

RESEARCH ARTICLE



Land Tenure Conflicts in Forest Areas of Muara Gembong, Bekasi Regency

Adi Purwanto Nugroho, Melani Abdulkadir Sunito, Rilus A. Kinseng

Rural Sociology Study Program, Faculty of Human Ecology, IPB University, IPB Dramaga Campus, Bogor, 16680, Indonesia

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ABSTRACT

Land tenure conflicts have been a significant problem in Java for decades. The divergence between the state's legal view and the community's historical claim to land rights has sparked longstanding debate. This study aims to describe the dynamics of land tenure through empirical evidence of the historical trajectory of land tenure in forest areas in Muara Gembong District, Bekasi Regency. The research was conducted using in-depth interviews, analysis of historical data and literature, and a review of relevant land and forest policy documents. As a result, land tenure policies by the State only gain legal certainty without the legitimacy of local communities. The findings reveal that the land tenure dynamics in Muara Gembong are shaped by a process of state territorialization through the authority of the forestry sector, which is countered by local communities and regional authority efforts at counter-territorialization. This tension has led to tenure insecurity for local communities, as they often lack formal proof of land ownership. The presence of a forest area governance regime that relies on a top-down, command-and-control approach has proven ineffective in achieving its goal of maximizing public welfare. Therefore, future policy directions should focus on inclusive negotiation processes and reforms that ensure tenure security recognized by all parties.

Introduction

Fundamentally, forest management in Indonesia has been regulated very clearly in the 1945 Constitution Article 33 paragraph. The article explains that the control of land, water, and natural resources by the state should be aimed at the greatest prosperity of the people. Indonesia, through the government, allocates 120.4 million hectares (ha), with a percentage of 62.97% of its land area as forest areas. In summary, of the total land area of Indonesia, only about 37.03% is designated as non-forest areas [1]. With a forest area claim of 62.97%, it turns out that there is still a non-forested forest area of 26.5% or around 31.9 million ha [2]. This proves that the claimed forest area is not only limited to land with biophysical forest land cover, but also includes land with non-forest land cover, such as bushes, shrubs, and other lands that are not covered by woody plants. The inequality of land use allocation and the claiming of non-forested areas as forest areas have been challenged using the principles of efficiency and fairness [3].

The imbalance of forest area allocation and claims was identified in Muara Gembong Sub-district, Bekasi Regency, where the conception of state power over natural resources is clearly evident. According to Ministry of Environmental and Forestry (MoEF) spatial data [1], several areas in the sub-district are under forest area claims, specifically protected forest areas. But in fact, until now these areas are non-forested areas, in the sense of residential areas, yards, and ponds. This has led to tenure insecurity in community-managed areas. The issue remains unresolved and further confirms that there is a complexity of interests that cause barriers to achieving more equitable and sustainable resource development, utilization and governance arrangements [3,4].

Accessibility to land and guaranteed land rights are the main basis of livelihood for the community. The long history of land tenure policies through forest area claims restricts community access to forest areas, which then leads to prolonged tenurial conflicts in the form of land tenure conflicts [5,6]. On the other hand, the existence of land tenure by the community effectively occurs in various background situations. Furthermore,

Corresponding Author: Adi Purwanto Nugroho

 nugrohoadipto@gmail.com

 Rural Sociology Study Program, Faculty, IPB University, IPB Dramaga Campus, Bogor, Indonesia.

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in Perhutani-managed areas, communities are often subordinated to Perhutani, thus not resolving conflicts due to power disparities [7]. Based on this description, this research intends to describe the dynamics of land tenure in forest areas in Muara Gembong District, Bekasi Regency, and a series of legitimization.

Materials and Methods

Study Area

This research was conducted in the coastal area of Muara Gembong Sub-district, Bekasi Regency, West Java. Specifically, the research was conducted in Pantai Bahagia Village and Pantai Sederhana Village. Specifically, the map of the research location is presented in Figure 1. The determination of the research location was carried out purposively with the following considerations. First, the forest area in the research location is managed by Perum Perhutani KPH Bogor with a high intensity of land tenure conflicts. Second, the community controls the forest area for settlement and pond cultivation and has existed for a long time, namely since before independence. Data collection was conducted from November 2022 to December 2023.

