions, north aceh

1. INTRODUCTION

Forests are part of the environmental system which is closely related to interconnected natural processes. As one of the most valuable components of natural resources, forests have an important role in preserving other natural resources and maintaining environmental functions. For humans, animals and plants, forests are the most important part that cannot be separated and replaced in supporting their survival. [1] Apart from being a source of groundwater and producing oxygen, forests also function to absorb carbon dioxide. Carbon dioxide is needed by plants to carry out photosynthesis. Not only that, its existence in nature also functions to prevent floods, landslides and erosion.

Forests also serve as a source of water which is absolutely necessary for all living things to sustain life. The forest as an environment where thousands and even millions of living species live needs to be properly maintained with proper handling. Significant forest destruction, damaged ecosystem elements, reduced water circulation for rice fields and

reduced irrigation is major obstacles. [2] Considering the danger posed by the destruction of forests is very large to the life of mankind and future generations.

Thus, it is necessary to have sustainable forest management based on customary communities, which is one of the approaches to natural resource management that places local community environmental knowledge and awareness as the basis for management. In addition, local people have strong cultural roots and are usually affiliated with beliefs. With good transferability between generations, in practice this kind of management is included in a traditional system. Its application will be very different from other management approaches outside the region [3]. In the management of natural resources, since the time of King of Iskandar Muda, the people of Aceh have recognized traditional wisdom regarding the use and management of the natural resources they own and maintain. One example, the tradition of forest management in Aceh, is known as the Customary Forest Law as local wisdom. The Customary Forest Law is led by the Forest Institution. [4]

The Institution of the Forest is one of the customary institutions confirmed in Aceh Regulation No.10 of 2008 concerning Customary Institutions. The Forest Institution has the authority to conserve forests and make decisions by considering various aspects for the common interest and not to damage the environment. Forest management has been carried out by indigenous peoples since tens or even hundreds of years ago and it is still being implemented today. [5]

This is because indigenous peoples understand the importance of forests as a place to make a living, provide resources, conservation areas, water providers and other functions. Forest management in Aceh, apart from having an umbrella on formal legal sources, is also guided by customary law that applies in the community. Protecting forests and land use in Aceh have been carried out from generation to generation and are recognized, for those who violate customary sanctions that must be accepted. The application of customary law is carried out through customary institutions, either at the *Mukim* (several villages) level or at the village level. *Mukim* (several villages) is a customary law community unit under a sub-district consisting of a combination of several villages that have certain territorial boundaries led by *Imum Mukim* (head of several villages) and domiciled directly under the head of sub district. [6]

This local wisdom related to wise and prudent forest management has been practiced from generation to generation in Acehese society through the Customary Institution led by the Forest Institution. North Aceh Regency is one of the districts which also have 27 sub-districts and 19 sub-districts, including areas that have large forests as a source of community life. The existence of forests in these sub-districts really needs good management so that the forest is maintained sustainably as a source of community life. Based on the Regulation, the Customary Institution has given authority to the Forest Institution in forest management, including in North Aceh District. [7]

On the other hand, there are deforestation and land use that are increasingly widespread in North Aceh District, so that it can threaten the balance of the forest and eliminate the livelihoods of the community. Therefore, it is very important to study the concept of forest management based on local wisdom by the Forest Institution in North Aceh District.

2. RESEARCH METHODS

This research is an empirical legal research with a qualitative approach using primary data and secondary data. In obtaining primary data, respondents and informants were determined. The determination of respondents and informants was carried out by purposive sampling by selecting certain people who could represent the needs of this study. Primary data and secondary data were collected through structured interviews, which were submitted to informants and respondents. This research also conducted literature study from various libraries and internet media as secondary data.

