

Restoring State Control Over Forest Resources Through Administrative Procedures: Evidence From a Community Forestry Programme in Central Java, Indonesia

AHMAD MARYUDI¹

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In recent years, community forestry has emerged as a means to reform power constellations with regard to forest governance. Through community forestry, the central state promised to devolve several forest rights to local communities and encouraged them to get involved in decision making processes and the implementation of forest activities. However, experience in some countries indicates that the implementation of community forestry programmes is rarely followed by genuine power devolution to local forest users. Instead, these programmes may even serve as a means to retain or restore the central state's control over forests. Using a case study of a community forestry programme implemented in Java, Indonesia, by a state forest company, this paper argues that the implementation of community forestry is also driven by the state's interests to regain control over the forests. Research in eight villages in Central Java province reveals that the community forestry programmes are carefully structured according to numerous administrative procedures and establish a mode of control through a bureaucratic design.

Keywords: Administrative Procedures; Community Forestry; Indonesia; State Control; State Forestland

In den letzten Jahren hat sich community forestry als Mittel zur Reform von Machtkonstellationen in Bezug auf die Verwaltung von Wäldern herausgebildet. Der Zentralstaat versprach durch community forestry bestimmte Waldrechte an lokale Communities abzugeben und ermutigte sie, sich an Entscheidungsprozessen und der Implementierung von Forstaktivitäten zu beteiligen. Erfahrungen in einigen Ländern zeigen jedoch, dass die Implementierung von community forestry-Programmen selten mit einem tatsächlichen Machttransfer an lokale ForstnutzerInnen einhergeht, sondern diese Programme sogar als Mittel zur Rückgewinnung von zentralstaatlicher Kontrolle über Wälder dienen können. Anhand eines Fallbeispiels eines community forestry-Programms, das in Java, Indonesien, von einem staatlichen Forstunternehmen implementiert wird, argumentiere ich in diesem Artikel, dass die Implementierung von community forestry auch von den Interessen des Staates, Kontrolle über die Wälder zurückzugewinnen, vorangetrieben wird. Meine Forschung in acht Dörfern in der Provinz Zentral-Java zeigt, dass die community forestry-Programme sorgfältig nach zahlreichen administrativen Verfahren strukturiert sind und eine Art der Kontrolle durch bürokratisches Design etablieren.

¹ Ahmad Maryudi holds a PhD in forest development policy from Georg-August Universität Göttingen, Germany, and is currently an associate professor at the Faculty of Forestry, Universitas Gadjah Mada, Indonesia. This research was partly funded by German Research Foundation (Deutsche Forschungsgemeinschaft/DFG) and the Directorate General of Higher Education (DIKTI) of the Ministry of National Education of the Republic Indonesia. Contact: maryudi76@yahoo.com

Schlagworte: *Community Forestry; Indonesien; staatliche Kontrolle; staatlicher Wald; Verwaltungsverfahren*

Introduction

Over the past decade, there have been calls for the devolution of forest control from the central state to local communities. The calls were principally driven by concerns about the absolute control by the central state – particularly in the developing world – over forest resources and their uses (Agrawal & Gibson, 1999; Assembe Mvondo, 2009; Gilmour & Fisher, 1991; Shackleton, Campbell, Wollenberg, & Edmunds, 2002; Webb 2008). The implementation of community forestry in recent years has been a starting point in reforming the power constellations in forest governance (Acharya, 2002; Lachapelle, Smith, & McCool, 2004; Nygren, 2005; Ostrom, 1999). Community forestry promised to devolve several forest rights to local communities and encourage them to get involved in decision making processes and the implementation of forest activities from reforestation to harvesting. For example, McDermott and Schreckenber (2009, p. 158) elaborate that community forestry comprises local people's exercise of power to influence decisions regarding the management of forests, including the rules of access and the disposition of products.