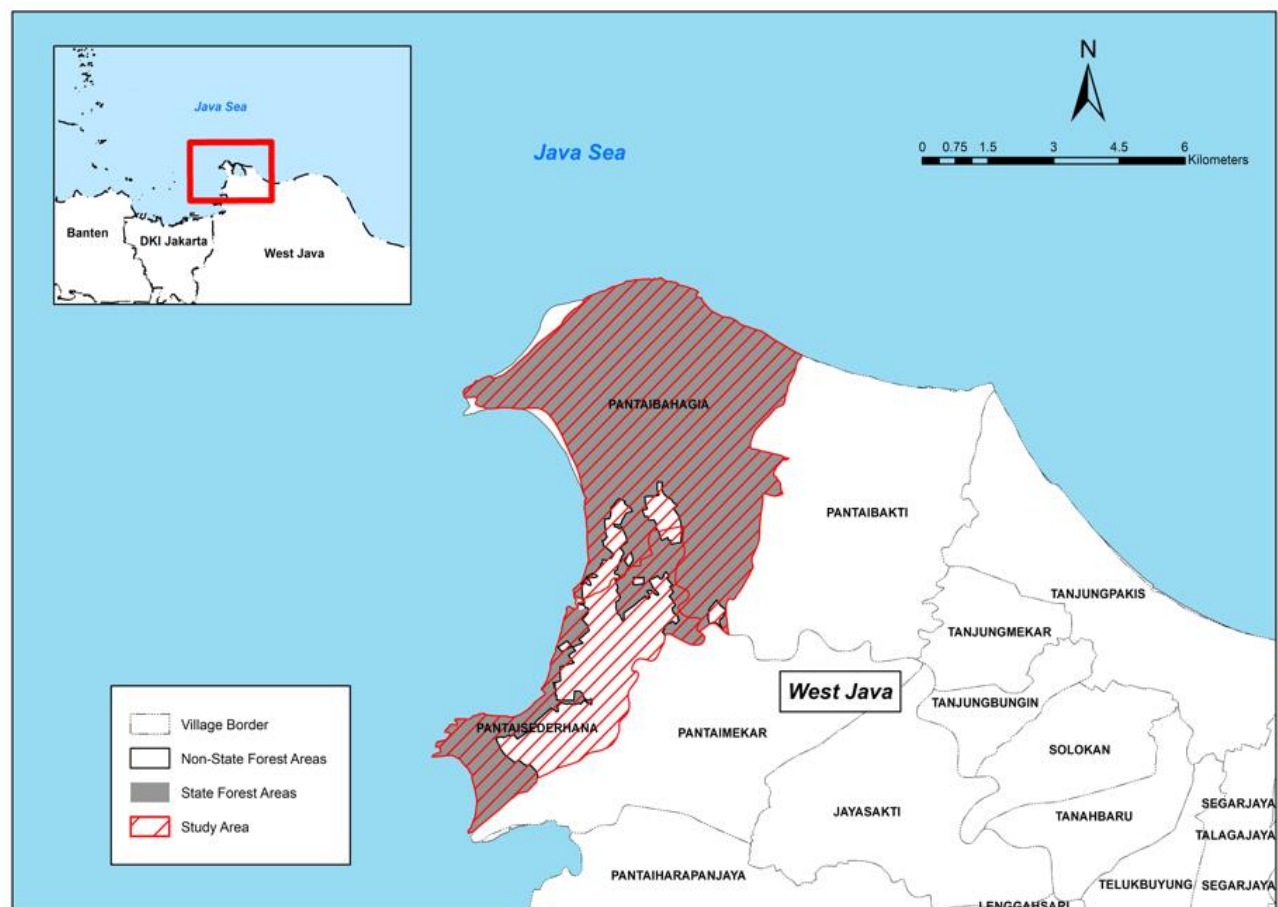


Figure 1. Map of research location in Muara Gembong District, Bekasi Regency.

Data Collection

This research uses a group/institution unit of analysis as an informant considering the various parties involved directly or indirectly and the various levels (central, regional, and local) in land tenure in forest areas in Pantai Bahagia Village and Pantai Sederhana Village, Muara Gembong District. The types of data collected in this research consist of secondary data and primary data. Secondary data was obtained through policy analysis, historical data, literature, and documents related to the research topic by the agencies involved. Meanwhile, primary data was obtained through qualitative methods with purposive sampling of informants. The qualitative method was used to obtain overall data related to the dynamics of land tenure and actors' contestation in legitimizing their access in Pantai Bahagia Village and Pantai Sederhana Village, Muara Gembong District. In this method, researchers used in-depth interviews and participant observation.

Data Analysis

This research seeks to understand social issues, particularly the dynamics of land tenure in forest areas. Qualitative methods are able to capture detailed explanations of social reality from research subjects [8]. In addition, qualitative methods are able to describe the complexity of the problem by investigating its root causes [9]. Data analysis was conducted descriptively qualitatively using the interactive model of Miles et al. [10] which includes data condensation, data presentation, and conclusion drawing. Then, the history of land tenure was analyzed using the theoretical framework of resource ownership developed by Schlager and Ostrom [11]. The theory distinguishes five types of property rights: access, withdrawal, management, exclusion and alienation. In addition, the analysis is refined with power and authority by Sikor and Lund [8].

Results

Muara Gembong: Settling History and Decision to Settle

Muara Gembong, a sub-district located on the north coast of Bekasi Regency, West Java, has a long history full of dynamics in the process of settling its community. The area, known for its natural charm in the form of beaches, swamps, and rivers flowing into the Java Sea, has a unique story related to the development of settlements and socio-economic life. In the beginning, Muara Gembong was an area that was strongly influenced by its natural conditions in the form of mangrove forests, swamps, and coastal areas that were vulnerable to changes in sea tides. Before this area developed into a settlement, the Muara Gembong area was inhabited by various types of fauna and flora typical of the coast, as well as being used as a hunting ground by indigenous tribes living around the north coast of Java Island. Based on an in-depth interview with one of the informants, they stated that their ancestors had settled in Muara Gembong since before independence. They made settlements and ponds by clearing mangrove forests and then settled and lived in harmony with nature in the area. This is also referred to as "the means of gaining a living", which encompasses the methods or a combination of various resources and activities carried out to survive. Researchers have traced various empirical evidence showing that people have settled in the area since the Dutch colonial era, as documented in a 1943 map of Java and Madura [12].

