
**FOREST DESTRUCTION ON SUMBAWA ISLAND WEST NUSA TENGGARA IN AN ECOLOGICAL JUSTICE
PERSPECTIVE**

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ABSTRACT

This article is the result of legal research that analyzes forest management policies by the regional government of West Nusa Tenggara (NTB), especially on the island of Sumbawa, in relation to increased production of corn planting which has resulted in an environmental crisis in the form of forest destruction. The purpose of this study was to analyze forest destruction on Sumbawa Island, West Nusa Tenggara Province from the perspective of Ecological Justice, by conducting an analysis of forest management policies on Sumbawa Island. The method used in this study is a normative research method with a conceptual approach, statutory approach, and analytical approach. The results of this study indicate that there has been massive forest destruction, many of the forests on the island of Sumbawa have been denuded by the expansion of community farming land. This is the cause the occurrence of floods in the rainy season and drought in the dry season which often occur every year, especially in the districts of Sumbawa, Dompu, Bima Regency and Bima City. Government policies that are more progressive and environmentally friendly are needed in cope damage forests, with a priority on economic growth as well as taking into account the conditions of the community and environmental conditions with an outlook on ecological justice.

Keywords: *Ecological Justices; Forest Damage; West Nusa Tenggara; Sumbawa Island.*

INTRODUCTION

In the last few decades, environmental issues have continued to develop and become a major topic in various scientific discussions and public forums. Discourse on the environment then expands on various dimensions of the relationship between humans and their surroundings. Environmental damage is not just a technical error in optimizing nature, but is more due to an erroneous attitude and perspective of humans towards each other and towards nature. Misguided thought that these philosophical beliefs can lead to excessive exploitation of nature.(1)

Forest destruction (natural exploitation) increases when economic interests become the sole orientation in making decisions. Pollution and/or environmental damage continues to occur, and according to the Environmental Quality Index (IKLH) the environment in Indonesia is increasingly damaged and many parties are harmed both humans and the environment itself but an effective settlement of environmental cases has not been found. This requires fair thinking in policies on forest management and utilization for the community and the environment itself in order to be able to resolve environmental issues in an effective and wise manner.(2)

In recent years, the island of Sumbawa has been preoccupied with the issue of illegal logging, in several media reports that many hectares of forest on the island of Sumbawa have been damaged by illegal logging and have been converted into corn fields. East Sumbawa Regency, Dompu and Bima are prone to flooding every year. On the island of Sumbawa, 75 percent of the forest area is damaged

consequence utilization in a manner excessive For expansion land farmer The community, Madani Mukarom, who was confirmed by the voice of NTB, on Thursday, April 4 2019 afternoon stated that the flash floods that occurred in the Dompu, Bima and eastern Sumbawa regions were due to the alarming condition of the forests. NTB LHK service records, the number of critical land reached 280.941 hectares and open areas covering 131.991 hectares. The head of the West Nusa Tenggara environmental service (LHK) did not deny that the cause of the flooding on the island of Sumbawa was due to the forest being encroached on to grow corn. For this reason, the expansion of the corn planting area into forest areas must be controlled. Expansion of maize plantations by encroaching on forests has resulted in various environmental problems from the problem of flooding in the rainy season, to the problem of drought in the dry season.

Ironically, government policies that prioritize economic growth alone without considering the conditions of society and environmental conditions. In the case of forest destruction it is as if the sole actor of the destruction is the community. Even though two other parties, namely the government and the corporation, are actually responsible. Where the corn planting program is a policy package between the government and corporations that buy corn from the community. So that in the case of land conversion from the forest, the community only follows market needs, where corn is needed in large quantities, automatically the community as economic beings is attracted to planting corn because the benefits are lucrative. In fact, corn farmers were promised to get big profits, instead the price of corn fell because the amount of goods was too much. This condition is exacerbated by the emergence of brokers who buy corn directly from farmers at low prices, sometimes the corn is purchased at a lower price below the standard price set by the government.