Many countries across the globe have experimented with different programmes that included the participation of local people and that formally mentioned power devolution as one of the core policy goals (Bull & White, 2002; Gilmour, Malla, & Nurse, 2004). However, there is an increasing pool of studies (for instance Agrawal & Ostrom, 2008; Blaikie 2006; Dahal & Capastrino, 2006; Larson, 2005; Ribot, 2004, 2009) that indicate that the implementation of such models is rarely followed by genuine power devolution to local forest users. Experiences in many countries, for instance, Indonesia, Nepal, the Philippines, Senegal, Uganda, Bolivia, and Nicaragua indicate that community forestry programmes may even serve as a means to retain or restore the central state's control over the forests (see Devkota, 2010; Gauld, 2000; Ribot, Agrawal, & Larson, 2006). This paper will further support the aforementioned findings on the informal (hidden) agenda of states in implementing community forestry. Using a case study of a programme implemented in Java, Indonesia, *Pengelo-*

laan Hutan Bersama Masyarakat (PHBM), by the state-owned company of *Perhutani*, this paper argues that the implementation of the PHBM is also driven by the state's interest in regaining control over the forests. It reveals that PHBM is carefully structured according to numerous administrative procedures – based on a bureaucratic design – that serve as a mode of control by the forest administration over the forestland and its resources.

Theoretical Framework

This paper uses theories from political science, which principally focus on the concept of control and the mechanisms used for its enforcement. In political science, the term *control* usually describes the relationship between a political authority (principal) and the subordinate/agent (Moe, 2002). It frequently centres on how the former devises a structure of rules so that the latter's policy actions are pursued accordingly (Bendor, 1988, cited in Moe, 2002, p. 2), depicting power relations in which the position of the former dominates the latter's "in terms of great mastery of rules" (Offe, 1976, p. 25). Rangan (1997) defines control as the ability of the principal to check and direct the behaviour of the agent. This definition mirrors Weber's notion of domination (Ribot & Peluso, 2003, p. 159). On the other hand, the degree of control that the agent experiences correlates with "the variability of autonomy, and freedom from direction" (Clegg, 1981, p. 545).

For this analysis it is important to understand how control is imposed. Extensive discussions in behavioural research often centre on whether the principal pursues *ex post* or *ex ante* control in order to achieve the action's desired outcomes (see e.g. Kamin & Rachlinski, 1995; Kolstad, Ulen, & Johnson, 1990). The *ex post* mechanism, which focuses on direct supervision such as police patrols, remains a popular strategy for enforcing legal norms (Kraakman, 1986). It involves monitoring, observing the subordinate's actual behaviour, rewarding, and punishing in cases of misconduct (McCubbins, Noll, & Weingast, 1987, p. 244). Several political scientists (e.g. Kraakman, 1986; Leatherwood & Spector, 1991; McCubbins et al., 1987) raise the limitations of direct monitoring, particularly its associated costs and limited coverage. In the absence of effective enforcing capacity, direct oversight appears to offer limited advantages for the principal to check and direct an agent's behaviour.

Therefore, McCubbins et al. (1987) argue that administrative procedures (*ex ante*) offer a cheaper and more effective approach for the principal to exert control over the agent. The mechanism depends on “stacking the decks” to guide “an agency to make decisions that are consistent with the preferences” of the principal (McCubbins, Noll, & Weingast, 1989, p. 432). Here, political control is exercised through the design of bureaucracy and pursued by establishing rules and requirements, imposing decision procedures and criteria, and constraining the agent from moving in the direction it desires (Moe, 2002). The structure and process mechanism is expected to limit the independence of an agent to make policy actions (Bawn, 1995, p. 62; McCubbins et al., 1987, p. 244), and if the structures and processes are properly designed, an agent’s behaviour “will be largely under control from the outset” (Moe, 2002, p. 3).

The Decline of State Control and PHBM Community Forestry

The state forests of Java comprise about 3 million hectares, more than four-fifths of which are administered and managed by the state forest company Perhutani. Unlike most forest companies in Indonesia, Perhutani is autonomous. It directly controls and uses the forest resources, while it also determines forest management, exploitation, marketing as well as protection (Maryudi, 2011).