The picture explains that in the 1940s settlements and ponds were built in Muara Gembong Sub-district, especially in the research locations, namely Pantai Bahagia Village and Pantai Sederhana Village. Based on the picture, Gaga, Muara Pecah and Blubuk Villages are villages that have been established since before independence. Settlement is described in the picture as a green expanse following the flow of the river or in the legend referred to as settlement. On the other hand, ponds can also be seen in the picture with irregular boxes around the settlement or in the legend referred to as fishponds. The image also explains that the settlements and ponds in both villages are surrounded by forest and mangroves with small black plants in the legend. In the beginning, the arrival of people to Muara Gembong was influenced by natural factors and the need for abundant natural resources around the area. During the colonial period, the northern coastal area of Bekasi, including Muara Gembong, was known as a fertile area and rich in fishery potential and other natural products. The rivers flowing in this area became transportation routes and access to the sea, which allowed the community to develop the fisheries sector, especially fishermen who relied on marine products as their main livelihood. In addition, the presence of swamps and fertile wetlands also allows people to engage in aquaculture and swamp-based agriculture, such as ponds or rice fields. These favorable natural factors make Muara Gembong an ideal place to develop the fisheries sector, especially for those from inland areas seeking a better life.

The abundance of natural resources and strategic transportation access led to a gradual influx of people after independence. Especially around the 1960s, there was massive land clearing for settlements and ponds as a result of the arrival of migrants from other regions. Muara Gembong, with its employment opportunities related to fisheries and agriculture, offered a more promising alternative to their home areas. Many of them initially came as migrant workers, but later decided to settle down because of the economic stability they got in this region. After settling down, the people of Muara Gembong began to build their lives gradually. There are needs or problems that must be overcome so that they can survive in a social system, namely adaptation, goal achievement, integration, maintenance of available patterns, and conflict management [13,14]. They develop settlements based on the fisheries and agriculture sectors. Working as fishermen and farmers are the main activities that are passed on from generation to generation. The coastal community in Muara Gembong also grew up with a pattern of life that was very dependent on nature and coastal ecosystems. At that time, the community began to transform coastal areas that were previously sparsely inhabited into more structured areas.

The implication is that around 1980–1990s Muara Gembong reached its golden age. Muara Gembong was once called *Kampung Dolar* because the yield of ponds increased by up to 80% and the yield of capture fishermen increased by up to 20%. Known as *Kampung Dolar* because local residents often receive income in the form of American dollars or foreign money obtained from the export of fishery products. This is closely tied to the fact that Muara Gembong is abundant in marine resources, particularly fish, shrimp, and seaweed, which are extensively exported overseas. Many residents have managed to improve their welfare through the fisheries and export business, although they do not directly deal with these foreign currencies in their daily lives, the name *Kampung Dolar* still sticks. However, the glory days did not last too long. Environmental challenges such as coastal abrasion, flooding and damage to coastal ecosystems began to affect the fisheries sector, which then had an impact on community income. Gradually, Muara Gembong had to face the reality of the Citarum River flood in 1995, the abrasion of Beting Village and Ende Village in 2008, and the loss of Muara Sampan and Enes Villages in 2009 due to abrasion. Ultimately, the history of the community in Muara Gembong cannot be separated from their interaction with the surrounding nature, especially the sea and swamp that provide their main livelihood. Despite experiencing various economic, social and environmental transformations, the people of Muara Gembong still maintain the roots of their traditions that are closely related to coastal life.

Dynamics of Forest Area Claims in Muara Gembong District

Establishment of a Formal Framework for Forest Areas and Assertion of Control Over Forestry Authorities

The first milestone in the dynamics of forest area control in Muara Gembong District began in 1949. After the recognition of Indonesian sovereignty, in 1949 the Indonesian Government through the Ministry of Home Affairs (MoHA) purchased 9,311 ha of private land in Muara Gembong District which was then designated as free state land. This was then followed up with the transfer of the free state land to the Ministry of Forestry (MoF) in 1951. This was also strengthened by the existence of Government Regulation No. 8 of 1953 concerning the control of state lands, which then strengthened the existence of the MoF as the authority authorized to control forest areas, including in Muara Gembong District [15].

Then, the establishment of the formal framework of the forest area in Muara Gembong District was carried out in 1954. Through the Decree of the Minister of Agriculture No. 92 of 1954 concerning the Designation of Forest Groups on the Former Private Lands of Cabang Bungin (Ujungkrawang), Babakan, Pangkalan, Pondok Tengah, and Terusan as Forest Areas. The Government designated the land (forest group) on ex-participatory lands in Muara Gembong Sub-district as a forest area under the control of the forestry authority, namely the West Java Provincial Forestry Service. This was followed up through an oral boundary demarcation process by the boundary demarcation committee (BDC) to provide legal certainty over the forest area [16,17]. Then, the process was legalized in 1957 with the issuance of the Minutes of Boundary Demarcation (MoBD) on a forest area of 10,481.15 ha. This was the first step in the government's efforts to regulate and reorganize the control of lands from former private ownership (companies or individuals who owned land during the colonial era) and turn them into forest areas that could be managed by the state.