The results of data collection and information through literature study on the basic assumptions or assumptions used in answering the problem. Then an inductive verification test is carried out on the latest facts in society. Current facts in society are primary data that will be categorized in a simple taxonomic process involving several important issues and topics. Data that has been collected and has gone through the verification, categorization, and reduction stages will be checked for validity. This data validation will be carried out in two stages. First, using comparative materials from documents, books, magazines, newspapers or leaflets or other written materials with journal writings that have been written by previous researchers on similar themes.

3. RESULTS AND DISCUSSION

3.1 The Concept of Local Wisdom

The concept of local wisdom is rooted in local or traditional knowledge and management systems. Local wisdom is a collection of knowledge and ways of thinking rooted in the culture of a human group, which is the result of observations over a long period of time.[8] Local wisdom is a local idea that is wise, full of wisdom, of good value, which is embedded and followed by community members. Local wisdom is influenced by the culture of each region. [9] It is born from values and behavior in the order of people's lives in a process that is not short and is continued from generation to generation. So that local wisdom functions as conservation and preservation of natural resources, development of human resources, development of culture and science, as advice, belief, literature and taboos, has social meaning, has ethical and moral meaning and has political meaning. [10]

Thus, local wisdom belongs to the local community whose attitudes and personalities are mature to be able to develop local potential and resources in making changes for the better. Local wisdom is a positive cultural value. [11] Local wisdom belongs to humans which originates from their own cultural values by using all their intellect, mind, heart and knowledge to act and behave towards their natural and social environment. [12]

If local abilities are able to synergize with local wisdom, then both of them can be used as a shield to fend off the attacks of globalization that are starting to erode local culture. Therefore, national identity as a community identity value must be built solidly by instilling local wisdom values from an early age in the younger generation. Local wisdom that exists in Aceh society still exists today, and has undergone revitalization through legal and government legislation. Local wisdom is a policy, ideas, knowledge, beliefs, understanding and local community customs/ ethics that are considered good to be implemented, are traditional, inherited, full of wisdom and develop within a certain period and are the result of reciprocity between communities and the environment. [13]

Local wisdom is an inseparable part of the daily life of the Aceh people. Local wisdom in Aceh society is very rich and includes various aspects of life, such as culture, politics and government, economy and livelihoods, social and community, worship and trade relations, education, nature and environmental conservation and others. [14] Therefore, local wisdom in Aceh society covers the whole movement of Aceh society which is very broad. This local wisdom includes the environment that can be manifested in social values, customary norms, ethics, belief systems, traditional spatial planning patterns, as well as simple environmentally friendly equipment and technology. The social resources that have been inherited from generation to generation are in fact proven to be effective in preserving the environment and ensuring the preservation of the social environment. [15]

The local wisdom related to wise and prudent forest management has been practiced from generation to generation in Aceh society through the Forest Institution's Customary Institution. [16] The Institution of the Forest has the authority to manage the forest so that sustainability and sustainability can be maintained for posterity. The role of the Forest Institution as the main fortress in maintaining and managing forest management by linking local cultural wisdom is one of the customs in Aceh society which is governed by a legal umbrella in accordance with community life. [17] The main step of the Forest Institution in providing direct understanding to residents around the forest is very necessary so that all residents have a sense of responsibility in managing the forest with the term village fence.

3.2 Forest as a source of community life

Aceh Utara District is one of the districts in the Aceh Province, which is located at the westernmost tip of the island of Sumatra in the State of Indonesia, and is located on the coast and uplands. North Aceh Regency has a forest area of up to 43,000 hectares and has three protected forests, namely in Paya Bakong, Langkahan and Pirak Timu Sub Districts. The function of forests as the place for the greatest germplasm on earth is the greatest blessing of Allah for the survival of animals, plants and humans who use the environment as a place to interact with each other. Forests also serve as a source of water which is absolutely necessary for all living things to carry on life, and to carry out the salvation of beings. [18]