Prior to the economic and political crises that struck the country between 1997 and 1998, the forest administration and state-company’s management were based on the forestry model established by the colonial administration, which adopted a state-control approach comprised of an exclusionary policy vis-à-vis the local population. Peluso (1992) describes this centralistic forest tradition at great length. The centralistic model was based on control over the state’s forestland and resources as well as local people’s activities in the forests (Peluso, 1992). In this regard, the state’s ownership of forestland was a fundamental element as this represents “a broader set of practices and ideas related to ‘best management’ of forest production or protection” (Peluso, 2011, p. 814). Ensuring ownership means that the state captures the greatest amount of benefits from forest products. To ensure control, the forest office relied on direct surveillance, and the forest police became the core component of the forest company, complementing the managerial and technical lines (Peluso, 1992; Peluso & Poffenberger, 1989). A

formal forest policy highlighted the importance of the forest police that was put in charge of securing and guarding the state's rights over forest resources (Peluso, 1993a).

The strong centralistic forest traditions effectively prohibited local communities' access to forest resources. The only legal access granted to local communities was the short-term (usually two years) *taungya*-styled agroforestry, locally referred to as *tumpangsari*, in which local people were allowed to cultivate agricultural crops in between the main forest species during reforestation (Bratamihardja, Sunito, & Kartasubrata, 2005). However, as Peluso (1993b) notes, this centralistic state control has significantly declined. Over the past few decades, the state forest company has experienced numerous forest problems, for example, forest land encroachment, forest thefts, and agricultural cultivation (Djajanti, 2006; Djamhuri, 2008; Nawir & Rumboko, 2007; Peluso, 1993b; Purwanto, Ito, & Oohata, 2003). Some groups of local people have also attempted to claim ownership rights over some parts of the forests (see Maryudi & Krott, 2012a). These problems have led to massive forest degradation, mirrored by the high proportion of young forest stands and barren forestlands (Nawir, Murniati, Rumboko, Hiyama, & Gumartini, 2007). At the time of the aforementioned political crisis, conflicts and unrest related to forestry occurred in many forest regions (see Wulan, Yasmi, Purba, & Wollenberg, 2004). Furthermore, political struggles over the control of forests emerged as some district governments attempted to dethrone the superiority of Perhutani in administering the state forests in their regions (Adi et al., 2004; Nomura, 2008).²

The accumulated forest problems urged the state company to adopt a new approach through the implementation of community forestry. While there have been experiments with community forestry in Java for more than three decades (see Peluso, 1993b), a formal policy on community forestry was finally launched in 2001. PHBM community forestry serves as a generic model implemented for all forests under the administration of Perhutani. It rests on joint forest management between Perhutani and local community institutions – usually at the village level – that formally encourages both parties and other interested stakeholders to share roles in decision making

² The downfall of the New Order regime in 1998 has provided pathways for legal and institutional reform. Since then, there has been a period of intense struggle over the administrative authority of forests between national and local (provincial and district) governments. This resulted in the enactment of two fundamental laws – Law 22/1999 on Regional Governance and Law 25/1999 on Fiscal Balancing between the Central Government and Regional Governments, which both delegate substantial authority, including forestry, to district governments. However, decentralisation in the forestry sector occurred mainly in regions outside Java. This means that Perhutani remains the authority over most forests in Java.

processes, the implementation of forest activities, and eventually the benefits from forest resources. In addition, PHBM formally aims to integrate socio-economic community development in forest management systems from which local communities can access economic benefits in order to improve the community's welfare (Maryudi & Krott, 2012b). Under the programme, forest users are required to organise themselves as a forest user group³ at the village level, widely referred to as *Lembaga Masyarakat Desa Hutan* (LMDH), to implement the PHBM.

Research Sites and Methodology

The research for this paper was conducted in eight villages that have formally implemented PHBM in three of Perhutani's forest districts in Central Java: Randublatung, South Kedu, and Pemalang. Prior to PHBM implementation, Perhutani's forests in the villages suffered from different problems like tree thefts/illegal logging, conflicts between Perhutani and local people, agricultural encroachment in the forests, and tenure claims to the forestland (Table 1). The primary field data was drawn from interviews, discussions, and other information from various stakeholders such as the respective district forest managers and forest officers, the leaders of the LMDHs, and other relevant stakeholders. The interviews were complemented by reviews of scientific literature and PHBM regulations.