Legally, the process of forest area gazettelement is divided into four stages consisting of: 1) forest area designation; 2) implementation of forest area boundary demarcation; 3) forest area mapping; and 4) forest area determination. This means that the area can be called a forest area after going through a series of processes from forest area designation to forest area determination. However, in the case of Muara Gembong, the issuance of the Decree of the Minister of Agriculture No. 92 of 1954 and the ratification of the MoBD in 1957 are referred to as the legal basis for claims by forestry authorities to carry out control, management and utilization of natural resources in the Muara Gembong area. This also shows that various kinds of activities and development plans carried out by the community and local authorities require confirmation or permission from the forestry authority.

Forest management by Perhutani during this period used various repressive and coercive measures to enforce land control and limit community access [18,19]. Perhutani's policies often conflicted with community interests. In 1985, a Cooperation Agreement for the safeguarding, preservation and utilization of brackish forests on the North Coast of Bekasi was made between Perhutani KPH Bogor and the Bekasi Regency Government. Through this agreement, retribution was imposed on communities working in the forest area. In addition, the community is required to rebate their cultivated land in stages. The agreement is then outlined in a Garapan Statement Letter signed by the cultivator, the Head of Muara Gembong Perhutani Forest Management District (FMD), the Head of Perhutani Forest Management Unit Section (FMUS), the village head, and the Muara Gembong Sub-district Head.

The content of the statement letter consists of the identity of the cultivator, the cultivated area, the year of cultivation, the location of the cultivated block, and also its boundaries. In addition, the statement letter also emphasizes that the cultivator is working on land in the Perhutani area and is willing to follow all applicable government regulations. This event then became the starting point for resistance from the community and local authorities. Perhutani received opposition because it was considered detrimental to the community, which then received a response from the local government (district, sub-district, and village government). Measurements of residential land and community ponds were carried out by the local government without involving Perhutani. The measurement results were then used as the basis for the issuance of the land cultivator statement letter (LCSL) and referred to as legal proof of ownership for the community.

The Decentralization Movement and Implications for Forest Area Tenure

The dynamics of the 1998 reforms, particularly the decentralization policy through Law No. 22/1999 on regional government and its implementing regulations, significantly changed the tenure structure of forest areas in Indonesia. Although it did not textually affect forest management by Perhutani, the decentralization movement had a direct impact on the situation of forest management in Java [19,20]. The role as sole manager of the forest area still belongs to Perhutani, but the strong euphoria of decentralization in the community led to various demands and grassroots reform movements. This has implications for increasing tenurial conflicts and forest destruction in Perhutani's management areas.

Based on the results of historical analysis, after the reformation in 1998 there were various land tenure conflict situations, both latent and manifest. Various demands for forest area claim through the Decree of the Minister of Agriculture No. 92 of 1954 were made by both the community and local government authorities. Moreover, the determination of protected forest status in most forest areas in Muara Gembong District is considered irrelevant given the actual conditions on site. One of the efforts made by the Bekasi District Government is to propose a review of the Decree of the Minister of Agriculture No. 92 of 1954 and the settlement of land tenure issues in the forest area. These efforts were made as a result of complaints from tenant communities to the Bekasi Regency DPRD (*Dewan Perwakilan Rakyat Daerah*) in connection with the imposition of forest area use compensation (FAUC) by Perum Perhutani on community cultivation (*tambak/empang*) and legal certainty over their cultivated land in 2000.

Then on December 13, 2000, the Bekasi Regent sent Letter No. 503/4106/Tapem to the Minister of Forestry stating that in 1950 there was a land dispute case between Perum Perhutani and the community around Muara Gembong District. The letter stated that there were different claims by Perhutani and the community. Perum Perhutani declared the area as a forest area in accordance with Minister of Forestry Decree No. 92/Um/54 issued on August 31, 1954, but the community claimed that they had controlled and cultivated the area for generations since 1930. On March 16, 2001, the Bekasi Regent sent another letter to the Minister of Forestry (Letter No. 503/344/Pem) to follow up on Letter No. 503/4106/Tapem regarding the request to send the names of personnel from the agency to be included in the technical team for handling the mangrove forest area in Muara Gembong District. The Bekasi Regent also sent Letter No. 143/1491/Pemdes to the Minister of Forestry requesting a review of Minister of Forestry Decree No. 92/Um/54 and proposing a settlement of land issues in Muara Gembong with several alternatives, among others: 1) The forestry department handed over to the Bekasi Regency Government to manage the forest area in Muara Gembong with signs from the forestry department based on the research results of the integrated team; 2) The forestry department hands over the utilization of lands that have been controlled by the community to the community; 3) The forestry department grants land management rights to the applicant.

On the other hand, Perhutani also sent a letter to the Minister of Forestry in Letter No. 492/044.3/Kum/Dr containing recommendations for resolving the arable problem by dividing the area into zones in the Muara Gembong forest area, among others: 1) Zone 1: maintain the forest area into the following zones; mangrove (conservation area) 500 m wide from the low point of the tide; 2) Zone 2: allowed pond cultivation areas with a percentage of 30% ponds and 70% forest with management in collaboration between the community, local government and Perhutani; 3) Zone 3: aquaculture area with a percentage of 50% aquaculture and 50% forest with management in cooperation between the community, local government and Perhutani; 4) Zone 4: areas designated as community forests with a percentage ratio of 80% ponds and 20% forests, their management and local communities in collaboration with local governments and Perhutani; 5) Zone 5: settlement areas, rice fields which are proposed to be redistributed or changed their status to community-owned land by way of exchange. Perhutani agrees with the Minister of Forestry that it does not want a reduction in forest areas, especially on the island of Java without being taken by exchanging forest areas with the exchange land located in the same watershed.