The customary law community collects forest products in the surrounding forest area to fulfill their daily needs. Many Aceh people still depend on the forest for their livelihood by collecting forest products for their livelihoods. "Farming, looking for rattan, looking for wood, hunting deer, harvesting honey, etc. is activities of collecting forest products in Aceh which are carried out with all traditional knowledge. Even the collection of forest products in the form of wood is commonly practiced by people who live around the forest. [19]

3.3 Customary Law and Customary Institutions in Aceh

Aceh is an area that highly upholds customs in its society. The belief of the Aceh people is deeply rooted in living traditions so that they can control behavior within the scope of existing Customary Laws. Apart from that, materially and formally, customary law comes from the community itself, or is the will of the group. [20] Therefore, legal compliance will remain as long as the will of the group is recognized and upheld together, because the desire of the group is what causes moral obligations to arise and the maintenance of society. Sometimes the people of Aceh perceive that the customary

sanctions imposed on individuals who violate the provisions of customs are more burdened psychologically than the sanctions in the national law itself. [21]

Customary law in Aceh in environmental conservation practices is still carried out in community life and must be maintained through education. Acehese customs in environmental conservation practices include forestry customs, farming customs, plantation customs, hunting customs, taking swallow nests, taking honey bees, raising animals, custom other living creatures, and mining agricultural products. [22]

In the Customary Forest Law, there are several prohibitions on forest use, namely:

1. Prohibition of cutting down trees
 - a. within 600 meters of springs, lakes, reservoirs and others.
 - b. within 60 meters from major river bodies.
 - c. within 30 meters of the creek body.
 - d. at the top of a mountain, on a rugged side, and at twice the depth of a ravine.
2. Prohibition of erecting looms, namely looms that may not be made on the trails of wild animals and spirits that inhabit the jungle. The loom material should not use wood, it is believed to attract snakes.
3. Prohibition against grasshoppers, namely people not to hang cloth on trees, involving machetes on tree stumps, because they are believed to bring locust pests.
4. The prohibition against answering, namely not calling while screaming in the forest or fields, is believed to be able to bring in pests of rats, deer, deer, monkeys and hedgehogs.
5. Prohibition of cutting down forests when the rice turns yellow, namely abstaining from cutting down wood trees when the rice is to be harvested, will bring plant hopper pests.
6. Prohibition of cutting down shrubs when it rains or when the rice is getting filled because it can bring disaster to the grasshopper pests, millions of grasshoppers will eat young rice stalks so that the harvest fails.

The Customary Forest Law contains values in protecting the forest so that it is sustainable and sustainable in the life of the people of Aceh. It is also the glue and unifier in community life led by the Customary Institution. Customary institutions that have developed in the life of the Acehese people from ancient times until now have played an important role in fostering cultural values, customary norms and rules to create security, order, peace, harmony and welfare for the people of Aceh in accordance with Islamic values. The existence of the Customary Institution needs to have an increased role in order to preserve customs and customs as a manifestation of the implementation of the specificities and privileges of Aceh in the field of custom. [23] The Customary Institution is an institution that has lived and developed in Acehese society for a long time. [24]

Law Number 44 Year 1999 regarding the Implementation of the Privileges of Aceh is a milestone for the re-birth of Traditional Institutions in Aceh. The features referred to in Law Number 44 of 1999 are as described in Article 1 point 8, namely: special authority to carry out religious life, customs, education and religious leader in determining regional policies. [25] Further affirmed in Law Number 11 of 2006 concerning Aceh Governance, Article 98 in particular paragraph (3) and Article 99 are chapters that specifically regulate traditional institutions.

