

## Authority Reformulation Management of Natural and Biological Resources: Conservation District in Probolinggo

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**Abstract :** The management of natural and biological resources must be carried out by the central and regional governments to seek financing for development. The management of natural and biological resources should synergize with its preservation and the environment. The common problem encountered when managing natural and biological resources lies in its improper management that caused damage to the environment such as doing disharmonize exploitation with environmental interest. Accordingly, This study employed a sociological juridical study to capture the implications of authority reformulation management of natural and biological resources of the conservation district in Probolinggo. The findings revealed that the management reformulation of Natural and biological resources Management results in the limitation of regional authority in managing their natural resources. This was certainly different from the concept mandated by regional autonomy. Thus, It is feared that this will affect the development plans carried out in the area, affecting the welfare of the community. As a conservation district, Probolinggo Regency has tried to optimize the regional potential in the development of conservation-minded areas. This commitment is written in regional regulations, regulating not only the use of natural and biological resources but the clarity of regional authority in managing these resources as well.

**Keywords:** Environment, natural resources, regional authority

### *Reformulasi Kewenangan Pengelolaan Sumber Daya Alam dan Hayati Pada Kabupaten Konservasi di Probolinggo*

**Abstrak :** *Pengelolaan sumber daya alam dan hayati harus dilakukan dalam rangka mencari pembiayaan untuk pembangunan, baik dilakukan pemerintah pusat maupun daerah. Seyogjanya pengelolaan sumber daya alam dan hayati bersinergi dengan pelestarian sumber daya alam dan hayati dan lingkungan hidup. Permasalahan yang banyak dihadapi dalam pengelolaan sumber daya alam dan hayati adalah rusaknya lingkungan akibat pengelolaan sumber daya alam dan hayati dengan melakukan eksploitasi yang tidak bersinergi dengan kepentingan lingkungan. Penelitian ini merupakan penelitian yuridis sosiologis, yang ingin memotret implikasi reformulasi kewenangan pengelolaan sumber daya alam dan hayati pada kabupaten konservasi di Probolinggo. Berdasarkan hasil penelitian bahwa Reformulasi Pengelolaan Sumber Daya Alam dan Hayati berakibat terbatasnya kewenangan daerah mengelola sumber daya alamnya yang tentunya berbeda dengan konsep yang diamanatkan otonomi daerah. Hal ini ditakutkan mempengaruhi rencana pembangunan yang dilaksanakan di daerah yang akan berdampak pada kesejahteraan masyarakat. Kabupaten Probolinggo sebagai kabupaten konservasi telah berupaya mengoptimalkan potensi daerah dalam pembangunan daerah berwawasan konservasi. Komitmen tersebut tertuang dalam peraturan daerah yang tidak hanya mengatur upaya-upaya memanfaatkan sumber daya alam dan hayati, juga kejelasan kewenangan daerah dalam dalam pengelolaan sumber daya tersebut.*

**Kata kunci:** *Sumber daya alam, Lingkungan hidup, Kewenangan daerah*

## INTRODUCTION

Natural and biological resources are one of the development financing resources in which its benefits have not been sow by the majority of the community. This is because the management of natural and biological resources has not met the principles of justice and sustainability.<sup>1</sup> The imbalance management of living and non-living resources has resulted in its uneven result perceived

<sup>1</sup> Samedi Samedi, “Konservasi Keanekaragaman Hayati Di Indonesia: Rekomendasi Perbaikan Undang-Undang Konservasi,” *Jurnal Hukum Lingkungan Indonesia* 2, no. 2 (2015): 1.