Since 2004, various efforts to resolve the problem have been made in order to find a solution. On July 12, 2004, an exposition of land issues in Muara Gembong, Bekasi Regency, was held by the Bekasi Regency Government, the results of which included: 1) In accordance with the mandate of Law No. 41 of 1999 concerning forestry (in the explanation of Article 18 paragraph 2), the minimum area of forest area in each watershed or island is 30%, so that West Java Province still lacks forest area; 2) If the forestry department releases forest area in areas below 30% without any compensation area, then the forestry department violates Law No. 41 of 1999; 3) To resolve these issues, an integrated team consisting of the MoF, MoHA, National Land Agency and other relevant agencies will review the issues to provide input and suggested solutions to the MoF. A follow-up discussion on land issues in Muara Gembong was held on July 23, 2004 with the following results: 1) The core zone along + 500 m from the shoreline is maintained or reforested (for damaged areas) and utilization is not possible; 2) The width and area of the core zone should be determined based on the results of the integrated team survey by considering the ecological and social aspects/functions; 3) Utilization and management of areas outside the core zone needs to be done by collaborative management. Determination of the appropriate type of area management and its size is based on the results of integrated research; 4) If based on the results of research on the zone outside the core zone it is possible to release it, it must go through a forest area swap procedure by relocating the function from protection forest to production forest.

In December 2005, through Minister of Forestry Decree No. SK.475/Menhut-II/05, a protected forest area of $\pm 5,170$ ha was converted into a production forest area. This result was not enough to satisfy the community and local authorities. Therefore, the local authority made other efforts so that the final result was that the area could be released as a non-forest area. In 2006, the Bekasi Regent sent Letter No. 180/1801/Huk to the Minister of Forestry regarding an application for a forestry land management and utilization permit as well as a manuscript about the Bekasi Regency Government having entered into a cooperation agreement with PT MG regarding the development of the North Coast area in Bekasi Regency according to the agreement letter No. 596/01.12-Huk/2006 and 12/MG/S/XI/2006. The agreement with the private sector by the Bekasi Regency Government occurred again, after previously in 2003 related to the discourse on the development of the New City of Makmur Beach.

In 2007, Perum Perhutani sent Letter No. 32/044.9/Kum/Dir to the Minister of Forestry to convey: 1) The Bekasi Regency Government has entered into a cooperation agreement with PT MG regarding the development of the North Coast area in Bekasi Regency; 2) The object of the cooperation agreement is a state forest area of 5,170 ha included in Perhutani FMD of Muara Gembong, Perhutani FMUS of Ujungkrawang, Perhutani Forest Management Unit (FMU) of Bogor; 3) Proposed another alternative, namely that the land area of $\pm 5,479$ ha be released through a forest area swap in accordance with applicable laws and regulations; 4) That the Bekasi District Government's application be temporarily suspended before receiving a recommendation from Perum Perhutani with a request from a third party.

Forest Area Designation and New Settlement Schemes

In 2014, the affirmation of the forest area claim was further strengthened through the issuance of the Minister of Forestry Decree No. SK.4109/Menhut-VII/KUH/2014 on the determination of forest area in the Ujungkarawang Forest Group covering an area of 11,685.42 ha in Bekasi Regency. This means that the confirmation process has been fulfilled, which goes through the stages of designation, boundary demarcation, mapping, and determination. The determination of the forest area clearly shows the dominance of the forestry authority over the forest area because it is considered to have fulfilled legal certainty in accordance with the laws and regulations. Therefore, the establishment of forest areas in Muara Gembong Sub-district has been considered clean and clear even though it lacks legitimacy from the local community (legal but not legitimate).

Legitimacy in forest area management is a crucial aspect to be considered because it involves an inclusive process that honors the rights and accommodates the needs of local communities, so that it is not only oriented towards government decisions. In Muara Gembong, especially those with high dependence on the area, the implementation of forest area designation that does not involve community participation can trigger dissatisfaction, even to the point of resistance to government policies. Local communities, who often depend on the area for their livelihoods, feel that they are being marginalized in decision-making that directly affects their lives. Therefore, while the legal designation of forest areas gives forestry authorities full rights in management, the sustainability and success of the policy largely depends on how forestry authorities are able to accommodate the interests of local communities through participatory dialog and empowerment.

After the issuance of the job creation law (JCL) and its derivative regulations, the commitment of various tenurial issues in forest areas can be carried out through the mechanism of land tenure settlement in the framework of forest area arrangement. This mechanism can be carried out in forest areas on Java Island (lack of sufficient forest area), although the settlement pattern through forest area release is limited to land cover conditions in the form of settlements. Since it was stipulated through a derivative regulation of the JCL, all forest villages within Muara Gembong Sub-district have applied for the implementation of land tenure settlement in the framework of forest area arrangement. Furthermore, in 2023 a Decree of the Minister of Environment and Forestry was issued SK.516/MENLHK-PKTL/PLA.2/2/2023 jo. SK.3551/MENLHK-PKTL/PPKH/PLA.2/3/2023 on the establishment of an integrated team for the settlement of land tenure in the context of forest area arrangement especially for settlements, public facilities, and social facilities in West Java Province, in this case including in Muara Gembong District, Bekasi Regency. The decree was then followed up with the implementation of field research activities by integrated team/technical team to several areas that proposed Land Tenure Settlement in the Framework of Forest Area Arrangement applications, including Muara Gembong District, Bekasi Regency. Then, the Integrated Team conducted FGDs (Focus Group Discussion) with the local government which aimed to present the results of the field research. The result of the FGD was that there was still a lack of administrative files from each proposing village. Therefore, it was directed to immediately complete the administrative files and additional proposals such as village roads, public facilities, social facilities fields to be immediately submitted to the Cipta Karya Office.