Table 1: Forest Management Related Problems at the Research Sites					
VILLAGE	FOREST DISTRICT	FOREST PROBLEMS			
		TREE THEFTS	CONFLICT WITH LOCAL PEOPLE	AGRICULTURAL ENCROACHMENT	TENURE CLAIM
<i>Gempol</i>	<i>Randublatung</i>	x		x	
<i>Gembyungan</i>	<i>Randublatung</i>	x			
<i>Temulus</i>	<i>Randublatung</i>	x	x	x	x
<i>Glandang</i>	<i>Pemalang</i>	x		x	
<i>Burat</i>	<i>South Kedu</i>	x			
<i>Mayungsari</i>	<i>South Kedu</i>	x		x	
<i>Sedayu</i>	<i>South Kedu</i>	x		x	
<i>Benowo</i>	<i>South Kedu</i>	x	x	x	x

Source: Author's Compilation

³ This forest user group has to be formally registered by the legal office, usually at the district level.

Empirical Findings

To restore control over forest resources in the PHBM programmes, Perhutani establishes regulatory frameworks and conditions for the community forestry practices through which the company is able to force local people to act according to its desires. This section discusses the administrative procedures used by Perhutani to exert control over forest resources.

Regulated in the Decision of Perhutani's Board of Directors No. 136/KPTS/DIR/2001, PHBM is preceded by the signing of a legal agreement between the forest office – usually at the district level – and a formally-registered LMDH. Article 5 (1-b) of the Decision reads: “To implement PHBM, Perhutani prioritises LMDHs that have been formally registered at a legal office and are recommended by their respective village leaders” (own translation).

While all villages studied in this research have already created such a group, a clear example of the power of this administrative procedure is provided by the case of Temulus. In this village, interest in community forestry has been evident since the end of the 1990s, however, the PHBM was only approved after the establishment of a formally-registered LMDH group in 2010 (Maryudi, 2011). The forest officials of the three forest districts suggested that this requirement ensures the legal enforceability of the PHBM agreement (see also Djajanti, 2006). The administrative screening is further enhanced by the fact that Perhutani can determine whether particular groups are qualified for the participation in the PHBM agreement. Officials in the three forest districts are expected to have a ‘good partner’ in managing the forests. They anticipated that the LMDHs actively and cooperatively participate in the PHBM, suggesting that they will not undermine Perhutani's interests. In most cases, the forest offices facilitated the creation of the LMDHs to make them more reliant and inclined to Perhutani. In contrast, the people from Benowo and Temulus villages were heavily influenced by a local NGO, much to the chagrin of the respective forest offices (see Maryudi & Krott, 2012a). In Temulus, the forest district office ignored the local group working with the NGO and created an LMDH composed of more supportive villagers to implement PHBM.

Through a legal contract, the forest office can exert some degree of control over the participating user group as contracts usually articulate the “principal's prefer-

ences and priorities” (Shapiro, 1987, p. 632). In the PHBM agreements with the LMDHs investigated for this research, Perhutani clearly aspires to limit local communities’ (forest users and their groups) access to the state forestland and associated resources. The agreement itself was prepared by the respective forest district offices as indicated by the identical content and wording for different LMDHs. It is carefully narrated with administrative procedures to limit the access of local people to the forestland and its resources.

State ownership of forestland is one of the main elements of the forest administration to restore control over forest resources that is agreed upon in the PHBM agreement. In fact, the participating LMDHs are forced to acknowledge the state’s ownership of forestland, which ignores the (customary) tenure claims of local communities to the forestland (Maryudi, 2011). Article 6 of Decision No. 136/KPTS/DIR/2001 reads: “PHBM is implemented without changing the status of the state forestland” (own translation). This fact was duly accepted by all LMDHs in the PHBM agreements that state that “the tenure ownership of the forestland is assigned to the state, which has mandated the management of the forestland to Perhutani” (own translation).