within many people.<sup>2</sup> This also has an impact on the environment such as an increase in the high burden of environmental pollution due to its improper utilization from other human activities that ignore environmental conservation. Environmental destruction becomes an inevitable part of managing natural and biological resources on behalf of common interests.<sup>3</sup> In addition, the overall quality level of the environment on land, water, and air are still low. For example, the high level of environmental pollution from industrial waste in urban and rural areas, the transportation and household activities in the form of hazardous and toxic (B3) and non-B3. The high energy dependence on fossil resources is an important problem. This results in increased greenhouse gas emissions which have an impact on the rise of sea level, the change of local climate and rainfall patterns, the occurrence of acid rain, unreplaced ozone-depleting substances (BPO) such as chlorofluorocarbon (CFC), halon, and methyl bromide, and a lack of understanding and implementation of agenda 21 at the national and local levels. The main problems encountered in the management of natural and biological resources relating to the environment cover five aspects as follows: *First*, the limited quantity and quality of data and information. The limited accuracy of data and information affects the management and control of natural and biological resources related to the environment that are not yet running well. *Second*, a transparent information management system is also not properly institutionalized that people do not have access to adequate data and information. *Third*, the ineffective supervision and control in the management of existing natural resources cause damage to natural and biological resources. This condition is marked by rampant extraction of coral reefs and bombing of fish, forest encroachment, forest and land fires, and mining without permission. *Fourth*, the unclear regulation of the use of transgenic resources threatens biodiversity and human health. *Lastly*, the high dependence on fossil resources.

The aforementioned problems arise due to the low institutional capacity in managing resources and the environment from these natural resources, the unorganized laws and regulations, the lack of law enforcement and management in managing natural, biological, and environmental resources. The regional government authority and responsibility to manage the natural, biological, and environmental resources is in line with the regional autonomy. Both of them were not fully clear. This is because the implementing regulation detailing the government functions and powers is not yet complete. Furthermore, there are problems in terms of the quality of human resources in managing natural, biological, and environmental resources. The low public access to data and information on natural resources, on the other hand, also results in the limitation of public participation in the management and preservation of natural resources. The lack of community control and involvement and law enforcement in the management of natural resources and environmental conservation becomes other important issues. This causes the limitation of people's rights in using natural resources. This often leads to conflicts between actors. Thus, traditional wisdom in environmental conservation needs to be continually maintained. This also applies to society's socialization. The principles of preventing and controlling environmental pollution must be continuously improved.<sup>4</sup>

The division of the government into administrative areas is in line with the regional government. However, based on an ecosystem approach, this is not in line with the needs of living and non-living resources and is holistic in nature.<sup>5</sup> Local governments also have the authority to manage and grant permits related to environmental activities in their regions, which in fact often deviate or incompatible with the central government. In this condition, the national and international

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<sup>2</sup> Djajaatmadja, *Dalam Kerangka Desentralisasi* (Jakarta, 2005).

<sup>3</sup> Nursalam Nursalam, "Kebijakan Pelestarian Sumber Daya Hutan Dalam Rangka Pembangunan Berkelanjutan," *Jurnal Geografi Gea* 10, no. 1 (2016).

<sup>4</sup> F.C. Susila Adiyanta, "Karakteristik Responsif Peraturan Daerah Tentang Pajak-Pajak Daerah Sebagai Representasi Dan Partisipasi Kehendak Publik," *Administrative Law and Governance Journal* 2, no. 3 (2019): 380–399.

<sup>5</sup> Hyronimus Rheti, "Kompleksitas Permasalahan Lingkungan Hidup," *Arena Hukum* 9, no. 2 (2005): 48.

politics in managing the conservation areas do not get a favorable position, especially for areas that are mostly in conservation areas. The legal system and government policies have unconsciously triggered the failures of policy. This is to preserve the liability of conservation areas and economic development in a regional area where the exploitation of natural and biological resources tends to increase. As a result, economic policies that provide incentives to the regions are lacking. This impacts on the decrease of data sources for financing development in the region. Accordingly, achieving the development goals takes a long time. This impacts the welfare of the community in the area.