Reported from Sumbawa News (2018) Regent of Sumbawa HM Husni Djibril said he was grateful because farmers in North Moyo District could carry out the Great Corn Harvest with a harvest area of 3.000 hectares, a significant increase from only 600 hectares in 2016. Meanwhile, corn production from the main harvest is estimated to reach 27.000 tons. This is certainly a motivation as well as providing new hope and enthusiasm for all parties, especially the Regional Government, because the various development, coaching and funding programs that have been pursued for farming communities can produce results.

That's the quote from the government's expectations 2 years ago for the corn commodity in the Sumbawa regency. But it must be questioned again whether it is still as expected or not?. "Like a ladder falling down on a ladder too" that's the expression that can describe the current condition of corn farmers. The corn yield promising prosperity, it brings a lot of new problems. To achieve corn yields in large numbers, farmers expanded their land by encroaching on forests, resulting in decreased rainfall and drought in their areas. Due to low rainfall and prolonged drought, agricultural land that was originally planted with rice has now been forced to plant heat-resistant crops, and corn is again the people's choice. Corn plants which were originally intended as a side commodity for farmers have now become the main commodity, over time farmers depend on corn commodities for their lives.

This condition of dependence by Antonio Gramsci is called hegemony. Hegemony is as a domination of the power of a social class over other social classes, through intellectual and moral leadership assisted by domination or oppression. Hegemony refers to agreement, the cultivation of power that is carried out by agreement from the class that is controlled/dominated, and the sincere/voluntary acceptance of that class. Corn Farmers in here as the controlled party while the corporation as the controlling party.(3) Thus, how is forest damage on the island of Sumbawa, West Nusa Tenggara in the perspective of ecological justice interesting to analyze, with formula problem: **First**, How is the Concept of Ecological Justice in Forest Management on Sumbawa Island; **Second**, how is the policy of forest utilization on Sumbawa Island.

RESEARCH METHODS

The type of research used in this study is normative research with a conceptual approach, statutory approach, and analytical approach. Study Normative is understood as research that examines a norm or applicable provisions. It can also be said as research conducted by examining library materials or secondary data. In study This writer dig what to be background behind happening damage mature forest on the island of Sumbawa, NTB This very apprehensive for life man That Alone nor creatures other. The results of this study indicate that there was forest destruction on the island of Sumbawa by due to the expansion of community farming land. This is the cause the occurrence of floods in the rainy season and drought in the dry season which often occur every year, especially in the districts of Sumbawa, Dompu, Bima Regency and Bima City.

In study this also analyze How policy government the West Nusa Tenggara region , especially on the island of inner Sumbawa management And utilization area forest that causes crisis environment . Results study This showing that No exists effort preventive from party government area so that society in a manner free do illegal logging against forest For expansion land farmer in increase production And productivity corn.

RESULTS AND DISCUSSION

1. Ecological Justice Concepts in Forest Management on Sumbawa Island

The essence of justice is the evaluation of a treatment or action, reviewing it with a norm which according to a subjective view (subjective for the benefit of the group, class and so on) exceeds other norms. In this case there are two parties involved, namely the party who treats and the party who receives treatment. Law is not just a collection of rules that stand alone. The significance of a legal regulation is its systematic relationship with other legal regulations. Law as a system means that law is an order, a unified whole consisting of parts or elements that are closely related to one another. The legal system is a unit that has interactions with one another and works together to achieve the goals of this unit. This unity is applied to complex juridical elements such as legal regulations, legal principles and legal understanding. The principle of law, the tendencies required by our decency view of law, are general characteristics with all their limitations as a common carrier, but which must not exist. The legal principle is a legal principle, in this case it is not a concrete legal regulation but is a basic idea that is general in nature or constitutes a background which is positive law and can be found by looking for the general characteristics of the concrete regulation.(4)

Enforcement in the environmental law system requires one element of law enforcement, namely, justice. Environmental justice is not a concept that has multiple definitions. Collin sees environmental justice primarily in relation to the equitable distribution of environmental rights and benefits among races, classes and people's incomes. According to Collin, the procedural aspect in the form of public participation in decision making is considered to be a substantive right which is part of distributive justice. (2)