In carrying out the mandate of the Law on Governing Aceh, Aceh Regulation Number 10 of 2008 concerning Customary Institutions was formed. In Article 1 paragraph (9) it is stated that the Customary Institution is a customary community organization formed by a certain customary law community that has a certain area and has its own assets and has the right and authority to regulate and manage and resolve matters related to Acehese customs. The existence of customary institutions in Aceh has a very strategic and significant role in structuring, planting, and supervising community behavior through related customary functionaries. In essence, these traditional institutions have a function and role as a vehicle for community participation in the administration of Aceh and district/ city governments in the areas of security, peace, harmony and public order. [26]

Customary institutions in providing services to the community, have 3 (three) important roles, namely: first, creating jobs for their citizens. Everyone is accepted to work in the territory of an Customary Institution. Second, to provide opportunities for everyone to do business in productive economic fields, such as farming, gardening, fishing, and taking forest products to sell. Third, educating members' skills, such as farming techniques, gardening, fishing and fishing as well as solidarity among members. [27]

In accordance with the provisions of Article 4 Aceh Regulation Number 10 of 2008 concerning Customary Institutions in carrying out their functions as stated by the Customary Institution is authorized to:

1. Maintaining security, order, harmony and public order;
2. Assisting the Government in the implementation of development;
3. Develop and encourage community participation;

4. Maintain the existence of customary values and customs that do not conflict with Islamic;
5. Applying customary provisions;
6. Resolving social problems; /
7. Reconcile disputes that arise in society; and
8. Upholding customary law.

Traditional institutions in Aceh have a very strategic position and role in the midst of society. Therefore, serious and continuous efforts are needed to strengthen the existence, position, role and duties of the Customary Institution in order to be able to contribute strongly to the development of society, nation and State.[28]

3.4 Forest Institution as a Customary Institution

The existence of customary institutions in Aceh has a very strategic and significant role in structuring, planting, and supervising community behavior through related customary functionaries. [29] In essence, these customary institutions have a function and role as a vehicle for community participation in the administration of Aceh and District/ City Governments in the fields of security, peace, harmony and public order. [30] The Forest Institution is one of the spearheads in preserving the forest. The Forest Institution has a very important and strategic role in educating and inviting forest communities to be willing and able to be involved in sustainable forest management. Hierarchically the position of the Forest Institution in each village is under the coordination of the Village Head who has the nature of an autonomous and independent task as a partner of the Government according to his level, both at the village, sub-district, district level and so on (Article 3 Qanun of Adat Institutions). However, the Forest Institution can always ask the Village Head for his opinion and advice in solving various problems.

The Institution of the Forest is an element of *the mukim* (several villages) government who is responsible to the *Imum Mukim* (head of several villages). This is of course due to the extent of the forest which cannot be determined based on the territorial boundaries of a village. There are also many functions of the Forest Institution that already exist, namely: (1) organizing farming customs; (2) apply and enforce the prohibition of traditional farming; (3) tax collector of 10% for the king; (4) disputes related to customary forest law. [31]

Furthermore, the Institution of the Forest is also a supporter in various ceremonies for forest customary activities,[32] such as festivals to welcome the harvest in the fields. The Institution of the Forest, in Article 1 point 27 of the Regulation of the Customary Institution, is a person who leads and regulates customs related to the management and preservation of the forest environment. The election procedure and requirements for the Forest Institution are stipulated through community forestry deliberations every 6 (six) years (Article 30 Qanun of Customary Institutions).

The duties of the Forest Institution are as follows (Article 31 Regulation of Customary Institutions): a. lead and regulate customs relating to the management and preservation of the forest environment; b. assisting the government in forest management; c. enforce customary law on forests; d. coordinating the implementation of forest-related traditional ceremonies; and e. resolving disputes between community members in forest utilization.

3.5 Concept of Forest Management in Aceh Utara District

Based on the results of research in North Aceh District, the treasures of cultural customs in forest utilization were inherent in people's lives in ancient times. This is a local wisdom that upholds the values of ecological sustainability. Local wisdom in managing forests consists of procedures for forest utilization, procedures for clearing fields and gardens, procedures for wood management, hunting procedures, benefits sharing procedures and procedures for cutting timber. They do all these activities by taking advantage without destroying the forest.