Discussion

Land Ownership and Tenure Claims in Forest Areas

Forest areas are often viewed as Common Pool Resources (CPR) because access to them is difficult to limit (especially for local communities that have long depended on the area), while the sustainability of natural resources can be compromised if utilization exceeds the capacity of the existing ecosystem [21]. In short, CPR refer to resources that have two main characteristics: First, it is difficult to monitor who is accessing or using the resource. Second, the limited capacity of the resource to accommodate more utilization (non-excludable and rivalrous). In the context of land tenure in forest areas, land tenure claims by local communities often clash with forest management owned by the state or forestry authorities. For example, in Muara Gembong, communities who have managed the area for generations often consider that they have the right to access and use the resources contained in the area, while the state through the forestry legal system claims that the area is part of the state forest area which has its own management rules. In this case, the forest area functions as a shared resource that is used by many parties, both local communities and other parties who have an interest in utilizing the forest area [18].

Limited resource capacity is one of the main issues in CPR management. If resource use is not managed properly, overexploitation will occur, which can damage forest ecosystems, reduce biodiversity, and threaten the survival of communities that depend on forest areas. On the other hand, uncontrolled access to forest resources can lead to unhealthy competition between different parties. Local communities that rely on the area for their daily needs feel they have the right to continue accessing and utilizing the area. Schlager and Ostrom [11] in their concept of property rights emphasize the importance of clear rules in managing CPRs so that these resources can be utilized in a sustainable and equitable manner. In a legal context, rules governing various rights to resources can actually accommodate various interests, both in terms of ecological sustainability and social alignment with local communities. In forest management as a CPR, a clear framework is needed regarding a bundle of rights that takes into account the capacity of the ecosystem and the role of local communities in maintaining the sustainability of the area.

The conceptual scheme of property rights provides a comprehensive understanding of the complexity of rights involved in natural resource management [22], including in the context of land ownership and tenure claims in forest areas. The forest area in Muara Gembong has become an arena for conflict between forestry authorities (MoEF and Perhutani) and local communities and local authorities (district, sub-district and village governments) who have claims based on land use that have been going on for a long time, even before there was legal recognition of the right to ownership or control of the land. Local communities, especially those living in and around forest areas, consider that they have the right to manage or use land and natural resources for generations, even though this is not explicitly recognized in legal documents or formal state policies. Management rights by forestry authorities often intersect with these claims, leading to tensions between the government and local communities.

The concept of regime of property rights proposed by Schlager and Ostrom [11], which involves four types of property rights regimes-open access regime, private property regime, customary property regime, and state property regime-can provide a framework for understanding various land tenure claims in forest areas. Each of these regimes has different characteristics and implications in terms of access, utilization, management, exclusion and transfer rights. In the case of Muara Gembong, the state, in this case the forestry authority, asserts that the area is a state forest area on the basis of a formal legal claim through the Minister of Forestry Decree No. SK.4109/Menhut-VII/KUH/2014 on the determination of forest area in Ujungkrawang Forest Group covering an area of 11,685.42 ha in Bekasi Regency. In the state property regime, the state has full ownership rights over forests, and forest management and utilization are carried out by the government through forestry authorities or other state institutions. The state claims the forest area as its own and sets rules governing who may access and utilize the forest resources. In this case, the claim of the forest area by the forestry authority has negated the claims of local communities, even though they have used the area for generations.

Table 1. Legal and actual rights based on Schlager and Ostrom's [11] property rights regime framework.

Actor	Category of rights									
	Access		Withdrawal		Management		Exclusion		Alienation	
	Legal	Actual	Legal	Actual	Legal	Actual	Legal	Actual	Legal	Actual
MoEF	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Perhutani	✓	✓	✓	✓	✓	✓	✓			
Forestry service	✓	✓	✓	✓	✓	✓				
Regency government	✓	✓								
Village government	✓	✓	✓	✓		✓				
Community	✓	✓	✓	✓		✓		✓		✓

Based on Table 1, MoEF actors have a more complete bundle of rights than other actors. MoEF actors are classified as owners of forest areas that have access rights to alienation rights. This is due to the domain of control of forest areas by the forestry sector (MoEF) as an implication of the principle and concept of State Master Rights. Then, the management authority by the Forestry State-Owned Enterprise since 1978 has made Perhutani the sole proprietor. Meanwhile, local actors (communities and village governments) are included in the classification of authorized users, given the access mechanism that has been determined through the Community Forest Management scheme [23,24]. Other government actors (district government and provincial forestry service) have various bundles of rights according to their authority in the forestry sector. Argue that the dynamics of legal rights are often not aligned with actual rights [25,26]. Rights that are real on the ground whether legal or illegal are called actual rights. In this case, changes in legal rights have occurred several times through changes in regulations, but often ignore the actual rights of local communities in the policy-making process. *De facto*, the condition on the ground is that the community has rights ranging from access rights to alienation rights. This is supported by *de facto* recognition by local institutions as owners, who have full rights to sell, transfer, bequeath, exclude, manage, utilize and access.