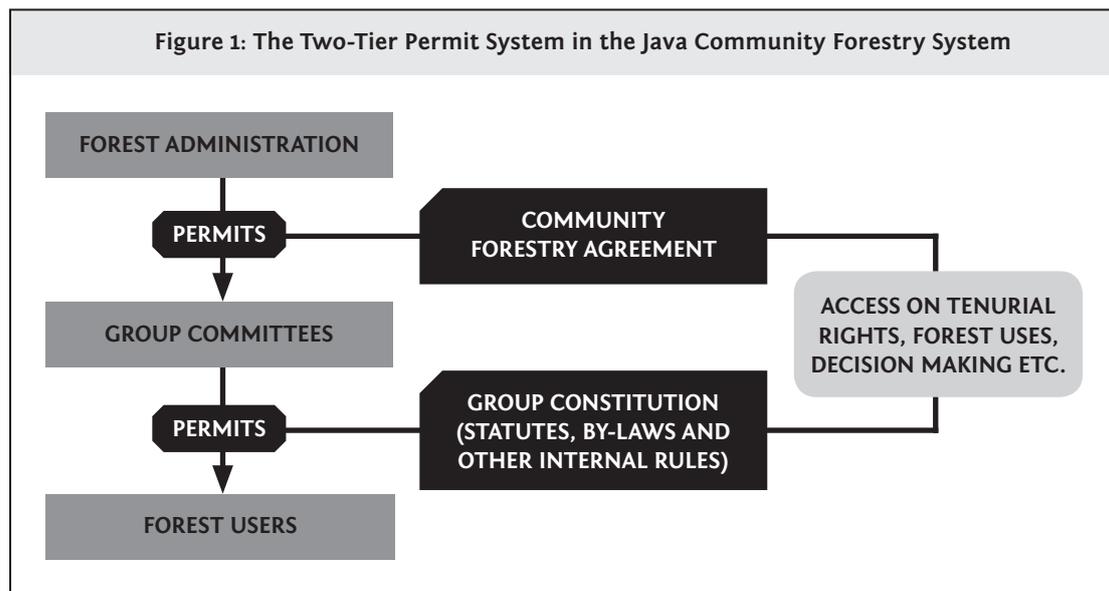
The preferences and priorities of Perhutani are further emphasised in the permit systems (allowable and non-allowable regimes) that regulate forest users’ use and access rights to forests. The PHBM agreement clearly reinforces the dominant narrative of the state’s control and possession of forest products as it outlaws tree cutting and grazing on young forest stands. Local people are only permitted to collect non-timber products such as edible fruits, mushrooms, and fodders (Djajanti, 2006; Maryudi, 2009).

The administrative procedures for ensuring control are further enhanced through management plans and reporting activities. In community forestry programmes, LMDHs are invited to develop so-called management plans, which unfortunately only relate to permitted forest uses, such as the use of the forest floor for agricultural cropping. Usually, the groups are provided with a planning sheet, which outlines the agricultural crops that are allowed to be planted and indicates where and when these crops are permitted to be planted. This procedure can serve as a screening mechanism for the forest office to instantly prevent misconduct in the forests. A forest officer in Randublatung forest district suggested that some crops such as rice and bananas are prohibited as they would mimic private paddy fields and gardens

respectively, which are perceived to encourage tenure claims in the future. Some local groups also failed in their attempt to propose activities such as planting trees, coffee, and other perennial crops that were considered to impede the growth of the main forest species.

Administrative procedures may increase the likelihood that the agent’s policy actions mirror the principal’s interests (McCubbins et al., 1987, p. 262). In PHBM community forestry, Perhutani enriches the bureaucracy by urging LMDHs to craft their own forest regulations to guarantee that forest practices serve Perhutani’s desired outcomes. In most cases, the creation of local regulations has been heavily influenced by the forest office and appears to enhance its administrative procedures since they are simply copied from the PHBM agreement (Maryudi, 2011). In fact, combined with the PHBM agreement, the local forest regulations create a so-called “two-tier permit system” (Maryudi, 2011) that links local forest users with the forest administration through permits (see Figure 1).