Environmental justice does not only contain distributional aspects, but also procedural aspects as is the view of Arcioni and Mitchell which states that, in addition to distributional aspects, environmental justice is also related to public opportunities in making decisions related to environmental management . The view that sees environmental justice is broader than distributional and procedural issues. Bullard identified five basic elements of environmental justice which include:

- a. Individual rights to be protected from pollution;
- b. Preference for pollution prevention;
- c. Shifting the burden of proof on those or those who discarded it;
- d. Waste/emissions (*dischargers*) or to those who do not provide different treatment, but based on differences in environmental impacts felt by society (*disparate impacts*) and statistical evidence showing these differences, and
- e. Differences in risk sharing are overcome by targeted actions and *resources*.(2)

Environmental justice based on the taxonomy of justice is divided into four categories, namely, environmental justice as distributive justice, environmental justice as corrective justice, environmental justice as procedural justice and environmental justice as social justice (Kuehn in Elly Kristiani Purwendah, 2019). In discussing the formulation of this problem, environmental justice is social justice. Elly Christian interpreting social environmental justice is used together to strengthen the understanding of environmental justice as social justice. As a term, ecology was first used by a German biologist, Ernst Haeckel, who defined it as the science of relationships in between organisms and the outside world. At the same time, the term environment is also used *which* must be understood as an integral equivalent of life and the environment or environment and life that are related to one another. Here the environment is understood as synonymous with ecology as it relates to the life of organisms (including humans) and their ecosystems and the interactions between them. The ecosystem itself is understood here as a community of organisms and their physical environment that interact as an ecologist.(2)

Ecological principles, meant by Capra as, principles of networks, *cycles*, solar *energy*, *partnerships* ship), diversity and dynamic balance (Capra in m Elly Kristiani Purwendah, 2019). First, the principle of networking is defined as a living system that develops within other living systems, as a network within a network. Every living system communicates with other living systems and shares resources that allow each living system to develop in its own identity. All living things are living things that have spatial boundaries (*boundary creatures*), but those living things, including humans, are related and are part of a relational system that depend on one another. In Bachrie (2011) said that UUD NRI year 1945 is the supremacy of the constitution and the hierarchy of laws in a legal system that has consequences. Consequently, all existing and future statutory provisions, including changes to statutory provisions, must be sourced from the provisions of the 1945 Constitution. The aim is to conform norms as a unified legal system.(2)

According to Koesnadi Hardjasoemantri that the basic principles underlying development and protection of life in Indonesia are contained in the Preamble of the 1945 Constitution of the Republic of Indonesia in the 4th paragraph which reads:

"Then instead of that, to form an Indonesian state government that protects the entire Indonesian nation and all of Indonesia's bloodshed and to promote public welfare and educate the nation's life and participate in carrying out world order based on freedom, eternal peace and social justice, the independence of the Indonesian nation was drafted. formed in an arrangement of the Republic of Indonesia".

This provision emphasizes the state's obligation and the government's duty to protect the entire nation and the homeland of Indonesia, including environmental issues which are currently increasingly concerning for human life and other living things. The context of the entire Indonesian nation is interpreted as human resources for the environment, which defines humans as a unified socio-system. While all of Indonesia's bloodshed is interpreted as a physical component that forms a *biotic community* (community of living things) and *abiotic community* (community of inanimate objects). The description of the government's duties as stated in the Preamble of the 1945 Constitution of the Republic of Indonesia can also be found in Article 33 of the 1945 Constitution of the Republic of Indonesia, which states that, *"earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people"*(5).

What is explained in Article 33 Paragraph 3 of the 1945 Constitution of the Republic of Indonesia indicates the government's duty to protect the entire Indonesian nation, including the environment. In this context it clearly and explicitly states the contract that occurs between public rights (the state) and private rights (citizens) in utilizing the environment including the resources in it. In other words, the state is obliged to protect and maintain the environment so that the people will be prosperous and prosperous. In the Preamble of the 1945 Constitution of the Republic of Indonesia, the 4th paragraph and Article 33 Paragraph 3 of the 1945 Constitution of the Republic of Indonesia can be found a

concrete elaboration of the provisions of Article 33 Paragraph 4 of the 1945 Constitution of the Republic of Indonesia and Article 28 H Paragraph 1 of the 1945 Constitution of the Republic of Indonesia. Article 33 paragraph 4 of the Constitution of the Republic of Indonesia 1945 stated that the national economy was organized based on economic democracy with the principles of togetherness, efficiency, justice, sustainability, environmental awareness, independence, and by maintaining a balance of progress and social economic unity.