The above description shows that there are changes in the structure of property rights of various actors involved in land tenure in forest areas. Changes in the type of property rights in land tenure in forest areas are very likely to occur, especially due to social, political, economic and legal dynamics that involve many parties and take place over a long period of time. The concept of Schlager and Ostrom [11] illustrates that property rights are not static, but can change along with changes in conditions and needs that develop in society. In the case of Muara Gembong, these changes are triggered by government intervention, conflicts of interest, or external influences that affect the way people manage, access and control resources in the forest area. Negotiation efforts from the community and local authorities against forest management policies that are considered detrimental to them can lead to changes in the structure of property rights. Rejection or resistance to government policies, even in this case leading to open resistance to policies that are considered unfair. This occurs in the context of struggles for social justice and recognition of land rights, where communities dependent on the area demand recognition of their collective rights to land within the forest area. Broadly speaking, changes in the types of property rights in land tenure in forest areas reflect complex dynamics involving interactions between various actors - forestry authorities, local authorities and communities - who have different interests in the natural resources. As a commons resource, forest areas are often the site of prolonged struggles over rights, so changes in property rights are not static, but a process that continues to evolve in line with social, political, economic and environmental changes.

Power and Authority: A Series of Legitimization Processes by Institutions

In Sikor and Lund's [8] study, they mentioned that there is a grey zone that emphasizes the importance of power and authority in determining who has control over natural resources. The gray zone mentioned by Sikor and Lund [8] is divided into two, namely 1) not all forms of access to resources or their benefits are guaranteed by legal political institutions; 2) not all forms of power decide who gets access to resources. Social actors can benefit from resources without holding property rights and actors can also hold property rights over resources without having the capacity to benefit (ineffective ownership). On the one hand, formal actors with legal powers cannot fully utilize or control resources due to the inability to overcome informal access or persistent local practices. On the other hand, local actors who have access but are not recognized in the legal framework may continue to utilize resources freely, even though they do not have legal rights.

The history of conflict over control of forest areas in the coastal area of Muara Gembong Sub-district shows a series of processes of state territorialization and counter-territorialization by local communities [26]. State territorialization through forest area claims in Muara Gembong Sub-district was carried out since the stipulation of the Minister of Agriculture Decree No. 92/1954, which was then followed up with a verbal process of forest area boundaries. This then triggered various vertical conflicts between the community and forestry authorities. Even legally, the determination of forest areas as a process of forest area confirmation - which is considered clean and clear - was only carried out in 2014 through Minister of Forestry Decree No. 4109/2014 concerning forest area confirmation in the Ujungkrawang Forest Group covering an area of 11,685.42 ha in Bekasi Regency. This series of processes is the main argument in defending forest area claims in Muara Gembong District, despite the fact that forestry authorities often have difficulties in obtaining benefits over resources. In a sense, it is not followed by capacity or practical control over the management or use of these resources.

On the other hand, communities try to consolidate their claims to land and other resources in various ways, often in an effort to transform their access to resources into recognized property rights. This can be interpreted as the dynamics or efforts of communities in securing rights to resources by recognizing claims to access as legitimate resources according to political-legal institutions. On the other hand, at the same time the recognition process also provides benefits in the form of recognition of the recognizing institution. In this case, property rights cannot become legitimate ownership if there is no socially legitimate institution that recognizes them. Vice versa, political-legal institutions are effectively legitimized if they have the interpretation of social norms respected [27]. Therefore, property rights can be interpreted as legitimized claims, in the sense that the state or political-legal authority is present to sanction the property [28,29].

The issuance of the LCSL by the village and sub-district governments without involving Perhutani is a form of resistance at the local level carried out by the community. The issuance of LCSL documents can be seen as a formalization of the "illegality" of access to property through legitimacy or recognition. Not only does this reflect a distrust of formal state authority, but it is also an attempt to maintain historical claims and rights to land that have been managed by communities for many years, even before the area was officially designated as a forest area by the government. Historically, the communities living around the area have had a very close relationship with the land. They have settled and depended on the natural resources for their livelihoods. Therefore, when the area is later claimed as a forest area by the state (MoEF) or Perhutani, the community feels that the claim does not match their social and historical reality. Furthermore, the issuance of LCSL without involving Perhutani also reflects the failure of a natural resource management system based on the recognition of traditional rights and the participation of local communities. For communities who have lived around forest areas for many years, their right to manage their land is part of their identity, which cannot simply be ignored in the name of forestry administration.

The case in Muara Gembong clearly illustrates how the politico-legal institutions involved in natural resource management, especially forest areas, compete with each other and seek to gain power to regulate and influence local communities. Then, both (forestry agencies and local agencies) try to turn power into authority by gaining and maintaining legitimacy in the eyes of constituents. This competition occurs because both want to gain legitimacy in managing and controlling areas that are considered economically and ecologically important, but in different ways and with different objectives. Sikor and Lund [8] also explain that when authority relationships overlap, social actors often adopt a more flexible approach and refer their claims to various politico-legal institutions. Communities choose to negotiate with these various parties, both to gain legal security for their rights and to strengthen their bargaining position in their struggle against perceived harmful forestry policies.