Probolinggo Regency is one of the conservation districts in East Java. Conservation district carries a concept of sustainable development that brings a balance between conservation and environmental change. It Brings a balance between the three pillars of conservation, protection, preservation, and conservation. Creating a balance between development and conservation is constantly questioned. This is the art of managing a Conservation District. Probolinggo Regency area consists of mountains and coastlines. The development carried out by the government has an impact on the environment. For example, the construction of the North Ring Road (JLU) is also a trigger and spur economic development in the area. Specifically, the area that is passed by the JLU stretches along the Mayangan district, covering the sub-districts of Sukabumi, Mayangan, and Mangun-Harjo. Destructive fishing activities such as the use of fish poison, coral mining, and mangrove logging for the diversion of coastal lands destroy coastal and marine ecosystems including mangrove and coral reef ecosystems.

The delicate capacities of the central and regional governments in controlling environmental destruction is a result of managing the natural and biological resources. This is due to the lack of synergy between the related institutions which then impact the environmental control. Unequal distribution of natural and biological management resources becomes an indicator of the accumulation of natural and biological management resources in national institutions. Therefore, we are interested in conducting research in the District of Probolinggo. This is because this place is considered as a conservation district regarding the management of natural and biological resources in that area. Based on the aforementioned background, the research questions are formulated as follows: how is the authority reformulation management of natural and biological resources in central and local governments in the conservation district in Probolinggo formed?

## **RESEARCH METHODS**

This study was legal research.<sup>6</sup> This is law in action and is empirical in nature. This is commonly known as sociological juridical research. The specification of this study is qualitative with primary and secondary data sources. The setting of this study was in Probolinggo Regency. The data were taken from primary and secondary data. The data analyzed using a qualitative approach. This was to answer, solve, and deepen the whole object understudy to create descriptive conclusions.<sup>7</sup>

## **RESULTS AND DISCUSSION**

Reformulation is defined as a form of policy reformulation. In this study, reformulation referred to the reformulation of natural resources management. This is to achieve optimal resource

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<sup>6</sup> Hezron Sabar Rotua Tinambunan, "Reconstruction The Authority Of Constitutional Court On Impeachment Process Of President And/Or Vice President In Indonesian Constitutional System," *Dinamika Hukum Journal* 16, no. 1 (2016): 73.

<sup>7</sup> Hezron Sabar Rotua Tinambunan and Dicky Eko Prasetio, "Rekonstruksi Konstitusi Dalam Regional Representative Dewan Perwakilan Daerah Terhadap Fungsi Legislatif," *Masalah-Masalah Hukum* 48, no. 3 (July 2019): 266.

management and policy implementation.<sup>8</sup> Mangrove forest tourism reformulation is intended to realize mangrove forest conservation areas. This involves the collaboration of the government and the stakeholder in managing mangrove forests without damage and is able to harmonize it with the community conditions and the surrounding environment.<sup>9</sup> Probolinggo District Government has established Forest Protection and Nature Conservation Services (PHKA) which plays a role in forest management and utilization and the protection of its nature conservation and resources. The task of Forest Protection and Nature Conservation Services (PHKA) includes an effort of supporting forest protection and nature conservation activities. Besides, there are nature conservation parks such as nature reserves and wildlife reserves to protect flora and fauna.<sup>10</sup>