Article 33 paragraph 4 of the 1945 Constitution of the Republic of Indonesia seeks to integrate economic development with issues of democracy, solidarity, efficiency, justice, sustainability and other environmental principles. Article 33 Paragraph (4) of the 1945 Constitution of the Republic of Indonesia is still informed in general language so that it requires further elaboration in the form of lower rules and/or requires interpretation from the court. Article 28 H Paragraph (1) of the 1945 Constitution of the Republic of Indonesia further states that, "*everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to get a good and healthy environment and has the right to obtain health services*".

Article 28 H Paragraph 1 of the 1945 Constitution of the Republic of Indonesia explicitly states Indonesia's recognition of environmental rights as part of the basic rights (human rights) of the Indonesian people. The existence of Article 28 H Paragraph (1) of the 1945 Constitution is to show that the constitutionalization of the environment aims so that there are no more policies and laws and regulations under the 1945 Constitution of the Republic of Indonesia which contradict the 1945 Constitution of the Republic of Indonesia which are already pro-environment. The existence of Article 33 Paragraph (4) of the 1945 Constitution of the Republic of Indonesia and Article 28 H Paragraph (1) which is pro-environment by Jimly Asshiddiqie alam Elly Kristiani Purwenda, 2019) is referred to as a *green constitution* (green constitution) in cross-border constitutional development, especially for developing countries world countries is actually not something new.

In the Indonesian context, the discourse *on green constitution* as a term has not been introduced for too long. However, for those who are active in nature and associated with various developments related to the dynamics of legal thinking and state practices in the modern world, both through scientific journals and the many new books as well as through the internet, of course they will not feel foreign to the term *green constitution*.

There are two reasons why the concepts of *green constitution* and *ecocracy* are very important to be understood and paid attention to by all components of the Indonesian nation. First, in terms of sustainability, it is necessary to lay down and strengthen the conceptual foundations regarding environmental issues and sustainable development *with* an environmental perspective. Second, the 1945 Constitution of the Republic of Indonesia as *the the supreme law of the land* basically contains the basic idea of environmental sovereignty and ecocracy which can be equated with the values of having its own sovereignty, so that besides the people as human beings who are considered sovereign, nature is also sovereign. This is the essence implied by the principle of environmental sovereignty contained in the 1945 Constitution of the Republic of Indonesia.

2. Analysis of Forest Management Policy on Sumbawa Island

Forest is a complex ecosystem with various benefits for human life. In order to realize ecological justice in the management and use of forests (environment) on the island of Sumbawa in a clear way, we must investigate the attitudes and policies of the regional government in negating the preventive steps of forest destruction and excessive exploitation of nature. The legal politics of article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia is regarding state control over natural resources (SDA) in the context of the national economy, namely to realize people's welfare. Nevertheless, in accordance with the nature of the 1945 Constitution of the Republic of Indonesia as *general principles* or *general norms*, the political conception of environmental management law can be drawn from the formulation of this article, because grammatically *the phrases* "controlled by the state" and "used for the greatest prosperity of the people" have meaning that the state is the

management of natural resources. So the state is responsible for the sustainability of the natural world. One of the principles underlying the implementation of environmental protection and management according to the UUPLH is the principle of sustainability and sustainability. In the elucidation of article by article of the Law on Environmental Protection and Management (UUPLH) it is stated that what is meant by "principle of sustainability and sustainability" is that everyone bears obligations and responsibilities towards future generations and towards each other in one generation by making efforts to conserve natural resources, support ecosystems and improve environmental quality.(6)