Sikor and Lund [8] call it institutional pluralism, where power and authority are not only centralized or monopolized by the state, but spread across various institutions in society. The state in this case is not the only actor that has the legitimacy to exercise power and political decisions. From the case in Muara Gembong, it can also be mentioned that the state is not a congruent set of institutions, in the sense that the state is not a single uniform and fully integrated entity. Although MoEF and Perhutani claim their authority over forest areas through formal forestry regulations, local governments have policies that focus more on the socio-economic development of local communities. The case in Muara Gembong provides a clear illustration of this institutional pluralism, where authority over land and natural resources within the forest area involves multiple actors with different claims and legitimacy.

On the other hand, many social actors lose their ownership rights over natural resources when the institutions that guarantee these rights become weakened or discredited [30]. The issuance of Law No. 11 of 2020 on Job Creation and its derivative regulations-encouraged various changes in the relationship of ownership rights in the coastal area of Muara Gembong District. The designation of Forest Area with Special Management (FASM) further weakens Perhutani's dominance of the state forest area in Muara Gembong District. As mentioned earlier, the struggle for authority claims over forest areas occurs between the local government and the forestry authority at the local level (Perhutani). Both actors asserted their respective claims to legitimize their authority over the forest area. However, the establishment of the KHDPK essentially revoked Perhutani's authority over forest areas in Muara Gembong District. Moreover, the opening of the Land Tenure Settlement in the Framework of Forest Area Arrangement on Java Island encourages local governments to reassert authority over forest areas controlled by the community.

In line with Sikor and Lund's [8] statement, which states that property regimes - in post-colonial states - can be negotiated and change to a certain degree due to the many institutions competing to sanction and validate claims to gain recognition for their authority. In the case of Muara Gembong, the dynamics of policies and regulations related to forest areas and forest governance have impacted the legitimization process over a long period of time [31]. Legitimacy can be weakened by broader community conditions beyond their control [20]. Legitimacy granted by forestry authorities can easily be undermined by their absence in the field. If the management carried out by Perhutani does not benefit the community or does not consider their socio-economic interests, then local authority claims made by the community become stronger. Broadly speaking, the Muara Gembong case illustrates that legitimacy is not only measured by how valid or legal a formal claim to a forest area is, but also depends on effective management and social justice felt by the community. When management carried out by the state or institutions that have the authority is considered weak or does not provide tangible benefits to the community, the legitimacy of the state's claims will be eroded, and the community will look for ways to legitimize their claims through various strategies that suit their social and historical context.

Conclusion

The issue of land tenure in the forest area in the coastal sub-district of Muara Gembong is a complex issue involving many actors and interests, and lasts for a long time. Overlapping ownership claims have proven to cause various kinds of tensions and tenure insecurity that have an impact on social, economic and ecological aspects. This research has elaborated on the dynamics of land tenure in forest areas and the ownership claims of each actor, as well as the contestation of actors in legitimizing land tenure claims in forest areas, and the role of power and authority in this contestation.

This research shows that the dynamics of land tenure that occur in Muara Gembong as a result of state territorialization through forestry authorities and counter-territorialization by the community and local authorities. Forestry authorities use formal legal regulations on forest area gazettement as the basis for claims, from the designation of forest areas to the establishment of forest areas. On the other hand, communities use historical claims that have been managed by them for years, even before the area was officially designated as a forest area by the government. The forest area gazettement process conducted by the forestry authority is used as the basis that the area is a state forest area. In the state property regime, the state has full ownership rights over forests, and forest management and utilization are carried out by the government through the forestry authority. On the other hand, forest area claims by forestry authorities have negated the claims of local communities, even though they have used the area for generations. However, the facts on the ground show that there is a difference between the legal and actual rights of the community. Legally, communities only have access rights and withdrawal rights. In fact, communities position themselves as owners with rights ranging from access rights to alienation rights. Changes in the type of property rights

in land tenure in forest areas are very likely to occur, especially due to social, political, economic and legal dynamics that involve many parties and take place over a long period of time. This also emphasizes that property rights are not static, but can change along with changes in conditions and needs that develop in society. In the case of Muara Gembong, these changes are triggered by government intervention, conflicts of interest, or external influences that affect the way people manage, access and control resources in the forest area. Rejection or resistance to government policies, even in this case led to open resistance to policies that were considered unfair.

This research shows the contestation that occurs in forest areas between forestry authorities (MoEF and Perhutani) and local communities through local authorities. Forestry authorities with legal powers are unable to fully utilize or control resources due to an inability to address informal access or local practices that persist. On the other hand, communities that have access but are not recognized under the legal framework continue to use the resources freely. The research also confirms that property rights regimes are negotiable and fluid to some degree as multiple institutions compete to sanction and validate claims for recognition of their authority. The legitimacy conferred by forestry authorities can easily be undermined by their absence in the field. If Perhutani's management does not benefit the community or does not consider their socio-economic interests, then local authority claims by the community become stronger. Ultimately, the current settlement needs to correct the various impacts caused by the territorialization of the state through forest area claims that have been going on for years. All settlement efforts need to be based on the constitution, namely the fulfillment of the goal of the greatest prosperity of the people.

Author Contributions

APN: Conceptualization, Methodology, Investigation, Writing - Review & Editing; **MAS:** Conceptualization, Methodology, Supervision; **RAK:** Conceptualization, Methodology, Supervision.

Conflicts of Interest

There are no conflicts to declare.

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