The formal agreement between the forest office and the LMDHs further specifies both the responsibilities for forest activities and the sanctions that are to be imposed in cases of forest misconduct of the participating LMDHs. As mentioned above, PHBM encourages the active participation of local communities in forest management and conservation activities. Through the programme, Perhutani expects that communities contribute to reforestation, and the agreement obliges the group com-



Source: Adapted from Maryudi, 2011, p. 59

mittees/leaders to ensure high survival rates of the planted seedlings at a minimum of 90 percent. Newly reforested areas are parceled out to interested forest users for agricultural cropping for about two to three years. In return, they are obliged to plant prescribed tree seedlings and nurture them. When the people fail to reach the survival target, they are obliged to replant the forestland. This is particularly important for addressing the problems of reforestation failure that often occurred prior to the implementation of the PHBM. Perhutani is also concerned about valuable timber. Through the PHBM programme, the company aspires to secure the tree stands. It therefore imposes heavy sanctions in cases where the forest's potential to produce timber is reduced. In all cases observed in this research, people are expected to actively participate in forest patrols to prevent illegal logging. To ensure this, the forest offices threaten to terminate the agreement upon the discovery of illegal cutting.

Given these restrictions, questions may remain about the degree to which the extensive administrative procedures and regulations work on the ground. Within the PHBM programmes, Perhutani has created mechanisms of extended control, most notably through the use of LMDH committees, to deliver its interests. In other cases, scholars (e.g. Dasgupta & Beard, 2007; Thoms, 2008; Varughese & Ostrom, 2001,) have noted the influence of local elites, such as village leaders or people from high castes, on the groups and their ability to control the group members. In this study, the influence of local elites such as village leaders, civil servants, teachers, and religious leaders, is also visible across the research cases. These people usually dominate the structure of the group committee and the decision making in the group, and also capture most of the benefits obtained from PHBM (Maryudi, 2011). For Perhutani, controlling the committees can mean control over the group members and their activities in the forests. In this regard, the administrative procedures are manifested by the attachment of a forest officer, albeit indirectly, as an adviser on the committee structure of all LMDHs. While greater control over the forests can be achieved, Perhutani benefits from reduced costs, which are transferred to the group committees as a consequence.

Perhutani greatly benefits from the participation of group committees, which play the role of 'forest-keepers'. In cases of forest users' misconduct, the group committees adopt different strategies depending on the severity of the forest violation. Persuasion is employed as a common strategy – particularly for minor misconduct – but heavy and persistent misconduct can lead to severe punishments. In Benowo and

Sedayu villages, for instance, the committees adopt so-called 'peer-controls' whereby a forest user is promised 30 percent of the fines obtained from his/her fellow users who are caught infringing upon the regulations. In Sedayu, some group members have been ejected from the group due to persistent infringement.

Conclusion

This paper reveals that the PHBM programme is systematically set up to ensure that forestland and resources are kept under tight control of the state through numerous administrative procedures. These administrative procedures are manifested in the obligation of legal registration of LMDHs, the use of formal agreements and contracts that are biased toward Perhutani's priorities, and the use of local forest regulations. The informal agenda associated with the implementation of community forestry is veiled in a scheme that supposedly (formally) serves the interests of local people. Through the use of group committees, Perhutani has additionally produced an effective mechanism of surveillance in the forests, whereby the forest office no longer has to directly control forest activities, and thus lifts the burden of supervision in this area from its own responsibilities. Consequently, signs of forest order emerge. While more empirically-based case studies are indeed required to provide more solid justification, local people in the studied villages are clearly experiencing increased control.

This conclusion by no means advocates 'no control' in the forests that might have contraproductive consequences with regard to the condition of forest resources. Instead, the challenge that lies ahead is to create better instruments that can integrate the interests of Perhutani to improve the forest conditions and the needs of local communities for meaningful benefits from the forests. The participation of local people in forest conservation and management should be met with genuine attempts to improve their livelihood and quality of life. In PHBM, the legal access to the forests is astonishingly limited and across the studied villages, the programme has yet to lift local people from their chronic poverty (Maryudi & Krott, 2012b). Here, a much improved legal access to the forest by local people is the key of the future implementation of PHBM.

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