But that is analyzed in this discussion is how the policy of managing and utilizing forests on the island of Sumbawa, West Nusa Tenggara in carrying out efforts to preserve and maintain ecological resilience in a just and sustainable manner. Based on the provisions of the Regional Regulation of West Nusa Tenggara Province No. 14 of 2019 on preamble considering letter a. explained that, West Nusa Tenggara has potential forest areas that need to be maintained, managed and maintained in a professional and sustainable manner so that they can optimally benefit the welfare of the community. This means that legally the orientation of forest management and utilization on the island of Sumbawa, West Nusa Tenggara, should lead to community welfare by considering ecological resilience in a fair and sustainable manner, but the attitude of the local government on Sumbawa Island, West Nusa Tenggara, which continues to encourage increased production and productivity, has never stop *stakeholder* encouraged with the reason of increasing farmers' income. An increase in farmers' income is a barometer of the success of economic development, but as a result there is a lot of clearing of forest areas into agricultural land, income is the reason that encourages farmers to destroy forests without considering the impact of justice or environmental sustainability.

In the case of forest destruction on the island of Sumbawa, it is generally as if the sole actor of forest destruction is the community. Even though two other parties, namely the government and the corporation, are actually responsible. Government policies that prioritize economic growth alone without considering the social conditions of society and environmental conditions are things that must be of particular concern to all parties, both government circles and the community itself. The regional government as the organizer of public affairs and interests must take significant steps to protect these forests, because increased production and productivity cannot guarantee equitable welfare. However, government policies that encourage increased production and productivity will exacerbate the environmental crisis because forest destruction is no longer inevitable.(7)

The Provincial Government of NTB must play its role in maintaining ecological resilience by harmonizing environmental sustainability and community productivity. Because environmental problems will cause anxiety for the general public. The corn planting program is a policy package between the government and corporations that buy corn from the community. So that in the case of land conversion from the forest, the community only follows market needs, where corn is needed in large quantities, automatically the community as economic beings is interested in growing corn because the benefits are lucrative. In fact, instead of corn farmers getting big profits, the price of corn actually dropped because the amount of goods was too much. The occurrence of various environmental cases, cannot be viewed solely from a technical or juridical aspect, but needs to be studied from aspects that led to the incident. The writer saves the case that forest destruction on the island of Sumbawa, West Nusa Tenggara is due to government policies that prioritize economic growth alone without considering the conditions of the community and environmental conditions. Here it is as if the government protects and encourages forest destruction in the name of people's welfare, whereas what must be seriously considered in the policy of corn planting production and productivity is ecological resilience in a just and sustainable manner.(8)

CONCLUSION AND SUGGESTION

Conclusion

The concept of Ecological Justice in Forest Management on Sumbawa Island still needs to be implemented massively. Enforcement of environmental law on the island of Sumbawa, NTB, needs to emphasize the focus point on one of the elements of law enforcement, namely, justice. Justice is one of the legal objectives that must be considered in forest utilization and management. Only with consideration of justice can there be a preventive solution to the deplorable condition of forest destruction. Proportionally good forest management, in a fair and sustainable manner can maintain the stability of rights and obligations when using forests as community income.(9)

Forest utilization policies on Sumbawa Island really need a concrete role from the government and also the regional government of NTB. It cannot be denied that the role of the government is needed in upholding justice because it has an important role to play in realizing ecological justice. The government is the people's legitimacy to maintain the stability and integrity of the environment in a comprehensive manner. It will become a utopia if the norms of justice only become written law without any realization and strict supervision of the concrete reality of production and productivity activities that cause forest destruction and excessive natural exploitation. For the sake of realizing ecological justice, it cannot be separated from the role of the government as an institution authorized to implement laws and regulations. Just as the government as *the guardian* and/or executor of laws concerning the protection and management of the environment provides a sense of fairness in managing the environment.

Recommendation

In an effort to minimize the occurrence of forest damage that has an impact on disasters and is a real threat to life, inevitably it requires an effective and significant role of the government in the aspect of law enforcement against people who carry out the expansion of farming land without considering the negative impact on human survival. As a preventive effort for the occurrence of this environmental crisis, the government in overseeing the use of forests by the community must consider aspects of justice that are equally distributed to the community itself and other creatures.

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