Furthermore, the principle of sustainability in environmental law integrates three aspects,<sup>11</sup> Ecology, its development process must continue to focus on and sustain the availability of natural resources, the quality of the environment and people must work in harmony. The central concept in ecology refers to an ecosystem formed by the reciprocal relationship between living things and their environment. Thus, a proper and well-organize form of interactions can create a sustainable survival.<sup>12</sup> Economy, the utilization of living and non-living resources is carried out for human development in all areas of life. To balance the existence of natural resources with economic activities, environment-friendly development is needed. It is clear that the harmonious realization of economic development and the preservation of the environment and natural resources need attention. Thus, its development becomes useful for the present and the future.<sup>13</sup> Socio-culture, covering how humans maintain and utilize the environment so that it keeps protected and can be used by the next generation. Social sustainability requires that a development activity should be able to create equitable development results, social mobility, social cohesion, and institutional development. The social sector has a populist orientation related to the need for social welfare. This is reflected by a harmonious social life (including prevention of social conflicts), reservation of cultural diversity, and socio-cultural capital, including protection of ethnic minorities. For this reason, poverty alleviation, equal opportunity for business and opinions, socio-political participation, and socio-cultural stability are important indicators to be considered in the implementation of development.<sup>14</sup> However, in the implementation of current development, it is found that the cost of using environmental resources has not been calculated comprehensively into production costs. Furthermore, the incentive system has not been applied for marketing environmental-friendly products (green products). Thus, the green products are unable to complete. Meanwhile, domestically, Indonesian consumers with high poverty levels do not have the option to consume these green products. Voluntary programs such as ISO

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<sup>8</sup> Suwari Akhmaddhian, "Peran Pemerintah Daerah Dalam Mewujudkan Hutan Koservasi Berdasarkan Undang-Undang Nomor 41 Tahun 1999 Tentang Kehutanan (Studi Di Kabupaten Kuningan)," *Jurnal Dinamika Hukum* 13, no. 3 (2013): 446–456.

<sup>9</sup> M. Nelza Mulki Iqbal, "Mangrove Rehabilitation Center Kraksaan-Probolinggo Dengan Konsep Ekowisata," *Jurnal JOM Jurusan Arsitektur* 8, no. 2 (2013).

<sup>10</sup> NN, "Direktorat Jenderal Konservasi Sumberdaya Alam Dan Ekosistem (KSDAE)."

<sup>11</sup> Emma Hijriati and Rina Mardiana, "Pengaruh Ekowisata Berbasis Masyarakat Terhadap Perubahan Kondisi Ekologi, Sosial Dan Ekonomi Di Kampung Batusuhunan, Sukabumi," *Sodality: Jurnal Sosiologi Pedesaan* 2, no. 3 (2015): 146–159.

<sup>12</sup> Ahmad Jazuli, "Dinamika Hukum Lingkungan Hidup Dan Sumber Daya Alam Dalam Rangka Pembangunan Berkelanjutan (The Law Dynamics on the Environmental and Natural Resources in Order to Sustainable Development)," *Jurnal RechtsVinding* 4, no. 2 (2015): 181–197, <https://rechtsvinding.bphn.go.id/ejournal/index.php/jrv/article/view/19/3>.

<sup>13</sup> Mira Rosana, "Kebijakan Pembangunan Berkelanjutan Yang Berwawasan Lingkungan Di Indonesia," *KELOLA Jurnal Ilmu Sosial* 1, no. 1 (2018): 148–163.

<sup>14</sup> Rudy Sunarja Rivai and Iwan Setiajie Anugrah, "Konsep Dan Implementasi Pembangunan Pertanian Berkelanjutan Di Indonesia," *Jurnal Forum penelitian Agro Ekonomi* 29, no. 1 (2011): 16.

14000 and ecolabeling are still not widely implemented. Even for the industry, this is not seen as an increase in company efficiency.<sup>15</sup>

Untuk terselenggaranya prinsip berkelanjutan dalam reformulasi ini perlu ada upaya serius dari pemerintah Kabupaten Probolinggo. Kondisi saat ini terkait perizinan kawasan hutan mangrove di Kabupaten Probolinggo belum ada kebijakan yang jelas, baik dari pemerintah pusat maupun dinas-dinas terkait di Kabupaten Probolinggo.