Recommendations and prohibitions in forest utilization have also been implemented by the community in the past. The recommendations and prohibitions are: do not cut down the wood that grows from springs, rivers, waterfalls as this can cause loss of springs. The method of cutting down large logs is not to drop small logs, because it will eliminate the sustainability of the wood. Land clearing must pay attention to the season, so that there are no widespread land fires. There are woods that cannot be cut down carelessly, such as Merbou wood.

Regarding the logging procedure, the community used to obey but now each community does not heed these recommendations and prohibitions. The community is more concerned with fulfilling the necessities of life by farming or cutting wood. So that the Customary Forest Law began to disappear in the community, including logging outside the protected forest for new land clearing. Wise and wise forest management has been practiced from generation to generation in Acehese society through the Forest Customary Institution led by the Forest Institution. The Forest Institution is believed to have knowledge of the ins and outs of the forest and knows what to do when he is in the forest. [33]

The community has known the existence of the Institution of the Forest in North Aceh District. In carrying out his function and authority, the Forest Institution is still based on hereditary experiences. The Forest Institution does not understand the existence of the Regulation of the Customary Institution which strengthens the existence of the Forest Institution. Basically, the existence of the Forest Institution as a customary institution must be at the forefront of customary forest management and conservation. However, in North Aceh District the role of the Forest Institution has not been maximal in carrying out his duties and functions as expected in the Regulation of Customary Institutions.

The role of the Forest Institution in carrying out his duties and functions is not as optimal as expected in the Regulation of the Customary Institution. This is due to several factors, namely: (i) Lack of government coordination at the village, sub-district and district levels with the Forest Institution, (ii) the existence of plantation entrepreneurs who do not involve the Forest Institution, (iii) the lack of community awareness in using forest according to the direction of the Forest Institution, (iv) lack of knowledge of the Forest Institution in carrying out duties and functions and does not understand the existence of the Regulation of Customary Institutions, (v) lack of financial support from the government, (vi) the Forest Institution does not dare to face pressure and threats from parties related to the problem of illegal logging.

With the existence of such a Forest Institution, it makes Forest Adat Law not run optimally. This condition is one of the causes of obstacles in based forest management. If the Customary Forest Law does not work, so that the community and companies harvesting wood carelessly can affect nature causing natural disasters such as drought on agricultural land, floods and landslides. Therefore, it is very necessary for the North Aceh Regency Government and the BKPH in North Aceh District to establish communication with the Forest Institution and various parties related to forest management. The communication network is in order to maintain the development of forest management based on local wisdom. This management can significantly reduce forest damage that threatens people's lives.

However, the community still practice the forest, such as feasting on the fields. Some people who understand forests really expect forest management based on local wisdom by the government and other related parties. This is because forests are a legacy for our future children and grandchildren and forests are also the lungs of the world and a source of income for the community.

4. CONCLUSION

The concept of forest management based on local wisdom existed in the people of North Aceh Regency in ancient times. This management concept is known as the Customary Forest Law. At the present time, not all of the Customary Forest Laws function as recommendations and prohibitions on forest utilization. In fact, this is a rule that needs to be maintained in adapting communities to forests. Because, in customary forest law contains warnings such as which trees can be cut or not so that it does not cause disaster for the village.

The existence of the Forest Institution as a customary institution that manages forests in North Aceh District has not been optimal. So far, the Forest Institution has only carried out his duties based on experience and does not understand the functions and authorities as emphasized in the Regulation of Customary Institutions. This is also an obstacle in implementing forest management based on local wisdom by customary institutions as contained in the Aceh Government Law and Regulation of Customary Institutions.

Thus, elements at the sub-district, sub-district, military rayon commando of Institution and chief of the sector police levels must be invited to participate in the communication of the Forest Institution so that they can support the function of the Forest Institution in managing forests based on local wisdom. Law enforcement against all those involved in forest logging services from carpenters, transport drivers, collectors in warehouses, if necessary, to buyers of wood in large quantities needs to be punished.

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