For the implementation of the principle of sustainability in this reformulation, there needs to be serious efforts from the Probolinggo Regency government. The current condition regarding the licensing of mangrove forest areas in Probolinggo Regency there is no clear policy, either from the central government or related agencies in Probolinggo Regency. The thing that needs to be considered is the next step. There is the need to create policies related to licensing with an online system. Thus, all matters related to licensing can be submitted online via OSS (Online Single Submission). The implementation of OSS is regulated based on Government Regulation Number 24 of 2018, Licensing Service is integrated electronically. This is to provide business licensing services applicable to all Ministries, Institutions, and Local Governments throughout Indonesia, which has been carried out through One-Stop Integrated Licensing (PTSP). Apart from PTSP, the public can access the OSS system online anywhere and anytime quickly and cheaply. This can provide legal certainty. OSS is the official web of central government that is run as a form of authority in controlling the management of regional natural resources. The implementation of OSS control is based on a decentralized system that is run by local governments. However, the products and registration are carried out by the central government.

Natural resource regulation included in the conservation category, the OSS, can be seen from the relevant OSS website. The registration process to licensing using the OSS system does not take long. Even direct licensing can be issued. However, the regulation states that the license issued can be both effective or not. Licensing for mangrove forests in Probolinggo Regency is included in the OSS System. It is related to Business Licensing in the Environment and Forestry Sector. It has been effectively valid since December 3, 2018. The OSS system is able to simplify the licensing system in Indonesia. If the OSS states that the permit issued has not been effective, the applicant who submitted the permit is required to fulfill commitments such as a commitment to the area required for conservation. Conservation locations that exceed one hectare and above must have technical considerations from the National Land Agency (BPN). Prior to the existence of the OSS system, the licensing process took a long time, especially in regard to regional lay-out management.

The procedure of issuing permits for mangrove forest areas in the Probolinggo Regency is done by looking at the spatial layout first. This is done by the relevant agencies in Probolinggo Regency. After the conservation permit issued, there is monitoring on the implementation of conservation activities. Based on the LKPM (Investment Authority Institution), the monitoring program is carried out online every three months via the OSS system. The civil service police unit known as *satpol PP* determines the conservation permit. *The satpol PP* acts as an officer who directly coordinates the discipline in the area. Another sanction is the parties concerned will be visited. This is to see permit evidence, give warning letters, and closing the conservation area.

The Regional Government authority in the management and development of natural resources is mentioned in Article 18A paragraph (2) of the 1945 Constitution of the Republic of Indonesia, stating: "financial relations, public services, the use of natural and other resources of the central government and regional governments are regulated and implemented fairly and harmonious based on the law." In this case, the autonomy granted to regional governments is directed to accelerate the realization of community welfare and community participation in the management of natural

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<sup>15</sup> Agus Khoirul Huda, "Implementasi Kebijakan Lingkungan Hidup Di Provinsi Riau Tahun 2014-2017," *Jurnal JOM FISIP* 6, no. 1 (2019): 12.

resources. Regions have the authority to make their own regional policies to manage the resources that exist in their regions. This can be done with the help of community empowerment participation.<sup>16</sup> In accordance with Article 10 of Law Number 23 of 2014 concerning Regional Government, in carrying out government affairs, the central government has the authority to organize or delegate some government affairs to government representatives in the regions or assign to regional governments and/or village administration. The provincial government authority is a provincial-scale affair. It can be delegated to local governments, including environmental control. However, practically, the mangrove forests in Probolinggo Regency which are considered as conservation forests have not yet get permission and catch the government's attention. This is related to the problems and factors that have resulted in the destruction of mangrove forests due to nature or by local residents. Mangrove forest areas are managed based on a sectoral approach. It only benefits one party, certain sectoral agencies and businesses.

Sustainable resource management is part of the government's development planning. This is in accordance with the RPJMN 2005-2025 stated in Chapter II-letter I which regulates Natural Resources and the Environment. The natural resources and the environment have a dual role, the development capital in the future and the support for the life system of the nation and state. There are some actions that must be taken by the Government in the Probolinggo regency related to the management of biological resources. In this case, is the mangrove forest area. The government should maximize the monitoring process regarding the fisherman's moves. The government must take firm action against those who destroy the mangrove forest ecosystem. The action can be done by applying sanctions that are in line with the actions. The consequences can be in the form of warnings to fishing prohibition in the mangrove forest area. In carrying out decentralization, the regional government can make a regulation related to the concerned mangrove forest conservation. In this case, mangrove forests are a living environment. Thus, it needs to be managed by the local government. It should be based on the authority given by the central government. In addition, other actions that can be taken are registering permits for mangrove forest areas through the OSS system. In this way, the mangrove forests can receive legal protection in case there is damage to their ecosystem. The unissued permits for mangrove forests have resulted in their misused by fishermen. This impacts the welfare of the surrounding community and in optimal supervision by related parties and local governments on the sustainability of the mangrove forest ecosystem.

Mangrove forests that have been damaged due to some activation in coastal areas should get attention. This can be done by rehabilitating and developing mangrove plants in areas where they previously grew. The rehabilitation activities covers enhancing forest sustainability to balance the water system and the environment. This can be done by involving communities around the forest. In addition, it also covers improving reforestation activities, rehabilitating critical lands and protected forests, enforcing laws, improving coordination between regions to protect the forest and distribute forest products, managing and utilizing the potential of marine and coastal resources in a sustainable manner based on the community, increasing marine and coastal conservation efforts and rehabilitating damaged ecosystems (coral reefs and mangroves), controlling pollution and environmental destruction of coastal, marine and freshwater areas, and improving the active role of the community and the private sector in managing marine and coastal resources. Furthermore, it also includes the management of the natural environment with an emphasis on controlling environmental damage and pollution, managing the artificial environment with an emphasis on controlling activities that cause environmental damage and pollution, managing the artificial environment which emphasizes on the institutional capacity, human resources, the role of entrepreneurs and the role of the community, and enforcing environmental laws so that people comply with regulations of

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<sup>16</sup> Ahmad Marthin Hadiwinata, "Analisis Hukum Terhadap Pengaturan Pengelolaan Perikanan Berbasis Masyarakat Di Indonesia," *Jurnal Hukum Lingkungan* 2, no. 1 (2015): 10.

applicable environment. Moreover, the activities also covers improving management and environmental information systems, mapping the condition of the mangrove ecosystem to find the locations where the ecosystem is often damaged, conducting studies on the character and potential of the coast before rehabilitation, compiling plans for implementing mangrove forest rehabilitation and other coastal planting. In this case, they can use substitute for mangroves, rehabilitating mangrove forests in the coastal zone and fishery/aquaculture zone (following the spatial plan) separately or integrated. This can be done using silvo-fishery method (fishery-environmental-friendly aquaculture). The final step that can be taken after coastal rehabilitation is formulating an institutional mechanism to maintain, monitor, and evaluate the results of mangrove forest rehabilitation.<sup>17</sup>

## **CONCLUSION**

Probolinggo Conservation District is considered as one of the strategies or efforts to optimize the regional potential in the implementation of regional conservation-oriented development (the core of sustainable development). The political commitment contained in the Regional Conservation District Regulation indicates that there have been efforts at the local level to carry out development activities. This is done by incorporating the concept of conservation by the community and local government. In addition, the Regional Conservation District Regulation mentions the need for clear authority in the regions. This is to carry out activities related to the management of natural and biological resources.

## **SUGGESTION**

For the local government of Probolinggo, they must create a policy to maximize the role of the region in managing natural and biological resources that can help to conduct development in the region. For Probolinggo residents, on the other hand, they should not only concern about the impact on the use of natural and biological resources in the economy but also pay attention to its preservation and the environment. Thus, the life of citizens in Probolinggo can improved.

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<sup>17</sup> Pemerintah Kabupaten Probolinggo, *Penyusunan Perencanaan Bidang Permukiman Kabupaten Probolinggo*, 2018.

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